

PRESIDENT'S REPORT TO CONGRESS RELATIVE TO THE SECRETARY OF COMMERCE'S CERTIFICATION UNDER SECTION 8 OF THE FISHERMAN'S PROTECTIVE ACT OF 1967, AS AMENDED (THE "PELLE AMENDMENT") (22 U.S.C. 1978) THAT NATIONALS OF ICELAND HAVE CONDUCTED WHALING ACTIVITIES THAT DIMINISH THE EFFECTIVENESS OF THE INTERNATIONAL WHALING COMMISSION (IWC) CONSERVATION PROGRAM—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Commerce, Science, and Transportation:

*To the Congress of the United States:*

On July 19, 2011, Secretary of Commerce Gary Locke certified under section 8 of the Fisherman's Protective Act of 1967, as amended (the "Pelly Amendment") (22 U.S.C. 1978), that nationals of Iceland are conducting whaling activities that diminish the effectiveness of the International Whaling Commission (IWC) conservation program. This message constitutes my report to the Congress consistent with subsection (b) of the Pelly Amendment.

In 1982, the IWC set catch limits for all commercial whaling at zero. This decision, known as the commercial whaling moratorium, is in effect today. Iceland abided by the moratorium until 1992, when it withdrew from the IWC. In 2002, Iceland rejoined the IWC with a reservation to the moratorium on commercial whaling. In 2003, Iceland began a lethal scientific research whaling program. In 2004, Secretary of Commerce Donald L. Evans certified Iceland under the Pelly Amendment for lethal scientific research whaling. When Iceland resumed commercial whaling in 2006, Secretary Carlos M. Gutierrez retained Iceland's certification, which remains in effect today.

Iceland's commercial harvest of fin whales escalated dramatically over the past few years. In addition, Iceland recently resumed exporting whale products. Of particular concern to the United States, Iceland harvested 125 endangered fin whales in 2009 and 148 in 2010, a significant increase from the total of 7 fin whales it commercially harvested between 1987 and 2007.

Iceland's sole fin whaling company, Hvalur hf, suspended its fin whaling due to the earthquake and tsunami in Japan, where it exports its whale meat. Despite this suspension, Iceland continues to permit whaling and has a government issued fin whale quota in effect for the 2011 season that continues to exceed catch levels that the IWC's scientific body advised would be sustainable if the moratorium was removed. This continues to present a threat to the conservation of fin whales. Further, Icelandic nationals continue to hunt minke whales commercially and Iceland's exports of

whale meat to Japan reportedly increased significantly in both March and April 2011.

Iceland's actions threaten the conservation status of an endangered species and undermine multilateral efforts to ensure greater worldwide protection for whales. Iceland's increased commercial whaling and recent trade in whale products diminish the effectiveness of the IWC's conservation program because: (1) Iceland's commercial harvest of whales undermines the moratorium on commercial whaling put in place by the IWC to protect plummeting whale stocks; (2) the fin whale harvest greatly exceeds catch levels that the IWC's scientific body advised would be sustainable if the moratorium were removed; and (3) Iceland's harvests are not likely to be brought under IWC management and control at sustainable levels through multilateral efforts at the IWC.

In his letter of July 19, 2011, Secretary Locke expressed his concern for these actions, and I share these concerns. To ensure that this issue continues to receive the highest level of attention, I direct: (1) relevant U.S. delegations attending meetings with Icelandic officials and senior Administration officials visiting Iceland to raise U.S. concerns regarding commercial whaling by Icelandic companies and seek ways to halt such action; (2) Cabinet secretaries to evaluate the appropriateness of visits to Iceland depending on continuation of the current suspension of fin whaling; (3) the Department of State to examine Arctic cooperation projects, and where appropriate, link U.S. cooperation to the Icelandic government changing its whaling policy and abiding by the IWC moratorium on commercial whaling; (4) the Departments of Commerce and State to consult with other international actors on efforts to end Icelandic commercial whaling and have Iceland abide by the IWC moratorium on commercial whaling; (5) the Department of State to inform the Government of Iceland that the United States will continue to monitor the activities of Icelandic companies that engage in commercial whaling; and (6) relevant U.S. agencies to continue to examine other options for responding to continued whaling by Iceland.

I concur with the Secretary of Commerce's recommendation to pursue the use of non-trade measures and that the actions outlined above are the appropriate course of action to address this issue. Accordingly, I am not directing the Secretary of the Treasury to impose trade measures on Icelandic products for the whaling activities that led to the certification by the Secretary of Commerce. However, to ensure that this issue continues to receive the highest level of attention, I am directing the Departments of State and Commerce to continue to keep the situation under review and continue to urge Iceland to cease its commercial whaling activities. Further, within 6

months, or immediately upon the resumption of fin whaling by Icelandic nationals, I have directed relevant departments and agencies to report to me through the Departments of State and Commerce on their actions. I believe these actions hold the most promise of effecting a reduction in Iceland's commercial whaling activities.

BARACK OBAMA.  
THE WHITE HOUSE, September 15, 2011.

#### MESSAGES FROM THE HOUSE

At 9:40 a.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 joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 77. Joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on August 2, 2011.

At 2:44 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 bills, in which it requests the concurrence of the Senate:

H.R. 2587. An act to prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstances.

H.R. 2867. An act to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

The message also announced that pursuant to 22 U.S.C. 276d and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Canada-United States Interparliamentary Group: Mr. DREIER of California, Mr. LUNGREN of California, Mrs. MILLER of Michigan, Mr. SMITH of Nebraska, Mr. HUIZENG of Michigan, Mr. HIGGINS of New York, Mr. MEEKS of New York, Ms. SLAUGHTER of New York, Mr. WELCH of Vermont, and Mr. LARSEN of Washington.

#### MEASURES REFERRED

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

H.R. 2867. An act to reauthorize the International Religious Freedom Act of 1998, and for other purposes; to the Committee on Foreign Relations.

#### MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar pursuant to Public Law 112-25, section 301(a)(2):

H.J. Res. 77. Joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on August 2, 2011.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2587. An act to prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance.

## 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-3247. 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 "Tuberculosis in Cattle and Bison; State and Zone Designations; Michigan" (Docket No. APHIS-2011-0075) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3248. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to violations of the Antideficiency Act that occurred within the Operation and Maintenance, Navy account 17\* 1804, during Fiscal Year (FY) 2004 and FY 2006 at the Bureau of Naval Personnel and was assigned Navy case number 07-10; to the Committee on Appropriations.

EC-3249. 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 11-069, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-3250. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Admiral Gary Roughead, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC-3251. A communication from the Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Allen G. Peck, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3252. A communication from the Acting Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled "The Fiscal Year 2010 Inventory of Contracts for Services"; to the Committee on Armed Services.

EC-3253. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Ships Bunkers Easy Acquisitions (SEA) Card and Aircraft Ground Services" ((RIN0750-AH07) (DFARS Case 2009-D019)) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Armed Services.

EC-3254. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Presumption of Development Exclusively at Private Expense" ((RIN0750-AF84) (DFARS Case 2007-D003)) received in the Of-

fice of the President of the Senate on September 14, 2011; to the Committee on Armed Services.

EC-3255. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Multiyear Contracting" ((RIN0750-AG89) (DFARS Case 2009-D026)) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Armed Services.

EC-3256. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Annual Representations and Certifications" ((RIN0750-AG39) (DFARS Case 2009-D011)) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Armed Services.

EC-3257. 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-8195)) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3258. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Indorsement and Payment of Checks Drawn on the United States Treasury" (RIN1510-AB25) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3259. 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 "Retail Foreign Exchange Transactions" (RIN1557-AD42) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3260. 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 Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC-3261. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Privacy Act of 1974; Implementation and Amendment of Exemptions" (17 CFR Part 200) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3262. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Government Participation in the Automated Clearing House" (RIN1510-AB24) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3263. 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 "Air Transportation and Aviation Fuels Excise Taxes" (Notice 2011-69) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3264. 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 "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2011-75) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3265. 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 "List of Nonbank Trustees and Custodians" (Announcement 2011-59) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3266. 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 "Announcement of the Results of the 2010-2011 Allocation Round of the Qualifying Advanced Coal Project Program" (Announcement 2011-62) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3267. 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 "Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Tax Liability" (Rev. Proc. 2011-45) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3268. 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 "Section 6707A and the Failure to Include on Any Return or Statement Any Information Required to be Disclosed under Section 6011 with Respect to a Reportable Transaction" ((RIN1545-BF61) (TD 9550)) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3269. 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 "Implementation of Form 990" ((RIN1545-BH28) (TD 9549)) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3270. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the justification for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority; to the Committee on Foreign Relations.

EC-3271. A communication from the Secretary of the Department of Homeland Security, transmitting, a legislative proposal relative to implementing a pay reform initiative referenced in the Department of Homeland Security's Fiscal Year 2012 Congressional Budget Justification; to the Committee on Homeland Security and Governmental Affairs.

EC-3272. A communication from the Register of Copyrights, United States Copyright Office, Library of Congress, transmitting, pursuant to law, a report entitled "Satellite Television Extension and Localism Act"; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Appropriations, with an amendment in the nature of a substitute: