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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, October 18, 2011, at 11 a.m.

Senate

MONDAY, OCTOBER 17, 2011

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, hope of compassion and love, all that is within us praise and magnify Your holy name. Today, incline the ears of our Senators to hear Your voice as You fill them with Your power. Bless all who work on Capitol Hill, inspiring them with Your spirit and encouraging them with Your presence. May Your grace give them each day a dignified sense of renewal.

Lord, make us all sensitive to understand our mutual needs and the importance of working in harmony and respect one for the other.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 17, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in morning business until 4 p.m. today. Following morning business, the Senate will begin consideration of H.R. 2112, which is the vehicle for the Agriculture, Commerce-State-Justice, and Transportation appropriations bills. At 5:15 the Senate will be in executive session to consider the nomination of Cathy Bisson to be United States District Judge for the Western District of Pennsylvania. At 5:30 there will be a vote on confirmation of that nomination. At 4 o'clock, as indicated here, we are going to move to the appropriations bills. I understand there are a number of amendments on both sides that are available to be offered. I hope Senators will come and offer them as quickly as possible. We will try to work out time agreements. I am anxious to set up some votes before the weekly party caucuses tomorrow.

EDUCATION

Mr. REID. Mr. President, Bart Giamatti was a well-rounded man. He was the president of the Yale University and also Commissioner of Major League Baseball. He once called education the ''heart of a civil society.'' But he also said the heart of education is the act of teaching.

The commitment to educate the children of this Nation is our greatest investment in our collective future. It is the key to keeping the American dream alive and crucial to staying competitive in a global economy. Teachers are the stewards of that investment. But the terrible recession that has rocked our national economy has threatened their ability to give our children the education they deserve.

Since 2008, State and local budget cuts have cost this country 300,000 education jobs. Nearly 200,000 of those jobs were lost in the last year alone. Schools are feeling the pinch of a larger class size, especially at the elementary and middle school levels. The number of children in an elementary school classroom has a direct correlation to student achievement and even college graduation rates.

Districts also shortened schooldays, school years, and eliminated summer

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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school programs that help underprivileged children to compete in the world. They have cut art and music classes and afterschool activities that keep students engaged and prevent everything from high school dropouts, delinquency, to even teen pregnancy.

While all of these cuts have been difficult, things could be much worse. The Recovery Act and the Education Jobs Fund provided money to keep 422,000 teachers in the classroom for a year. School districts across the country used that Federal funding to keep class sizes small and ensure students are given the world-class education they deserve. They used this funding to ensure America's children are trained for the jobs of today and prepared for the challenges of tomorrow.

Still, as the economy continues to struggle, so do State and local budgets. That means schools that are already doing more with less will continue to be at risk. Although Democrats have saved hundreds of thousands of teacher jobs already, schools have still lost 300,000 educators since this recession began.

And the brain drain could even get worse. State and local budgets could cost as many as 280,000 teacher jobs next year unless we do more. That is why President Obama proposed we invest $30 billion as part of the American Jobs Act to keep our schools well staffed and to ensure our children are well educated. This is not deficit spending. This is money that will be paid for. Republicans blocked that job-creating legislation which would have put 2 million people to work in classrooms and at construction sites across the country. But Democrats have not given up on keeping our schools fully staffed. Nearly 300,000 teacher jobs—I repeat—are at risk, and so is the quality of our education system.

Unless school districts get a helping hand, many will be forced to make more difficult choices between laying off educators and going without schoolbooks, paper, and other supplies.

Democrats will pursue the President's plan to keep nearly 400,000 teacher and support staff where they belong, in the classroom—a $30 billion investment, fully paid for, which will help school districts not only avoid layoffs but also rehire tens of thousands of teachers who have already lost their jobs because of budget cuts.

It will also commit $5 billion to retaining the police, firefighters, and first responders who work so hard to keep our communities safe, and to rehiring those who have already been laid off in these tough economic times. Our economy cannot afford to lose more jobs. Our communities cannot afford to lose the men and women who keep us safe and secure. Our Nation cannot afford to lose the competitive edge a world-class education system gives us in a constantly changing world. Democrats are committed to protecting the heart of education Bart Giamatti spoke of, the talented teachers who will shape our civil society.

Mr. President, will the Chair announce the business of the day?

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

JOBS THROUGH GROWTH ACT

Mr. MCCAIN. Mr. President, I come to the floor today to discuss the Jobs Through Growth Act that was recently introduced by most of my Republican colleagues on this side of the aisle. I wish to highlight the hard work done by my colleagues Senators PAUL and PORTMAN in putting this bill together.

This bill is a commonsense alternative to the plan being championed by President Obama and Majority Leader REID. The differences between our plan and theirs are that we want to create jobs through growth and they want to create jobs through government spending. We believe business creates jobs in America.

It is clear from the President's stimulus 2 that he believes government creates jobs, so there is a fundamental difference between our proposal and theirs. What they have proposed is another stimulus. We tried that. We saw the movie before. It did not work. It added to our debt and deficit. We lost jobs.

My colleagues and I are putting forth a plan to create jobs through sound policies. Most economists will tell you that economic growth is a fundamental part of long-term sustainable job creation, and that is what the plan does. It contains key components—spending reforms, including a balanced budget amendment to the Constitution, to give job creators the certainty that Washington will not continue to grow unchecked.

Almost all of us understand from experience over the years that unless the United States of America, our government, is required—as every State and every town and every county and every city in America is required—to have a balanced budget, we will continue the mass deficits that mortgage our children and our grandchildren's futures.

Republican and Democratic Presidents alike over the years have asked for enhanced rescission authority—what we used to call the line-item veto—that would give the President of the United States the ability to eliminate unnecessary, wasteful, earmarked, porkbarrel spending provisions without having to veto the entire bill.

We believe these two measures can bring about a fiscal discipline in this Congress and in this Nation that has been sadly lacking for a long time and has given us the massive debts and deficits—a deficit of nearly $50,000 for every man, woman, and child in America today.

We need tax reform. Is there anyone in America who doesn't believe that the Tax Code, which is this high, doesn't need to be reformed? Our proposal is simple: Cut the corporate tax rate from 35 to 25; create 3 categories of tax rates in America, and close the loopholes, eliminate the subsidies, and let's give Americans a Tax Code they can trust and believe in—even understand.

Let's bring home the $1.4 trillion in foreign earnings that are trapped overseas in countries where U.S.-based multinational companies do business. Why won't they bring the money home? It is because they have to tax it at 35 percent. It is not that complicated.

Last week, Senator HAGAN and I introduced a bill that would provide incentives for that money to come home on the proviso that they create jobs in America and invest in America. According to a recent study done by the chamber of commerce, the repatriation of this $1.4 trillion in corporate earnings currently trapped overseas can result in increasing the gross domestic product by roughly $360 billion and would create as many as 2.9 million new U.S. jobs.

I must say, recently from the other side there was a study that showed this money would have no effect. How in the world could you possibly believe that if you brought $1.4 trillion back home to America it would have no effect? I think it probably shows you can have a study that shows there was indeed a landing of aliens in a city in New Mexico a long time ago.

Reforming the regulatory process costs taxpayers nothing, but it does more for creating jobs than any stimulus program possibly could. There is nothing more constraining to job growth than the adversarial relationship between business and government. Talk to any businessperson, small or large, and they will tell you why they are sitting on large sums of money and not creating jobs and not investing. It is because they don't know which regulation is coming down next that they are going to have to comply with.

Please, I ask my colleagues and my friends, go ask the business people and they will tell you that. They will tell you that the fear and specter of additional regulations has an incredibly

negative affect on their desire to invest and hire. Lifting the prohibitions on offshore energy exploration will immediately create jobs, drive investment, and reduce our Nation's dependence on foreign sources of oil.

According to the American Energy Alliance, which is a pro-exploratory group, admittedly, permanently lifting the offshore moratoria would result in 1.2 million new U.S. jobs.

Of course, we need to give the President the fast track authority to negotiate trade agreements. I point out that the President is now on his ''listening tour,'' at taxpayers' expense. He was taking credit for the passage of these three free-trade agreements for Panama, Colombia, and South Korea. It only took nearly 3 years.

As far as our bill is concerned, we have a statement from the U.S. Chamber of Commerce:

> Yesterday, a group of Senators, including John McCain, Rob Portman and Rand Paul, introduced the ''Jobs Through Growth Act.'' This legislation marks a departure from a ''government knows best'' approach and instead empowers the private sector to rescue our economy. As the Chamber outlined in its Six-Point Jobs Plan, alleviating regulatory burdens, tax uncertainty, and restoring confidence to invest and grow jobs is the best way to get the country back on track. This bill is a step in the right direction and includes a number of the same broad ideas for creation as the Chamber's plan.

It goes on to say that ''comprehensive tax reform is critical to job creation.'' They believe that reforming the regulatory process is necessary for businesses to begin hiring again, and they also argue for the expanded drilling offshore.

You will hear from various liberal think tanks that we don't create jobs, that this is not a good thing to do, et cetera. But the fact is the chamber of commerce, which I think well knows about job creation, should be paid attention to.

A piece was written in the National Review Online by Douglas Holtz-Eakin, a noted economist and former head of the OMB. In the interest of full disclosure, he was an adviser of mine. He wrote the following:

> Senate Republicans have just introduced the ''Real Jobs Plan.'' As I've long argued, an effective jobs ''plan'' is a commitment to a sustained environment for long-term growth. The President's failed proposals have repeatedly proven that ''temporary and targeted'' stimulus is insufficient. Moreover, his latest effort displays more interest in politics than growth.
>
> Senators McCain, Paul, and Portman have proposed a plan that effectively targets job creation at a time when we desperately need it by incentivizing growth and repealing the job-killing Affordable Care Act and Dodd-Frank law. There is a lot here to like.
>
> Still, inevitably, there will be a war of numbers in which progressives trot out numbers from Keynesian business cycle models to argue that the strategy won't work. To anticipate the debate, here are some highlights of the Real Jobs Plan and some estimates of the jobs impact:
>
> 1. Lower the corporate rate tax to 25 percent, resulting in an additional 581,000 jobs per year, on average.
>
> 2. Reduce the tax on foreign earnings brought back to the U.S., resulting in 2.9 million jobs.
>
> 3. Repeal Dodd-Frank, estimated to cost the U.S. 4.6 million jobs by 2015.

On the so-called Dodd-Frank act, the whole purpose of the Dodd-Frank act was to make sure that no institution in America would ever be too big to fail. My friends, tell me that these institutions aren't too big to fail. We know they have gotten bigger, and we know they are too big to fail. If we went through a similar crisis, we know, because of their size, we would again be forced to use taxpayer dollars to bail them out. The fact is that the Dodd-Frank bill has been a complete failure, as many of us predicted. One of the reasons is because it didn't address the phasing out of Fannie Mae and Freddie Mac. It was the housing crisis that started this collapse, and until the day the housing market stabilizes, we will not begin to emerge from this horrible economic situation America finds itself in today.

> 4. Repeal the ACA, estimated to cost the U.S. economy at least 800,000 jobs.
>
> 5. Lift the offshore drilling moratoria, resulting in 1.2 million U.S. jobs.
>
> 6. Prohibit the EPA from regulating greenhouse gases, estimated to cost the economy 1.4 million jobs by 2014.

And, of course, giving the President trade preference authority.

Finally, I will point this out in the Wall Street Journal Political Diary, October 14, 2011: Finally, a GOP Growth Plan.

> Senators John McCain and Rand Paul [and Rob Portman] have drafted an economic growth blueprint that they hope to be the rallying cry of all congressional Republicans.
>
> The White House and congressional Democrats hope to use the Senate rejection of Obama jobs plan this week as a campaign issue against ''do nothing Republicans.'' Senate Democrats have crowed that ''Republicans have no jobs plan of their own,'' but that's not true any longer. Senators John McCain of Arizona and Rand Paul of Kentucky [and Rob Portman] have drafted a comprehensive economic growth blueprint that they hope will be the rallying cry of all congressional Republicans in the weeks ahead. We obtained a copy of the draft document which includes tax cuts, a balanced budget amendment, ObamaCare repeal, and a regulatory freeze. . . .
>
> The plan, which would cut corporate tax rates to 25 from 35 is partially paid for by offering a reduced 5 percent tax on repatriated capital. . . .
>
> The plan won't get close to the 60 votes necessary in the Senate. But it does establish a polar star for Republicans to head toward. Republicans got a nice lift for the plan when a Chamber of Commerce poll asked 1,300 business owners across the country whether they support the GOP plan of ''permanent tax cuts and less regulation,'' or the Democratic plan of temporary payroll tax cuts and public work spending. More than eight of 10 said they favor the Republican approach.

As they say, let the games begin. Today, the President of the United States, in his visit to areas of the country that have a lot to do, in the view of many, with the upcoming electoral calendar, attacked our plan and attacked it rather vociferously. In fact, I was somewhat taken aback, since the President and his spokesperson had billed his trip as a taxpayer-paid visit. In his remarks, the President was very strongly condemning of the plan that we have put forward. In fact, remember, my colleagues and friends, the President made these remarks on a taxpayer paid-for, riding-in-a-Canadian-bus visit for the next 3 days. This is what, on his listening tour, the President said:

> Now it turns out that the Republicans have a plan, too. I want to be fair. They call—they put forward this plan last week. They called it the real American Jobs Act, the real one. That's what they called it, just in case you were wondering. So let's take a look at what the Republican American Jobs Act looks like. Turns out that the Republican plan boils down to a few basic ideas. They want to gut regulations. They want to let Wall Street do whatever it wants. They want to drill more, and they want to repeal health care reform. That's their jobs plan.

Et cetera, et cetera. So on the taxpayer-paid dime, the President is now traveling and attacking the Republican plan—obviously, I think, unfairly.

By the way, there is an article dated October 16 by Richard Wolfe in USA Today:

> President Obama will kick off a three-day bus trip through small towns in politically competitive North Carolina and Virginia Monday. But White House officials insist the trip is about jobs, not votes. So much so, in fact, they convened a conference call to reiterate that point several times, pointing out that the trip is fully on the taxpayers' dime, not the Republicans reelection campaign.

So the President has taken to the road, and he spent a number of minutes attacking our plan. I understand that. I think he has, certainly in a political venue, the right and privilege to do that. I think the question might be, though, is that appropriate on the taxpayers' dime, since it is clearly campaigning. I must say again, I have never seen an uglier bus than the Canadian one. He is traveling around on a Canadian bus touting American jobs.

One of the reasons Americans and I and my colleagues are a bit skeptical is because we have seen this movie before. We saw this movie before, and it feels a bit like something we have heard before. In fact, let me read a few quotes. We all know the failure of the last stimulus bill. We all know the President and his economic advisers said, if we passed the last stimulus bill, unemployment would be at a maximum of 8 percent, and it is obviously, we all know, now stuck at over 9. They said it would create millions of jobs, but we all know it didn't. They said it would stimulate our economy, and we know it hasn't. So let me read a couple quotes. This one was February 10, 2009, from President Obama:

> It's a plan that will save or create up to four million jobs over the next two years . . . and the jobs of firefighters, teachers, nurses, and police officers that would otherwise be eliminated if we don't provide states with some relief.

This is from President Obama during the middle of 2009:

We've created and saved, as you said, Joe, at least 150,000 jobs.

This is a quote from Vice President BIDEN, where he said in ''18 months'' stimulus will ''create 3.5 million jobs . . . literally drop-kicks us out of this recession.''

This is a monumental project, but I think it's doable. But I just think we got to stay on top (inaudible) and we got to stay on top of that on a weekly basis. Because this is about getting this out and spent in 18 months to create 3.5 million jobs and do—to set—tee this up so the rest of the good work that's being done here literally drop-kicks us out of this recession and we begin to grow again and begin to employ people again.

Those were the remarks of the Vice President at a Recover Plan Implementation Meeting held on February 25, 2009.

My alltime favorite quote is from August 24, 2009, from Vice President BIDEN:

In my wildest dreams, I never thought it would work this well.

Let me repeat that:

In my wildest dreams, I never thought it would work this well.

In my wildest dreams, I hope the American people will understand what we are doing with the President's plan and that we will be voting on pieces that probably even a simple majority of the Senate wouldn't have voted for. It is the same thing they tried in 2009 and 2010 and was steadfastly rejected by the American people in the overwhelming vote that took place last November.

What I hope is that once the President gets off the campaign trail, we will sit down and come to an agreement in some areas. All of us agree that simplification of the Tax Code is something the American people want and deserve. All of us know we should try to do what we can to bring home that $1.4 trillion which is now parked overseas. All of us agree that offshore drilling is something we need to accelerate as quickly as possible and do it safely. All of us should agree that middle-income and lower income Americans are the ones who need help the most.

While I am here, I would like to point out that one of the key elements we spent a lot of time on last year—many hours I spent on the floor of this Senate—was trying to combat the program that is now known as ObamaCare or health reform. We find out now that one of the key elements of this health care reform—which I will politely call health care reform—was a program called the CLASS Act.

The CLASS Act was to provide long-term care for senior Americans, which is certainly a worthwhile goal. Thanks to a Member of the Senate, who is no longer here, Senator Gregg, a provision was put in that said the reality of the CLASS Act programs had to match the promises as a matter of law. In other words, Health and Human Services had to provide an actuarial analysis of insurer solvency throughout the 75-year cost of the program. In other words, the Health and Human Services Department was bound by the amendment put through on the floor by Senator Gregg—the former Senator from New Hampshire. So after flailing around for 19 months, the Secretary of Health and Human Services announced it would shutter a voluntary long-term care insurance program that was included in the health care law and throw the issue back to Congress.

It is unfortunate we did not have that same provision in the rest of the bill; otherwise, the whole thing probably would have been junked by now. But because of that amendment, the administration has been forced to junk the CLASS Act. Let me quote from the Wall Street Journal, which reads:

At a minimum the GOP could begin by repealing the Class program altogether, since its legal authority is still intact. ''One should never leave a partly loaded gun on the table even if most of the chambers are empty or just has blanks,'' writes the American Enterprise Institute's Tom Miller. He also suggests attaching a few of the more destructive provisions and forcing Democrats to defend them, such as Mr. Orszag's Independent Payment Advisory Board of 15 political appointees who have brought unaccountable powers to control health care markets and health care.

Our suggestion is for a Gregg-like amendment that applies to the entire health law and not simply Class. If reality can't match the rhetoric that accompanied the bill—about fiscal responsibility, bending the cost curve, keeping your health care if you like your health care and all the other false promises—then, legally, it should be repealed like Class. Call it a truth-in-advertising clause. ObamaCare would collapse in a heartbeat.

I hope we will begin to debate whether the CLASS Act—which now the Health and Human Services Secretary has announced is undoable—should be repealed from the law itself and whether there are other provisions such as that which Senator Gregg, in his foresight, was able to force into the bill at the time of its passage.

By the way, a little more on the CLASS Act. One of the major reasons why it was included was to distort the numbers as to how much money would or would not be saved in the passage of health care reform. Because, clearly, for the first early years—since people would be contributing rather than taking out funds because of retirement age—it would appear to have a significant cost savings impact. Now we will be talking about the real cost impact of the health care reform bill.

I hope in the weeks ahead we can engage in vigorous debate on how we can move this country forward. There are clearly philosophical differences between the two sides, but I hope there are areas where we can find common ground.

The housing crisis is still with us in America. I noticed an article over the weekend in the New York Times that Fannie Mae saw fit to send a huge number of people to some convention in Chicago on the taxpayers' dime. Fannie and Freddie are still responsible for about 90 percent of the mortgages in America—a corrupt institution. Yet Americans, including those in my State of Arizona, are still badly hurting.

I hope we can address the issues that affect this Nation. I hope we can sit down together and work out at least some agreements—such as reform of the Tax Code and others—but, at the same time, we need to, at some point, address the housing issue in America. Until we do—until we get housing costs stabilized in America—I greatly fear—and I see my colleague from Florida whose State has also been very badly hurt by this housing crisis—until we fix the fundamental problems, I fear we will continue to experience very difficult economic times for our citizens.

I note the presence of my colleague—the great astronaut and fine Senator—so I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I could spend my whole time talking about the housing crisis—as the Senator from Arizona has so appropriately commented—that has hit his State and mine and many others. I happen to agree it is going to be hard for us to recover economically until we can start to work off this huge inventory of houses out there and the dire economic straits it has put the owners of those houses in.

It is a truth in America that so often our family assets are in our home. When that home goes away—because you can't sell it or its value has plummeted and the bank is coming after you and you can't get loans for your small business—then people are going to be hurt. That is what is happening to our people right now.

Mr. MCCAIN. Will the Senator yield for a question? I know he has another subject he wants to address, but would he yield for a question?

Mr. NELSON of Florida. Of course.

Mr. MCCAIN. Isn't one of the fundamental problems in the housing crisis, in the Senator's State and my State and particularly California, Nevada, and others that were the crest of the wave, that we should have made—and still should be making—an effort to give people a mortgage they can afford to make the payments on rather than throwing them out of their home or have the home empty?

Maricopa County, AZ, has the largest number of vacant homes of any county in America. I will bet in that top 10 list are counties in the State of Florida.

Mr. NELSON of Florida. Indeed, one of the areas hardest hit in the entire country is southwest Florida, in and around Fort Myers. I note the Senator's comments are very accurate. We need to find a way for people to stay in their homes, afford their payments, and see what that does not only for the individual homeowner but what it does

for the neighborhood. It keeps people in the homes. The weeds don't start growing. The values of the rest of the homes in the neighborhood don't plummet because the house is now vacant and perhaps ransacked. There is kind of a spiral downward when people are forced out.

So we need a program that would come in and make the mortgage as affordable as the homeowner can work out. Yet we find, in many cases, the banks don't want to do that or there is not a governmental incentive for the banks or the homeowner to do that. We have missed out on that.

Several years ago, when this crisis started, I implored the Secretary of the Treasury to look at exactly what was happening, and they came up with a program whereby they were going to give some cushion of 5 percent of a mortgage that was underwater.

In the Senator's State and my State, if a home is just 5 percent underwater, you are rather fortunate because a home today 20, 25, and 30 percent underneath the value of the first mortgage is not uncommon. That is the problem we have not addressed.

There have been some other good things. There are now programs coming out on small business, in trying to get money into small business. Even though some of the banks did not want to take the Federal money, even though it went to their capital, we are starting to see some signs of life there. We are starting to see some signs of life, I am told by the Florida Association of Realtors, that sales are occurring all over the State, not just certain parts of the State, such as Miami. There is a huge influx of Brazilian investors coming in and absorbing the condo market. But it is not just Miami, it is the entire State that sales are occurring.

They are, of course, sales at rock-bottom prices, but they are beginning to occur. We need to accelerate and give assistance to this rejuvenation of the real estate market. Until the housing market recovers, we are not going to have an economic recovery out of this recession.

Mr. McCAIN. I thank the Senator.

LAURA POLLAN, DAMAS DE BLANCO

Mr. NELSON of Florida. Mr. President, I came to the Senate floor because over the weekend a very noble lady in Cuba passed away of a heart attack, and I want to tell you about her.

Her name is Laura Pollan. She founded the group Ladies in White, Damas de Blanco. She did so to protest the brutal Castro regime in Cuba, and her protest was specifically the jailing of 75 people in a crackdown on dissidents in 2003, one of which was her husband. Many of those who were imprisoned were married to the ones who became known as the Ladies in White, including Senora Pollan's own husband, Hector Maseda.

Since 2003, Laura had gathered the group on most weekends in central Havana after church. Everybody would wear white and they would hold gladiolas, a flower that is typical in warm climates. They would stage their marches, and they would demand the release of their loved ones, since 2003 when their husbands were jailed.

Damas de Blanco defied this brutal dictatorship, the Castro regime. For its human rights work, the European Parliament awarded the group the 2005 Sakharov Prize for Freedom of Thought. Just this year, the U.S. Government gave Damas de Blanco the Human Rights Defender Award for ''exceptional valor in protecting human rights in the face of government repression.''

Damas de Blanco succeeded earlier this year—succeeded. In the face of this brutal dictatorship, it succeeded when the last of the 75 imprisoned were finally released, including Laura's husband. She and her husband only had 8 months together before she died of a heart attack last week.

