

and members of the Ladies in White (Damas de Blanco).

**SENATE RESOLUTION 355—HONORING THE MEMORY OF SPECIAL AGENT JARED FRANCOM OF THE OGDEN, UTAH POLICE DEPARTMENT**

Mr. HATCH (for himself and Mr. LEE) submitted the following resolution; which was considered and agreed to:

S. RES. 355

Whereas, on January 4, 2012, Special Agent Jared Francom of the Ogden, Utah Police Department, serving on the Weber-Morgan Narcotics Strike Force, was fatally wounded in a shooting while serving a search warrant on a residence in Ogden;

Whereas Officers Michael Rounkles, Kasey Burrell, and Shawn Grogan of the Ogden Police Department were also wounded in the shooting;

Whereas Sergeant Nate Hutchinson of the Weber County Sheriff's Office was also wounded in the shooting;

Whereas Officer Jason Vanderwarf of the Roy Police Department was also wounded in the shooting;

Whereas the officers on the Weber-Morgan Narcotics Task Force acted quickly and bravely to subdue the shooting suspect, preventing further injury and loss of life;

Whereas Officer Kasey Burrell remains in the hospital recovering from serious injuries sustained in the shooting;

Whereas Special Agent Francom served with the Ogden Police Department for 8 years;

Whereas Special Agent Francom served the Ogden community with honor and distinction;

Whereas the people of Utah have come together to mourn and honor Special Agent Francom, with an estimated 4,000 people attending the funeral of Special Agent Francom on January 11, 2012, in Ogden; and

Whereas the injury or loss of any police officer is a reminder of the risks taken by all the men and women of law enforcement on behalf of their communities: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and honors the sacrifice of Special Agent Jared Francom;

(2) extends the deepest condolences of the Senate to the family and friends of Special Agent Francom;

(3) expresses the wishes of the Senate for a full and speedy recovery of all the officers wounded in the shooting in Ogden, Utah; and

(4) recognizes the remarkable courage and honor that the men and women in law enforcement display and the risks those men and women take to keep their communities safe.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 1469. Mr. REID (for Mrs. BOXER) proposed an amendment to the bill S. 2039, to allow a State or local government to construct levees on certain properties otherwise designated as open space lands.

**TEXT OF AMENDMENTS**

**SA 1469.** Mr. REID (for Mrs. BOXER) proposed an amendment to the bill S. 2039, to allow a State or local government to construct levees on certain properties otherwise designated as open space lands; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. LEVEES.**

(a) DEFINITIONS.—In this section—

(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(2) the term “covered hazard mitigation land” means land—

(A) acquired and deed restricted under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)) before, on, or after the date of enactment of this Act; and

(B) that is located—

(i) in North Dakota; and

(ii) in a community that—

(I) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and

(II) certifies to the Administrator and the Chief of Engineers that the community will continue to participate in the National Flood Insurance Program.

(b) AUTHORITY.—Notwithstanding clause (i) or (ii) of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)), the Administrator shall approve the construction of a permanent flood risk reduction levee by a State, local, or tribal government on covered hazard mitigation land if the Administrator and the Chief of Engineers determine, through a process established by the Administrator and Chief of Engineers and funded entirely by the State, local, or tribal government seeking to construct the proposed levee, that—

(1) construction of the proposed permanent flood risk reduction levee would more effectively mitigate against flooding risk than an open floodplain or other flood risk reduction measures;

(2) the proposed permanent flood risk reduction levee complies with Federal, State, and local requirements, including mitigation of adverse impacts and implementation of floodplain management requirements, which shall include an evaluation of whether the construction, operation, and maintenance of the proposed levee would continue to meet best available industry standards and practices, would be the most cost-effective measure to protect against the assessed flood risk and minimizes future costs to the federal government;

(3) the State, local, or tribal government seeking to construct the proposed levee has provided an adequate maintenance plan that documents the procedures the State, local, or tribal government will use to ensure that the stability, height, and overall integrity of the proposed levee and the structure and systems of the proposed levee are maintained, including—

(A) specifying the maintenance activities to be performed;

(B) specifying the frequency with which maintenance activities will be performed;

(C) specifying the person responsible for performing each maintenance activity (by name or title);

(D) detailing the plan for financing the maintenance of the levee; and

(E) documenting the ability of the State, local, or tribal government to finance the maintenance of the levee.

(c) MAINTENANCE CERTIFICATION.—

(1) IN GENERAL.—A State, local, or tribal government that constructs a permanent flood risk reduction levee under subsection (b) shall submit to the Administrator and the Chief of Engineers an annual certification indicating whether the State, local,

or tribal government is in compliance with the maintenance plan provided under subsection (b)(3).

(2) REVIEW.—The Chief of Engineers shall review a certification submitted under paragraph (1) and determine whether the State, local, or tribal government has complied with the maintenance plan.

**NOTICES OF HEARINGS**

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, February 2, 2012 at 10 a.m. in SD-430 to conduct a hearing entitled “Innovations in College Affordability.”

For further information regarding this meeting, please contact the committee on (202) 224-5501.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 16, 2012, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the U.S. Department of Energy's budget for fiscal year 2013.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [Abigail\\_Campbell@energy.senate.gov](mailto:Abigail_Campbell@energy.senate.gov).

For further information, please contact Jennifer Nekuda Malik at 202-224-5479 or Abigail Campbell at 202-224-1219.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, February 28, 2012, at 10:00 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's fiscal year 2013 proposed budget for the Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to [Jake\\_McCook@energy.senate.gov](mailto:Jake_McCook@energy.senate.gov).

For further information, please contact David Brooks (202) 224-9863 or Jake McCook (202) 224-9313.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on January 26, 2012, at 10:00 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

##### COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on January 26, 2012, at 2:15 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

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

##### PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on January 26, 2012, at 10:30 a.m. to conduct a hearing entitled "Compliance with Tax Limits on Mutual Fund Commodity Speculation."

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 26, 2012, at 2:30 p.m.

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

#### PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be granted floor privileges for the duration of the debate on the debt limit: Claire Green, Omar DeLeon, Elizabeth Samson, Amanda Summers, Johannes Echeverri, Whitney Lott, Samson Chen, Harun Dogo, David Sklar, and Amanda Bartmann.

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

Mr. BEGICH. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following member of my staff, William Mowitt, a fellow in my office, during the pendency of the 112th Congress.

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

#### AIRPORT AND AIRWAY EXTENSION ACT OF 2012

Mr. REID. I now ask unanimous consent that the Senate proceed to H.R. 3800, which has been received from the House and is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 3800) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

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

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

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

The bill (H.R. 3800) was ordered to a third reading, was read the third time, and passed.

#### ULTRALIGHT AIRCRAFT SMUGGLING PREVENTION ACT OF 2012

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of H.R. 3801.

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

The legislative clerk read as follows:

A bill (H.R. 3801) to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes.

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

Mr. LEAHY. Mr. President, I have worked to expedite the Senate's passage of Congresswoman Giffords' legislation. This action today shows what we can do when we work together. The Ultralight Aircraft Smuggling Prevention Act, H.R. 3801, is intended to help ensure that smugglers who use ultralight aircraft along the United States border are held accountable for their actions. Its passage today is an appropriate tribute to the courage and outstanding work of Congresswoman Giffords.

Congresswoman Giffords has long been committed to securing the border against drug smugglers. This legislation is intended to keep Americans who live and work along the border safe.

I was part of the tribute to Congresswoman Giffords at the joint session of Congress to hear the President's State of the Union address earlier this week. I was saddened to learn of Gabrielle Giffords' decision to resign from Congress. I know that her commitment to the citizens of Arizona is unwavering. I look forward to working with her in the future, and wish her a continued speedy recovery. She is an inspiration to all.

Mr. REID. Mr. President, 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 any statements related to this matter be printed in the RECORD.

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

The bill (H.R. 3801) was ordered to a third reading, was read the third time, and passed.

Mr. REID. Mr. President, it is my understanding this is legislation that has been pushed by Gabrielle Giffords who resigned from the House yesterday.

What wonderful statements made by Members of the House yesterday signifying the way the whole country feels about the courage of this gallant woman. We all wish her the very best in her future with her heroic husband standing by her side, an astronaut. I am sure they will fare better than we can imagine.

#### ALLOWING A STATE OR LOCAL GOVERNMENT TO CONSTRUCT LEVEES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2039, introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 2039) to allow a State or local government to construct levees on certain properties otherwise designated as open space and lands.

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

Mr. REID. Mr. President, I ask unanimous consent that the Boxer substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The amendment (No. 1469) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

##### SECTION 1. LEVEES.

(a) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Federal Emergency Management Agency; and

(2) the term "covered hazard mitigation land" means land—

(A) acquired and deed restricted under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)) before, on, or after the date of enactment of this Act; and

(B) that is located—

(i) in North Dakota; and

(ii) in a community that—

(I) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and

(II) certifies to the Administrator and the Chief of Engineers that the community will