

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.)

#### MESSAGE FROM THE HOUSE

At 9:59 a.m., a message from the House of Representatives, delivered by Mrs. Cole, 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. 6079. An act to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

#### ENROLLED BILL SIGNED

The President pro tempore [Mr. INOUE] reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

S. 2061. An act to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 6079. An act to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

#### 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-6825. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azoxystrobin; Pesticide Tolerances" (FRL No. 9352-2) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6826. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dicloran and Formetanate; Tolerance Actions" (FRL No. 9353-7) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6827. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methoxyfenozide; Pesticide Tolerances" (FRL No. 9354-1) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6828. 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. 9353-8) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6829. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pasteuria spp. (Rotylenchulus reniformis nematode)—Pr3; Exemption from the Requirement of a Tolerance" (FRL No. 9353-5) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6830. A communication from the Secretary of Energy, transmitting, pursuant to 42 U.S.C. 2286e, a report entitled "Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board Fiscal Year 2011"; to the Committees on Appropriations; and Armed Services.

EC-6831. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting a legislative proposal and accompanying report relative to the National Defense Authorization Act for Fiscal Year 2013; to the Committee on Armed Services.

EC-6832. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule Step 3 and GHG Plantwide Applicability Limits" (FRL No. 9690-1) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Environment and Public Works.

EC-6833. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Chemical Reporting: Revisions to the Emergency and Hazardous Chemical Inventory Forms (Tier I and Tier II)" (FRL No. 9674-1) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Environment and Public Works.

EC-6834. 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; Reasonably Available Control Technology for the 1997 8-Hour Ozone National Ambient Air Quality Standard" (FRL No. 9697-9) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Environment and Public Works.

EC-6835. 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; Nonattainment New Source Review; Fine Particulate Matter (PM<sub>2.5</sub>)" (FRL No. 9698-2) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Environment and Public Works.

EC-6836. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; Gila River Indian Community" (FRL No. 9698-7) received in the Office of the President of the Senate on July

10, 2012; to the Committee on Environment and Public Works.

EC-6837. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State-initiated Changes and Incorporation by Reference of Approved State Hazardous Waste Management Program" (FRL No. 9694-7) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Environment and Public Works.

EC-6838. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, the annual report on the activities of the U.S. Economic Development Administration (EDA), Department of Commerce, for fiscal year 2011; to the Committee on Environment and Public Works.

EC-6839. 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 in the Office of the President of the Senate on June 28, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6840. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Effective Date of Requirement for Premarket Approval for a Pacemaker Programmer" (Docket No. FDA-2011-N-0526) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6841. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Effective Date of Requirement for Premarket Approval for an Implantable Pacemaker Pulse Generator" (Docket No. FDA-2011-N-0522) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6842. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report entitled "Twenty-Fifth Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts as of December 31, 2010"; to the Committee on Health, Education, Labor, and Pensions.

EC-6843. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Feed Materials Production Center (FMPC) in Fernald, Ohio, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-6844. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on the Aging Services Technology Study"; to the Committee on Health, Education, Labor, and Pensions.

EC-6845. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Annual Report for 2011 on Disability-Related Air Travel Complaints"; to the Committee on Health, Education, Labor, and Pensions.

EC-6846. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to

the Department of Defense (DoD) plan for complying with the Improper Payments Elimination and Recovery Act (IPERA) of 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6847. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "The Interagency Security Classification Appeals Panel (ISCAP) Bylaws, Rules, and Appeal Procedures" (RIN3095-AB76) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6848. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-385, "Fiscal Year 2013 Budget Support Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6849. A communication from the General Counsel of the National Tropical Botanical Garden, transmitting, pursuant to law, a report relative to the Garden not being able to file its audit report within six months of the close of its fiscal year ending December 31, 2011; to the Committee on the Judiciary.

EC-6850. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to applications for delayed-notice search warrants and extensions during fiscal year 2011; to the Committee on the Judiciary.

EC-6851. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "2011 Annual Report of the National Institute of Justice"; to the Committee on the Judiciary.

EC-6852. 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 "Implementation of Statutory Amendments Requiring the Qualification of Manufacturers and Importers of Processed Tobacco and Other Amendments Related to Permit Requirements, and the Expanded Definition of Roll-Your-Own Tobacco" (RIN1513-AB72) received during adjournment of the Senate in the Office of the President of the Senate on July 5, 2012; to the Committee on the Judiciary.

EC-6853. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled "2011 Wiretap Report"; to the Committee on the Judiciary.

EC-6854. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement Miscellaneous Post Patent Provisions of the Leahy-Smith America Invents Act" (RIN0651-AC66) received in the Office of the President of the Senate on July 9, 2012; to the Committee on the Judiciary.

EC-6855. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement the Preissuance Submissions by Third Parties Provision of the Leahy-Smith America Invents Act" (RIN0651-AC67) received in the Office of the President of the Senate on July 9, 2012; to the Committee on the Judiciary.

EC-6856. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Dependency

and Indemnity Compensation Payable to a Surviving Spouse with One or More Children Under Age 18" (RIN2900-AO38) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Veterans' Affairs.

EC-6857. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Dependency and Indemnity Compensation (DIC) Benefits for Survivors of Former Prisoners of War Rated Totally Disabled at Time of Death" (RIN2900-AO22) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Veterans' Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 2218. A bill to reauthorize the United States Fire Administration, and for other purposes (Rept. No. 112-180).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1409. A bill to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending (Rept. No. 112-181).

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 2554, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2017 (Rept. No. 112-182).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 3902. A bill to amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1744. A bill to provide funding for State courts to assess and improve the handling of proceedings relating to adult guardianship and conservatorship, to authorize the Attorney General to carry out a pilot program for the conduct of background checks on individuals to be appointed as guardians or conservators, and to promote the widespread adoption of information technology to better monitor, report, and audit conservatorships of protected persons.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Terrence G. Berg, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Jesus G. Bernal, of California, to be United States District Judge for the Central District of California.

Lorna G. Schofield, of New York, to be United States District Judge for the Southern District of New York.

Danny Chappelle Williams, Sr., of Oklahoma, to be United States Attorney for the

Northern District of Oklahoma for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### 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. LIEBERMAN (for himself and Ms. SNOWE):

S. 3377. A bill to amend the Internal Revenue Code of 1986 to exempt private foundations from the tax on excess business holdings in the case of certain philanthropic enterprises which are independently supervised, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 3378. A bill to establish scientific standards and protocols across forensic disciplines, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROBERTS (for himself and Mr. ENZI):

S. 3379. A bill to standardize the definition of the term "small business refiner" for purposes of laws administered by the Environmental Protection Agency; to the Committee on Environment and Public Works.

By Mr. BLUMENTHAL (for himself, Mr. BEGICH, Mr. ISAKSON, Ms. SNOWE, Mr. RUBIO, and Mr. TESTER):

S. 3380. A bill to provide for the issuance of a Victory for Veterans stamp, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself, Mr. FRANKEN, Mr. HARKIN, Mr. WHITEHOUSE, and Mr. BROWN of Ohio):

S. 3381. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. KYL, Mr. CORNYN, Mr. LEE, Mr. PAUL, and Mr. COBURN):

S. 3382. A bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes; to the Committee on the Judiciary.

By Mr. VITTER (for himself and Mr. SESSIONS):

S. 3383. A bill to reject the final 5-year Outer Continental Shelf Oil and Gas Leasing Program for fiscal years 2012 through 2017 of the Administration and replace the plan with a 5-year plan that is more in line with the energy and economic needs of the United States; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. CONRAD, Mr. TESTER, and Mr. JOHNSON of South Dakota):

S. 3384. A bill to extend supplemental agricultural disaster assistance programs; to the Committee on Agriculture, Nutrition, and Forestry.

#### ADDITIONAL COSPONSORS

S. 434

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten