

such fiscal year, and for other purposes.

AMENDMENT NO. 3175

At the request of Mr. RUBIO, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 3175 intended to be proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3179

At the request of Mr. BENNET, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of amendment No. 3179 intended to be proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3180

At the request of Mr. WHITEHOUSE, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from California (Mrs. FEINSTEIN), the Senator from Virginia (Mr. WARNER), the Senator from Hawaii (Mr. AKAKA), the Senator from Ohio (Mr. BROWN), the Senator from Michigan (Ms. STABENOW), the Senator from Arkansas (Mr. PRYOR), the Senator from Nebraska (Mr. NELSON), the Senator from Delaware (Mr. CARPER) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of amendment No. 3180 proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3181

At the request of Mr. WHITEHOUSE, the names of the Senator from Colorado (Mr. UDALL), the Senator from Maryland (Mr. CARDIN), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 3181 intended to be proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3182

At the request of Mr. SANDERS, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 3182 intended to be proposed to S. 3254, an original bill to authorize appropri-

tions 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.

AMENDMENT NO. 3183

At the request of Mr. SANDERS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 3183 intended to be proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3184

At the request of Mr. CARPER, the names of the Senator from Virginia (Mr. WEBB), the Senator from New York (Mrs. GILLIBRAND), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 3184 intended to be proposed to S. 3254, an original bill 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.

# STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL of Colorado (for himself, Mr. CRAPO, Mr. BENNET, and Mr. BARRASSO):

S. 3650. A bill to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency; to the Committee on Finance.

Mr. UDALL of Colorado. Mr. President, today I am introducing bipartisan legislation that will improve the viability of agriculture and rural communities in western States like Colorado. This legislation will make it easier for mutual ditch and irrigation companies, which are an integral part of agriculture in arid regions where you often have to transport irrigation water over long distances, to remain profitable.

I thank my colleagues Senators CRAPO, BENNET and BARRASSO for joining me in this effort.

Mutual ditch and irrigation companies are primarily associations of farmers who band together to construct and operate water delivery and storage systems for use on semi-arid farmland. For 150 years, mutual ditch and irrigation companies have installed and maintained this kind of infrastructure to convey water to irrigated lands in the West.

These companies can qualify for tax-exempt status if at least 85 percent of

their income comes from their member assessments. The 85-percent rule is meant to ensure that the members of tax-exempt cooperatives are not able to enrich themselves by making investments unrelated to their charitable purpose.

Over time, however, the cost to maintain and operate aging water infrastructure has made it impossible for many mutual ditch and irrigation companies to operate solely on member income. If member assessments were large enough to cover the true cost of operations, it would be cost prohibitive for most farmers to use the water to irrigate crops, leading to a loss of irrigated farmland.

To sustain irrigated farmland, ditch and irrigation companies supplement the cost of operations with non-member income from, for example, recreational leases, crossing fees, storage rights and the exchange of water rights. This is a good thing, but this supplemental income can jeopardize the company's tax-exempt status.

My legislation would exempt certain sources of income from the 85-percent member income test for mutual ditch and irrigation companies. However, to be excluded, the revenue from these sources must be used for the tax-exempt purposes of the company. My legislation specifically requires non-member income to be used for operations or maintenance of the mutual ditch or irrigation company in order to be exempted from the 85-percent test.

By excluding these revenue streams, we can support local agriculture and help ditch and irrigation companies stay in business, while at the same time providing for more efficient use of precious water resources. Further, by requiring that the proceeds be used exclusively for operations and maintenance of the ditch or irrigation company, we will ensure that this income is reinvested in water infrastructure, helping to create and preserve rural jobs and our agricultural heritage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3650

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Ditch and Irrigation Company Tax Reform Act".

## SEC. 2. FACILITATE WATER LEASING AND WATER TRANSFERS TO PROMOTE CONSERVATION AND EFFICIENCY.

(a) IN GENERAL.—Paragraph (12) of section 501(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(I) TREATMENT OF MUTUAL DITCH OR IRRIGATION COMPANIES.—

“(i) IN GENERAL.—In the case of a mutual ditch or irrigation company or like organization, subparagraph (A) shall be applied without taking into account any income received or accrued—

“(I) from the sale, lease, or exchange of fee or other interests in real property, including interests in water,

“(II) from the sale or exchange of stock in a mutual ditch or irrigation company or like organization or contract rights for the delivery or use of water, or

“(III) from the investment of proceeds from sales, leases, or exchanges under subclauses (I) and (II),

except that any income received under subclause (I), (II), or (III) which is distributed or expended for expenses other than operations and maintenance of the mutual ditch or irrigation company or like organization shall be treated as non-member income in the year in which it is distributed or expended. For purposes of the preceding sentence, expenses other than operations and maintenance include expenses for the construction of conveyances designed to deliver water outside of the mutual ditch or irrigation company or like organization system.

“(ii) TREATMENT OF ORGANIZATIONAL GOVERNANCE.—In the case of a mutual ditch or irrigation company or like organization, where State law provides that such a company or organization may be organized in a manner that permits voting on a basis which is pro-rata to share ownership on corporate governance matters, subparagraph (A) shall be applied without taking into account whether its member shareholders have one vote on corporate governance matters per share held in the corporation. Nothing in this clause shall be construed to create any inference about the requirements of this subsection for companies or organizations not included in this clause.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 603—DESIGNATING THE WEEK OF NOVEMBER 26 THROUGH NOVEMBER 30, 2012, AS NATIONAL NURSE-MANAGED HEALTH CLINIC WEEK

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

S. RES. 603

Whereas nurse-managed health clinics are nonprofit community-based health care sites that offer primary care and wellness services based on the nursing model;

Whereas the nursing model emphasizes the protection, promotion, and optimization of health, the prevention of illness, the alleviation of suffering, and the diagnosis and treatment of illness;

Whereas nurse-managed health clinics are led by advanced practice nurses and staffed by an interdisciplinary team of highly qualified health care professionals;

Whereas nurse-managed health clinics offer a broad scope of services, including treatment for acute and chronic illnesses, routine physical exams, immunizations for adults and children, disease screenings, health education, prenatal care, dental care, and drug and alcohol treatment;

Whereas, as of June 2011, more than 200 nurse-managed health clinics provided care across the United States and recorded more than 2,000,000 client encounters annually;

Whereas nurse-managed health clinics serve a unique dual role as both health care safety net access points and health workforce development sites, given that the majority of nurse-managed health clinics are affiliated with schools of nursing and serve

as clinical education sites for students entering the health profession;

Whereas nurse-managed health clinics strengthen the health care safety net by expanding access to primary care and chronic disease management services for vulnerable and medically underserved populations in diverse rural, urban, and suburban communities;

Whereas research has shown that nurse-managed health clinics experience high patient retention and patient satisfaction rates, and nurse-managed health clinic patients experience higher rates of generic medication fills and lower hospitalization rates when compared to similar safety net providers;

Whereas the 2011 report of the Institute of Medicine on the future of nursing highlights the work nurse-managed health clinics are doing to reduce health disparities by bringing evidence-based care to individuals who may not otherwise receive needed services; and

Whereas nurse-managed health clinics offering both primary care and wellness services provide quality care in a cost-effective manner: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of November 26 through November 30, 2012, as “National Nurse-Managed Health Clinic Week”;

(2) supports the ideals and goals of National Nurse-Managed Health Clinic Week; and

(3) encourages the expansion of nurse-managed health clinics so that nurse-managed health clinics may continue to serve as health care workforce development sites for the next generation of primary care providers.

##### SENATE RESOLUTION 604—RELATIVE TO THE DEATH OF THE HONORABLE WARREN B. RUDMAN, FORMER UNITED STATES SENATOR FOR THE STATE OF NEW HAMPSHIRE

Mrs. SHAHEEN (for herself, Ms. AYOTTE, Mr. REID of Nevada, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER,

Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 604

Whereas Warren B. Rudman served in the United States Army during the Korean War with the rank of Lieutenant, earning the Bronze Star for action in combat as an infantry commander;

Whereas Warren B. Rudman rendered exceptional service to the State of New Hampshire as Attorney General for 6 years, an office to which he brought honor;

Whereas Warren B. Rudman served the people of New Hampshire with distinction for 12 years in the United States Senate;

Whereas Warren B. Rudman served the Senate as Chairman of the Select Committee on Ethics in the 99th Congress;

Whereas Warren B. Rudman served the Senate as Vice Chairman of the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition with impartiality and honesty;

Whereas, while serving in the Senate, Warren B. Rudman authored laws to support small business and reduce the budget deficits of the United States;

Whereas Warren B. Rudman co-founded the Concord Coalition to educate the public about the dangers of Federal budget deficits;

Whereas the hallmarks of Warren B. Rudman's public service were integrity, courage, and an unflagging commitment to the common good; and

Whereas, with the death of Warren B. Rudman, New Hampshire and the United States have lost an outstanding lawmaker and public servant: Now, therefore, be it

*Resolved*, That—

(1) the Senate has received with profound sorrow and deep regret the announcement of the passing of the Honorable Warren B. Rudman, a former member of the United States Senate;

(2) the Senate respectfully requests that Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Warren B. Rudman.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3188. Mr. WARNER 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.

SA 3189. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3190. Mr. SANDERS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3191. Mr. NELSON of Nebraska (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the