

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

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.

The bill (S. 2039), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

**ORDERS FOR MONDAY, JANUARY 30, 2012, AT 2 P.M.**

Mr. REID. Mr. President, I now ask unanimous consent that the Senate adjourn until 2 p.m. on Monday, January 30, 2012; that following the prayer and 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 following any leader remarks, the Senate be in a period of morning business until 4:30 p.m. with Senators permitted to speak up to 10 minutes each; that at 4:30 p.m., the Senate resume consideration of the motion to proceed to Calendar No. 301, S. 2038, the Stop Trading on Congressional Knowledge Act (STOCK), with the time until 5:30 p.m. equally divided between the two leaders or their designees.

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

**PROGRAM**

Mr. REID. Mr. President, the next vote will take place next Monday at 5:30 p.m. on the motion to invoke cloture on the motion to proceed to S. 2038, the STOCK Act.

**ORDER FOR ADJOURNMENT**

Mr. REID. Mr. President, I ask unanimous consent that the Senate adjourn following the statement of Senator BOOZMAN and that the statement be limited to 15 minutes.

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

**FAREWELL TO THE PAGES**

Mr. REID. Mr. President, if I could just take a moment. I know my friend from Arkansas is here to speak.

This is the last day this group of pages, who have been here since September, will spend in the Senate. I believe I am going to speak at their graduation—I am quite sure that is true—tomorrow.

I think the pages render such terrific service to this body. They do a lot of things. They get very little credit for what they do, but we depend on them for some of the most menial tasks a lot of times. But they are always polite. I have never had one treat me impolitely in all of the years I have been in the Senate. I can only speak from personal experience, and I have said this before on the Senate floor, and I will say it again: My two oldest grandchildren—granddaughters—both served in the Senate as pages, and it really changed their lives. I say that without any reservation. They became more in tune with what is going on in our country, and it hasn't left them. They look back with great—I don't know if "reverence" is the right word, maybe that is the wrong choice, but they look back certainly fondly on their experience here in the Senate.

I hope these young men and women understand how much we appreciate what they do. I do hope from a personal perspective that they have benefited as much as my two granddaughters did during their time here.

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

**HONORING OUR ARMED FORCES  
SERGEANT FIRST CLASS BEN-  
JAMIN WISE**

Mr. BOOZMAN. Mr. President, we are constantly reminded of the sacrifices of American troops and their families. These brave Americans fight for our freedoms and our values while putting their own lives at risk. We must always remember their service and thank them for their patriotism, dedication, and commitment, and honor those who have paid the ultimate price.

Today I am here to pay my respects to Arkansas soldier SFC Benjamin Wise, who sacrificed his life for the love of his country while in support of Operation Enduring Freedom.

Sergeant 1st Class Wise graduated from West Side Christian School in El Dorado, AR, in 1995, and enlisted in the military in 2000, joining the Army as an infantryman assigned to the 520th Infantry Regiment, 2nd Infantry Division at Joint Base Lewis-McChord.

He discussed his military service with the Hope Star in 2004, saying that he was proud to be a soldier and that he wanted to serve his country.

In 2005, he volunteered for the special forces—something his sister Heather told the Arkansas Democrat Gazette was something he talked about growing up. His new position in the 3rd Battalion, 1st Special Forces Group suited him well. Sergeant 1st Class Wise's comrades said he was a friend to all of the members of his unit, cracking jokes and offering an ear to listen to all of their concerns.

He was well aware of the dangers he faced, having served four deployments—twice to Iraq and twice to Afghanistan. His family says that Ben was proud of the career he built in the Army. He was all too familiar with the sacrifices associated with work in war-torn Afghanistan after his brother, Jeremy Wise, a former Navy SEAL working as a security contractor, was killed in the country in December of 2009.

On Monday, January 9, 2012, Sergeant 1st Class Wise was injured during an attack by insurgents during a small-arms fight. He passed away on January 15, 2012.

SFC Benjamin Wise is a true American hero. I ask my colleagues to keep his family—his wife Traci, sons Luke and Ryan, and daughter Kailen—and his friends in their thoughts and prayers during these very difficult times. I humbly offer my appreciation and gratitude—and I know I speak for the Senate and Congress as a whole—to this patriot and his family for his selfless sacrifice.

I yield the floor.

**ADJOURNMENT UNTIL MONDAY,  
JANUARY 30, 2012, AT 2 P.M.**

THE PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until Monday, January 30, at 2 p.m.

(Thereupon, the Senate, at 5:03 p.m., adjourned until Monday, January 30, 2012, at 2 p.m.)