Despite this group's achievement, Laura Pollan lamented earlier this year that:

> As long as the government is around, there will be prisoners . . . while they've let some go, they've put others in jail. It is a never-ending story.

Mr. President, it is a never-ending story, and isn't it typical; here is a regime that still holds an American citizen there now for 2 years, Alan Gross. Alan Gross is in ill health. His daughter here in the States has cancer. Is this regime showing any kind of compassion? Of course not. Did it show any kind of compassion to those Ladies in White and their husbands when they swept in, in the middle of the night, scooped them up and put them in prison because they dared to speak out their free thoughts?

It reminds us of another regime, one on the other side of the globe, Iran, which still imprisons an American, Bob Levinson, a former FBI agent. They still deny they have him, and yet there is plenty of evidence they do have him. And yet we wait. In Bob Levinson's case, a wife and seven children wait, and have waited for years and years.

So we say, like Damas de Blanco—just like they said they will continue to challenge the regime until the day all the Cuban people are able to enjoy the blessings of freedom—that is all they want. It is so sad that because of the ties between America and Cuba, with so many families having been split, with it being only 90 miles away from Key West, there is a brutal dictatorial regime that still imprisons its people. But there is one thing they can't imprison: they can't imprison their minds and their yearning for freedom.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I be allowed to speak in morning business for as much time as I may consume.

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

THE CLASS ACT

Mr. THUNE. Mr. President, late last week the American taxpayer got some very good news, and that was that the administration announced they were not going to move forward with implementing the CLASS Act. It was a stunning end for something many of us have believed is a fiscal timebomb for our country. They acknowledged it is simply not workable. In fact, HHS Secretary Katherine Sebelius said, ''Despite our best analytical efforts, I do not see a viable path forward for CLASS implementation at this time.''

The Washington Post went on to say that ''the Obama administration cut a major planned benefit from the 2010 law on Friday, announcing that a program to offer Americans insurance for long-term care was simply unworkable.''

The Hill reported that ''HHS officials acknowledged that CLASS fell apart simply because it was too flawed to salvage.''

From Politico: '' . . . a stunning end to a financially troubled long-term care insurance program and a major setback to the health care reform law.''

Even the New York Times editorialized that ''it was too costly and would not work.''

This is good news for the American taxpayer. This is something many of us argued was the conclusion that inevitably people would come to, when this was discussed and debated as part of the health care reform bill over a year ago. In fact, on December 4, 2009, I offered an amendment to repeal the CLASS Act.

It was then offered as one of the payfors for the President's health care reform bill. At that time, it was said it would generate somewhere on the order of $70 billion in additional revenue that could be used to pay for the health care bill. More recent estimates of that number are somewhere in the order of $86 billion that would be generated in the first 10 years. One of the reasons for that was, of course, people would begin to pay premiums even though they would not start demanding benefits until later. Even at that time, there was tremendous concern that this would run up deficits, blow up deficits in the outyears when you got outside of that 10-year window; that after people were through paying their premiums and started demanding benefits, this would get into sort of a downward death spiral and would never pay for itself. That was a conclusion many people were drawing already, at the time, that there was such a rush to pass health care reform through here and to come up with ways to pay for it, that

this ill-fated program was included. It was interesting because that amendment I offered back in December 2009 actually had pretty broad bipartisan support. At that time, every Republican voted for the amendment and 12 Democrats as well. We had a majority of Senators—51 Senators said in December 2009 that we ought to repeal the CLASS Act from the underlying health care bill simply because it was not workable and it was going to run up deficits in the outyears and everybody knew it. Instead, we proceeded and plowed forward, and the health care bill was going to be passed irrespective of concerns that had been raised by many of us but, more importantly, also by people who really study these things, people in the Congressional Budget Office, the Actuary at the Health and Human Services Department. There were a lot of warnings going forward about this program and what a bad idea it really was.

It is time that we be honest with the American people about this particular budget gimmick. I can't help but think that if we had come to this conclusion a long time ago, we would have saved some money when looking at whether this could be implemented, whether it could actually work. The inevitable conclusion is that it would not.

I want to read for my colleagues something that was stated by the Actuary at the Health and Human Services Department way back in 2009. In fact, this goes back to July 2009, well before the final vote occurred on the health care reform bill, particularly the vote on the amendment that would have stripped this provision from the health care reform bill. The Actuary at the Health and Human Services Department, Mr. Richard Foster, said:

> I'm sorry to report that I remain very doubtful that this proposal is sustainable at the specified premium and benefit amounts . . . 36 years of actuarial experience lead me to believe that this program would collapse in short order and require significant federal subsidies to continue.

That was from the Actuary at the Health and Human Services Department.

Later that year, in the August-September timeframe, he said:

> As you know, I continue to be convinced that the CLASS proposal is not actuarially sound.

I believe these are statements by somebody who had looked closely at this program and had come to the right conclusion way back then—that it flat was not going to work. Yet, because of the mad rush to pass health care reform and to argue to the American people that somehow it was going to be paid for, this particular program was included. It clearly was a colossal mistake. Fortunately, it looks as though the administration has concluded the same. Hopefully we can get this killed once and for all so that it doesn't become a drain on our children and grandchildren, which it, of course, would when the bills started to pile up in those outyears and the deficits started to mount.

If you think about the fact that every American today owns about $48,000 of the Federal debt—I mean, for most Americans the Federal debt is like having a second mortgage or, for that matter, a first mortgage on their homes. They have an enormous amount of debt for which they are responsible. Instead of looking at ways to reduce that debt, reduce the size of government, and get spending under control, Washington, DC, continues to look for ways to expand government and to add to the amount of debt we are passing on to our children and grandchildren.

Last week, when the announcement was made by the administration that this program is simply not workable and they are not going to implement it, it was a huge victory for the American taxpayer and a huge victory for our children and grandchildren—future generations of Americans who would end up having to pay for this. If you think about the fact that we already have somewhere along the lines of $60 trillion in unfunded liabilities in other entitlement programs, piling on yet another one seems to be digging the hole ever deeper than it already is. What you do not want to do when you are in a deep hole is keep digging, and this plan, the CLASS plan, would have kept digging that hole even deeper for our children and grandchildren.

Interestingly enough, this was the analysis that was done by Health and Human Services when they came to the conclusion that it should not be implemented. Now, as you can see, this is a volume that is several inches thick, so obviously they looked very carefully at this. Unfortunately, they came to that conclusion 19 months later than they should have. But this is what they came up with in terms of concluding that the CLASS program would not work. So, having done that analysis, one would think the next logical conclusion would be, let's repeal this piece of legislation. Let's get this off the books. Yet the administration is still talking about and still somehow wedded to the idea that somehow this might work, so they are saying they don't want to see it repealed.

Well, Senator MCCAIN, my colleague from Arizona, was down here earlier today talking about this program and this report, and he is a cosponsor, as I am, of a piece of legislation we put forward to repeal the CLASS Act. We will work as quickly as we can to put together legislation, now that we have this report from HHS, that will actually move forward with the intention to repeal this. But it strikes me that this is something most of my colleagues, given what we know now, should be willing to support, and especially given the fact that there were 12 Democrats who voted with the Republicans back in December 2009, to constitute a majority here in the Senate. There were 51 Senators who voted to repeal the CLASS Act from the health care bill back in December 2009 before all of this analysis came out. So now that we have this analysis in front of us, it seems to me that the logical thing we should do is to move forward with repealing this piece of legislation.

It is interesting; when we were debating in the Senate back in December 2009, many of my colleagues in the Senate said things about the CLASS Act that were very supportive; that they actually, I guess, believed this was going to work. I will not mention names to protect the guilty, but they called it a breakthrough. Some referred to it as ''win-win.'' Others referred to it as ''critical.'' One of my colleagues said: So we get a lot of bangs for the buck, as one might say, with the CLASS Act that we have in this bill. Another one of my colleagues said: One of the critical pieces of the bill is the Community Living Assistance Services and Supports Act, or the CLASS Act. Another one said: The CLASS plan is a win-win. One went so far as to suggest that certain colleagues on our side of the aisle who argued that the CLASS plan would lead to a financially unstable entitlement program that would rapidly increase the deficit—he went on to say that was simply not accurate.

There are many of my colleagues on the other side of the aisle who at the time believed wrongly this was going to work. I hope, now that we have this voluminous copy of the analysis done by the Department of Health and Human Services, they will join with us in repealing this really bad piece of legislation and get it off the books once and for all. We have 32 cosponsors on a bill that would do that. I hope that we, at the very first opportunity—and perhaps that will be even sometime this week—in the legislation we are considering now, could have an amendment that would repeal the CLASS Act so we can put this issue to bed once and for all for the American people.

It seems to me, with the kinds of year-over-year deficits we are running—$1.3 trillion, $1.4 trillion deficits—the very least we can do is take something we know is not going to work and focus on those things that actually will work. We ought to be talking right now about that which will reduce government spending, make the Federal Government smaller, expand the private economy, and look at what we can do to create jobs.

I am not suggesting for a minute that the issue of long-term care is not important; it is. There are right ways and wrong ways to deal with that. The CLASS Act represented the very worst way to deal with that; that is, to come up with a program that has been described as a downward death spiral and actually add to the debt we are going to pass on to our children and grandchildren, knowing full well this program would not pay for itself. It is a farce. It was never going to reduce the deficit. We now have that demonstrated in this analysis that has

been done. So I hope my colleagues here in the Senate on both sides of the aisle will come together and recognize that and repeal once and for all this very bad piece of legislation.

It was good news when the administration recognized they couldn't implement it, it was not workable. It would be better news for the American taxpayers and for future generations of Americans if the Congress would repeal this legislation and do it soon.

I yield the floor.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Tennessee, I be recognized in morning business. What I am going to do is try to clear up some of the misunderstanding about the troops who have gone into Uganda and other areas on the LRA, Lord's Resistance Army.

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

The Senator from Tennessee.

EDUCATION

Mr. ALEXANDER. Mr. President, last month several Republican Senators came to the floor and offered legislation to fix No Child Left Behind, the legislation that was passed nearly 10 years ago to try to address our Nation's 100,000 public schools. In that legislation, we sought to fix problems with the legislation, not just to create another big reauthorization bill. The ideas we had were not all our ideas. They included many ideas from President Obama and his excellent Education Secretary, Secretary Duncan, as well as Democratic and Republican Members of Congress. They included having more realistic goals for No Child Left Behind. The original goal set in 2001 would, according to Secretary Duncan, create an unworkable situation where 80,000 of the 100,000 schools might be identified as failing in the next few years.

A second goal of our legislation was to move decisions about deciding whether schools and teachers were succeeding or failing out of Washington, DC, and back to State and local governments. A lot has happened in the last 10 years in the States—really the last 20 or 25 but especially in the last 10 years. We have better reporting requirements from No Child Left Behind. We have new State common standards, higher academic standards. We have new State tests that have been created—not here but by the States to do that. And now States are working together to create accountability systems. So there is a much better chance that States and local school districts can create an environment where students learn what they need to know and be able to do.

Our legislation encourages States to create what I think is the holy grail of public education; that is, principal-teacher evaluation related to student achievement. I know from experience that is hard to do. In 1983 and 1984, when I was Governor of Tennessee, we became the first State to pay teachers more for teaching well. It took us a year and a half and a huge battle with the National Education Association in order to put it in place, but 10,000 teachers became master teachers. It was a good first step. Tennessee is already doing it again.

Here is my local newspaper: Evaluation of teachers contentious. There is nothing more contentious, and the last thing we need is Washington sticking its nose into that, other than to create an environment where State and local governments can use Federal money to pay for their own State and local programs. We propose consolidating programs, making it easier for school districts to transfer Federal money and expand choices and expand charter schools.

Now, today, the chairman and ranking member of the Senate education committee—the HELP Committee, as we call it—have introduced another draft piece of legislation to fix No Child Left Behind. I intend to vote to move this bill out of committee, although it is not yet the kind of legislation that I would be willing to vote to send to the President, but it is a good place to start.

There is a good deal of agreement in terms of what we want to do in our legislation from a few weeks ago and the Harkin-Enzi bill. Among the agreements is moving decisions about whether schools are succeeding or failing out of Washington. Another is to encourage principal-teacher evaluation without mandating, defining, and regulating it from Washington, DC. Another good provision is to encourage but not define and mandate and regulate using measures of growth of students—not just whether they achieved something but whether they are making rapid progress toward a goal. The idea is to make that in terms of whether schools and students are succeeding.

There are many provisions in the Harkin-Enzi bill that have been suggested by both Democrats and Republicans, but there are a number of provisions—not in our legislation—that I don't support, and I am going to seek to amend them. I have indicated to Senators that I intend to offer seven amendments which, in my view, would take out of the legislation provisions that tend to create a national school board. One is the so-called achievement gap. One is the so-called highly qualified teachers provision. These are all provisions that substitute the judgment of people in Washington for that of mayors, local school boards, governors, and legislators. So I don't think we need a national school board, and neither do most Americans.

Some will say: Well, then, why would you support a bill that you don't entirely agree with? The reason is we have a process in Congress. This isn't like the health care bill a few years ago when we had 40 Republican Senators and Speaker PELOSI was in charge of the House of Representatives. We now have 47 Republican Senators, we have a Republican House of Representatives, and we need to get started fixing this problem. We need to do something a little different around here. Instead of just beating our chests, we need to find a way to put our heads together, head toward a reasonable result, come up with a solution, and offer it to the President and to the American people.

There is no reason in the world why we can't, with the amount of agreement we already have, send to the President by Christmas legislation fixing No Child Left Behind. We should do it because if we don't, Congress's inaction will mean we will transform the U.S. Education Secretary into a waiver-granting czar for 80,000 schools in this country which, according to this law, will be identified as failing.

Well, if we were to have an education czar, or if we were to have a chairman of a national education school board, Secretary Arne Duncan would be a good one. But I don't think we want one in the United States of America. So I think we should act before Christmas in order to avoid creating a waiver education czar, and we should act before Christmas in a way that does not create a national school board.

There is one other suggestion I would make to the authors of this bill. In our earlier meetings with the President, Congressman GEORGE MILLER of California, who was a key leader in developing No Child Left Behind, said this bill to fix No Child Left Behind ought to be a lean bill. I agree with Congressman MILLER. The legislation Republicans introduced a few weeks ago totaled 221 pages in its five bills. The comparable section of the Harkin-Enzi draft is 517 pages. I urge us to follow Congressman MILLER's advice in the final result and be much more succinct than that.

So despite these concerns, I will vote on Wednesday or Thursday, whenever we finish, in favor of bringing this base bill out of the HELP Committee and on to the Senate floor where we can have full amendments. I am going to do my best to improve it in committee and on the Senate floor to make it more like the legislation we introduced a month ago. I am going to continue to do that in the conference we have with the House of Representatives. I think it is time we recognize the American people expect us to step up to major issues, to put our best ideas together, and come up with a result. We are part way there. There is a good place to start.

I thank Senator HARKIN and Senator ENZI for the work they have done, as well as Representative KLINE and Representative MILLER, and I thank the President and Secretary Duncan for their attitude. I look forward to working with them to come to a conclusion.

One last thing: We talk a lot about jobs around here. Every American knows better schools mean better jobs, and they all know schools are a lot like

jobs. We can't create them from Washington, but we can create an environment in which people in their own communities, and families and States can create better schools and better jobs. This is a good place to start.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter of support which also outlines my objections to the legislation that was introduced today, and a copy of an article from the Maryville Alcoa Daily Times today which reminds us of how difficult it is to evaluate teachers fairly and how wise we would be if we satisfied ourselves with creating an environment in which that could happen but did not mandate it, define it, and regulate it from Washington, DC.

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

OCTOBER 16, 2011.

Hon. TOM HARKIN,
Chairman, Committee on Health, Education, Labor & Pensions, U.S. Senate, Washington, DC.
Hon. MIKE ENZI,
Ranking Member, Committee on Health, Education, Labor & Pensions, U.S. Senate, Washington, DC.

DEAR TOM AND MIKE: Thank you for the opportunity to participate in discussions about fixing the problems with No Child Left Behind.

I support your base bill (the Elementary and Secondary Education Reauthorization Act of 2011) as a first step in the right direction that will enable our Health, Education, Labor and Pensions (HELP) Committee to start working now to fix the problems with No Child Left Behind. I will vote to move it out of committee, although it is not yet legislation that I could vote in favor of sending to the President.

I have attached a summary of 7 amendments I will offer. Most of these are intended to stop the legislation from creating a national school board that would substitute its judgment for that of governors, state legislatures, mayors, local school board members, parents, principals and teachers. Hopefully, substitute language including these amendments will be the final product of our legislative work.

Despite these misgivings, I believe the HELP Committee should start now with this base bill and try to move an improved bill to the Senate floor where there needs to be a full and complete amendment process to further improve it and send it to a conference with the House of Representatives.

There is no reason why Congress should not be able to send legislation fixing No Child Left Behind to the President by Christmas. If Congress does not act now, our inaction will transform the U.S. Secretary of Education into a waiver-granting czar over an unworkable law that has identified what he says may be as many as 80,000 ''failing'' public schools, a development even worse than provisions in this draft that would make him a chairman of a national school board. If we were to have such a czar or chairman, Arne Duncan would be a good one, but I do not believe that we should have one in our country.

The strengths of the base bill are that it moves most decisions about whether schools are succeeding or failing out of Washington and back to states and communities. It keeps the valuable reporting requirements of No Child Left Behind. It should help to produce an environment in which states and school districts are more likely to create principal teacher evaluation systems related to student achievement. It will encourage schools to recognize growth in student academic achievement as well as grade-level performance. The base bill further includes many good provisions suggested by Secretary Duncan and congressional Republicans, as well as Democrats.

The base bill's main weakness is that it contains provisions that would transform the U.S. Secretary of Education into chairman of a national school board. Chief among these problems are federal mandates, definitions and regulations for identifying ''achievement gap'' schools and the ''continuous improvement'' of all 100,000 public schools. Although the draft eliminates the concept of ''Adequate Yearly Progress'' for 95% of schools, these provisions attempt to reinstate it through the back door. In addition, the bill retains in Washington, DC decisions about whether our 3.2 million teachers are ''highly qualified'' or not. It does not sufficiently consolidate programs and actually creates several new ones that have no real chance of ever being funded. And it does little to make it easier for local school districts to transfer and use federal funds more efficiently or to simplify the burdensome Peer Review process for state plans that must be submitted to the U.S. Department of Education.

There is one other important flaw: the bill is wordy. It is at least 860 pages. When several of us met with President Obama to discuss fixing No Child Left Behind, we agreed to take Congressman George Miller's advice to produce ''a lean bill.'' The five bills offered last month by Senators Isakson, Burr, Kirk and I, along with several other Republican Senators, totaled 221 pages. The comparable sections of your draft total 517 pages. We can be more succinct than that.

Despite these concerns, I will vote in favor of this base bill being reported out of the HELP Committee and look forward to working with you and our colleagues in the Senate and House to improve the bill so that the President can sign it into law this year.

Sincerely,

LAMAR ALEXANDER.

[From the Daily Times (Maryville, TN), Oct. 17, 2011]

GROWING PAINS: BLOUNT SCHOOLS STRUGLE WITH TEACHER EVALUATION

(By Matthew Stewart)

Blount County Schools have experienced some difficulties in implementing the state's teacher evaluation model, and educators want state lawmakers to give them a voice in the process.

''We don't mind accountability, but it has to be fair,'' said Grady Caskey, who serves as the Blount County Education Association's president. ''The system has to be based on achievable expectations and goals.''

Blount County Schools is using the Tennessee Educator Acceleration Model (TEAM), which was developed by the state Department of Education. Alcoa City Schools and Maryville City Schools are using the Teacher Instructional Growth for Effectiveness and Results (TIGER) model, which was developed by the Association of Independent and Municipal Schools,

Both Alcoa and Maryville field-tested evaluation models. However, Blount County didn't field-test a model.

Many county educators have become frustrated with TEAM's implementation, Caskey said. ''People are throwing up their hands and saying, ''I'm done.'' Teachers are asking more and more about early retirement requirements, We have two seasoned teachers who are retiring mid-year. Several more are considering it. We're losing our best, most experienced teachers.''

BCEA has learned about many implementation problems, he said.

Blount County's principals haven't set uniform requirements, Caskey said. ''Some are requiring lesson plans for the entire school year. Others are only requiring observation plans, which is what the law actually requires. I recently received an email from a teacher who puts his kids to bed at 8 p.m. then writes lesson plans until midnight or 1 a.m.''

Educators also don't have a template for their lesson plans, he said. ''They've got several different versions floating around. It's causing a lot of busy work. I thought the governor said this was going to be less paperwork. We're drowning in it.''

Educators need to start talking with lawmakers about the evaluation process, Caskey said. ''TEAM is counterproductive. I know we can identify better ways to improve teachers. Legislators are going to have to change it. Politics got us into this mess, and politics will get us out. Education isn't a business. We're not an assembly line. We're not turning out widgets but humans.''

STUDENTS IN LIMBO

Many educators are also worried about the evaluation model.

''TEAM has some good points,'' said Rebecca Dickenson, who is Eagleton Elementary School's librarian. ''However, it was implemented in a huge hurry without enough explanation for teachers and principals.''

''It's left teachers in limbo with their kids,'' said Mark Williamson, who teaches social studies at William Blount High School. ''Principals are trying their best, but things are constantly changing.''

Williamson, a former BCEA president who currently serves on the executive board, thinks the evaluation model has affected his students academically. ''I spent 15 hours working on a lesson plan for my first evaluation. At the end of the day, it took 15 hours away from my kids. I couldn't plan ahead, find updated information or seek out current events such as the Arab Spring, I was trying to do what I needed to do according to the lesson plan.''

Teacher morale has been impacted as well, he said.

''I haven't seen my principal as much,'' said Dickenson, who also serves as BCEA's vice president. ''I'm used to her walking through the library and getting the opportunity to see what I'm doing in class. However, she's been inundated with evaluations this year.''

Lawmakers need to lessen the workload for observers, she said.

RESOLVING PROBLEMS

School officials are working to address teacher concerns, said Director of Schools Rob Britt. ''It hasn't been implemented consistently across the state. So, you're going to see these things in every system. We're personally experiencing a lot of growing pains.''

Britt and Dr. Jane Morton, supervisor of instruction for grades 6–12, organized two forums with teachers before fall break. They gathered input and created a list of nearly 35 concerns.

School officials are seeking answers from the state Department of Education, Britt said. ''I know teachers are concerned about TEAM, and I am as well. We're making efforts to try to get answers for teachers and get more direction for principals. We're very sensitive to teacher concerns. It's high stakes, and we're performing our due diligence for them.''

School officials are also working to create supports for teachers, he said. ''We want to keep our teachers. We want to support them and help them grow. We're committed as administrators to making it as palatable as possible.''

The school district's observers will require more training, Britt said. ''Most are implementing the way that they were trained. The state didn't provide exhaustive training. It was more surface-level, which was a good beginning. However, it wasn't thorough. We need more follow-up in a timely manner.''

FUTURE PLANS

The state Department of Education is currently evaluating TEAM.

State officials are committed to gathering feedback that will help determine where the evaluation model needs revision, and stakeholders are providing input through several channels.

The Tennessee Consortium on Research, Evaluation and Development (TN CRED) is launching a statewide survey in spring 2012 and conducting focus groups throughout the year, State officials are also traveling across the state to meet with stakeholders.

The state Department of Education's Advisory Group will bring revision recommendations to Education Commissioner Kevin Huffman, Based on the proposed revisions, the recommendations might need to be brought before the State Board of Education.

I thank the President, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I asked for unanimous consent to be recognized following the remarks by the Senator from Tennessee. It has been called to my attention that the Senator from Virginia would like to have the floor at this time, so I renew my unanimous consent request that I be recognized at the conclusion of the remarks of the Senator from Virginia.

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

The Senator from Virginia.

NATIONAL CRIMINAL JUSTICE COMMISSION ACT

Mr. WEBB. Mr. President, I wish to thank my colleague from Oklahoma for giving me the courtesy of speaking, and I thank him again for the work he has done on the Foreign Relations Committee, Subcommittee on East Asian Affairs, where he is the ranking Republican, and the other work he has done on the Armed Services Committee.

Today I rise to speak about the National Criminal Justice Commission legislation which I introduced more than 2 years ago and which the leader and the managers of this bill are now going to offer as an amendment to the pending legislation. First of all, I thank the leader and the managers of the bill for calling up this legislation. I also thank my principal Republican cosponsor, Senator LINDSEY GRAHAM, for all the work he has done.

There are good national commissions and bad national commissions and redundant national commissions and sometimes there are national commissions which are not only needed but vital to the resolution of issues we face.

I am thinking, as I speak, of the first Commission on Wartime Contracting which Senator CLAIRE MCCASKILL and I introduced 4 years ago and which resulted in a finding of approximately $30 billion in fraud, waste, and abuse in contracts that had gone to Iraq and Afghanistan and which provided a model for the way we should be approaching such contracts in the future. I would put this particular national commission in that category. It was put together after much thought and many hearings. It is paid for, it is sunsetted at 18 months, and it is dedicated to helping us resolve an issue of very serious national purpose.

I began on this issue before I came to the Senate—the issue of the imbalance in our criminal justice system and the need to bring a comprehensive resolution in terms of how we handle crime and reentry in this country. We have had more than 2½ years of hearings since I came to the Senate. After I introduced this legislation, we met—at staff levels, since I am not on the Judiciary Committee—with representatives from more than 100 different organizations across the country and across the philosophical spectrum.

This chart is an indication of the type of support we have received for this commission. I will not read the names, and I don't expect anyone viewing the TV screen to be able to read all the names, but this is an unusual circumstance. We have organizations as philosophically diverse as the ACLU, the NAACP, the Sentencing Project, the National Organization for Victim Assistance, the ABA Criminal Justice Section, the National Center for Victims of Crime, along with the Fraternal Order of Police, the National Sheriffs Association, and the International Association of Chiefs of Police, which all agree we need to step forward and examine our criminal justice system in a comprehensive way, from point of apprehension to point of return, so that we make better use of our assets and make better use of our own people, quite frankly.

Today we incarcerate more people than any other country in the Western world or in any known country in the world. We have 2.3 million people in our prisons and jails and another 5 million people on probation or in some way under postcorrectional management. Hundreds of thousands of people are being released from jails and prisons every year and reentering society, and at this point we are without a comprehensive structure that will allow those who wish to become productive citizens again the opportunity to have the right kind of transition.

At the same time, we have 7 million people under some form of correctional supervision or in prisons and we don't feel any safer. This is the other beam our analysis has ridden as we looked at this. Even today, if we ask Americans, two-thirds of the people in this country believe crime is more prevalent today than it was a year ago.

So we were tasked—we tasked ourselves—with looking at this problem to try to figure out how we can do a better job of addressing the issue of criminal justice, spending less money. We are now in a situation where State and local budgets have been stretched to the breaking point. Professor Western of Harvard estimates that annual correctional spending right now is about $70 billion, with State spending on corrections increasing 40 percent over the past 20 years.

We are witnessing a war on our border with respect to gang warfare. Since President Calderon launched an offensive against drug gangs and cartels in 2006, tens of thousands of people have died in drug trafficking violence along the border. It is estimated that these cartels are now operating in more than 230 cities and towns in the United States. These entities need to be examined in the context of transnational gang activity as they relate to our criminal justice system.

We are also largely housing our Nation's mentally ill in our prison system. The number of mentally ill in prison right now is nearly five times the number of mentally ill in inpatient mental hospitals. Noted experts have cited jails and prisons as the No. 1 holding facility for the mentally ill.

So the conclusion we reached, after listening to dozens of representatives from different organizations across the philosophical spectrum, was that we need to have a long-overdue, top-to-bottom, beginning-to-end examination of how the criminal justice system works in the United States from point of apprehension to the decision of whether to arrest. And, if arrested, what sort of port does a person go into? How long should that person be in prison? What should prison administration look like, and how could that be better adapted? What models do we have out there that can be applied? What should reentry programs look like, and how do we deal with the ever-increasing problems of transnational gangs? We need to examine all of those pieces together.

The last review of this nature that was undertaken was done in 1965 by President Lyndon Johnson. So I introduced the National Criminal Justice Act, the goal of which is to create a blue ribbon national commission, time sunsetted—18 months—to get the finest minds in the country together to examine these different pieces and to come back to the Congress with specific recommendations for reforming our national criminal justice system.

Just last week, in a meeting of the Senate law Enforcement Caucus, Philadelphia Police Chief Charles Ramsey noted the tremendous influence of this last commission's report, which was reported in 1967—44 years ago—and voiced strong support for the creation of a new commission. We are long overdue to look at what works and what doesn't in our criminal justice system.

This bill has, quite frankly, struck a nerve across the country. I have heard from citizens across all 50 States in support of this initiative. I mentioned

the list of supporting organizations, including judges, lawyers, police, public health officials, educators, academics, prisoners, civil rights organizations, and people who are simply concerned about making our criminal justice system better, more fair, and more adaptable to solving the issues of the true criminal population in the United States.

So, again, I express my appreciation to Majority Leader REID for working with the managers of this bill and bringing this amendment to the pending legislation, and I trust that it will be a noncontroversial, $5 million, paid-for study that will, in the end, help us resolve the many fallacies that now pervade our criminal justice system.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

LORD'S RESISTANCE ARMY

Mr. INHOFE. Mr. President, I am here today to clear up a lot of misunderstandings that are floating around the country concerning the decision to have some of our troops—not combat, but some of our troops—go into sections of Eastern and Central Africa to cooperate with about five countries that have been trying, for 25 years, to eradicate the Lord's Resistance Army and their leader whose name is Joseph Kony.

It has disturbed me quite a bit over the years that not many people care about Africa. I can remember back when President Clinton was in office that at that time I objected to sending troops into Bosnia and Kosovo because he was using as a reason to do that ethnic cleansing, and I said at that time, here at this desk on the floor: Why is he concerned about ethnic cleansing in Bosnia when on any one given day in any one country in Africa—at that time it was mostly in west Africa, and I used Sierra Leone as an example—in any one day there are 100 people more who are being ethnically cleansed in Africa than there are being ethnically cleansed in the same day in Bosnia or in Kosovo. But nobody cared.

Fortunately, that changed when 9/11 came and people realized there was a serious problem. When our country was attacked, it became evident that we needed to take action against terrorists in the Middle East. As the Middle East was squeezed many of the extremists would move south through Djibouti, through the Horn of Africa. So, wisely, we decided—and it was mostly the decision by the Senate Armed Services Committee, on which I serve—we would assist Africa in developing five African brigades located north, south, east, west, and central. That has been undertaken, not as rapidly as I wish it were, but, nonetheless, that is happening. The recognition there is, as terrorism goes down through Africa, if they are prepared—and I am talking about the Africans—to handle that terrorism and to stop that terrorism as it comes in, then we will not have to send our troops in.

That is essentially what happened last week when the President decided to send these troops into the north central part of Africa to address the problem with the Lord's Resistance Army, or the LRA, and Joseph Kony.

The past few days have been kind of interesting, Rush Limbaugh yesterday talked about this issue, and somebody brought it to my attention. Even though I disagreed, I do not disagree with him as often as some on the other side do. But he made a statement. I am quoting now:

> Now, up until today, most Americans have never heard of the Lord's Resistance Army. And here we are at war with them.

Well, it is not true.

> Have you ever heard of [them]?

He talked about it with three people who are always in his studio: Dawn and Brian and Snerdley.

> Have you ever heard of [the] Lord's Resistance Army, Dawn?
>
> ''No.''
>
> How about you, Brian?
>
> ''No.''
>
> Snerdley, have you?
>
> ''No.''
>
> You never heard of [the] Lord's Resistance Army? Well, that proves my contention, most Americans have never heard of it, and here we are at war with them.

Let me clarify, and in a minute I will talk about what their mission is there. We are not at war with them. In fact, we are specifically precluding our troops from any kind of combat in that area. But I wish to put it in proper context as to the significance of this.

I have had an opportunity to spend a lot of time in Africa—more than any other Member of this U.S. Senate, or any other Member of any other Senate even before this. I have had many conversations over the last 15 years with President Museveni of Uganda and his First Lady Janet about the problem.

It all started in northern Uganda. In the 1980s Alice Lakwena had a dream in which she was told to overthrow the government of Uganda. Alice founded the Ugandan ''Holy Spirit Movement'' and led a group of rebels against the government. Eventually, Alice was exiled and, her cousin, Joseph Kony took over her group. What happened was, Joseph Kony, who fancies himself a spiritual leader, has gone in and started building—you can call them a number of different things: a children's army or the ''invisible'' children—but to go in and build this massive army of young people—I am talking about kids from the age of 12, 13, 14 years old; young kids—he goes out and abducts them from villages. Then they come in, and they teach them how to operate AK–47s, how to join this army he has put together. If they do not do it, or if they fail in their training, then they are mutilated.

I will show you a chart in the Chamber with a series of pictures. These are young kids. These pictures give you an idea of how young they are: 11, 12, 13 years old, with AK–47s. That is what their army looks like. See that little kid there, he is 11 years old. This one in this other picture is 12 years old. They are carrying heavy weapons.

For the ones who do not do what he tells them to do, they mutilate them. Here is another chart with more pictures. As you can see, they do it by cutting off their nose, cutting off their ears, cutting off their lips—that is a big thing they do—cutting off their hands.

You see this picture right here. His name, by the way, is John Ochola. He is one we have seen before. They have taken his ears off, his nose off, cut off both of his hands.

Here is another picture up here, and one down here. This is a young child. His lip is cut off, his nose is cut off, and his ear is cut off. You can see that. That had just happened. They bandaged him up.

Once they are in this army, to go back to their villages and murder their siblings, and murder their parents. If they do not do it, this is the price they pay.

Anyway, we have made the decision to go and help them—and we also have a program that is called train and equip, which I will talk about in a minute—but to go in and actually be of assistance to these countries; in this case, taking out this particular maniac who has been there for 25 years.

It is not just in Uganda. I went up to Gulu. Gulu is in the northern part of Uganda. Senator MIKE ENZI was with me at this time. We went up and we saw a lot of these kids who came back who had been mutilated. We went down and talked to President Kagame, the President of Rwanda. You might remember, Rwanda, in 1994, is where the greatest, the most devastating murder by genocide in recorded history in Africa took place, killing 800,000 people, using machetes, torturing them to death. They had the same problem down there.

Then, if you go over to the DRC, Democratic Republic of the Congo, that is Joe Kabila. Joe Kabila is one who is very much concerned. Of course, Kinshasa, the capital of the DRC, is way over on the western side, and it is several time zones over to the eastern side where Joseph Kony was killing these kids at that time. In fact, the major city over there is Goma. We were in Goma shortly before Kony escaped and went north to the Central African Republic, and then back up to South Sudan.

I had occasion to be in South Sudan last week. That is a new country. It was an exciting thing to go into a new country and sit down with their members of Parliament. We talked for a good 2 hours. We had 25 members of the Parliament of the brand new country, South Sudan, and they told me one of their major concerns right now is getting this guy Joseph Kony. He has now

been making runs up into South Sudan and getting these people. So this is a major thing that many of these countries have joined in to try to do something about Joseph Kony.

Well, anyway, last year, I got a little bit concerned that nothing was happening. One of the reasons—I have to say this, Mr. President—nothing much was happening is because if you take these countries—like President Museveni and President Kagame, these Presidents came out of the bush. I think when they feel they are not able to get one renegade group such as this, they feel it is kind of a blow to their ego. Finally, I was able to get the three of them together—that was Joe Kabila, President Paul Kagame of Rwanda, and President Museveni of Uganda—and we were able to get them all to agree to do something to eradicate this monster. So they are now in a position to do that.

That is another reason why our forces serve in a non-combat role. For the U.S. to capture or kill Kony would be a slap in the face to our allies. I respect them too much to do so. In 2009, I led a bipartisan group of Senators to pass into law S. 1067. It was called the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009. We had 64 cosponsors. This is the largest number of cosponsors on any kind of bill affecting Africa in history. We had these Senators cosponsoring the bill, and they all were very excited about it.

Let me tell you what the law says. It directs the administration to develop a regional strategy to ''apprehend or remove'' Joseph Kony, his top LRA commanders, disarm and demobilize the LRA fighters through political, economic, military, and intelligence assistance, and protect civilians from further attacks.

The law is kind of interesting because it specifically precludes us from entering into any kind of battle. I think that is the most important thing to talk about today because almost everyone who is reporting on this, including my good friend Rush Limbaugh, is talking about that our guys and gals are going to go into combat. No, they are not going to. They are specifically precluded from doing that. So it is not as it is in Libya. It has nothing to do with the War Powers Act because these are troops that are precluded from attacking except in self defense.

The Senate Armed Services Committee reported out the FY12 Defense Authorization Act, and we specifically—I know this because this is my language that we put in—prohibit the U.S. military forces from participating in combat operations to ''apprehend or remove'' Kony and the LRA. This is my language I put in the bill. So not only are they not going to be in combat, but they are precluded from being in combat. That is what we have right now, and it is before us today.

By the way, some people have mistakenly said this guy Kony is a Christian, and I want to make sure everyone knows he officially was disavowed by the Catholic Church in Uganda. I will read what a Catholic sister of the Comboni Catholic group said, who spent 15 years in Gulu—that is a place where I was some 15 years ago—in northern Uganda. I quote. This is a Catholic sister. She said:

> I was in Gulu, North Uganda, when Joseph Kony took the leadership of this group that became famous for its atrocities. I saw people whose lips, mouth, ears, nose, were mercilessly cut without provocation. I still remember the 6 men who came to our premises in Gulu crying, asking for help as 3 of them had their right hand cut off—

As we saw a minute ago.

> and the other three the right foot [cut off by machetes].

It was all done by the LRA. I am going on, still quoting this Catholic nun:

> . . . people cut into pieces with the machete, burnt alive after smearing their bodies with palm oil, small children locked in the hut and set fire on it [burned alive], babies pounded in the container used to pound the maze. Let us not forget women and girls raped, killed or abducted as sex slaves. . . . a Congolese lady on Christmas Day 2008 lost 17 members of her family who had gone to church for prayer, all killed with the machete.

This is brutality we have never seen anything like before.

I think the other thing that is important to understand is we have several programs that affect Africa and other places around the world. One is called train and equip authorized by sections 1206, 1207, or 1208. What we do with train and equip is send people in to teach them how to train people, in this case Africa. We have over a thousand U.S. forces right now doing essentially what these 100 who the President sent over are there to do. Our military-to-military programs include counterterrorism, border security, maritime surveillance, and all this, but not combat.

As I say, No. 1, the thing to remember is, we are already doing this. What we are doing with the 100 people who are sent over to Africa—we have a thousand there already doing this.

Then, secondly, it is something that is very significant in our fight against terrorism in that area. We are not going to have any of our troops in combat. But this type of thing you see in these pictures right here—to see this guy here with his nose cut off, his ears cut off, his hands cut off—all of this—this is going on today, right now, at this moment, as we are speaking.

I stand behind the President in his decision. I do not very often stand behind this President, but I do in this case because we passed it without a dissenting vote. Every Member in here—there is not one who voted against it. So let's keep that in mind, that is the truth about what is happening now with the LRA. Joseph Kony and the LRA are responsible for one of the longest, most violent, and costly conflicts ever on the continent of Africa.

With that, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. COONS). Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of H.R. 2112, which the clerk will report by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with an amendment.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 750 TO AMENDMENT NO. 738

(Purpose: To establish the National Criminal Justice Commission)

Mr. REID. Mr. President, Senator KOHL will be here momentarily. But until the managers of the bill are ready to proceed, I would, on behalf of Senator WEBB, call up his amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Nevada [Mr. REID], for Mr. WEBB, proposes an amendment numbered 750 to amendment No. 738.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 738

Mr. REID. Mr. President, notwithstanding the previous action just taken, I ask unanimous consent that the substitute be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Nevada [Mr. REID], for Mr. INOUYE, proposes an amendment numbered 738.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of October 13, 2011, under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I am pleased today to support the 2012 Agriculture appropriations bill. This is a

very austere measure. Almost every category of funding is lower than last year and much lower than the year before. Setting aside disaster and security items that we dealt with in debt limit negotiations, discretionary spending in this bill is $200 million below 2011. Compared to 2010, it is $3.2 billion lower. That is equal to a 15-percent reduction compared to 2010.

In total, discretionary spending is $20.046 billion. That figure includes nearly $300 million in disaster for hurricanes, tornados, floods, droughts, and other natural disasters. All together, discretionary spending is nearly $2 billion below the President's request and is consistent with our 302(b) allocation.

To achieve savings and develop a balanced bill, Senator BLUNT and I had to set priorities. Among them was a goal to protect public health and safety, including food safety. We made sure these activities are protected. We provided more than $1 billion for the Food Safety and Inspection Service so they can maintain current levels of inspection for meat and poultry. The bill includes almost $2.2 billion for the FDA, which is an increase of $50 million. Most of this increase is for food safety, and FDA is the only agency or office funded by this bill at a higher level than last year.

An equally high priority is protecting the most vulnerable Americans from hunger. The WIC Program, which historically accounts for more than one-third of all discretionary spending in this bill, is funded at almost $6.6 billion. According to USDA, this level will support current participation levels. We also protected other domestic feeding programs, including the Commodity Supplemental Food Program, which is a lifeline for many elderly Americans. We believe it is especially important during these tough times to maintain nutrition program participation, and we have done so in this bill.

Another priority worthy of protection is agricultural research. Without continued investment, food production in this country and around the globe will not be able to keep up with challenges posed by growing populations, climate change, invasive pests, and other threats. According to the Economic Research Service, global demand for food will grow 70 to 100 percent by 2050. To meet that demand, our production capacity will have to increase, and these increases will not happen without sustained emphasis on agricultural research.

Senator BLUNT and I have worked hard to protect these investments often at the expense of other USDA programs. One of the most important discussions in Congress today revolves around job creation. This bill includes more than $2 billion for rural development loans and grants. These programs help launch and grow small businesses. They help rural communities build water and sewer lines which, of course, are essential to economic development. They help improve small town fire stations and health care clinics. They support rural housing. These projects are important, and Senator BLUNT and I have provided funding to help protect and create jobs in rural America.

Two of our programs, PL–480 and the McGovern-Dole Food for Education Program, fall within the security category of discretionary spending and play a very important role in fighting world hunger. Right now, the Horn of Africa is under a state of declared famine, and the lives of millions of men, women, and children are at grave risk. Food aid is all that stands between life and death for these people, and I am glad to report that we are able to provide a slight increase in PL–480 above last year. However, we must closely monitor events in Africa and elsewhere since the funding levels for these programs in this bill remain below the 2010 levels.

This bill funds the priorities I have described above as well as conservation, marketing, trade, and many others important to the American people. In spite of the challenges we face, I believe Senator BLUNT and I have provided the proper balance for the programs in this bill.

I thank him for his help and his guidance. This is his first year as the ranking member of this subcommittee, and he has been very helpful.

As I said at the outset, this bill is very austere. The choices we made were difficult, but I strongly believe they were the correct ones. I urge every Senator to support this bill. I hope we can conclude floor action in a timely manner so we can proceed to conference with the House and send the bill to the President. USDA and FDA are now operating on a continuing resolution. We need to provide them with final spending levels for this fiscal year as soon as we can.

Procedurally, we will be considering two appropriations bills in addition to Agriculture: the Commerce-Justice-Science and the Transportation-HUD bills. Any Senator who has amendments to these bills should work with us to assure that the appropriate chairman and ranking member can be on the floor to respond to amendments that fall under their jurisdiction.

The discretionary programs and activities of USDA and FDA that are supported by this bill include high priority responsibilities entrusted to the Federal Government and its partners to protect human health and safety, contribute to economic recovery, and achieve policy objectives strongly supported by the American people. The ability to provide for these measures is made difficult by growing pressure on available levels of discretionary spending as a consequence of the overall public debate on Federal spending, revenues, and size of the Federal debt. While clearly a part of this overall discussion, the committee notes that discretionary spending has not in recent years been a significant cause to the rising debt of the nation. In fact, since 2001, when the U.S. government had a budget surplus of $128 billion, the increase in non security domestic spending, when adjusted for inflation and population growth, has been zero.

Too often, the USDA programs funded by this bill are confused with farm subsidies and other mandatory spending more properly associated with multi-year farm bills. In contrast, this bill provides annual funding for programs familiar to all Americans such as protecting food safety through the Food Safety and Inspection Service and the Food and Drug Administration, which also plays a vital role in maintaining the safety of the Nation's blood supply and availability of safe and effective medical drugs, biologics, and other components of our health system. This bill also provides funding to fight against the introduction and spread of noxious or infectious and often invasive pests and disease that threaten our plant and animal health environments, as well as funding for many other missions of dire importance to the American people.

As our economy witnesses increasing shifts of manufacturing capacity, and associated jobs, to foreign shores, we must never lose sight that the one area of production which must be protected as inherently domestic is that of our food supply. That does not mean that certain foods need not appropriately rely on import and export markets, but it does mean that we must never surrender our ability to adequately and safely feed our own people. Without adequate levels of research, development, and regulatory resources, that threat of surrender will be ever present and our natural resource base will remain always at risk. Accordingly and in the context of overall pressures on spending and the competing priorities that the Committee faces, this bill as reported provides the proper amount of emphasis on agricultural, rural development, and other programs and activities funded by the bill. It is consistent with the subcommittee's allocation for fiscal year 2012.

The bill provides appropriations to support personnel levels for every agency of the Department of Agriculture except for the Forest Service. The jurisdiction of USDA programs touches on subjects as far ranging as molecular science relating to an exotic plant disease to providing housing and nutrition assistance to elderly citizens. The men and women who carry out these programs are dedicated and play an important role in providing many of the most vital of services to the American people. In general, the funding for the salaries and expenses of these agencies has been reduced by 5 percent below last fiscal year. These reductions will require the Department to seek greater efficiencies in operations and to manage resources in a manner that will result in the mildest impact on program delivery and the personnel of USDA.

In spite of an abundance of rhetoric denouncing the presence of government

in our lives, it goes without saying that government plays a vital role in assuring the American people a strong sense of security which comes in many forms. One of the most important areas of security is the inherent ability to provide sufficient supplies of food and fiber. These supplies rely on continuing advances in science and, quite frankly, the importance of research in the areas of agricultural science will become a growing priority for us, and the world, in the decades immediately before us.

As mentioned above, a recent report of USDA's Economic Research Service outlined the importance of sound investments in agricultural research and the grim prospects in the near future if we ignore the warning signs of combined population growth and declining production capacity. Highlights of that report state the following:

By 2050, global agricultural demand is projected to grow by 70–100 percent due to population growth, energy demands, and higher incomes in developing countries. Meeting this demand from existing agricultural resources will require raising global agricultural total factor productivity, TFP, by a similar level. Maintaining the U.S. contribution to global food supply would also require a similar rise in U.S. agricultural TFP.

Total factor productivity, TFP, the broadest measure of productivity. It compares the total output of a sector to the total land, labor, capital, and material inputs used to produce that output. Increases in TFP imply more output is forthcoming from a given level of inputs, or, equivalently, fewer inputs are required to produce the same output. Growth in TFP is considered to be an indicator of the rate of technical change in a sector.

TFP growth in U.S. agriculture is predicated on long-term investments in public agricultural research and development, R&D. Productivity growth also springs from agricultural extension, farmer education, rural inrrastructure, private agricultural R&D, and technology transfers, but the force of these factors is compounded by public agricultural research.

The rate of TFP growth, and therefore output growth, of U.S. agriculture has averaged about 1.5 percent annually over the past 50 years. Stagnant, inflation-adjusted, funding for public agricultural research since the 1980s may be causing agricultural growth to slow down, although statistical analyses of productivity growth trends are inconclusive.

ERS simulations indicate that if U.S. public agricultural R&D spending remains constant, in nominal terms, until 2050, the annual rate of agricultural TFP growth will fall to under 0.75 percent and U.S. agricultural output will increase by only 40 percent by 2050. Under this scenario, raising output beyond this level would require bringing more land, labor, capital, materials, and other resources into production.

Additional public agricultural R&D spending would raise U.S. agricultural productivity and output growth. Raising R&D spending by 3.73 percent annually, offsetting the historical rate of inflation in research costs, would increase U.S agricultural output by 73 percent by 2050. Raising R&D spending by 4.73 percent per year, 1-percent annual growth in inflation-adjusted spending, would increase output by 83 percent by 2050.

For these reasons, Senator BLUNT and I determined that funding for agricultural research remains a priority and we simply cannot take the risk of jeopardizing our agricultural production capacity. Today, we see visions of famine in the Horn of Africa. As hard as it is for us today to imagine famine ever touching this country, the sudden emergence of exotic plant or animal diseases coupled with dramatic shifts in weather patterns could disrupt our food production capacity in ways we would otherwise not imagine with repercussions that would sound throughout our economy.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I am pleased to join Senator KOHL in supporting this bill, the fiscal year 2012 appropriations bill for Agriculture, Rural Development, Food and Drug Administration, and related agencies. I am glad we are considering appropriations bills on the Senate floor in a manner that will allow us to fully debate amendments.

In addition to funding the Department of Agriculture and the Food and Drug Administration, the bill we bring to the floor today also includes the fiscal year 2012 bills introduced by other committees, as Senator KOHL has already specified; by the Subcommittees on Commerce, Justice, Science and Transportation and Housing and Urban Development. For now, I will limit my comments just to the agriculture provisions and, of course, defer to my colleagues, Senator HUTCHISON and Senator COLLINS, on the provisions that relate to the other two bills.

Activities funded by the Agriculture bill touch the lives of every American every day. These activities include agricultural research, conservation activities, housing and business loan programs for rural communities, domestic and international nutrition programs, and food and drug safety.

Funding for each of these deserves thorough and thoughtful consideration. Senator KOHL and I have made some difficult decisions in drafting this bill. Aside from disaster recovery efforts, the bill is $138 million below last year and represents a responsible approach to funding agricultural priorities as we tighten our belts and live more within our means.

While most programs are reduced by 5 percent, we prioritized those programs that protect the public health and help maintain the strength of our Nation's agricultural economy. Agriculture is one of the few sectors of our economy that enjoys a trade surplus, and the overall state of the farm economy is currently strong. With the Nation's unemployment rate continuing to hover around 9 percent, expanding agricultural exports is even more vital, as every billion dollars in exports supports an estimated 8,000 American jobs.

That is one reason I was pleased we were able to pass the free-trade agreements with South Korea, Panama, and Colombia last week. Expanding access to these markets will create an estimated 20,000 agricultural-related jobs alone. However, expanding access to new markets is only one piece of the puzzle that maintains our agricultural economy.

Our agricultural products are the best in the world. Our producers are the best in the world at producing products that are desirable in the global market. This is in part the result of smart investment in America's agricultural research infrastructure. That is why I am pleased this bill places significant emphasis on maintaining research programs and our land grant university system and funding competitive research programs such as the agriculture and food research initiative. These programs are critical to helping our farmers increase production and will expand our Nation's economic growth.

Not only does every dollar spent on agricultural research result in a $20 return to the U.S. economy, research investments also result in a food supply that is safe, abundant, and affordable. I am also glad that the agriculture bill includes funding to help farmers in communities recover from natural disasters. Missouri has seen unprecedented devastation from both tornados and flooding this year. Funding included in this bill for the Emergency Watershed Protection Program and the Emergency Conservation Program is necessary to help those areas recover and resume their way of life. It is important that we support our farmers as they clear debris, regrade, and rehabilitate their land for the next growing season.

I thank Senator KOHL for the bipartisan working relationship we have on the agriculture subcommittee. This is my first bill as the ranking member of the subcommittee, and the chairman has given me every opportunity to provide input into the bill. He has done a good job of balancing the priorities of the agriculture subcommittee this year. I hope my colleagues join me in supporting the bill that the chairman and I present together today.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 755 TO AMENDMENT NO. 738

Mr. KOHL. I send an amendment to the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendments? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 755 to amendment No. 738.

Mr. KOHL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 755 TO AMENDMENT NO. 738

(Purpose: To require a report on plans to implement reductions to certain salaries and expenses accounts)

At the end of title VII of division A, add the following:

SEC. 7_____. Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report describing plans to implement reductions to salaries and expenses accounts included in this Act.

Mr. KOHL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. COLLINS. Mr. President, first of all, I congratulate the chairman and ranking member of the Agriculture appropriations subcommittee for the excellent work they have done and for bringing a bipartisan bill before the Senate.

Shortly, Senator PATTY MURRAY and I will do our opening statements on the fiscal year 2012 Transportation, Housing and Urban Development appropriations bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. Mr. President, I am pleased the Senate is now considering the fiscal year 2012 Transportation, Housing and Urban Development appropriations bill.

This bill has been supported by broad bipartisan majorities. The Transportation, Housing and Urban Development Appropriations subcommittee has 19 members. That is almost a fifth of the Senate. It is one of the largest subcommittees in the Senate.

Despite the diversity of views on our very large subcommittee, back on September 20, we voted unanimously to report the bill to the full Appropriations Committee. The next day members of our committee voted 28 to 2 to report the bill to the Senate.

This bill has strong bipartisan support because it addresses pragmatically the very real housing and transportation needs of families across all regions of our Nation.

We all realize that middle-class families face many challenges in these troubling economic times. Businesses across the country continue to struggle in the aftershocks of the financial and economic crisis that has rocked communities everywhere. Too many workers are struggling to get back on the job and far too many families are still fighting to stay in their homes. Yet, at the same time, our Federal Government's debt continues to grow.

Sensitive to these realities, we put together legislation that funds critical pieces of our Federal Government, while cutting spending in a responsible way. I believe this bill achieves these goals while continuing to ensure that we are investing in our future and protecting the most vulnerable among us.

It was not an easy task. The allocation for housing and transportation programs is 19 percent lower—almost $13 billion less—than the level Congress appropriated in fiscal year 2010. Believe me, the demands for the activities that are funded in this bill have not diminished. If anything, the needs have increased.

With unemployment still painfully high, poverty rates are now at their highest level in almost 20 years. This bill funds a critical piece of the safety net—housing assistance and homeless shelters—for millions of families who are one step from the street.

This bill is also a principal underwriter of the Nation's transportation network. The investments we included make it possible for people to get to work and get products to market.

Investing in our aging transportation system—our highways, aviation, and mass transit—is a key factor in making sure America can compete and win in the 21st century economy.

There are undoubtedly elements in the bill that many will not like. That was unavoidable. But Senator COLLINS and I had some very clear priorities, however, that guided our decision-making.

We wanted to invest in our transportation system, ensure that it remains safe, and protect the poor and disabled who depend on the programs in this bill to keep a roof over their heads, so the bill before the Senate includes funding to preserve the highway program at the current level of $43.7 billion. This funding will allow communities to continue improving our transportation network, while providing critical jobs.

It also includes $550 million for the highly competitive TIGER Grants Program for surface transportation projects that make a significant difference in our communities across the country.

This program has already helped finance projects in many States across this country, including in Seattle and Spokane in my home State of Washington.

This bill also provides funding to support FAA's efforts to develop its next-generation air transportation system to accommodate growth in air travel in future years. It continues Federal support for Amtrak, providing the same level of funding as in fiscal year 2011 to maintain this key element of the transportation grid.

We are also investing in transit, providing almost $2 billion to meet our commitments to communities that are improving their transit systems. These systems, as we all know, help reduce congestion and provide a critical service to those who rely on them every day to get to their jobs and home to their families.

Importantly, we continue the Federal oversight that makes travel on our Nation's air, road, and rail transportation systems the safest in the world.

The bill also provides funding to preserve rental assistance and affordable housing for the Nation's low income, including $18.9 billion for the section 8 program, which over 2 million elderly, disabled, and low-income families rely on to ensure they have a safe place to live.

For those who are homeless or at risk of homelessness, we have provided $1.9 billion for homeless assistance grants. As part of this, we have included $285 million for the Emergency Solutions Grant Program, which is critical to helping the growing number of homeless or at-risk families avoid or quickly escape homelessness.

I am also very proud that we worked to include $75 million to fund over 11,000 new HUD–VA supportive housing, or HUD–VASH, vouchers.

Providing permanent housing for homeless veterans and their families, including veterans returning from the wars in Iraq and Afghanistan, will help us achieve the goal of ending homelessness among our Nation's veterans.

The bill includes efforts to preserve and revitalize public housing, including $120 million for the Choice Neighborhoods Initiative, as well as the Rental Assistance Demonstration. These programs support innovation and collaboration, including leveraging private sector resources. In this difficult fiscal environment, these are tools we need to help protect irreplaceable public housing, which is so desperately needed throughout our country.

Finally, the bill includes $1.8 billion to provide disaster relief to communities where highways, public facilities, and other infrastructure have been damaged by flooding and other disasters.

Achieving all these goals required very difficult choices. The bill provides significantly reduced funding for high speed and intercity passenger rail grants. It also makes deep cuts to the Community Development Block Grant HOME Investment Partnership, and other programs I have long supported and I continue to believe in. It wasn't easy to make these decisions, but the real sacrifices will be felt in communities across our country.

The programs funded in our bill support important investments back

home. Our constituents will be the ones to see firsthand the impact of these cuts. Unfortunately, these types of painful sacrifices were necessary within the allocation we were provided.

In summary, this bill provides assistance to those who need it most, and it directs resources in a responsible and fiscally prudent way. It is a good bill. It will help commuters, homeowners, the most vulnerable in our society, and it helps our economy.

This bill has broad bipartisan support because it takes a practical approach to addressing the real needs we find in the transportation and housing sectors. I urge all of my colleagues to support the bill and help us move it rapidly toward passage.

Before I yield, I will take a moment to specifically thank Senator SUSAN COLLINS for her hard work and partnership. This was a very difficult bill to put together. It benefited from her input and from the hard work of her and all of her staff. I thank her for that.

With that, I yield for my friend and partner, Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, first, I thank Chairman MURRAY for her exceptional leadership on this bill. It has been a real partnership, a bipartisan partnership, to deal with some very difficult issues. You see that with the chairman and ranking member of the Agriculture Committee, as well, and with the third bill that is before us today, where Senators MIKULSKI and HUTCHISON also worked together in a bipartisan manner. I think this is a template for how the Senate ought to operate, which we need to do more of.

I am also very pleased that we are bringing the appropriations bills before the Senate. I am hopeful we can avoid having some huge omnibus bill where no one is too sure of what's in it, who negotiated it, and how different provisions made their way into the bill. That is not a good way to legislate. Instead, bringing these bills before the Senate so the Senate can work its will on these important funding bills is the appropriate way to proceed.

I am very pleased to join my colleagues—particularly the subcommittee chairman, Senator MURRAY—as we begin floor consideration of these three bills. I am very pleased to serve as the ranking member of the Transportation, Housing, Urban Development, and Related Agencies Subcommittee.

Investment in economic development and infrastructure not only creates jobs now, when they are needed most, but also establishes the foundations for future growth. Just as important to our economic future, however, is reining in Federal spending. Getting our national debt under control must be made a priority governmentwide.

In setting priorities for the coming year, this appropriations bill strikes the right balance between thoughtful investment in critical projects in infrastructure and housing programs and fiscal restraint, thereby setting the stage for future economic growth.

Our bill makes critical infrastructure and development investments and meets our responsibility to vulnerable populations, such as our homeless veterans. At the same time, this bill delivers on the promise of a responsible budget and recognizes the fiscal reality of an unsustainable $14.3 trillion debt.

I can assure everyone that in this bill we are doing our part to establish more sustainable spending levels as quickly as possible. The proposed nonemergency funding levels for fiscal year 2012 are nearly $13 billion below fiscal year 2010. That is a reduction of nearly one-fifth in just 2 years. The significant savings represent an unmistakable movement in the direction of fiscal sustainability. Nevertheless, we have done our best to provide the necessary resources that are needed to support ongoing infrastructure investment and important safety oversight in the programs administered by the Department of Transportation.

For example, we provided funding for the TIGER Grant Program of $550 million. This will help to build infrastructure projects across this country that otherwise would not be constructed, and those infrastructure projects translate into real jobs and needed assets for communities across the country. We all know the link between essential infrastructure and jobs in economic development. After all, if businesses can't ship their goods or get their needed raw materials in an efficient, effective manner, then they are not going to be able to create and preserve jobs. That is why I see this bill, in many ways, as being a jobs bill.

In addition, the Federal Aviation Administration is provided adequate funding to improve the management of the air traffic control operations. There have been troubling recent reports of numerous operational errors by controllers which call into question the safety of our skies over some of our Nation's busiest airports. In response, our bill directs the FAA to implement data-driven performance standards to make certain that air traffic towers nationwide are properly staffed. By setting and enforcing these standards, the FAA can be more confident that air traffic controllers have the skills and discipline necessary to fulfill their critical duties.

In addition to improved safety oversight, this bill targets funds to the Nation's most critical infrastructure projects. I mentioned the TIGER Grant Program. In addition, through the Competitive National Infrastructure Investments Program, funding is provided to support projects nationwide that otherwise would not be built. In hopes of making this funding go even further, we have also increased the percentage of funding available to support credit assistance through the TIFIA loan program. On average, a TIFIA loan allows every $1 provided in Federal appropriations to leverage approximately $30 in additional transportation infrastructure investment. That is the kind of innovation in infrastructure finance we need to produce a greater return on our taxpayers' investment.

In addition to transportation oversight and infrastructure, our bill also provides critical economic development and housing investments through the Department of Housing and Urban Development. As with the Department of Transportation title, balancing key investment priorities with fiscal responsibility required significant and sometimes very difficult reductions in programs that are worthwhile but which we simply cannot afford to fund at the level we would like.

Addressing the ongoing challenge of homelessness remains a core priority for our subcommittee. Chairman MURRAY and I share a commitment to combating homelessness, particularly for our Nation's veterans. I am very troubled by a statistic I want to share with my colleagues. In 1 year's time, there are more homeless veterans than there are individual military members who were killed during the Vietnam war. That is a disgrace. That is something we must change. This bill provides $75 million for HUD's Veterans Affairs Supportive Housing Program—the so-called HUD–VASH Program—to provide housing assistance for an additional 11,000 homeless veterans.

I have seen the result of this program in the State of Maine in a wonderful apartment complex that has been built specifically to meet the needs of our homeless veterans. It is in Saco, ME, and it is making such a difference in the lives of those who have served our country and yet now find themselves homeless.

I also strongly believe in the importance of the Community Development Block Grant Program. This is such a popular program in communities throughout our country. It supports economic growth strategies of communities and enables key investments in their long-term economic growth. It is programs such as the CDBG Program that lay the foundation for future prosperity. We were not able to provide as much funding, frankly, for this program as I would have liked and as Senator MURRAY would have liked. I hope we can continue to work on it once we get to conference.

As we head into fiscal year 2012, our economy continues to struggle with high rates of unemployment, with stagnant incomes, and with prices that, in some areas, are starting to rise. Unfortunately, this makes it very difficult for us to fund these programs that are meeting an ever-growing need. For this reason, it has been all that much more challenging to achieve lowered budget targets. To address this challenge, therefore, our bill includes several measures that are designed to improve the efficiency and effectiveness of programs at HUD.

This year, we took very seriously the alarming reports on oversight deficiencies under the HOME program. For example, in an effort to ensure that funding for the HOME program efficiently achieves its goal of delivering affordable housing to those who most need it, we worked with the HUD Office of Inspector General to improve the program's regulations to better monitor and assess risks. The bill also directs HUD to work with the Office of Inspector General to identify strategies that the Department can implement to address problems at certain troubled public housing authorities and to hold them accountable for mismanagement of taxpayer funds. With so many important programs under pressure to absorb reductions, it is more important than ever to ensure that HUD's programs are free from mismanagement, waste, fraud, and abuse.

I appreciate the opportunity to join with Senator MURRAY in presenting this legislation to the Chamber. If there is one theme that runs throughout our bill, it is practicality. We have tried to take a nonpartisan practical approach that asks tough questions but makes sure we are setting priorities for those programs that are most essential to the most vulnerable individuals and families in our Nation. At the same time, we worked very hard to make sure we were funding those programs that were absolutely essential in meeting economic and job-creation priorities. It is my hope our colleagues will support our bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I am pleased to present to the Senate the fiscal year 2012 bill to fund CJS appropriations; that is, the Department of Commerce, Justice, Science, and related agencies. I wish to thank Leader REID and Minority Leader MCCONNELL for bringing the CJS bill to the floor so we Senators have an opportunity to discuss and vote on this important legislation.

The CJS bill is the product of bipartisan cooperation. I stand here today with my ranking member, my colleague, my partner on this bill, Senator KAY BAILEY HUTCHISON. At the outset, I wish to thank her and her excellent staff for working hand in hand to advance the cause and the goals we believe in—creating jobs, making sure our streets and our neighborhoods are safe, and, at the same time, funding innovation and technology so America continues to be an exceptional Nation. We have worked together, and I thank her for her support and her cooperation.

This fiscal year CJS totals $52.8 billion in discretionary spending. It is consistent with the subcommittee's allocation. That allocation is $491 billion below 2011. So everybody should hear this. We are almost $½ billion below where we were in 2011, and we are $5 billion below what the President wanted in 2012. When the President said he wanted to outbuild, outeducate, and outinnovate, he had a different budget than what we have today because of the substantial cuts that were made in other legislative initiatives.

These agencies promote jobs. They also promote security and they promote, as I said, American innovation. Let's talk about some of the agencies that promote jobs. Let's start with the Department of Commerce.

I am very proud of the Department of Commerce and its funding for the International Trade Administration which enforces our trade laws and promotes small businesses overseas and also our Economic Development Administration, creating economic growth in our communities and in our small towns. The National Institutes of Standards works with the private sector to set the standards for those new products and those new technologies. In the Patent and Trademark Office, we have done a lot in innovation. We believe if one invents it, they should be able to keep it. Then, of course, we have our Census Bureau, which makes sure every American counts and every American should be counted—or every person who lives in the United States.

We have the National Oceanic and Atmospheric Administration, which predicts our weather and also protects our marine resources.

Then this committee funds the Department of Justice, keeping us safe from violent crime and terrorism, prosecuting criminals, and also funding State and local police departments, the National Science Foundation and NASA, which, again, promote our innovation. This agency also funds the Commission on Civil Rights, upholding citizens' rights, along with the Equal Opportunity Commission, ensuring fairness particularly in the workplace, and the Legal Services Corporation, which represents the poor. This agency has broad scope, but, again, it is America's job to promote jobs, security, and innovation.

Within our ever-shrinking funding levels, the CJS bill has priorities to save lives, promote jobs, and protect the safety of our citizens.

We face two very pressing funding challenges that are critical to life and safety. One is the next generation of weather satellites. It is our weather satellites that not only say whether we are going to have stormy weather, but our weather operations also give us early predictions for everything from tornadoes to hurricanes. Also, we have a growing and explosive prison population. Together, looking at just those two, the issue related to an exploding population in prisons, meaning more prisoners, more density in prisons—they require $350 million more in our budget, and we needed almost $400 million for our weather satellites. Meeting their obligations caused us to set other priorities, but we did meet our priorities. We provided $2.3 billion to support our police officers, to keep them safe with bulletproof vests, and to make sure they had funds for the latest crime analysis and forensic tools. We also funded the Byrne formula grants, which are the important tools for State and local police operations, at $395 million. Regrettably, it is $35 million below last year. We also funded our COPS hiring grants but, again, at a reduced level.

Then there is Federal law enforcement. Aren't we proud of our FBI? Look at what they have done in the last 2 weeks with the take-down of the plot to assassinate the Saudi Ambassador. But the FBI is on the job every day in every way, going after organized terrorists, organized crime, and even predatory lenders and mortgage fraud. They are on the job looking out for us. And look how they work hand in hand with DEA, our Drug Enforcement Agency.

We have the Marshals Service, which, in effect, guards our judges and so on at our courthouses, but they are also the guys who go after sexual predators. Under the law we have, they are enforced with any runaway or rogue sexual predators.

This means we did what we could, but unfortunately we had to cut these agencies by 2 percent. It was with enormous regret that I had to do that, but we are where we are. Cuts do have consequences. I say to my colleagues, cuts do have consequences.

Then there is the area of innovation. We have worked hand in glove with the authorizers on the America COMPETES Act. Senator HUTCHISON is a member of that committee and one of the promoters of that. The America COMPETES Act recommends that we increase funding for NSF and other science agencies by 7 percent every year. Well, we would settle for 3 percent every year. This is to come up with the new ideas for the new jobs, for the new products. But what did we have to do? We didn't raise it by 7 percent; we didn't raise it by the amount we want; in fact, we had to reduce it by 3 percent.

All those who would like to pound their chests and go ''hoo-ha hoo-ha'' on American exceptionalism have to realize that cuts have consequences. But we did work to ensure the fact that we have funded the national space agency at $17.9 billion. It is $1.5 billion below the authorized level, which, again, Senator HUTCHISON is one of the lead authorizers. We did preserve a balanced space program, human space flight, space science, also aeronautics, and the development of a reliable space transportation system. This means, though, that NASA will be asked once again to do more.

We did fund the James Webb Space Telescope, which is the successor to Hubble. By funding the James Webb Space Telescope, we will ensure America's lead in astronomy and in physics for the next 50 years.

I am very proud of the fact that a Marylander at Johns Hopkins and the

Space Telescope Institute, on the Hopkins campus, just won the 2011 Nobel Prize for physics—Dr. Adam Riess. When he accepted the Nobel Prize, do you know what he said. He said: I could not have done my Nobel Prize without the Hubble telescope. All my research is based on the Hubble. Then he said: I want to thank the American people for supporting the political leadership that funded the Hubble and kept Hubble in space during very dark times. We won that Nobel Prize. It is going to reveal secrets of the universe and secrets of physics that are going to help us again invent new kinds of things.

So our bill does focus on jobs, safety, and innovation. We would have liked to have done more, but regrettably we could not. So, Mr. President, we bring this bill before you.

I want to close by saying this. There are many who like to wring their hands about China, and China is surging ahead. We can't stop China, but we can stop ourselves. And the question is do we want to stop ourselves in what we need to do? We need to promote commerce, trade, patents to protect our intellectual property, make sure we have a standard-setting agency, so if you invent it, you create the standard, so you can sell it around the world. We need to be able to save lives so we can save them not only at NIH in finding cures but also throughout Maryland, the Plains of the United States or in my own community. You know when a hurricane is coming, you know when a tornado is coming. But right now the Chinese are taking what is our National Science Foundation and they are replicating it, and we are, unfortunately, forced to keep it at a very modest funding level.

So if you want America to continue to be great and you want America to continue to be exceptional and you want to create jobs, support the passage of the CJS bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise as the ranking member of the Commerce-Justice Subcommittee, and I am very pleased that the bill we are presenting is a bill Chairman MIKULSKI and I worked on together. We came together in compromise, but we didn't compromise on the top level of spending, and I commend Chairman MIKULSKI for her leadership in this very important effort. We have a top line that is $491 million below the fiscal year 2011 continuing resolution and $4.9 billion below the President's request. So we set a very strict top line, but within that I believe we worked a good compromise on the competing priorities of law enforcement, terrorism prevention, research, and competitiveness through investing in science.

I will just say that I relate so much to what the chairman said about the Webb telescope and the importance of that, and that the Nobel Prize winner whom we are so proud to have from America—in astronomy—mentioned that was how he was able to do his research makes me so proud that we have made that kind of investment. You will see that in other areas where our finest scientists have been supported, and it is the kind of research that is not going to be done in the private sector. So this is how we will be able to create something that will provide jobs of the future. America is ahead in the world. Our economy is vibrant not because we manufacture better but because we have the ideas for the manufactured products that have kept our economy going for hundreds of years.

The chairman has gone over the major funding levels, so I won't go into that, but I do want to point out a few of those that I think are important.

First, in law enforcement, we have worked hard to ensure that law enforcement receives the priority funding needed to protect our Nation, our communities, our children, and victims of crime.

One thing I would like to add is that we have ensured that the FBI has the resources needed to continue the significant increase in their contribution to counterterrorism and working with the CIA and counterintelligence worldwide. This added responsibility commenced after 9/11, and Director Mueller has overseen this, really the largest transition in this agency probably in modern times from really traditional crime fighting to these added missions. I anticipate we will add even more in conference with the House, and I will support that. I think they have become a major contributor to our national security and the global security we are all seeking.

The language is included also to encourage the Department of Justice to maintain its fiscal year 2011 current level of funding focusing on the southwest border. It is $1.9 billion. This is so important as violence continues to spread across our border and the drug cartels become increasingly emboldened and, unfortunately, sophisticated. So this was something the chairman and I agreed we must keep at the level funding, and we have done so.

The El Paso Intelligence Center is another important program that is one of our first safeguards along the border. This is a national tactical intelligence center that supports law enforcement in the United States, in Mexico, and the whole Western Hemisphere. It is the Drug Enforcement Administration's most important intelligence-sharing entity focusing on all that is related to the border.

Another important program I will point out is the State Criminal Alien Assistance Program. We call it SCAAP. SCAAP provides Federal assistance to States and localities that are incurring the costs of incarcerating undocumented criminal aliens who have been accused or convicted of State and local offenses. This is a Federal responsibility, and county jails and the State prisons should not be holding these prisoners without help from the Federal Government because they are illegal aliens.

Lastly, this bill provides significant support for NASA. The diverse set of programs that are aimed at the exploration of space and understanding Earth are so important for our country's future. Senator MIKULSKI and I have crafted a bill that balances the needs of science while also encouraging the vehicles that will take our astronauts to the space station for research and making use of that very important scientific station.

Our part is part of a national lab, and it was designated as such, and then, in the future beyond, it will include the supporting of emerging commercial space companies to bring cargo and astronauts to the space station, supporting our investment, taking advantage of the opportunities for discovery on the space station, and ensuring that NASA will provide for human exploration beyond low Earth orbit.

So many of us watched the last shuttle return. Knowing we had no vehicle that would take Americans into space under American control for at least the foreseeable future was not well regarded in our country, and we need to make this commitment. We have made the commitment today with appropriations to ensure that we are going to continue our preeminence in space, that we are going to go through low Earth orbit and we are going to see what is beyond the Moon in an astroid or Mars, see if there is life there and what we can learn from life that might be enhanced on Earth. So it is important that now we have the heavy lift launch vehicle design NASA released last month. It will carry our astronauts in the Orion Multi-Purpose Crew Vehicle to the Moon, the astroids, and beyond.

Now that this decision has finally been made, we can focus on the future, and I think Americans expect that from us. NASA has announced its commitment to the path Congress has authorized, and now we can provide the funds to accomplish the development of that rocket.

So in addition to what the chairman has already mentioned, I am certainly a supporter of America COMPETES. I would like to do much more in the science area, the hard science, because I think that is our future. It is how we create jobs and keep our economy vibrant, having the new products and the new ways to secure more jobs and more economic vitality in the technical sector in our country.

I am very pleased. I thank the Senator from Maryland and her staff so much for helping and working with us. They have been great partners. I could not ask for any better. I think we have done a job that was hard to do with the lower levels of spending that we all expect and accept, but I think we have been able to cover the priorities well.

I wish to end on a lighter note and say my friend, the Senator from Missouri, is sitting here. I want to point

out this will be the last time in the next 10 days that he and I are going to be on the same side because, of course, the mighty Texas Rangers are going to meet the St. Louis Cardinals in the World Series very shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I rise to speak as in morning business.

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

(The remarks of Mr. TESTER are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I ask unanimous consent to address the Senate regarding judicial nominees from Pennsylvania.

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

THE EXECUTIVE CALENDAR

Mr. TOOMEY. Mr. President, I rise to offer my full support for the nomination of Judge Cathy Bissoon to serve as a U.S. district judge for the Western District of Pennsylvania. But before I begin, I would like to quickly express my appreciation to my colleague, Senator CASEY, whom I see across the Chamber at this moment, to thank him for his collaboration in our joint efforts to fill the vacancies on the Federal bench from Pennsylvania.

As I think many of our colleagues would agree, the confirmation of Federal judges is one of the most important constitutional functions of any Member of the Senate. Since I was sworn in, Senator CASEY and I have worked together on a bipartisan basis to identify and advance qualified candidates for the Federal bench. As part of this effort, I have supported President Obama's three district court nominees for Pennsylvania, even though they were first appointed before I was sworn in to the Senate. I am pleased this spirit of cooperation has led to today's confirmation vote for Judge Bissoon. I remain hopeful we will have a number of confirmation votes in the very near future as Senator CASEY and I continue to work together to recommend qualified individuals to serve on the Federal bench.

A quick couple words about Judge Bissoon. She was nominated last year following the recommendations of Senators CASEY and Specter and was renominated by the administration in January. Judge Cathy Bissoon has had a distinguished career in the law. She was born and raised in New York City, where she attended Alfred University and graduated summa cum laude with a degree in political science. She earned her law degree from Harvard University before moving to Pittsburgh to join Reed Smith, an international law firm, where she has practiced labor and employment law in particular. She went on to clerk for Chief U.S. District Judge Gary Lancaster and later returned to Reed Smith to be a partner in 2001. Judge Bissoon left private practice in 2008 to assume her current position as magistrate judge for the Western District of Pennsylvania. Her strong work ethic, discipline and, in particular, her experience in labor and employment law make her well qualified to preside over cases in the Western District of Pennsylvania, a district with a heavy employment caseload.

Earlier this year, I had the opportunity to sit down with Judge Bissoon and learn more about her legal philosophy. She stressed to me in that conversation that she understands very well a judge's role is to enforce the law as written, regardless of the judge's personal beliefs about that law. Chief Justice Roberts came up with a metaphor for this which has become rather famous, in which he described the role of a judge as an official on the playing field but not one of the players. Judge Bissoon confirmed that is exactly her view of the role of a judge, that it is the role of a legislator, branched together with the executive, to pass the law and the role of the judge to enforce the law impartially. I am confident she understands that role, has internalized that and would bring that, as well as a great degree of experience and judicial acumen, to this very important role. That is why I am supporting her nomination.

Following a hearing before the Senate Judiciary Committee, Judge Bissoon was unanimously approved by the committee back in July. I have strong confidence in Judge Bissoon's ability, and I encourage my Senate colleagues to join me in confirming her as a Federal district judge for the Western District in a vote that will be occurring later this evening.

In addition to Judge Bissoon's nomination, I would like to briefly express my support for two other Pennsylvania nominees who were also unanimously approved by the Judiciary Committee back in July. I hope they will each receive floor consideration very soon.

Mark Hornak, a nominee for the Western District of Pennsylvania, graduated from the University of Pittsburgh, where he was recognized as a National Merit Scholar. He went on to graduate summa cum laude from the University of Pittsburgh School of Law, where he served as editor-in-chief of the Law Review and was awarded the Order of the Coif.

Following graduation, he served as a law clerk to the Honorable James Sprouse, U.S. circuit judge for the Fourth Circuit. Since 1982, he has practiced labor and employment law at Buchanan Ingersoll & Rooney. Throughout Mr. Hornak's career, he has been a careful student of the law and has demonstrated an intellectual curiosity and commitment to integrity, which I know will serve him well if he is confirmed to the bench.

Finally, Robert Mariani is a nominee for the Middle District of Pennsylvania. He graduated cum laude from Villanova University, received his J.D. from Syracuse University College of Law. Following graduation, he established the law firm of Mariani & Greco, where he began a career as a civil litigator in the Scranton area and has done that for about three decades.

He is a respected member of the Scranton community. He was nominated for a State superior court seat in 1993 by then-Gov. Robert Casey, Sr. He served as a mediator or arbitrator for a variety of legal matters and currently is sole shareholder of Robert D. Mariani, P.C., with a focus on employment and labor law. Mr. Mariani's diligence, professionalism, and knowledge of the law would be an asset to the bench.

Earlier this year, I had the opportunity to meet separately with both Mr. Hornak and Mr. Mariani and I am very confident of their intellect, their experience, their integrity, temperament, commitment to public service, and to their understanding of the proper role of the judge. I believe these character traits and this range of experience will enable them to serve the people of Pennsylvania. I am, therefore, pleased to rise to speak on their behalf and to urge all my colleagues to support their confirmation.

Mr. LEAHY. If the Senator will yield on that point, he is absolutely right. They were reported unanimously from the Senate Judiciary Committee on July 21. They were cleared that day on the Democratic side. We were perfectly willing to bring them up and voice vote them that day or the next day or the day after. We were perfectly willing to have a vote in August before we went out. We were perfectly willing to have them voted on in September. We were perfectly willing to have them voted on early, in early October because of the Senator's support and Senator CASEY's support. For some reason, that was not cleared on the Senator's side of the aisle. I will be happy to work with my friend from Pennsylvania—after all, we each have the same first name—and we will try to clear them. What the Senator said about them is absolutely true. These are the kind of judges—whether we have a Republican or Democratic President, they would be proud to have them on the bench, and I pledge to work with both Senators from Pennsylvania to get them through.

Mr. TOOMEY. I thank the chairman.

It is my understanding we are going to vote this evening on Judge Bissoon, and I would certainly enjoy the opportunity to work closely with the chairman to ensure that we could have votes as soon as possible on the other nominees.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF CATHY BISSOON TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Cathy Bissoon, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. LEAHY. Mr. President, today the Senate will vote on the nomination of Cathy Bissoon to the Western District of Pennsylvania, one of 27 judicial nominations reported favorably by the Judiciary Committee and on the Senate's Executive Calendar awaiting a vote. Like 24 of those 27 nominations, the nomination of Judge Bissoon was reported unanimously by the Judiciary Committee, with every Republican and every Democrat voting in support. Judge Bissoon is supported by both of her home State Senators, Senator CASEY, a Democrat, and Senator TOOMEY, a Republican. I am glad we are finally able to vote on this nomination nearly 3 months after it was reported. I have heard no reason or explanation from the Republican leadership for this delayed action.

There is no good reason or explanation for the Republican leadership's refusal to vote on the other two dozen consensus nominees stalled before the Senate, while a judicial vacancies crisis continues to affect the Federal courts and hurt the American people. These are all nominations that have gone through an extensive process. They were considered by the White House and vetted before the President nominated them. The White House has worked with the home State Senators, Republicans and Democrats, and each is supported by both home State Senators. The FBI has conducted a thorough background review. The ABA's Standing Committee on the Federal Judiciary has conducted a peer review of their professional qualifications. The Judiciary Committee has held a hearing on each nominee, and each has responded to extensive questioning. When they are then reported unanimously by the Judiciary Committee, there is no reason for months and months of further delay before they can start serving the American people.

With Republican agreement, we could vote not just on one district court nomination, but on all 27 of the nominations reported by the Committee. I trust that the Senate will be allowed to confirm additional judicial nominations this week, before the upcoming recess, so that we can begin to build on the agreement by the Senate leadership in September to finally have votes on long stalled judicial nominees. Votes on 4 to 6 nominations are what is required every week throughout the rest of this year if we are to bring down a judicial vacancy rate that remains at nearly 11 percent, with 90 vacancies on Federal courts around the country.

Senator GRASSLEY and I have worked together to ensure that each of the 27 nominations on the Senate calendar was fully considered by the Judiciary Committee after a thorough but fair process. We have worked hard to ensure that the Committee continues to makes progress on nominations. Our cooperation and work on the Committee makes the continuing extensive and unexplained delays in the Senate's consideration of judicial nominations even harder to understand.

These delays are damaging to the Federal courts and the American people who depend on them. A recent report by the nonpartisan Congressional Research Service found that we are in the longest period of historically high vacancy rates in the last 35 years. The number of judicial vacancies has been at or above 90 for well over 2 years. We must bring an end to these needless delays in the Senate so that our Federal courts can better serve the American people.

More than half of all Americans—almost 170 million—live in districts or circuits that have a judicial vacancy that could be filled today if the Senate Republicans just agreed to vote on the nominations now pending on the Senate calendar. As many as 25 States are served by Federal courts with vacancies that would be filled by these nominations. Millions of Americans across the country are harmed by delays in overburdened courts. The Republican leadership should apologize to the American people or at least explain why they will not consent to vote on the qualified, consensus candidates nominated to fill these extended judicial vacancies.

In recent letters to the Senate Majority Leader and Republican leader, ABA President Bill Robinson highlighted the problems created by these excessive vacancies on the Federal courts, writing:

> Filling existing vacancies on the federal bench has become a matter of increasing urgency. Across the nation, federal courts with high caseloads and longstanding or multiple vacancies have no choice but to delay or temporarily suspend their civil dockets due to Speedy Trial Act requirements. This deprives our federal courts of the capacity to deliver timely justice in civil matters and has real consequences for the financial well-being of businesses and for individual litigants whose lives are put on hold pending resolution of their disputes.
>
> Nothing less than a sustained, concerted, and cooperative effort will be sufficient to make discernible progress in reducing the longstanding and dangerously high vacancy rate on the federal courts. And, as important, nothing less will assure litigants—businesses and aggrieved individuals alike—that our federal courts have sufficient judges to hear their cases in a timely and thorough fashion.

I ask unanimous consent that copies of Mr. Robinson's October 13 letters to the Senate leaders be included at the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LEAHY. Those of us serving on the Senate Judiciary Committee are making this kind of ''sustained, concerted, and cooperative effort.'' Regrettably, that effort is not duplicated by the Senate, because the Senate Republican leadership continues to object, stall and delay consideration of these much-needed judges.

This is not a partisan issue. Two weeks ago in a hearing before the Judiciary Committee, Justice Scalia agreed that the extensive delays in the confirmation process are already having a chilling effect on the ability to attract talented nominees to the Federal bench. Chief Justice Roberts has also described the ''persistent problem of judicial vacancies in critically overworked districts.'' Hardworking Americans are denied justice when their cases are delayed by overburdened courts. While people appearing in court are waiting years before a judge rules on their case, they feel they are being forced to live the old adage ''justice delayed is justice denied.''

I have heard Republican Senators come to the floor purporting to justify their delays by selectively pointing to past instances in which Democratic Senators opposed a handful of President Bush's most ideological nominations. Their misguided attempt to go ''tit for tat'' and settle a political score on nominations ignores the realities of the crisis in judicial vacancies created by their delays. They ignore the fact that President Obama's current nominees are not divisive, ideological picks, but consensus, qualified nominees who are being blocked across the board for no good reason.

Senate Republicans also ignore the actual record on nominations established by Senate Democrats in considering President Bush's nominations. In the 17 months I chaired the Judiciary Committee during President Bush's first 2 years in office, the Senate proceeded to confirm 100 of his judicial nominees. In stark contrast, it has taken us twice as long—34 months—to confirm just over 100 of President Obama's judicial nominations. In President Bush's first term we confirmed a total of 205 Federal circuit and district court judges. As of today, we have almost 100 confirmations of President Obama's circuit and district court nominations to go in order to match that total during the next 12 months. Given the obstruction and delays during these first 3 years of President Obama's administration, we have a lot of ground to make up and

need to get started if the Senate is to be as productive as we were during President Bush's first term.

Democrats did not go ''tit for tat'' on nominations during President Bush's first years in office. Even though Senate Republicans pocket filibustered more than 60 of President Clinton's judicial nominations and refused to proceed on them while judicial vacancies skyrocketed to more than 110, we proceeded. As I have noted, we confirmed 100 in 17 months during President Bush's first 2 years. Now, however, Senate Republicans have not built on that progress and bipartisan cooperation but have returned, instead, to their practices of obstruction in order to hold judicial vacancies open, rather than confirm the nominations of a Democratic President. And as a result, judicial vacancies have skyrocketed, again. At this point in President Bush's first term we had confirmed 162 Federal circuit and district court judges, and the vacancy rate was down to 5 percent, with 46 vacancies. Vacancies are now twice as high with a vacancy rate of nearly 11 percent and vacancies again at 90, where they have been for well over 2 years.

This is not the way to make real progress. In the past, we were able to confirm consensus nominees more promptly, often within days of being reported to the full Senate. They were not forced to languish for months. The American people should not have to wait weeks and months for the Senate to fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

There is no good reason for the Republican refusal to consent to votes on three circuit court nominations which were favorably reported by the Judiciary Committee many months ago. We should be able to have a debate and vote on the nomination of Caitlin Halligan, the superbly qualified nominee to the ninth seat on the D.C. Circuit reported by the Judiciary Committee over seven months ago. She is a highly-respected appellate litigator who has excelled in private practice and public service, including 6 years as Solicitor General of the State of New York, and her nomination has the strong support of law enforcement and a number of prominent conservative lawyers. With a new vacancy on that court, it is now more than one-quarter vacant. Four of President Bush's D.C. Circuit nominees were confirmed to that Court, twice filling the tenth seat and once filling the eleventh seat. There is no reason we cannot now confirm President Obama's first D.C. Circuit nominee to fill the ninth seat.

There is also no reason for the Senate to have been required by Republican objection to have skipped the nominations of Stephen Higginson of Louisiana to the Fifth Circuit and Christopher Droney of Connecticut to the Second Circuit. Each has been nominated to fill a judicial emergency vacancy and each was reported unanimously by the Committee three months ago and before the nomination being considered today. In fact the Senate has only been allowed to consider 5 circuit court nominations this entire Congress. This stands in sharp contrast to the 17 circuit court nominations in 17 months that we confirmed when I chaired the Judiciary Committee in 2001 and 2002 and President Bush was in the White House.

The delays which have led to the damaging backlog in judicial nominations are compounded by attempts by Senate Republicans to use invented controversies to damage qualified nominees. The decision by the entire Republican caucus to vote against the nomination of Alison Nathan to the Southern District of New York last week reminded me of the shameful party line vote which defeated President Clinton's nominee of Justice Ronnie White of Missouri in 1999. Even though Alison Nathan's nomination had been reported in July with the support of half of the Republican members of the Committee, last week those Senators flipped their votes and all Republican Senators voted as a bloc against confirming her to the Federal bench. That was extraordinary. Fortunately, they did not prevail and Judge Nathan, an accomplished, impressive nominee, was confirmed. She deserved better treatment by Senate Republicans, not their party line opposition.

Today the Senate finally considers the nomination of Cathy Bissoon. She will make a superb addition to the Federal bench. She is already well-known on the court to which she is nominated, having served as a Magistrate Judge for the Western District of Pennsylvania since 2008, when she became the first Hispanic woman appointed to that role. She also clerked for Judge Lancaster of the Western District following law school. Judge Bissoon worked in private practice for 14 years at Cohen & Grigsby and Reed Smith in Pittsburgh, Pennsylvania. Both of Pennsylvania's Senators support her nomination. Senator CASEY, in particular, has worked very hard to help us get to this day. The Judiciary Committee favorably reported Judge Bissoon's nomination without dissent in July. When confirmed, she will be the first Hispanic woman to serve the Western District of Pennsylvania as a Federal judge.

I hope we can consider additional judicial nominations this week to address the serious judicial vacancies crisis on Federal courts around the country that has persisted for over 2 years. We can and must do better for the nearly 170 million Americans being made to suffer by these unnecessary Senate delays.

EXHIBIT 1

AMERICAN BAR ASSOCIATION,
Chicago, IL, October 13. 2011.

Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate,
Washington, DC.

DEAR REPUBLICAN LEADER MCCONNELL: I am writing on behalf of the American Bar Association to commend you on the confirmation of ten judges during the past two weeks. Your agreement with Senator McConnell allowed a higher number of judges to be confirmed than in any prior month this Congress. Moreover, your scheduling of the first six nomination votes on the same day was a welcome departure from the general pattern observed this Congress of considering only one or two nominees at a time. We strongly encourage you to continue to schedule same-day votes on multiple nominees throughout the rest of the session. Nothing less than a sustained, concerted, and cooperative effort will be sufficient to make discernible progress in reducing the longstanding and dangerously high vacancy rate on the federal courts. And, as important, nothing less will assure litigants—businesses and aggrieved individuals alike—that our federal courts have sufficient judges to hear their cases in a timely and thorough fashion.

Filling existing vacancies on the federal bench has become a matter of increasing urgency. Across the nation, federal courts with high caseloads and longstanding or multiple vacancies have no choice but to delay or temporarily suspend their civil dockets due to Speedy Trial Act requirements. This deprives our federal courts of the capacity to deliver timely justice in civil matters and has real consequences for the financial well-being of businesses and for individual litigants whose lives are put on hold pending resolution of their disputes.

The effect of the recent confirmations on the overall vacancy rate amply attests to the need for continued bipartisan action to achieve progress. On September 7, the day after the Senate's first confirmation vote since its return from the August recess, there were 91 vacancies on the federal bench. Despite the recent confirmation of ten judges, there are 92 vacancies on the bench today because of recent retirements and a death. Regrettably, this outcome is not an aberration or product of selective statistical reporting; even though the Senate has confirmed from one to seven judges every month this Congress, the vacancy rate continues to hover around 10 percent—right where it has been for the past 24 months.

However, if the Senate were to confirm by the end of this month the 29 nominees currently pending on the floor who were reported from the Judiciary Committee by bipartisan voice vote, the vacancy rate would drop to approximately seven percent, absent unanticipated events. That would be a real accomplishment.

We urge you to build on your recent success by continuing to reach agreements to schedule multiple nominees for votes on the same day at regular intervals throughout the remainder of this session. Given the long-term backlogs, it is important that confirmations outpace attrition and that the Senate has the opportunity to achieve significant success in reducing the vacancy rate and providing the federal judiciary with the judges it needs to evaluate each case on its merits and dispense timely justice to all.

Sincerely,

WM. T. (BILL) ROBINSON III,
President.

Mr. GRASSLEY. Mr. President, today the Senate will vote on the nomination of Cathy Bissoon to be U.S. District Judge for the Western District

of Pennsylvania. Today's vote marks the 49th judicial confirmation this year and the 11th in just 2 weeks.

In committee we continue to achieve great progress as well. Eighty-four percent of the judicial nominees submitted this Congress have been afforded hearings. We have reported 77 percent of the judicial nominees. We have another hearing scheduled for later this week, our 16th nomination hearing of this year. In total, the committee has taken positive action on 85 of the 98 nominees submitted this Congress, or 87 percent.

Let me say just a few words about the nominee we are considering today.

Judge Bissoon graduated summa cum laude from Alfred University with a bachelor of arts in 1990. In 1993, she earned her juris doctorate from Harvard Law School. Judge Bissoon began her career at Reed Smith in Pittsburgh, PA, and then clerked for Judge Gary Lancaster of the U.S. District Court for the Western District of Pennsylvania.

Following her clerkship, Judge Bissoon returned to private practice at Reed Smith where she worked primarily with employment and labor litigation. Judge Bissoon also served as the Firmwide director of diversity and as the firmwide practice group leader of Reed Smith's employment practice group. From 2007 to 2008, Judge Bissoon continued to practice employment and labor law as the Director and Department head of the labor group at Cohen & Grigsby.

In August 2008, the U.S. District Court for the Western District of Pennsylvania appointed Judge Bissoon as a U.S. magistrate judge.

Judge Bissoon received a unanimous ''Qualified'' rating from the ABA Committee on the Federal Judiciary.

I support this nomination and congratulate her on her professional accomplishments.

Mr. LEAHY. I see the senior Senator from Pennsylvania wishes to speak. I will yield to him in a moment.

First, I ask consent that I speak briefly about the Transportation and Highway appropriation bill the Senate is going to next be debating.

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

Mr. LEAHY. I want to thank the subcommittee chair, Senator MURRAY, and the ranking member, Senator COLLINS, for all the assistance they provided to me on several issues that are important to Vermont, especially in the wake of Hurricane Irene's massive devastation a few weeks ago. I have talked on the floor many times about what happened in Vermont with Hurricane Irene.

I was born in Vermont. I have never seen anything like this. It reminds me of the story my grandparents told me of a flood in the early 20th century. We have seen roads, bridges, businesses, homes, farms all over the State wiped out, with repair estimates topping nearly $900 million.

My wife and I have gone all over the State. I have gone with the Governor, adjutant general, and others, seeing things that literally brought me to tears in our beautiful State. Getting hit like that, it is very clear, as I have talked to the people working, that everybody has pitched in. Whether they are from the town that got hit or the next town over that might not have been hit, everybody has pitched in.

It is clear in our little State of 660,000 people we are stretched to the limit. If we don't have adequate Federal disaster recovery aid, Vermont will not have the resources needed to rebuild the lifelines destroyed—the homes, roads, and businesses represented in the daily lives of so many Vermonters and their communities.

Several Federal disaster programs are woefully underfunded. The highway administration emergency relief fund has less than $140 million in reserves. It has a backlog of more than $2 billion to repair projects from previous disasters, including $700 million from Vermont. HUD had no funding available to provide Community Development Block Grant funding to help our State rebuild. So I pushed hard for the $1.9 billion in emergency highway funding and for the vital State waivers that allow States to access the crucial repair work they need without overly restrictive cost sharing. I talked to the Governor, Senator SANDERS, Congressman WELCH, other State and municipal officials about Vermont's rebuilding needs.

The Governor was down here last week. We sat in my office to talk about the rebuilding needs. These waivers are always at the top of the priority list or our State is going to be devastated.

There are also in this bill provisions that will permanently shift trucks from overburdened State secondary roads, some of which are now dirt roads because of the flooding. They wind through many downtowns across our State's interstate highways. This will especially help Vermont businesses and communities that are struggling most from the large number of State and local roads heavily damaged by Irene. I was glad to work with Senator COLLINS to include the Vermont provision and any similar provision for Maine. Again, bipartisan cooperation has succeeded.

We included $400 million in emergency CDBG funding. It is a critical downpayment to address housing needs of those hurt by Irene and the flooding this past spring. We have to do this right away. It will be snowing in Vermont in a matter of weeks. Today is a beautiful day. I have been there long enough to know, if you don't like the weather, wait a minute, it will change. We have to get people back in their homes. Vermonters are working hard to make the necessary funding, but we need this. We need this help.

As a Vermonter said to me: Senator, it appears we can spend unlimited amounts of money to rebuild roads and bridges in Iraq and Afghanistan, and they just blow them up. Can't we find even a small portion of that money to rebuild roads and bridges and homes in America by Americans for Americans? And Americans will protect them.

I thank the distinguished senior Senator from Pennsylvania, and I yield to him.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise to speak in favor of the nomination of Judge Cathy Bissoon, and I ask unanimous consent to speak for no more than 10 minutes.

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

Mr. CASEY. Mr. President, I first of all want to thank Senator LEAHY, the chairman of the Judiciary Committee, for working with both parties to move these nominations along. I also want to thank Senator TOOMEY, my colleague from Pennsylvania, for his work and cooperation in moving our Pennsylvania judicial nominees forward. I am grateful for his help and cooperation.

I rise to speak about Judge Cathy Bissoon, who is a daughter of Brooklyn, NY. She was born there and became a Pennsylvanian after law school. Cathy Bissoon is of Hispanic origin. Her mother was from the West Indies and her dad was from Puerto Rico.

When she was 4 years old and living in the Williamsburg section of Brooklyn, her father was stabbed to death in a park blocks from her home. Her mother remarried and her family moved to Queens. As I mentioned before, she moved to Pittsburgh after law school. This is a remarkable American story. It is an American story of economic achievement, of overcoming obstacles, and of striving for excellence.

Her educational background is stellar as well. She received her jurist doctorate degree in 1993 from Harvard Law School, after receiving her degree in political science summa cum laude in 1990 from Alfred University in Alfred, NY.

A quick summary of her career is as follows:

Her service as a U.S. magistrate judge for the Western District of Pennsylvania, a position that she held in the Court's Pittsburgh division since the year 2008.

From 2007 until her appointment to the bench, Judge Bissoon was in private practice in Pittsburgh as a director of the law firm of Cohen & Grigsby, where she served as the head of the labor and employment group.

Previously she was a partner in the law firm of Reed Smith from 2001 to 2007 and an associate in that same firm beginning in 1993.

So she has a long record of service as a lawyer and advocate and someone whose career has been marked by distinction in the law as well as a judge.

She also served as the Reed Smith law firm director of diversity. It was a diversity initiative she developed to recruit, retain, and promote minority lawyers.

From 1994 to 1995 she was a law clerk for the Honorable Gary L. Lancaster of the U.S. District Court for the Western District of Pennsylvania.

This is a nomination that has not only received bipartisan support, but it is a nomination I think we can all be proud to advance and vote on today.

I urge all my colleagues to give an affirmative vote to Judge Bissoon.

I know we are limited to time. As my colleague, Senator TOOMEY, mentioned a couple of moments ago, we will be moving, we hope, soon to the consideration of two other nominees, and I want to make some comments for the RECORD for both of those.

Mark Hornak was born in Homestead, PA. He received his law degree summa cum laude in 1981 from the University of Pittsburgh School of Law and graduated second in his class and was editor-in-chief of the University of Pittsburgh Law Review.

He received his undergraduate degree cum laude in 1978 from the University of Pittsburgh and was a member of Omicron Delta Kappa Honorary Society, a National Merit Scholar, and on the dean's list.

He has been a partner in the law firm of Buchanan Ingersoll & Rooney since 1982 where he specialized in media, defense, governmental representation, and is a member of the firm's executive committee.

As I said before, I will include other references to his career as a lawyer and advocate. I have known Mark for a long time. I know him to be a person of integrity and someone who would serve our State with distinction in the Western District of Pennsylvania.

Finally, someone I have known for over 20 years, Robert David Mariani. Bob has been in practice as a civil litigator in my hometown of Scranton for some 34 years. His educational background is equally as distinguished as our other nominees. He received his law degree cum laude in 1976 from Syracuse University College of Law and his undergraduate degree in 1972 from Vilanova University, also cum laude.

Since 2001, he has been the sole shareholder in the law firm of Robert D. Mariani P.C. He has been an instructor for 5 years in the Union Leadership Academy Program sponsored by Penn State University, and was sole proprietor in his own law firm from 1993 to 2001. Of course, he was a partner in the same firm, or a similar firm by the name of Mariani & Greco from 1993.

When my father served as Governor of Pennsylvania, he nominated Bob to fill a vacancy on the Pennsylvania Superior Court. It was a great honor. I know how high his standards were. Bob Mariani comes to this appointment with great distinction, a long and distinguished career in the law, and I know he will be a great judge in the Middle District of Pennsylvania.

I will conclude by saying I could say more about Judge Bissoon, Mark Hornak, and Bob Mariani, but their record will be amplified by written commentary of their achievements, and I ask unanimous consent to have printed in the RECORD a more thorough summary of their qualifications at this time.

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

CATHY BISSOON

Birthplace: Brooklyn, New York.

Hispanic, mother from the West Indies, father was Puerto Rican.

When she was 4 years old and living in Williamsburg, Brooklyn, her father was stabbed to death in a park blocks from her home.

Her mother remarried and her family moved to Queens.

Moved to Pittsburgh after law school.

Education: Received her J.D. in 1993 from Harvard Law School, and her B.A. Political Science (summa cum laude) in 1990 from Alfred University in Alfred, New York.

Career:

Serves as United States Magistrate Judge for the Western District of Pennsylvania, a position she has held in the Court's Pittsburgh Division since 2008.

From 2007 until her appointment to the bench, she was in private practice in Pittsburgh as a director of the law firm of Cohen & Grigsby, where she served as the head of the Labor & Employment Group.

Previously was a partner in the law firm of Reed Smith from 2001 to 2007 and an associate at the same firm beginning in 1993.

Served as Reed Smith's Director of Diversity for six years, a diversity initiative she developed to recruit, retain and promote more minorities.

From 1994 to 1995, she was a law clerk to the Honorable Gary L. Lancaster of the U.S. District Court for the Western District of Pennsylvania.

Honors and Awards:

Recipient of the Thurgood Marshall Multicultural Prism Award from Minorities in Business Magazine for individual contributions to diversity in the legal profession (2006).

Was Named Fellow of the Litigation Council of America (formerly the American Academy of Trial Counsel) (2007–2008).

Listed multiple years in the Best Lawyers in America.

Named a ''Pennsylvania Super Lawyer'' by Philadelphia Magazine.

Named by Chambers USA as one of the top employment lawyers in Pennsylvania (2004–2008).

Was recognized as one of the top 50 lawyers in Pennsylvania under the age of 40 by Pennsylvania Law Weekly.

Was honored by Pittsburgh Professional Women as one of their 2010 Women of Integrity for her leadership, ethics and community service.

MARK RAYMOND HORNAK

Birthplace: Homestead, Pennsylvania

Education:

Received his J.D. summa cum laude in 1981 from the University of Pittsburgh School of Law, graduated second in his class and was Editor-in-Chief of the University of Pittsburgh Law Review.

Received his B.A. cum laude in 1978 from the University of Pittsburgh, was a member of Omicron Delta Kappa Honorary Society, a National Merit Scholar and on the Dean's List.

Career:

Has been a partner at the law firm of Buchanan Ingersoll & Rooney PC since 1982, where he specializes in civil litigation, labor and employment law, media defense and governmental representation and is a member of the firm's Executive Committee.

Is the solicitor of the Sports & Exhibition Authority of Pittsburgh and Allegheny County, which owns PNC Park, Heinz Field, the David L. Lawrence Convention Center and Consol Energy Center and represents the authority in litigation and transactional matters.

Also represent national television, radio and publishing clients in media litigation, including defamation, First Amendment and access issues, and in transactional matters.

Prior to joining Buchanan Ingersoll & Rooney PC in 1982, Honak served as a law clerk to the Honorable James M. Sprouse of the U.S. Court of Appeals for the Fourth Circuit.

Honors and Awards:

Was selected by his peers for inclusion in the 2003–2010 editions of Chambers Guide to America's Leading Business Lawyers.

From 2004 to 2010 was selected as a ''Top 50 Lawyer in Pittsburgh''.

Has also been repeatedly selected to the Pennsylvania Super Lawyers® list and selected by his peers for inclusion in The Best Lawyers in America, 2006–2010.

ROBERT DAVID MARIANI:

Birthplace: Scranton, Pennsylvania.

Education: Received his J.D. cum laude in 1976 from Syracuse University College of Law and his A.B. cum laude in 1972 from Villanova University.

Career:

Has spent the past 34 years as a civil litigator in Scranton, Pennsylvania, where he specializes in labor and employment law.

Since 2001, he has been sole shareholder in the law firm of Robert D. Mariani, P.C.

Has been an instructor for 5 years in the Union Leadership Academy Program sponsored by the Pennsylvania State University.

Was sole proprietor in the Law Office of Robert D. Mariani from 1993 to 2001 and was a partner in the law firm of Mariani & Greco from 1979 to 1993.

Honors and Awards:

Nominated by Governor Robert P. Casey February 1993 to fill an interim vacancy on the Pennsylvania Superior Court.

Named Contributing Editor of The Developing Labor Law, Third Edition, published by the ABA and the Bureau of National Affairs, Inc., and the 1990–1992, 1994, 1996, 1997 and 1998 Supplements thereto, and Fourth Edition and 2002 Supplement thereto.

Listed in the Martindale-Hubbell 1997 through 2010 Bar Register of Preeminent Lawyers in the category of Labor and Employment Law with a rating of ''AV.'' 'A' rating is the highest legal ability rating, while the 'V' signifies very high adherence to professional standards of conduct, ethics, reliability and diligence.''

Listed in the ''Super Lawyers'' Edition of Philadelphia Magazine in Labor and Employment Law in years 2005 through 2009.

Mr. CASEY. Mr. President, I am grateful that these candidates have put themselves forward for public service on our Federal bench, and we are looking forward today to a strong vote for Judge Bissoon when we get to her vote this afternoon.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk will call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

All time has expired.

The question is, Will the Senate advise and consent to the nomination of

Cathy Bissoon, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania?

The yeas and nays were previously ordered.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Missouri (Mrs. MCCASKILL), the Senator from New Mexico (Mr. UDALL), the Senator from Virginia (Mr. WEBB), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. ISAKSON), the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. RUBIO), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''yea'' and the Senator from Georgia (Mr. ISAKSON) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 3, as follows:

[Rollcall Vote No. 166 Ex.]

YEAS—82

Akaka	Feinstein	Mikulski
Alexander	Franken	Moran
Ayotte	Gillibrand	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hoeven	Portman
Bingaman	Hutchison	Pryor
Blumenthal	Inouye	Reed
Boozman	Johanns	Reid
Boxer	Johnson (SD)	Roberts
Brown (MA)	Johnson (WI)	Rockefeller
Brown (OH)	Kerry	Sanders
Cardin	Kirk	Schumer
Carper	Kohl	Sessions
Casey	Kyl	Shaheen
Chambliss	Landrieu	Shelby
Coats	Lautenberg	Snowe
Coburn	Leahy	Stabenow
Cochran	Lee	Tester
Collins	Levin	Thune
Conrad	Lieberman	Toomey
Coons	Lugar	Udall (CO)
Corker	Manchin	Vitter
Cornyn	McCain	Warner
Crapo	McConnell	Whitehouse
Durbin	Menendez	
Enzi	Merkley	

NAYS—3

Blunt	Inhofe	Paul

NOT VOTING—15

Burr	Heller	Rubio
Cantwell	Isakson	Udall (NM)
DeMint	Klobuchar	Webb
Graham	McCaskill	Wicker
Hatch	Risch	Wyden

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

AGRICULTURE RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Presiding OFFICER. The Senator from Maine.

Ms. COLLINS. I thank the Chair. Shortly, along with the Senator from Colorado, I am going to discuss an amendment to the Agriculture appropriations bill we have offered. But, first, I am going to yield to the Senator from Texas for the purpose of his offering an amendment.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 775 TO AMENDMENT NO. 738

Mr. CORNYN. I thank the Senator from Maine. I have an amendment at the desk. I ask that it be called up and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 775 to amendment No. 738.

Mr. CORNYN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit funding for Operation Fast and Furious or similar ''gun walking'' programs)

After section 217 of title II of division B, insert the following:

SEC. 218. No funds made available under this Act shall be used to allow the transfer of firearms to agents of drug cartels where law enforcement personnel of the United States do not continuously monitor and control such firearms at all times.

Mr. CORNYN. I will be back to talk to the substance of my amendment.

I yield the floor, and I thank the Senator from Maine.

Ms. COLLINS. Mr. President, I rise this evening to discuss an amendment numbered 757 that I have offered with my colleague from Colorado, Senator MARK UDALL, that would protect the flexibility of schools to serve healthy vegetables in the National School Lunch and School Breakfast Programs. This is a bipartisan amendment that we are offering. It is cosponsored by Senators CRAPO, RISCH, SNOWE, AYOTTE, WYDEN, JOHANNS, NELSON of Nebraska, MIKULSKI, and HOVEN.

Earlier this year, the U.S. Department of Agriculture proposed a rule that would limit servings of a certain category of vegetables that includes white potatoes, corn, peas, and lima beans. It would limit them to a total of one cup per week in the National School Lunch Program.

The proposed rule would also ban this category of vegetables altogether from the School Breakfast Program. Our bipartisan amendment would prevent the Department of Agriculture from moving forward with this arbitrary limitation. I am concerned the proposed rule would impose significant cuts on schools and would limit the flexibility they need to serve nutritious, affordable meals to their students.

For those who are less familiar with this issue, let me give my colleagues some background. Current law already requires the School Lunch and School Breakfast Programs to follow the most recent dietary guidelines for Americans. Last year, the USDA released the newest dietary guidelines that call for all Americans of all ages to eat more vegetables.

The 2010 dietary guidelines list four nutrients of concern. They are potassium, dietary fiber, calcium, and vitamin D. The guidelines state that dietary intake of these four nutrients are low enough to be of public health concern for both adults and children.

Since USDA is concerned about a lack of these nutrients in the American diet, it would make sense for the Department to promote good sources of these critical nutrients. Yet the USDA's proposed rule would actually limit vegetables that are good sources of these nutrients. USDA should not limit their availability but instead should encourage their healthy preparation.

For example, here are some nutritional facts about potatoes that are often overlooked. Potatoes have more potassium than bananas, a food commonly associated with this nutrient. Potatoes are cholesterol free, low in fat and sodium, and can be served in countless healthy ways. In fact, a medium baked potato contains 15 percent of the daily recommended value of fiber—that is one of those nutrients of concern—27 percent of the daily recommended value for vitamin B6, 28 percent of the daily recommended amount of vitamin C. This is a great nutritional bargain at about a nickel per serving.

I am going to go on and discuss the rest of the problems with this rule and the solution, but I know my colleague from Colorado is under a time constraint. So at this point I am going to yield to him, my partner in this endeavor, for his statement. Then I will reclaim the floor and continue with my discussion.

The PRESIDING OFFICER (Mr. MANCHIN.) The Senator from Colorado.

Mr. UDALL of Colorado. I thank the Senator from Maine for her graciousness and for her leadership on this important amendment that she and I brought to the floor. Clearly, the 2012 Agriculture appropriations bill that will direct the USDA to provide adequate flexibility to schools to deliver students nutritious school meals while effectively managing costs is very important. But we have to do it in the right way. I want to share my thinking on what the right way is.

In January of this year the USDA issued a proposed rule for nutritional standards in the National School Lunch and School Breakfast Programs that would limit total servings of certain vegetables—most notably potatoes, corn, green peas, and lima beans—to one cup per week and eliminate potatoes from school breakfasts.

I have heard from school lunch providers in Colorado that this restriction will result in significant challenges for food service operations through increased costs, reduced flexibility, and decreased school meal participation. This is especially concerning for them in my State, and I think as the Senator from Maine has pointed out, all over our country because school districts are facing increasingly tight budgets.

Many children from Colorado and across the Nation depend on school meal programs to keep them nourished and ready to learn. That is why it is important for school meals to include healthy food options while also allowing sufficient flexibility to school meal providers to help build a foundation for healthy eating going forward.

In order to achieve this goal, a very worthy goal, it is important that we implement the bipartisan child nutrition reauthorization the Congress passed last year. In order to ensure that implementation is successful for both kids and schools, it is important the USDA takes into consideration the insights and the experiences of those who are in the school cafeterias every day across America serving meals to our children. These are well-trained and qualified individuals who see our children, our students, on a daily basis. They know their parents, and they very well may be parents of students themselves.

Here is what they are saying. I will read to you from a letter the Colorado School Nutrition Association sent me recently regarding this proposed rule:

> We believe it is a realistic and attainable goal to create meal plans that meet the current dietary guidelines for Americans while allowing schools the flexibility to manage cost and maintain student participation. Improved nutrition is a vital aspect of our nation's health, one which we heartily support, and we believe it can be accomplished without significant damage to the programs we are trying to improve and without additional strain on local schools.

That is what the Collins-Udall amendment intends to do. It would direct the USDA to not set maximum limits on the frequency that schools can serve any one fruit or vegetable while allowing schools to continue to moderate portion size appropriately. Our amendment will also ensure that schools have the flexibility to serve healthy fruits and vegetables in a manner consistent with guidelines established jointly by the USDA and the Department of Health and Human Services, called the Dietary Guidelines for Americans.

Some wonder why Senator COLLINS and I have taken such issue with this proposed rule. Yes, we both do come from potato-producing States. We both believe potatoes have gotten a bad rap. The truth is, when prepared properly, the potato can provide critical nutrients to students that will help them lead healthy lives and be ready to learn in the classrooms.

In some areas, increased flexibility to serve this nutritious and available vegetable can actually help schools manage costs so they can afford to purchase other more expensive vegetables. Where I believe school meal providers, potato producers, and health advocates can agree is that this issue is less about any one vegetable and more about the preparation of the vegetable. Anything can be fried or drowned in any number of fats available to us as consumers. Let's be honest.

Even Agriculture Secretary Vilsack agreed in testimony before the Senate Agriculture Appropriations Committee that it is not the potato, it is the way in which potatoes are being prepared and provided. We should be encouraging schools to prepare potatoes and other fruits and vegetables appropriately, not limiting their flexibility and potentially increasing their cost unnecessarily.

I have spent a good portion of my time in Congress working to promote physical activity, getting children and families into the great outdoors and reducing the amount of time children spend in front of the TV and video games. Through my Healthy Kids From Day One Act and the National Kids to Parks Initiative I have focused on getting kids to eat healthier and become more active.

Another way we promote healthy lifestyles is making sure kids have access to needed nutrients and balanced meals. That is why Congress directed the USDA to ensure that all fruits and vegetables are part of Federal food nutrition programs, particularly the school meal programs.

I believe, and I know Senator COLLINS believes, there is a balance we can find, a balance that preserves needed flexibility for our cash-strapped schools but also preserves guidelines that will ensure our kids are getting the best nutrients possible in their school meals, including from the potato.

So instead of pointing fingers, we need to provide commonsense solutions that help school kids and their parents make wise choices that in turn will make a healthier America.

A healthy country is a strong country. I believe this amendment is an important tool to ensure that our schools can be an active and effective participant in ensuring our children are healthy, well cared for, and ready to become the next leaders in our goal of winning the global economic race.

I thank the Senator from Maine for yielding time to me. I look forward to working with her, to reaching a successful conclusion, and to our amendment being agreed to.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Colorado for his excellent remarks. Both of us share the goal that all Americans share for our children—making sure they get a healthy diet. For many children, it is so critical that the School Lunch and School Breakfast Programs provide that diet.

Unfortunately, in many ways USDA's rule does not comply with the dietary guidelines which recognize that Americans of all ages tend to be short on two particular nutrients, potassium and fiber, and potatoes are abundant in providing those.

When we think of potassium, most of us think of bananas. In fact, as this chart shows, a potato actually has far more potassium than a banana. Indeed, ironically, the Dietary Guidelines for all Americans includes an appendix exclusively listing foods that are rich in potassium. A baked potato is the first vegetable listed because it is such an excellent source of potassium.

Potatoes can also serve as vehicles for other vegetables. I recently discussed this issue with the director of school nutrition for two communities in Maine, York and Kittery. Her name is Doris Demers. She told me the kids in her school system rave about the baked potato bar, where they can load baked potatoes with broccoli, shaved carrots, chives, salsa, vegetarian chili, beans, and many other healthful items. Doris also pointed out to me that this is a particularly popular option for students who are vegetarians, and they are seeing an increasing number of students who are vegetarians in their school system.

Yet if this rule were to go into effect, a school serving a medium baked potato on Monday would be prevented from serving a full portion of potatoes or corn at any other lunch during that week. Think how absurd that result is. These two vegetables—corn and potatoes—are central to a variety of dishes, such as soups, stews, chowders, and Shepherd's pie.

One food service director told me of her school's attempt to get children to eat fresh whole foods rather than heavily processed foods. Thus, she developed a farm to school program in cooperation with a local farmer.

The students went out into the field, picked the corn, husked it themselves, and were served the corn for lunch, enjoying the experience of consuming wholesome, locally grown food. Yet, as she pointed out to me, the USDA's proposed rule would prevent her from serving an ear of fresh corn one day of the week and a baked potato another day of the same week. That is an utterly absurd result. That is why people get so frustrated with some of the regulations that come out of Washington.

I am also very concerned about the impact on the School Breakfast Program. It is a voluntary program, unlike the School Lunch Program. Some school districts could be forced to drop out of the School Breakfast Program

as a direct result of this rule because it could increase costs by up to 50 cents per breakfast. If we start multiplying that across all the breakfasts served by these school systems, we are soon talking about real money. This would be a disaster if schools chose to terminate their participation in the School Breakfast Program for those students who rely on this program. Only Washington could impose a rule that purports to improve school nutrition but actually causes schools to drop out of the very program that is supposed to provide that nutrition.

In fact, many of our colleagues in the Congressional Black Caucus in the House have written to Secretary Vilsack expressing ''concerns regarding the new costs the proposed rule would impose on schools educating the highest percentage of low-income students.'' The letter goes on to note:

For many low-income children, the best, if not all, of their nutrition comes from programs (the USDA) administers.

The letter points out that many schools simply ''do not have the resources that may be diverted to meet such large cost increases.''

Research has shown us time and again that eating a healthy breakfast is critical to academic success. Eating breakfast also provides significant health benefits, as we all know. Not eating breakfast is associated with excess body weight, especially among children and adolescents, and consuming breakfast has been associated with weight loss and improved nutrition.

I hope USDA will listen to the concerns voiced by the professionals who manage these programs. The School Nutrition Association opposes this restriction and ''believes that consumption of an array of fruits and vegetables should be encouraged,'' not limited.

The following organizations are opposing the USDA's proposed rule because it would increase costs and limit their flexibility: the American Association of School Administrators, the National School Boards Association, the Council of Great City Schools, and the National Association of Elementary School Principals.

In my State, the Maine Department of Education, the Maine PTA, the Maine School Management Association, and the Maine Principals Association have all expressed their support for our amendment and their opposition to the USDA's ill-conceived rule. These groups represent school administrators, superintendents, school boards, and principals. They know; they oversee the school food service programs, and they understand the difficulties and costs this rule would cause. The American Association of School Administrators, for example, wrote to express support for our amendment saying:

The overly prescriptive nature of the requirements for providing fruits and vegetables increases the cost of meals so drastically that school districts implementing the changes, even receiving the higher reimbursement rate, would still be covered for less than half of the incurred expenses.

The fact is, the proposed rule would impose significant and needless costs on our Nation's school districts at a time when they can least afford it.

Listen to what the cost of this rule is estimated to be by the Department of Agriculture: The USDA estimates that this rule could cost as much as $6.8 billion over the next 5 years. The lion's share of that cost is going to fall on State and local agencies.

The costs associated with the proposed rule would also affect working families who rely on the school meal programs. As the National Association of Elementary School Principals wrote me:

USDA's proposed nutritional guidelines will force schools to raise paid meal prices.

I ask unanimous consent that a list of organizations in support be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Ms. COLLINS. Mr. President, I hope our colleagues will take a closer look at this bipartisan amendment that Senator UDALL and I are offering, with the support of many colleagues. We need to ensure that our schools can maintain the flexibility they need to serve healthy meals at an affordable cost.

EXHIBIT 1

LETTERS OF SUPPORT

NATIONAL SCHOOL GROUPS

American Association of School Administrators (AASA): Represents approximately 13,000 educational leaders including superintendents, as well as school chief executive officers and other senior level Administrators and cabinet members.

National School Boards Association (NSBA): Represent public school boards and related school boards associations.

Council of the Great City Schools (CGCS): Represents the needs of urban schools and inner-city students. Membership includes school districts located in cities with populations over 250,000 or student enrollment over 35,000. Therefore, CGCS indirectly represents 6.8 million children, 65 percent of which are eligible for free/reduced price lunch.

National Association of Elementary School Principals (NAESP): Represents approximately 23,000 elementary and middle school principals. NAESP indirectly represents approximately 33 million children in grades pre-kindergarten through grade eight.

National Rural Education Association (NREA)/National Rural Education Advocacy Coalition (NREAC): These umbrella groups represent the rural voice of America's educators. Members are comprised of state and national organizations, as well as individuals, who are concerned about rural education.

Association of Educational Service Agencies (AESA): Represents approximately 550 regional service agencies (public multi-service agency that provides support services and programs for schools). They work with schools that represent 80 percent of all public school students in the nation, and are authorized by state statute (none in Maine).

MAINE SCHOOL GROUPS

Maine Parent Teacher Association (Maine PTA): Represents approximately 100 local PTA units and 3,500 members in Maine; membership is comprised of parents, educators, students and school advocates.

Maine School Management Association (MSMA): This umbrella organization represents the school boards (MSBA) and superintendents (MSSA) in Maine. Maine Principals Association (MPA): Represents approximately 900 members in Maine, including elementary and secondary principals, assistant principals, and other school administrators.

State of Maine Department of Education

Maine School Nutrition Association

FARM/FOOD GROUPS

National Potato Council

Maine Potato Board

American Frozen Foods Institute

OTHER GROUPS

Letter from several Members of the Congressional Black Caucus

Ms. SNOWE. Mr. President, I rise today with my colleagues Senator COLLINS and Senator UDALL to raise the concern of nutrition guidelines in our schools. This amendment aims to clarify school nutrition standards to ensure that they appropriately reflect the USDA's Dietary Guidelines for Americans.

As you may know, on January 31, 2011, U.S. Department of Agriculture Secretary Tom Vilsack and Secretary of the Department of Health and Human Services Kathleen Sebelius announced the release of the 2010 Dietary Guidelines for Americans, the Federal Government's evidence-based nutritional guidance to promote health, reduce the risk of chronic diseases, and reduce the prevalence of obesity through improved nutrition and physical activity. However, just 2 weeks prior, on January 13, 2011, USDA released a proposed rule to improve nutrition requirements for the National School Lunch Program and the School Breakfast Program to align them with the 2005 ''Dietary Guidelines for Americans.''

This was bureaucratic confusion exemplified. Why not delay the proposed rule for our Federal meal programs by 2 weeks and instead release it to reflect the most recent nutrition guidelines that were issued on January 31? While I understand and agree with the necessity and desire to update the nutrition standards in schools, wouldn't it be more effective to utilize the most recent, science-based guidelines to reflect those recommendations?

In my home State of Maine, like most in the Nation, we find ourselves struggling with an obesity epidemic. According to the Centers for Disease Control, today in the United States, 64 percent of adults and 28 percent of high school students are either overweight or obese. Equally, if not more disturbing, are the statistics revealing that only 23 percent of adults and 21 percent of high school students eat at least five servings of fruits and vegetables daily.

With more than 31 million children currently participating in the National

School Lunch Program and more than 11 million participating in the National School Breakfast Program, I believe that good nutrition within our Nation's schools is more important than ever. And that is all the more pressing, given that many children consume at least half of their daily calories at school, and for many students participating in these programs, the food served at school may be the only food they regularly eat.

For that, and many other reasons, I stand here today in support of Senate amendment No. 757. Specifically, the amendment would ensure that Federal school meal programs will be permitted to provide fruits and vegetables consistent with the most recent dietary guidelines.

Specifically, the recently proposed rule to improve nutrition requirements for the National School Lunch Program and the School Breakfast Program would limit the total servings of starchy vegetables, including the white potato, to one cup per week and completely eliminate those vegetables from school breakfasts. I am particularly disturbed by this recommendation because they actually contradict the recently published 2010 Dietary Guidelines for Americans, as well as the 2005 Dietary Guidelines they are supposed to reflect.

Our most recent national Dietary Guidelines—those released this past January—simply state that ''intake by Americans of some nutrients is low enough to be of public health concern. They are potassium, dietary fiber, calcium, and vitamin D.'' As you may know, there are few fruits or vegetables that contain the levels of potassium in potatoes. In fact, a medium potato—5.3 oz with the skin—is not only a good source of potassium, but also contains significantly more potassium—200 mg more—than its nearest rival, the banana.

Additionally, one serving of potato has as much fiber as broccoli and provides 13 percent of the daily recommended value. In an attempt to combat these deficiencies the 2010 Dietary Guidelines recommend that all Americans, including school age children, consume 5 cups of starchy vegetables a week. This is an increase in recommended consumption from the recommendations of the 2005 Dietary Guidelines for 3 cups of starchy vegetables per week. And yet the proposed rule would limit the total number of servings of starchy vegetables to one cup per week in our school lunch program, which is entirely inconsistent with the 2005 and 2010 Dietary Guideline recommendations.

I believe that it is clear that potatoes are a nutrient powerhouse, and the fact that the white potato offers 13 percent of a child's daily potassium requirements for less than 5 cents per serving provides further support for keeping potatoes in school meals, especially during challenging budgetary times. The Federal Government should allow our struggling schools to make fiscally responsible choices that offer the most nutritional return on investment. In fact, USDA has estimated that the proposed meal plan will increase school lunch costs by $6.8 billion over 5 years, and it cannot be denied that a significant part of this increase is due to the limit on potatoes. Limiting starchy vegetables to 1 cup per week will increase costs by approximately 5.6 percent with possible adverse affects on nutritional quality.

It has been well documented that, currently, nine out of ten Americans are not achieving vegetable and fruit consumption recommendations. I am disappointed that during such a time, that the USDA would propose rules denying our nation's youth access to nutrient-rich foods as part of the National School Lunch and School Breakfast programs.

And let me just say before the issue is raised that no one is arguing in favor of a diet based on french fries. The truth is—to combat the wave of obesity and promote more healthy food choices we must promote food items that present a diverse set of vitamins and minerals. No matter how they are prepared, potatoes are currently included in healthy school meal plans to meet national dietary guidelines. Yet many Americans seem to believe all potatoes served in schools are in the form of deep fried french fries.

This may have been the case at one time, but today, according to our own school food service administrators, most potatoes served in schools are baked, not fried. Like 80 percent of schools nationwide, the deep fryers in York and Kittery, ME schools, for example, were removed years ago. As the school nutrition director of those schools, Ms. Doris Demers informed me recently that, in her 18 years working in school nutrition, she has never seen fryers in a Maine school nutrition program. When prepared properly, the potato is packed with nutrition and is a cost-effective option for the school lunch and breakfast programs.

While I will continue to endeavor with my colleagues to support improved nutritional standards for all Americans, I am concerned that many throughout our nation cannot help but get confused about which guideline they should try to follow. For these reasons, I respectfully request that my colleagues join me in encouraging USDA to be consistent on their nutritional advice to the American public—of all ages.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 772 TO AMENDMENT NO. 738

Mr. DURBIN. Mr. President, on behalf of Senator MURRAY, I ask unanimous consent to set aside the pending amendment and call up amendment No. 772.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mrs. MURRAY, proposes an amendment numbered 772 to amendment No. 738.

The amendment is as follows:

(Purpose: To strike a section providing for certain exemptions from environmental requirements for the reconstruction of highway facilities damaged by natural disasters or emergencies)

Strike section 128 of division C.

The PRESIDING OFFICER. The Senator from New York.

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I thank my colleague from Illinois for letting me take care of this matter, which I hope will be disposed of quickly.

I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

SSI EXTENSION FOR ELDERLY AND DISABLED REFUGEES ACT OF 2011

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1721, introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 1721) to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to extend the eligibility period for supplemental security income benefits for refugees, asylees, and certain other humanitarian immigrants, and for other purposes.

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

Mr. SCHUMER. Mr. President, I ask unanimous consent that the bill be read the third time, that a budgetary pay-go statement be printed, and that the Senate proceed to a vote on passage of the bill.

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

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

Mr. CONRAD. Mr. President, this is the Statement of Budgetary Effects of PAYGO Legislation for S. 1721.

Total Budgetary Effects of S. 1721 for the 5-year Statutory PAYGO Scorecard: net decrease in the deficit of $24 million.

Total Budgetary Effects of S. 1721 for the 10-year Statutory PAYGO Scorecard: net decrease in the deficit of $24 million.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this act.

The information follows.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR THE SSI EXTENSION FOR ELDERLY AND DISABLED REFUGEES ACT OF 2011 (GAI11269)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2012–2016	2012–2021
NET INCREASE OF DECREASE (−) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact	36	−60	0	0	0	0	0	0	0	0	−24	−24
Memorandum:												
Changes in Outlays	36	0	0	0	0	0	0	0	0	0	36	36
Changes in Revenues	0	60	0	0	0	0	0	0	0	0	60	60

Note: The SSI Extension for Elderly and Disabled Refugees Act would extend refugees' and certain other aliens' eligibility for Supplemental Security Income (SSI) from seven years to nine years (and while a naturalization application is pending) during fiscal year 2012. The bill also would levy a $30 fee on any petition for a Diversity Visa that is filed before October 1, 2013. CBO expects that the legislation would not be implemented in time to affect the October 2011 registration period for the Diversity Visa Program, so only petitions filed during the October 2012 registration period would be subject to the $30 fee.

Source: Congressional Budget Office.

The PRESIDING OFFICER. The question is on passage of the bill.

The bill was passed, as follows:

S. 1721

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 ''SSI Extension for Elderly and Disabled Refugees Act of 2011''.

SEC. 2. EXTENSION OF ELIGIBILITY PERIOD FOR SSI BENEFITS FOR CERTAIN RECIPIENTS.

(a) IN GENERAL.—Section 402(a)(2)(M) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(M)) is amended—

(1) in clause (i)(I), by striking ''fiscal years 2009 through 2011'' and inserting ''fiscal years 2009 through 2012''; and

(2) in clause (ii), by striking ''fiscal years 2009 through 2011'' and inserting ''fiscal years 2009 through 2012''.

(b) CONFORMING AMENDMENT.—Section 402(a)(2)(M) of such Act is amended, in the subparagraph heading, by striking ''THROUGH FISCAL YEAR 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

SEC. 3. DIVERSITY IMMIGRANT VISA PETITION FEE.

(a) REQUIREMENT FOR FEE.—Section 204(a)(1)(I) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)) is amended by adding at the end the following:

''(iv) Each petition filed under this subparagraph shall include a petition fee in the amount of $30.''.

(b) DEPOSIT OF FEE.—All fees collected pursuant to clause (iv) of section 204(a)(1)(I) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)), as added by subsection (a), shall not be available for obligation and shall be deposited, in their entirety, in the general fund of the Treasury.

(c) SUNSET OF FEES.—The fees collected pursuant to clause (iv) of section 204(a)(1)(I) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)), as added by subsection (a), shall apply only to petitions filed before October 1, 2013.

SEC. 4. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the motion to reconsider be laid upon the table and that any statements related to the bill be printed in the RECORD.

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

Mr. SCHUMER. Mr. President, I will speak for a minute on the bill we have just passed. This is a bill that I introduced a couple weeks ago along with Senators LEAHY, GILLIBRAND, MENENDEZ, FRANKEN, and KLOBUCHAR. I thank them. It is called the SSI Extension for Elderly and Disabled Refugees Act of 2011.

The Senate just passed this bill. I believe that is because it is a truly worthy piece of legislation. It accomplishes three incredibly important objectives at the same time. First, the bill ensures that approximately 5,600 disabled refugees will not lose their life-sustaining benefits that are their only safety net protecting them from homelessness, illness, and other effects of extreme poverty.

Many of these disabled refugees are people who have aided American troops overseas in Iraq and Afghanistan and risked their lives for the American cause. Others are victims of torture and human trafficking.

The bill continues the Bush administration policy of making sure this vulnerable group does not lose its only lifeline to stay afloat. But unlike past legislation, the second fact about the bill is it is fully paid for. It is paid for by imposing a $30 fee on individuals applying for the diversity visa lottery program. Each year, hundreds of thousands of people apply to be one of the 50,000 selected to enter the United States. This program has had great success enriching the American economy with immigrant businesses from countries that are not traditionally represented in our immigrant pool. The one problem with the program is that applying for a lottery ticket is free, and consequently the program has recently been compromised by third parties fraudulently filing applications for monetary gain. The State Department has told me by charging a $30 fee to apply, we will completely eliminate this misconduct.

Finally, the third positive aspect of this bill is by setting the fee at $30, the Congressional Budget Office—our nonpartisan budget scorekeeper—projects we will actually reduce the deficit by $24 million.

In short, this bill hits the trifecta. It helps a very small and targeted group of the most vulnerable and needy disabled individuals we traditionally have helped, including many who helped us—helped our troops—in both Afghanistan and Iraq and have come here on the refugee program. Second, it eliminates the misconduct in the diversity visa program, because once the $30 fee is imposed, the gamesmanship of those who are gaming the system to make money will disappear. And finally, it reduces the Federal deficit by $24 million.

Because this bill is a win, win, win for all sides, I ask my colleagues in the House take up and pass the bill immediately. The benefit for the folks we are talking about expired on October 1. If the House does not act soon, we will not be able to undo the irreparable harm that will soon be done to these most vulnerable of individuals when they begin missing checks.

Again I want to thank my cosponsors, and particularly Senators LEAHY and GRASSLEY, chairman and ranking member of the relevant Judiciary Committee, as well as Senators BAUCUS and HATCH of the Finance Committee, and Senators CORNYN and SESSIONS of the Budget Committee, and Senator CORNYN, who is my ranking member on the Immigration Subcommittee, for allowing this bill to pass.

I also thank Senator COBURN for working with me to improve this bill. And, last but not least, I thank Senator PAUL, who worked with me over the last 2 weeks to address his concerns in a manner we both think will allow us to get more information to make the refugee program safer and more efficient.

We will soon be doing something very good by passing this bill, by getting it signed into law, and I hope the House will move quickly and decisively to see that happens as quickly as possible.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

COMBATING PRESCRIPTION DRUG ABUSE EPIDEMIC

Mr. BROWN of Ohio. Mr. President, I rise to speak about the prescription drug abuse epidemic sweeping my State and the Nation. The rampant abuse and trafficking of prescription drugs represents a major threat to public health and to law enforcement. In recent years, more Ohioans have died from prescription drug overdoses than car accidents—legal prescription drug overdoses, obtained illegally in many cases.

In 2008, statistics show oxycodone and other prescription drugs—namely morphine-based drugs, such as Oxycontin and Percocet—caused more overdoses in Ohio that year than heroin and cocaine combined. Simply put, prescription drug abuse is one of the

fastest growing drug problems in the Nation, resulting in ever increasing rates of robberies and other attendant crimes.

Yesterday, I was in the Cleveland suburb of Fairview Park at Ohliger Drugs. That store has been a target in the last couple of years. I spoke with Tom Ohliger, the fourth generation owner of this drugstore, and he described being held up at gunpoint on more than one occasion.

There is a new report showing drug users and addicts are now targeting seniors for help getting pain killers to feed their addiction. There is also a rise in the outright theft and stealing of these drugs. We are seeing over and over on newscasts and in newspapers across the State stories of addicts and criminals targeting pharmacies to obtain pain killers and prescription drugs.

Last month, in Parma—another Cleveland suburb—a man claiming to have a weapon made off with more than $14,000 worth of prescription pain killers before he was apprehended by the police.

That is why I worked with Senator SCHUMER and others on the Strengthening and Focusing Enforcement to Deter Organized Stealing and Enhance Safety—SAFE DOSES—Act. The bill would use Federal antiracketeering laws to arm law enforcement with the tools to stop and prosecute pharmaceutical theft and robberies.

Last year, as we toughened penalties for theft, we also cracked down on the fraud and trafficking of prescription drugs. It also, of course, dealt with the human side of counseling, in education, to help people break that addiction.

Also last year, I convened a first-of-its-kind roundtable in southern Ohio, where the problem has been most acute in my State, with Federal and local law enforcement, community activists, elected officials, and members of the medical community. They raised a concern with criminal manipulation of Ohio's Medicaid Program, which spends upward of $800 million on prescription medicines.

While most prescription pain medicines are used as prescribed—after surgery, after some kind of accident, often in the case of people with intense pain from some kind of acute illness—criminals too often have defrauded the Medicaid system and fleeced Ohioans and America's taxpayers by acquiring multiple prescriptions and filling them at multiple pharmacies. That is why I introduced legislation to require all States to establish Medicaid ''lock-in'' programs to crack down on the use of Medicaid cards to obtain and illegally sell these prescription drugs.

This bill would prevent drug abusers from acquiring excess legal prescription drugs, though they are not doing it legally—which they may abuse or illegally resell—by barring them from visiting multiple doctors and pharmacies.

It means high-risk prescription drug users would be placed in the program and they would only get Medicaid assistance when they are limited to one physician and one pharmacy. States would also identify prescription drugs that are dispensed under Medicaid and represent a high risk of overutilization. Nearly 20 States have adopted similar programs.

South Carolina's Medicaid lock-in program targeted high-use beneficiaries and resulted in a 43-percent decrease in the total number of proscribed prescription pain medications.

Consider Scioto County, on the Ohio River. In this Ohio river town, prescription drugs cause 9 of every 10 fatal drug overdoses. In nearly two-thirds of those cases, the individuals involved did not have prescriptions, indicating they obtained the drugs illegally.

Recently, the Government Accountability Office audited the Medicaid Program in the 5 largest States and found 65,000 cases in which Medicaid beneficiaries visited 6 or more doctors and up to 46 different pharmacies to acquire prescriptions. This same report found some 1,800 prescriptions written for dead patients and 1,200 prescriptions ''written'' by dead physicians. The numbers are staggering.

In southeast Ohio it has been particularly tragic. Old factory towns and rural communities have become havens for prescription drug abuse. Across the country, communities are struggling to find ways to respond and develop strategies to reduce the diversion and abuse of prescription drugs.

Out of the often sad stories, there are successes. Last month, I was in Portsmouth, in Scioto County, which I mentioned earlier, at the Second Chance Counseling Center. It has received critical Federal resources—not a lot of dollars but critical dollars—for a job retraining program for those recovering from abuse. The center is about second chances, combating the epidemic with the focus on recovery and rehabilitation—helping Ohioans with the resources they need to be the productive citizens they want to be.

This past July I was at the Amethyst Family Treatment Residence in Columbus, with the Director of the Office of National Drug Control Policy, Gil Kerlikowske. We talked about the administration's comprehensive prescription drug strategy and ways FDA can crack down on the abuse. The staff at the residence—such as health professionals, law enforcement officials, and community activists—described the stories of victims and families they represent. I met with many of those people who were going through these programs and are getting their lives back in order.

Prescription drug abuse and crime is nonpartisan. It is an issue of life and death in too many parts of our Nation, and especially in my State. I wish to share three brief letters describing how this is a human tragedy above all else. It is a law enforcement issue, it is a counseling of substance abuse issue, and it is an education issue, but fundamentally it is a human tragedy, with the addiction people have experienced coupled with the crime that is often committed and compounded with the defrauding of taxpayers.

Let me read three stories from letters that were sent to me from my State. The first is from a rural county, one from sort of a medium-sized county, and one from a large urban county.

David from Union County writes:

> Our son David was a college graduate, 42 years old, a father, and a husband for 18 years. He abused prescription drugs because of a motorcycle accident 10 years earlier. He was a 3 year clean drug addict because of all the support he was given by so many caring individuals. He was pursuing his master's degree with a 4.0 average, but in spite of all of this, he passed away last May due to an accidental overdose of oxycotin. We need to protect family members from the heartbreak [and] pain that we are suffering because our son made a bad mistake.

Amy, from Stark County, the Canton area, writes:

> In our extended family, we have a close family member who has become addicted to prescription drugs. The problem has become so bad for our individual family member that she has sought illegally obtained prescription drugs from dealers from two counties away. I always believed that drug abuse was something committed by rebellious, high-risk teenagers and young adults. But prescription drug abuse is something that can happen with much older adults who would ''know better.''

And then Tara from Lucas County—the Toledo area.

> Through my previous job as the director of an anti-drug coalition, I personally witnessed many families fall apart because of prescription drug abuse. I will never forget the day I visited my dear friend at the hospital because her 16 year old son had overdosed on oxycontin. The average citizen needs to be educated about proper disposal of their drugs, and parents need to be made aware of this issue. Better policing and controls around the transportation and distribution of prescription drugs is definitely a key step; however, we can all raise the importance over educating ourselves, our schools, and our children about how to keep this issue from persisting.

As I said, it is about law enforcement, it is about drug treatment, and it is about education. It is about all these things to end these human tragedies that cost taxpayer dollars, that inflict criminal activity on innocent pharmacists and others, and that create so much tragedy for so many of my State's families and so many American families.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

DOMESTIC VIOLENCE AWARENESS MONTH

Mr. MORAN. Mr. President, in large and small communities across our country, way too many Americans find themselves placed in danger by the very people who are supposed to love and protect them—their families. Each year, more than 2 million women are victims of domestic violence across our

country. In Kansas, an estimated 1 in 10 adult women will suffer from domestic abuse this year.

I am here this evening to try to give a voice to the hopeless—to those who have often been too afraid to speak for themselves. Domestic violence is not just a problem for women; children and men are all too often its victims as well. Throughout October, during Domestic Violence Awareness Month, we are especially mindful of these victims and the urgent need to put an end to the cycle of violence.

I imagine many Americans may assume that domestic violence does not occur in their neighborhoods or among their friends, with those with whom they are acquainted. Unfortunately, this is not the case. Domestic violence does not discriminate by race, gender, age group, education, or social status. Three years ago, citizens in my hometown of Hays, KS, learned of the tragic death of a young woman from domestic violence.

