

Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

“(C) Any information or documentary material filed with the Secretary pursuant to this paragraph shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Nothing in this paragraph is intended to prevent disclosure to either body of the Congress or to any duly authorized committee or subcommittee of the Congress.”.

(C) PROHIBITED ACTS.—Section 301(e) (21 U.S.C. 331(e)) is amended by striking “505 (i) or (k)” and inserting “505 (i), (j)(11), or (k)”.

(2) INFRINGEMENT OF PATENT.—Section 271(e) of title 35, United States Code, is amended by adding at the end the following:

“(7) The exclusive remedy under this section for an infringement of a patent for which the Secretary of Health and Human Services has published information pursuant to subsection (b)(1) or (c)(2) of section 505 of the Federal Food, Drug, and Cosmetic Act shall be an action brought under this subsection within the 45-day period described in subsection (j)(5)(B)(iii) or (c)(3)(C) of section 505 of the Federal Food, Drug, and Cosmetic Act.”.

(3) APPLICABILITY.—

(A) LIMITATIONS ON ACCELERATION OF DEFERRED COMMERCIAL MARKETING DATE.—The amendment made by paragraph (1)(A) shall apply only with respect to—

(i) an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) to which the amendments made by section 1102(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108 173) apply; and

(ii) an agreement described under section 505(j)(5)(B)(vii)(I) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)(1)) executed after the date of enactment of this Act.

(B) NOTIFICATION OF FDA.—The amendments made by subparagraphs (B) and (C) of paragraph (1) shall apply only with respect to an agreement described under section 505(j)(5)(B)(vii)(I) of the Federal Food, Drug, and Cosmetic Act (as added by paragraph (1)(A)) executed after the date of enactment of this Act.

(C) TECHNICAL AMENDMENT.—Section 744B(n), as added by section 302 of this Act, is amended by striking “505(j)(5)(B)(iv)(II)(cc)” and inserting “505(j)(5)(B)(iv)(II)(bb)”.

SA 2112. Mr. REID (for Mrs. BOXER (for herself and Mrs. FEINSTEIN)) proposed an amendment to the bill H.R. 4849, to direct the Secretary of the Interior to issue commercial use authorizations to commercial stock operators for operations in designated wilderness within the Sequoia and Kings Canyon National Parks, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sequoia and King Canyon National Parks Backcountry Access Act”.

SEC. 2. COMMERCIAL SERVICES AUTHORIZATIONS IN WILDERNESS WITHIN THE SEQUOIA AND KINGS CANYON NATIONAL PARKS.

(a) CONTINUATION OF AUTHORITY.—Until the date on which the Secretary of the Interior (referred to in this Act as the “Secretary”) completes any analysis and determination

required under the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary shall continue to issue authorizations to provide commercial services for commercial stock operations (including commercial use authorizations and concession contracts) within any area designated as wilderness in the Sequoia and Kings Canyon National Parks (referred to in this section as the “Parks”) at use levels determined by the Secretary to be appropriate and subject to any terms and conditions that the Secretary determines to be appropriate.

(b) WILDERNESS STEWARDSHIP PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary shall complete a wilderness stewardship plan with respect to the Parks.

(c) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue authorizations under subsection (a) shall terminate on the earlier of—

(1) the date on which the Secretary begins to issue authorizations to provide commercial services for commercial stock operations within any areas designated as wilderness in the Parks, as provided in a record of decision issued in accordance with a wilderness stewardship plan completed under subsection (b); or

(2) the date that is 4 years after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 17, 2012, at 9:30 a.m., in room SD 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 17, 2012, at 10 a.m., in room SD 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Social Security Administration: Is it Meeting its Responsibilities to Save Taxpayer Dollars and Serve the Public?”

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 17, 2012, at 2:30 p.m.,

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on May 17, 2012, in room SD 628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled “Fulfilling the Federal Trust Responsibility: The Foundation of the Government-to-Government Relationship.”

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

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 17, 2012, at 10 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.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND THE COAST GUARD

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on May 17, 2012, at 10:30 a.m., in room SR 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, “Stemming the Tide: The U.S. Response to Tsunami Generated Marine Debris.”

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Marc Labonte, a detailee on Senator JOHNSON's Banking Committee staff, be granted floor privileges for the remainder of today's session.

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

TROOPER JOSHUA D. MILLER POST OFFICE BUILDING

MASTER SERGEANT DANIEL L. FEDDER POST OFFICE

PRIVATE ISAAC T. CORTES POST OFFICE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following postal naming bills en bloc: Calendar No. 401, H.R. 2415; Calendar No. 402, H.R. 3220; and Calendar No. 403, H.R. 3413.

The PRESIDING OFFICER. The clerk will report the bills by title en bloc.

The legislative clerk read as follows:

A bill (H.R. 2415) to designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the “Trooper Joshua D. Miller Post Office Building.”

A bill (H.R. 3220) to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the “Master Sergeant Daniel L. Fedder Post Office.”

A bill (H.R. 3413) to designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the “Private Isaac T. Cortes Post Office.”

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any related statements be printed in the RECORD.

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

The bills (H.R. 2415, H.R. 3220, and H.R. 3413) were ordered to a third reading, were read the third time, and passed.

MODIFYING THE DEPARTMENT OF DEFENSE PROGRAM GUIDANCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4045.

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

The legislative clerk read as follows:

A bill (H.R. 4045) to modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, that there be no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 4045) was ordered to a third reading, was read the third time, and passed.

BORDER TUNNEL PREVENTION ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 4119.

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

The legislative clerk read as follows:

A bill (H.R. 4119) to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

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

Mr. REID. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate; that any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 4119) was ordered to a third reading, was read the third time, and passed.

SEQUOIA AND KINGS CANYON NATIONAL PARKS BACKCOUNTRY ACCESS ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 394, H.R. 4849.

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

The legislative clerk read as follows:

A bill (H.R. 4849) to direct the Secretary of the Interior to issue commercial use authorizations to commercial stock operators for operations in designated wilderness within the Sequoia and Kings Canyon National Parks, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that a Boxer-Feinstein substitute amendment, which is as the desk, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; that any statements related to the bill be printed in the RECORD at the appropriate place.

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

The amendment (No. 2112) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sequoia and King Canyon National Parks Backcountry Access Act".

SEC. 2. COMMERCIAL SERVICES AUTHORIZATIONS IN WILDERNESS WITHIN THE SEQUOIA AND KINGS CANYON NATIONAL PARKS.

(a) CONTINUATION OF AUTHORITY.—Until the date on which the Secretary of the Interior (referred to in this Act as the "Secretary") completes any analysis and determination required under the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary shall continue to issue authorizations to provide commercial services for commercial stock operations (including commercial use authorizations and concession contracts) within any area designated as wilderness in the Sequoia and Kings Canyon National Parks (referred to in this section as the "Parks") at use levels determined by the Secretary to be appropriate and subject to any terms and conditions that the Secretary determines to be appropriate.

(b) WILDERNESS STEWARDSHIP PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary shall complete a wilderness stewardship plan with respect to the Parks.

(c) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue authorizations under subsection (a) shall terminate on the earlier of—

(1) the date on which the Secretary begins to issue authorizations to provide commercial services for commercial stock operations within any areas designated as wilderness in the Parks, as provided in a record of decision issued in accordance with a wilderness stewardship plan completed under subsection (b); or

(2) the date that is 4 years after the date of enactment of this Act.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4849), as amended, was read the third time and passed.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 112 5, TREATY DOCUMENT NO. 112 6, TREATY DOCUMENT NO. 112 7, AND TREATY DOCUMENT NO. 112 8

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on May 17, 2012, by the President of the United States:

Protocol Amending the Convention on Mutual Administrative Assistance in Tax Matters (Treaty Document No. 112 5).

Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary (Treaty Document No. 112 6).

Convention on the Rights of Persons with Disabilities (Treaty Document No. 112 7).

Tax Convention with Chile (Treaty Document No. 112 8).

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to its ratification, the Protocol Amending the Convention on Mutual Administrative Assistance in Tax Matters, done at Paris on May 27, 2010 (the "proposed Protocol"), which was signed by the United States on May 27, 2010. The existing Convention on Mutual Administrative Assistance in Tax Matters, done at Strasbourg on January 25, 1988, entered into force for the United States on January 4, 1995 (the "existing Convention"). I also transmit, for the information of the Senate, the report of the Department of State, which includes an Overview of the proposed Protocol.

The proposed Protocol amends the existing Convention in order to bring it into conformity with current international standards on exchange of information, as reflected in the Organization for Economic Co-operation and Development's (OECD) Model Tax Convention on Income and Capital and the current U.S. Model Income Tax Convention. Furthermore, it updates the existing Convention's rules regarding the confidentiality and permitted uses of exchanged tax information, and opens the existing Convention to adherence by countries other than OECD and Council of Europe members. The Protocol entered into force on January 6, 2011, following ratification by five parties to the existing Convention.

I recommend that the Senate give early and favorable consideration to