

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

the proposed Protocol and give its advice and consent to its ratification.

BARACK OBAMA,  
THE WHITE HOUSE, May 17, 2012.

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary (the "Convention"), done at The Hague on July 5, 2006, and signed by the United States on that same day. The report of the Secretary of State, which includes an Overview of the proposed Convention, is enclosed for the information of the Senate.

The United States supported the development of the Convention, which provides uniform rules for determining the law applicable to certain rights in commercial transactions involving investment securities held through intermediaries (such as brokers, banks, and other financial institutions). The Convention incorporates modern commercial finance methods already market-tested in the United States through the Uniform Commercial Code. It would ensure that countries that become party to this Convention would also apply those methods. The Convention, once in force, would improve the functioning of investment securities markets, reduce uncertainty in cross-border commerce, and reduce national and cross-border systemic risk.

The Department of the Treasury, the U.S. Securities and Exchange Commission, the Commodities Futures Trading Commission, and the New York Federal Reserve Bank support ratification by the United States of this Convention, as do key private sector associations. I recommend, therefore, that the Senate give early and favorable consideration to the Convention and give its advice and consent to its ratification.

BARACK OBAMA,  
THE WHITE HOUSE, May 17, 2012.

*To the Senate of the United States:*

I transmit herewith, for advice and consent of the Senate to its ratification, the Convention on the Rights of Persons with Disabilities, adopted by the United Nations General Assembly on December 13, 2006, and signed by the United States of America on June 30, 2009 (the "Convention"). I also transmit, for the information of the Senate, the report of the Secretary of State with respect to the Convention.

Anchored in the principles of equality of opportunity, nondiscrimination, respect for dignity and individual autonomy, and inclusion of persons with disabilities, the Convention seeks to promote, protect, and ensure the full and equal enjoyment of all human rights by persons with disabilities. While Americans with disabilities already enjoy these rights at home, U.S. citizens and other individuals with disabilities frequently face barriers when they travel, work, serve, study, and reside in other countries. The rights of

Americans with disabilities should not end at our Nation's shores. Ratification of the Disabilities Convention by the United States would position the United States to occupy the global leadership role to which our domestic record already attests. We would thus seek to use the Convention as a tool through which to enhance the rights of Americans with disabilities, including our veterans. Becoming a State Party to the Convention and mobilizing greater international compliance could also level the playing field for American businesses, who already must comply with U.S. disability laws, as well as those whose products and services might find new markets in countries whose disability standards move closer to those of the United States.

Protection of the rights of persons with disabilities has historically been grounded in bipartisan support in the United States, and the principles anchoring the Convention find clear expression in our own domestic law. As described more fully in the accompanying report, the strong guarantees of nondiscrimination and equality of access and opportunity for persons with disabilities in existing U.S. law are consistent with and sufficient to implement the requirements of the Convention as it would be ratified by the United States.

I recommend that the Senate give prompt and favorable consideration to this Convention and give its advice and consent to its ratification, subject to the reservations, understandings, and declaration set forth in the accompanying report.

BARACK OBAMA,  
THE WHITE HOUSE, May 17, 2012.

*To the Senate of the United States:*

I transmit herewith, for the advice and consent of the Senate to their ratification, the Convention between the Government of the United States of America and the Government of the Republic of Chile for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed in Washington on February 4, 2010, with a Protocol signed the same day, as corrected by exchanges of notes effected February 25, 2011, and February 10 and 21, 2012, and a related agreement effected by exchange of notes (the "related Agreement") on February 4, 2010. I also transmit for the information of the Senate the report of the Department of State, which includes an Overview of the proposed Convention, the Protocol, and related Agreement.

The proposed Convention, Protocol, and related Agreement (together "proposed Treaty") would be the first bilateral income tax treaty between the United States and Chile. The proposed Treaty contains comprehensive provisions designed to address "treaty shopping," which is the inappropriate use of a tax treaty by residents of a third country, and provides for a robust exchange of information between the tax

authorities in the two countries to facilitate the administration of each country's tax laws.

I recommend that the Senate give early and favorable consideration to the proposed Treaty and give its advice and consent to the ratification thereof.

BARACK OBAMA,  
THE WHITE HOUSE, May 17, 2012.

ORDERS FOR MONDAY MAY 21, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, May 21, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the majority leader be recognized; further, that at 4:30 p.m. the Senate proceed to executive session to consider Calendar No. 552, Paul J. Watford, of California, to be U.S. Circuit Judge for the Ninth Circuit, with 1 hour of debate equally divided and controlled in the usual form; that upon the use or yielding back of the time, the Senate proceed to vote on the motion to invoke cloture on the nomination; and that if cloture is not invoked, the Senate resume legislative session and proceed to vote on the motion to invoke cloture on the motion to proceed to S. 3187, the FDA user fees legislation.

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

PROGRAM

Mr. REID. Mr. President, it is my intention to resume the motion to proceed to Calendar No. 400, S. 3187, the FDA user fees legislation, when we convene on Monday. At 5:30 p.m. Monday there will be at least one rollcall vote on the motion to invoke cloture on the Watford nomination.

ADJOURNMENT UNTIL MONDAY,  
MAY 21, 2012, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 4:47 p.m., adjourned until Monday, May 21, 2012, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

DEREK J. MITCHELL, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNION OF BURMA.

THE JUDICIARY

MATTHEW W. BRANN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, VICE THOMAS I. VANASKIE, ELEVATED.  
MALACHY EDWARD MANNION, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE