

(I) Lands that the Secretary determines contain significant impediments for disposal including—

- (i) high disposal costs;
- (ii) the presence of significant natural or cultural resources;
- (iii) land survey problems or title conflicts;
- (iv) habitat for threatened or endangered species; and
- (v) mineral leases and mining claims.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) COMPETITIVE SALE OF LANDS.—The Secretary shall offer the identified Federal lands for disposal by competitive sale for not less than fair market value as determined by an independent appraiser.

(c) EXISTING RIGHTS.—The sale of identified Federal lands under this section shall be subject to valid existing rights.

(d) PROCEEDS OF SALE OF LANDS.—All net proceeds from the sale of identified Federal lands under this section shall be deposited directly into the Treasury for reduction of the public debt.

(e) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

- (1) a list of any identified Federal lands that have not been sold under subsection (b) and the reasons such lands were not sold; and
- (2) an update of the report submitted to Congress by the Secretary on May 27, 1997, pursuant to section 390(g) of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; 110 Stat. 1024), including a current inventory of the Federal lands under the administrative jurisdiction of the Secretary that are suitable for disposal.

SA 2887. Mr. KOHL (for himself and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, insert the following:

SEC. 585. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO FIRST LIEUTENANT ALONZO H. CUSHING FOR ACTS OF VALOR DURING THE CIVIL WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to then First Lieutenant Alonzo H. Cushing for conspicuous acts of gallantry and intrepidity at the risk of life and beyond the call of duty in the Civil War, as described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then First Lieutenant Alonzo H. Cushing while in command of Battery A, 4th United States Artillery, Army of the Potomac, at Gettysburg, Pennsylvania, on July 3, 1863, during the American Civil War.

SA 2888. Mr. KOHL (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him

to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, insert the following:

SEC. 602. PAYMENT OF BENEFIT FOR NON-PARTICIPATION OF ELIGIBLE MEMBERS IN POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM DUE TO GOVERNMENT ERROR.

(a) PAYMENT OF BENEFIT.—

(1) IN GENERAL.—Subject to subsection (e), the Secretary concerned shall, upon application therefor, make a payment to each individual described in paragraph (2) of \$200 for each day of nonparticipation of such individual in the Post-Deployment/Mobilization Respite Absence program as described in that paragraph.

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) was eligible for participation as a member of the Armed Forces in the Post-Deployment/Mobilization Respite Absence program; but

(B) as determined by the Secretary concerned pursuant to an application for the correction of the military records of such individual pursuant to section 1552 of title 10, United States Code, did not participate in one or more days in the program for which the individual was so eligible due to Government error.

(b) DECEASED INDIVIDUALS.—

(1) APPLICATIONS.—If an individual otherwise covered by subsection (a) is deceased, the application required by that subsection shall be made by the individual's legal representative.

(2) PAYMENT.—If an individual to whom payment would be made under subsection (a) is deceased at time of payment, payment shall be made in the manner specified in section 1552(c)(2) of title 10, United States Code.

(c) PAYMENT IN LIEU OF ADMINISTRATIVE ABSENCE.—Payment under subsection (a) with respect to a day described in that subsection shall be in lieu of any entitlement of the individual concerned to a day of administrative absence for such day.

(d) CONSTRUCTION.—

(1) CONSTRUCTION WITH OTHER PAY.—Any payment with respect to an individual under subsection (a) is in addition to any other pay provided by law.

(2) CONSTRUCTION OF AUTHORITY.—It is the sense of Congress that—

(A) the sole purpose of the authority in this section is to remedy administrative errors; and

(B) the authority in this section is not intended to establish any entitlement in connection with the Post-Deployment/Mobilization Respite Absence program.

(e) OFFSET.—The Secretary of Defense shall transfer \$2,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

(f) DEFINITIONS.—In this section, the terms “Post-Deployment/Mobilization Respite Absence program” and “Secretary concerned” have the meaning given such terms in section 604(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2350).

SA 2889. Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . CERTAIN EXEMPTIONS RELATING TO THE TAKING OF MIGRATORY GAME BIRDS.

(a) SHORT TITLE.—This section may be cited as the “Farmer's Protection Act of 2012”.

(b) EXEMPTIONS ON CERTAIN LAND.—Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by adding at the end the following:

“(c) EXEMPTIONS ON CERTAIN LAND.—

“(1) IN GENERAL.—Nothing in this section prohibits the taking of any migratory game bird, including waterfowl, coots, and cranes, on or over land that—

“(A) is not a baited area; and

“(B) contains—

“(i) a standing crop or flooded standing crop, including an aquatic crop;

“(ii) standing, flooded, or manipulated natural vegetation;

“(iii) flooded harvested cropland; or

“(iv) according to a report submitted under paragraph (2) by the applicable State office of the Cooperative Extension System of the Department of Agriculture, an area on which seed or grain has been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation, or normal soil stabilization practice.

“(2) REPORTS.—

“(A) IN GENERAL.—For purposes of making a determination under paragraph (1)(B)(iv), each State office of the Cooperative Extension System of the Department of Agriculture shall submit to the Secretary of the Interior a report on the activities in that State that the State office considers to be a normal agricultural practice in the State, such as mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or carrying out herbicide treatment.

“(B) REVISIONS.—A State office may revise a report described in subparagraph (A) as the State office determines to be necessary to reflect changing agricultural practices.”.

NOTICE OF HEARING

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, November 15, 2012, at 9:45 a.m. in room SD-106 of the Dirksen Senate Office Building to conduct a hearing entitled “Pharmacy Compounding: Implications of the 2012 Meningitis Outbreak.”

For further information regarding this meeting, please contact Elizabeth Jungman of the committee staff on (202) 224-6859.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on November 13, 2012, at 3 p.m., to hold a hearing entitled, "National Security Brief on Attacks in Benghazi".

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, on behalf of Senator LEAHY, I ask unanimous consent that Michelle Lacko, a fellow on the Senate Judiciary Committee, be granted privileges of the floor.

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

WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2012

Mr. UDALL of Colorado. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 743.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate, S. 743, entitled "An Act to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections; to provide certain authority for the Special Counsel; and for other purposes," do pass with an amendment.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the matter be printed in the RECORD.

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

REGARDING THE EFFORTS OF RAYMOND WEEKS IN THE ES- TABLISHMENT OF VETERANS DAY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 591, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 591) expressing the sense of the Senate regarding Raymond Weeks and his efforts in the establishment of Veterans Day.

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

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 591) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 591

(Expressing the sense of the Senate regarding Raymond Weeks and his efforts in the establishment of Veterans Day)

Whereas November 11, 2012, is the 65th anniversary of National Veterans Day in Birmingham, Alabama;

Whereas the National Veterans Day in Birmingham is the longest running celebration of Veterans Day in the Nation;

Whereas, on November 11, 1946, World War II veteran Raymond Weeks presented General Eisenhower a program design proposing to replace Armistice Day with a National Veterans Day in 1947;

Whereas the very first Veterans Day celebration was held in Birmingham by the National Veterans Day Organization in 1947;

Whereas President Eisenhower signed into law on June 1, 1954, the Act proclaiming November 11 as Veterans Day (Public Law 380; 83rd Congress);

Whereas in 1954, the National Veterans Day Volunteer Organization, started by Raymond Weeks, expanded to organize a multi-day celebration including, but not limited to, a Veterans Day Parade, a World Peace Luncheon, and presentation during the National Veterans Award Dinner of the National Veterans Award;

Whereas these three events have been held every year since 1954;

Whereas the briefing for President Reagan by Elizabeth Dole for the Presidential Citizens Medals cited Raymond Weeks as the "Father of Veterans Day";

Whereas President Reagan recognized Raymond Weeks as the driving force behind Veterans Day while presenting Raymond Weeks with the Presidential Citizens Medal on November 11, 1982;

Whereas Raymond Weeks should be recognized for his push to honor the great men and women who have served their country with a special day of recognition; and

Whereas Birmingham, Alabama, should be recognized for its contributions to the institution of Veterans Day: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Birmingham, Alabama, as the home to the first and longest running celebration of Veterans Day;

(2) recognizes Raymond Weeks for his pioneering efforts in the establishment of Veterans Day; and

(3) honors the sacrifices of, and pays tribute to, the men and women of the United States in uniform who risk life and limb for their country at home and overseas.

ORDERS FOR WEDNESDAY, NOVEMBER 14, 2012

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2:30 p.m. on Wednesday, November 14, 2012; that following the prayer and the 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 the majority leader be recognized, and that the first hour be equally divided and controlled between the two leaders or their designees, with the

majority controlling the first half and the Republicans controlling the final half; and the filing deadline for first-degree amendments to S. 3525 be 4 p.m. Wednesday.

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

PROGRAM

Mr. UDALL of Colorado. Mr. President, earlier today, cloture was filed on S. 3525, the Sportsmen's Act. Under the rule, the cloture vote will occur on Thursday morning.

ADJOURNMENT UNTIL 2:30 P.M. TOMORROW

Mr. UDALL of Colorado. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 6:55 p.m., adjourned until Wednesday, November 14, 2012, at 2:30 p.m.

NOMINATIONS

Executive nominations received by the Senate:

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO AND WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

PHILIP S. GOLDBERG, OF THE DISTRICT OF COLUMBIA
WANDA L. NESBITT, OF PENNSYLVANIA
VICTORIA NULAND, OF CONNECTICUT
MICHELE JEANNE SISON, OF MARYLAND
DANIEL BENNETT SMITH, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

KARL PHILIP ALBRECHT, OF VIRGINIA
THEODORE ALLEGRA, OF COLORADO
BRUCE ARMSTRONG, OF FLORIDA
CLARE A. BARKLEY, OF MARYLAND
ROBERT L. BLAU, OF VIRGINIA
ROBERTO GONZALES BRADY, OF CALIFORNIA
JOHN BRIEN BRENNAN, OF VIRGINIA
PIPER ANNE WIND CAMPBELL, OF THE DISTRICT OF COLUMBIA

JONATHAN RAPHAEL COHEN, OF CALIFORNIA
MARK J. COHEN, OF TEXAS
MAUREEN E. CORMACK, OF ILLINOIS
JOHN S. CREAMER, OF VIRGINIA
JEFFREY DELAURENTIS, OF NEW YORK
LAURA FARNSWORTH DOGU, OF TEXAS
WALTER DOUGLAS, OF NEVADA
CATHERINE I. EBERT-GRAY, OF COLORADO
SUSAN MARSH ELLIOTT, OF FLORIDA
THOMAS SCOTT ENGLE, OF THE DISTRICT OF COLUMBIA
MARILYN CLAIRE FERDINAND, OF VIRGINIA
VALERIE C. FOWLER, OF WASHINGTON
DANIEL EDWARD GODSPEED, OF VIRGINIA
WILLIAM S. GREEN, OF OHIO
JERI S. GUTHRIE-CORN, OF CALIFORNIA
MICHAEL A. HAMMER, OF MARYLAND
D. BRENT HARDT, OF FLORIDA
ROBERT A. HARTUNG, OF VIRGINIA
WILLIAM A. HEIDT, OF CALIFORNIA
JAMES WILLIAM HERMAN, OF WASHINGTON
THOMAS MARK HODGES, OF TENNESSEE
MARTIN P. HOHE, OF FLORIDA
CHARLES F. HUNTER, OF THE DISTRICT OF COLUMBIA
MARK J. HUNTER, OF FLORIDA
DONALD EMIL JACOBSON, OF VIRGINIA
KELLY ANN KEDERLING FRANZ, OF CALIFORNIA
SUNG Y. KIM, OF CALIFORNIA
JOHN CHARLES LAW, OF VIRGINIA
RUSSELL G. LE CLAIR, JR., OF ILLINOIS
MARY BETH LEONARD, OF MASSACHUSETTS
DONALD LU, OF CALIFORNIA
LEWIS ALAN LUKENS, OF VIRGINIA
DEBORAH RUTH MALAC, OF VIRGINIA
WILLIAM JOHN MARTIN, OF CALIFORNIA
ROBIN HILL MATTHEWMAN, OF WASHINGTON
ELIZABETH KAY WEBB MAYFIELD, OF TEXAS
JAMES P. MCANULTY, OF VIRGINIA
THOMAS S. MILLER, OF MINNESOTA
BARRY M. MOORE, OF TEXAS
MICHAEL CHASE MULLINS, OF NEW HAMPSHIRE
JOHN OLSON, OF CALIFORNIA
THEODORE G. OSIUS, OF THE DISTRICT OF COLUMBIA
ROBERT GLENN RAPSON, OF NEW HAMPSHIRE