Today, I wish to share with you the story of Jana Lynne Mackey. I shared Jana's story with my colleagues when I served in the House of Representatives, but it bears repeating because it is a solemn reminder of the urgent need to put an end to this so-called silent crime that plagues hundreds of thousands of homes across our country.

Jana was born in 1982 in Harper, KS, and spent her childhood in Hays. She was an active member of 4–H, an athlete, and a talented musician. Upon graduation from high school, Jana completed a bachelor's degree, where she discovered her passion—advocating on the behalf of others.

She went on to pursue a law degree from the University of Kansas and fought for equality and social justice through her work with countless organizations, including volunteer work in Lawrence, KS, at the GaDuGi SafeCenter, a shelter that aids victims of sexual assault and domestic violence. But 3 years ago, on July 3, 2008, at the young age of 25, Jana's own life was taken by domestic violence.

More than 1,100 people gathered at Jana's memorial service to celebrate her life. In her death, Jana's parents, Curt and Christie Brungardt, started the Eleven Hundred Torches Campaign to encourage 1,100 people to carry on Jana's torch. Since its creation, the campaign has attracted more than 1,100 volunteers who now make a difference in lives across the country through civic engagement and voluntarism. Yet there is so much more that must be done.

Throughout our country, an estimated one in four women still suffers abuse during their lifetime. Domestic violence brings fear and hopelessness and depression into the lives of every victim. But we must not only work to end this silent crime; also, we must care for those who are the victims. By volunteering at a local shelter, speaking out when you become aware of domestic violence or making a donation to a local organization, every citizen can find a way to get involved and make a difference.

This October, and throughout the year, let us be mindful of the victims of domestic violence and do our part to help break the cycle and bring hope to those who suffer. Let each of us be a torch to see that we bring about an end to domestic or family violence.

The tragedy of Jana's death is a rallying cry, calling each of us to make a difference in the lives of others.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE NOMINATION

Mr. REID. Mr. President, we were hopeful today that we could clear the nomination of John Edgar Bryson to be Secretary of Commerce. This has been outstanding for a long time. We have been told by our Republican friends that as soon as we got the trade bills done we would work this out. The trade bills are done. So I hope we can move forward. It is very unfortunate that one of the President's very important Cabinet positions; that is, Secretary of Commerce, which is directly related to the jobs we are trying to create, is not filled at this time. Hopefully we can get the minority to work with us in processing this nomination. I hope I do not have to file cloture on it.

COLOMBIA FREE TRADE AGREEMENT

Mr. HARKIN. Mr. President, I have said on a number of occasions that trade is an incredibly important part of our economy, especially in my home State of Iowa. For this reason, I am a longtime supporter of policies designed to open foreign markets to our Nation's exports through new trade agreements. I have fought to break down the barriers that many other countries have erected to block our exports, and I have sought to reduce the practices by which many of them seek to compete unfairly in world markets.

However, trade is more than just the shipment of goods and services across borders. Trade policy and the impacts of trade also have wide ranging consequences for workers and the environment inside the trading countries. Properly designed, our trade policy can expand opportunities and promote the welfare of workers in both the United States and abroad. Ill-designed trade policy can have the opposite effect as well.

For this reason, I have to express my strong opposition to the free trade agreement with Colombia. Simply put, Colombia is one of the most dangerous countries in the world to be a trade unionist. According to Colombia's National Labor School, ENS, in the last 25 years, over 2,800 Colombian trade unionists have been killed. According to the AFL–CIO, 23 trade unionists have been assassinated this year alone in Colombia, including 16 since the conclusion of the labor action plan, which I will speak more about later. The ENS also reports that over the last 10 years, Colombian trade unionists have faced almost 4,000 death threats.

While some improvements have been made in recent years, the Colombian government has not sought to hold those responsible for these brutal crimes. According to the International Labor Organization's, ILO, High-level Tripartite Mission to Colombia, ''the majority of trade unionist killings have not yet been investigated nor have the perpetrators, including the intellectual authors of these crimes, been brought to justice.'' ENS data indicates that since 1986, only 6 percent of the cases brought to trial have resulted in any convictions.

The current Colombian government led by President Santos has made some progress. I believe that the Colombian action plan related to labor rights that the Obama administration negotiated with the Santos administration is a step in the right direction. If the changes that the Santos administration have begun making are continued, and the labor action plan is fully implemented and enforced, Colombia will have made significant progress to addressing many of my concerns.

But given all that I have described earlier, it would be irresponsible of us to rush into a free trade agreement before we see the results of this endeavor. Unfortunately, while the labor action plan requires the Colombian government to issue new laws, regulations, and reports, there is no mechanism to ensure that these policies will be effective at improving the living and working conditions of Colombians. The only follow-up mechanism included in the labor action plan is a series of meetings to take place in 2012 and 2013. After 2013, those meetings may cease to occur.

Even more, should Colombia not meet its obligations under the labor action plan or take future action that is contrary to the labor action plan, only some portions may be subject to the binding dispute settlement procedures in the text of the agreement. The limited enforceability of the action plan further cautions against moving forward too hastily, as we will not have enough leverage to ensure that fundamental labor rights are respected once the agreement is implemented. As my colleagues may remember, the side agreement to the North American Free Trade Agreement is ultimately meaningless and unenforceable.

One of the goals of our trade policy must be to further the internationally recognized right of workers to organize. Supporting the rights of workers

to organize freely, bargain collectively, and live safely is not just good for workers abroad, but it helps workers in the United States as well.

The United States simply cannot compete in a global race to the bottom when it comes to labor standards. Our workers are some of the most highly skilled and productive workers in the world. But they simply cannot compete against countries that make things more cheaply because they don't respect the rights of their workers, have safe workplaces, or pay their workers a living wage. Unfortunately, this agreement will not help us further that goal.

I would like to raise a second significant concern I have about the Colombia Free Trade Agreement. As many of my colleagues know, I have been working on reducing abusive and exploitative child labor around the world for nearly two decades. I first introduced a bill on this issue in 1992. According to the best estimates by the International Labor Organization, ILO, there are 215 million child laborers between the ages of 5 and 17 who are engaged in today's global economy.

Of these 215 million child laborers, 115 million are engaged in hazardous work. These 115 million powerless children are working in mines, in fishing operations and on coffee plantations. It is appalling that this is still occurring in the 21st century. These children are robbed of their childhoods. Many are denied an education and any hope for a brighter future. They will grow up illiterate and exploited, creating a wellspring of future social conflict and strife.

We have made some progress over the years by funding programs for the remediation of child laborers through our contribution to the ILO's International Program for the Elimination of Child Labor, IPEC. In 2000, I successfully amended the Trade and Development Act with a provision directing that no trade benefits under the Generalized System of Preferences, GSP, be granted to any country that does not live up to its commitments to eliminate the worst forms of child labor. I required that the President submit a yearly report to Congress on the steps being taken by each GSP beneficiary country to carry out its commitments to end abusive and exploitative child labor.

I want to explain clearly to my colleagues what I mean when I refer to abusive and exploitative child labor. It is not children who work part-time after school or on weekends. There is nothing wrong with that. That is not the issue. What I am referring to is the definition set out by ILO Convention 182 on the Worst Forms of Child Labor. This is not just a Western, or a developed-world, standard. It is a global standard that has been ratified by 174 countries. It has been ratified by Colombia. The United States was the third country in the world to ratify this convention.

Unfortunately, the Department of Labor's Findings on the Worst Forms of Child Labor that was released this month, states up front that Colombia, ''has not provided adequate resources to the National Strategy to Eradicate the Worst Forms of Child Labor. Children continue to work in agriculture, including forced coca cultivation, and in mining.'' The report further finds that children are forced to work in domestic service, are sexually exploited, transport illegal drugs, and even are used by armed militants as child soldiers.

In addition to these shocking practices, eight Colombian products appear in the 2011 List of Goods Produced by Child Labor or Forced Labor, also released by DOL this month. These products include coffee, sugarcane, and gold.

Unfortunately, the implementing legislation now before the Senate for free trade with Colombia actually would take us, and the world, a step backward when it comes to protecting children. That is right. This free trade agreement with Colombia, which replaces GSP provisions in governing trade between our two countries, will take us backward with respect to abusive and exploitative child labor.

Under GSP, the President now must report to Congress annually regarding Colombia's child labor practices, and if Colombia is not meeting the obligations that it undertook as a signatory to the ILO Convention, if Colombia is not acting to eliminate the worst forms of child labor, then trade sanctions are available to us to require enforcement of internationally recognized standards. That is so that our companies, and our workers, are not subjected to the unfair competition that abusive labor practices allow. Under this new implementing legislation for free trade with Colombia, on the other hand, if it is enacted, neither of those things I just mentioned will be true.

Our trade negotiators should not be weakening protections that we in Congress put in place to ensure that free trade can be consistent with respect for international child labor standards. Supporting abusive and exploitative child labor abroad does not help create jobs in America. Just the opposite, it hurts that effort. Our workers and our local businesses should not be competing with the worst forms of child labor abroad.

As a result, I strongly believe that we need to put the break on this flawed trade agreement. It is time for us to begin passing fair trade agreements that promote good quality jobs both here and abroad and work to end the worst forms of child labor. This agreement does not meet that test.

PRESIDENTIAL COIN PROGRAM

Mr. GRASSLEY. Mr. President, I ask unanimous consent to have printed in the RECORD my letter dated October 17, 2011, to the minority leader regarding S. 1385.

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

U.S. SENATE,
Washington, DC, October 17, 2011.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER MCCONNELL: I respectfully request that the Senate not enter into any unanimous consent agreement pertaining to S. 1385, a bill to terminate the $1 presidential coin program. I have concerns about the impact of this bill, including whether taxpayers will benefit from ending the $1 presidential coin program.

Thank you.

Sincerely,

CHARLES E. GRASSLEY,
United States Senator.

REMEMBERING ELOUISE COBELL

Mr. TESTER. Mr. President, I rise today to honor this weekend's passing of my friend Elouise Cobell—an extraordinary Montanan, American and American Indian. I am proud to have nominated her for the Congressional Gold Medal. As a role model for every American child, she deserves that highest honor.

Elouise Pepion Cobell was a star—truly a guiding light that will always lead the way for all Americans who fight for justice and fairness. Elouise's tireless leadership set this Nation on a new course, and what she accomplished reminds us that any person in any part of this country has the power to stand up and right a wrong, no matter how difficult it may be.

Sharla's and my thoughts and prayers are with Elouise's husband Alvin, her son Turk, and her entire family. We join the Blackfeet Nation and all Montanans in mourning, honoring and celebrating the life of an extraordinary Montanan. Future generations will learn about Elouise Cobell's legacy and they will be inspired to follow her lead. She will always be remembered as an American hero.

I have many memories of Elouise. I first met her when I was a State Senator. I knew what she was working on but I never imagined she would ever get as far as she did. Not many people in this world have the determination in them that Elouise had. From those early days, until just a few weeks ago, I talked to her numerous times. She had been fighting the Federal Government in court for a decade, and wouldn't take ''no'' for an answer. She knew what she wanted, and wanted it yesterday.

After I finally convinced her I wanted to help, our relationship changed. We became friends working together on a common goal; a settlement that was fair and balanced. And believe me, as my friend, she was not afraid to call me and tell me what she thought and how to get things done.

But I will never forget talking to her on the afternoon of November 19, 2010. The Senate had just approved the Cobell Settlement. Our bill paved the way to send her settlement to President Obama for his signature. She

knew it would mark the end of her historic battle. I called to make sure she knew the good news. That tougher-than-nails woman was sitting inside her home in Browning, while fierce Montana winds dropped the temperature to 17 degrees below zero. Thirty years of determination flowed through the tears in her eyes. She was happy. She was relieved. She was thankful.

It was in 1996 that she took a deep breath, gritted her teeth, and filed an historic lawsuit seeking justice on behalf of herself and 500,000 individual American Indians. At that time, all she wanted was an accounting for what they were owed. Her decision changed her life and the lives of every American Indian for generations to come. Her 15-year court battle resulted in the largest settlement with the government in American history.

Throughout the years, through painful criticism and generous support, she relentlessly led the charge against government mismanagement. She was unyielding in her pursuit of justice for one of this Nation's most vulnerable populations. After battling the Federal Government for nearly 30 years, President Obama signed into law the $3.4 billion settlement of the lawsuit that Congress approved earlier that year. At the signing ceremony, President Obama said, ''It's finally time to make things right.''

After all, the government had mismanaged the lands in question for 123 years.

Above everything else, history will remember Elouise Cobell for bringing justice to her community. She demonstrated perhaps the greatest strength—and asset—in Indian Country: kinship. As the years wore on, she fought harder for her family community.

When Montana elected me to the U.S. Senate, Elouise wasn't far behind me in Washington. She told me that many of the members she represented were elderly. The longer this case drags on, fewer of them will see the justice they deserve.

That is why I was disappointed earlier this month when a Washington court allowed several appeals of the case to move forward.

For many reasons over the years, Elouise Cobell earned recognition as a respected leader and role model. She walked in two worlds. Born on the Blackfeet Reservation on November 5, 1945, she was one of eight children. She was a great granddaughter of Mountain Chief, one of the legendary leaders of the Blackfeet Nation.

She and her husband operated a cattle ranch, and she founded the first Land Trust in Indian Country. For 13 years, she served as co-chair of the Native American Bank and as a trustee for the National Museum of the American Indian. She served as trustee for the Nature Conservancy of Montana.

She was executive director of the Native American Community Development Corporation. In 2004, the National Center for American Indian Enterprise Development bestowed upon her the Jay Silverheels Achievement Award.

Elouise remained true to her local community and to her cultural identity. But she also achieved success at the highest levels of non-Indian society. Elouise graduated from Great Falls Business College and attended Montana State University, where she received an honorary doctorate. In 2011, Dartmouth College awarded her an honorary degree of Doctor of Humane Letters. The President of Dartmouth told her: ''You fought a David and Goliath battle and won.''

Her story of courage is an inspiration to Native people and indeed to all Americans. She demonstrated that our legal system is strong enough to protect even the most vulnerable, and this nation, the most powerful on earth, keeps the promises we make.

She was a remarkable woman. Montanans and I will miss her dearly.

COMMENDING SENATOR BOB DOLE

Mr. ROBERTS. Mr. President, I had the distinct privilege to participate in a ceremony recently in Topeka, KS, to honor our dear friend and longest serving Republican leader here in this Chamber, Senator Bob Dole. Kansas Governor Sam Brownback conceived of the Kansas Walk of Honor, located right outside the Kansas Capitol, to commemorate and honor important Kansans. It is only fitting that the plaque that bears Bob Dole's name is the first to christen the Walk of Honor. Senator Dole's contributions and history is interwoven in the hallowed halls of the Senate. With that rich history, I ask unanimous consent to have printed in the RECORD his comments, along with mine, from the Walk of Honor event.

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

REMARKS OF SENATOR PAT ROBERTS

KANSAS WALK OF HONOR

(Sept. 30, 2011)

I am honored and privileged to be here with you today to celebrate the Kansas Walk of Honor and to commemorate my good friend, Kansas Native Son, and WWII hero, Bob Dole. Bob Dole is a living legacy. As a member of the Greatest Generation, his incredible history is well known to fellow Americans nationwide. It is only fitting that he is the first honoree of the Kansas Walk of Honor.

As a statesman, Bob Dole's reach is far and wide. His legislative achievements are legion and in many cases, unknown and unheralded. On Bob's list of accomplishments are some big ticket items such as, the 1983 Social Security Reforms, the Americans with Disability Act, the Voting Rights Act, just to name a few. He also worked across the aisle with the likes of liberal George McGovern, as seen by their bipartisan work on nutrition programs.

Bob set the bar high as the longest serving Republican Senate Majority Leader. He was known as a pragmatic Midwesterner who was respected on both sides of the aisle and a master consensus builder. He led by example, encouraging fellow members to express their convictions without hostility and allow for disagreement without declaring war on the floor of the Senate.

But his work didn't stop there. After his service in public office, Bob served our nation in a different capacity; honoring our nation's veterans. Simply put, the World War II Memorial would not exist were it not for Senator Bob Dole. I was proud to be a part of the ceremony to recognize Bob's tireless support of America's veterans and the World War II Memorial. It is largely through his efforts, advocacy, and fundraising that the World War II Memorial stands proudly on the National Mall.

The man was and is amazing; his record of public service, this memorial, the Honor Flights and Wounded Warriors programs. The World War II Memorial has become wonderfully unique; a Mecca not really expected or predicted—where veterans whose heroic efforts and sacrifice preserved our freedoms—now come by the thousands.

Bob, your record is unmatched. We thank you.

But, hold on, I've got another job to do and that is to move this ceremony along at a fast clip. As we all know, the now Governor Brownback's previous job was riding shotgun with me in the Senate. Sam followed in the footsteps of today's honoree to continue the level of commitment and service to our great state.

Sam, I remember the first campaign rally we attended together. The featured guest speaker, Senator Phil Gramm of Texas introduced me as one who made significant changes in the House of Representatives and then introduced Sam as: ''One who not only wants to change things but to make the right changes.''

That remains true as you've taken the reins back here in the heartland. And now it is my pleasure to turn over this lectern to the indomitable Kansas Governor, Sam Brownback.

REMARKS OF SENATOR BOB DOLE

KANSAS WALK OF HONOR, KANSAS STATE CAPITOL, TOPEKA, KANSAS

(Sept. 30, 2011)

Over the years I've had all sorts of recognitions but nothing that means as much as this one. Hollywood may have its Walk of Fame, but in Kansas we have a Walk of Honor. That tells you a lot about this place and its values. Fame is fleeting, unsubstantial, first cousin to celebrity. Fame gives you five minutes on the Today Show or maybe—if you're sufficiently mobile—a shot at Dancing with the Stars. I'm still waiting for my invitation. In the mean time I've been telling Elizabeth to work on her Fox Trot.

Fame comes like a prairie squall, and lasts as long. Honor, on the other hand, is the work of a lifetime—more, it's the seed of character planted in one generation and bearing fruit for as long as there are people who practice the old virtues of decency and self-denial, love of country and the neighbor's concern for those in distress. Sixty years have passed since I first entered this building the greenest of lawmakers—a somewhat banged up 2nd Lieutenant studying law at Washburn and hoping that my hero Dwight Eisenhower could be persuaded to run for president.

Now there's a definition of honor. In fact, honor is a quality that often goes unrecognized. It exists outside the headlines. It thrives quietly in our classrooms and church pews, on our playing fields, and, yes, in these halls where our democracy plays out—wherever Kansans put service before self, keeping faith with all those who have made this the

greatest state in the greatest nation on earth.

My debt to those Kansans can never be repaid. But it can be honored—every time I try, in some small way, to emulate the compassion and generosity of my friends and neighbors in Russell, multiplied over the years by countless acts of kindness, and culminating today in this ceremony. A long time ago, long before anyone could remotely imagine Bob Dole in a Walk of Honor, I took inspiration from a song called ''You'll Never Walk Alone.'' My whole life, up to and including today, has been a validation of that song. And the greatest honor of my life has been to share that walk with my fellow Kansans—the most honorable people I know.

TRIBUTE TO BRUCE AKERS

Mr. PORTMAN. Mr. President, I rise today to recognize Bruce H. Akers, mayor of Pepper Pike, OH, for many years of outstanding leadership and service to the Greater Cleveland community. Mayor Akers has done remarkable work during his distinguished career as a leader in the business and civic community to improve the quality of life for his fellow citizens. On Thursday, October 20, 2011 the Cuyahoga County Mayors and Managers Association will honor Mayor Akers with the George V. Voinovich Public Service Award.

Mayor Akers' work as a civic leader started more than 50 years ago when he began his career in banking with National City Bank. Although Mayor Akers retired in 2000 as senior vice president for civic affairs at KeyBank, he has continued his vigorous efforts to serve his community as a civic volunteer and local elected officeholder. Throughout the years, Mayor Akers has held leadership positions in organizations such as City Year of Cleveland, Park Works, the Chagrin Valley Inter-Governmental Council, The Salvation Army of Greater Cleveland, and United Way Services. He was also one of the founders of Business Volunteers Unlimited. In June of 2000 he completed 30 years as a member of the National Board of Big Brothers/Big Sisters of America and is currently a member of its National Advisory Council.

Mayor Akers has had a distinguished political career, beginning with his work as a precinct committeeman in 1960. Since that time, he has served on the staff of Cleveland mayor Ralph J. Perk, as a Pepper Pike councilman, and as president of the Cuyahoga County Mayors of Managers Association. He was appointed in 2008 to serve on the nine-member Commission on Cuyahoga County Government Reform and has been integral in recent years to the reform and transformation of the new charter form of government in Cuyahoga County. This year, Bruce Akers will retire from elected office after serving five terms as Mayor of Pepper Pike, OH.

For his commitment to public service and the many contributions he has made to Pepper Pike and the Greater Cleveland community, I would like to recognize and thank Mayor Bruce H. Akers for his years of service and wish him well as he continues his many civic endeavors.

ADDITIONAL STATEMENTS

REMEMBERING ROLLIN POST

• Mrs. BOXER Mr. President, I take this opportunity to honor the life of Rollin Post, an award-winning Bay Area journalist, who passed away on October 3, 2011, following complications from Alzheimer's disease. Throughout his career, Rollin made extraordinary contributions to journalism, public affairs, and the Bay Area community he so passionately served. I extend my deepest sympathy to his wife Diane Post and their three children and five grandchildren.

Born in New York City in May 1930, Mr. Post was the son of New York State Assemblyman Langdon Post and Janet Kirby Post; and grandson to Pulitzer Prize-winning editorial cartoonist Rollin Kirby. After a childhood in New York, Tucson, and southern California, Rollin briefly attended San Francisco State College before enlisting in the U.S. Army. He later enrolled at the University of California, Berkeley, where he graduated in 1952 with a bachelor of arts in political science. Following graduation, Rollin returned to southern California to work at CBS radio and then as a writer at the local CBS television affiliate.

Rollin Post's passion for broadcast journalism brought him back to the Bay Area, where he took a job at KPIX in 1961. Over the course of nearly 40 years, he remained a staple on local news broadcasts, focusing exclusively on matters relating to politics and public affairs and establishing himself as a highly respected and engaging reporter, commentator, and interviewer. Together with his long-time colleague and cohost, Belva Davis, Mr. Post developed several enduring television programs such as ''A Closer Look'' and ''California This Week.''

During his storied career, Rollin Post covered nine Presidential elections and interviewed many important figures in local, State, and national politics. He was so well known as a journalist that Robert Redford cast him to play himself in the 1972 film ''The Candidate.'' He also received many well-deserved honors and awards for his work, including recognitions from the Society of Professional Journalists and the National Academy of Television Arts & Sciences.

Outside of his work in journalism, Rollin served as a volunteer for several organizations, including Common Cause and the Institute of Governmental Studies at his alma mater, UC Berkeley. He was also a lifelong baseball fan and an avid outdoorsman, relishing opportunities to take his family camping and hiking.

I extend my heartfelt condolences to Rollin's family, friends, and former colleagues. He will be sorely missed.•

RECOGNIZING THE JEWISH FEDERATION'S NEW HOME

• Mrs. BOXER. Mr. President, today I ask my colleagues to join me in congratulating the Jewish Federation of the Desert as the organization prepares to move into its new home in Rancho Mirage, CA.

The Jewish Federation of the Desert embraces the core Jewish values of compassion, charity, generosity, and responsibility to care for those in need including the elderly, the homeless, the undereducated, and victims of abuse and violence. In addition, the federation is dedicated to supporting child and youth education, with afterschool activities, day schools, and childhood centers.

On November 1, the Jewish Federation of the Desert will open its doors in Rancho Mirage. This new home will allow the federation to dedicate more of its resources to helping people in the Coachella Valley and create a vibrant new center for Jewish community life.

I congratulate the Jewish Federation of the Desert and wish its staff, volunteers, and supporters continued success in carrying out its noble mission.•

NORTHAMPTON COMMUNITY COLLEGE

• Mr. CASEY. Mr. President, today I commend Northampton Community College on the groundbreaking of its new $72 million Monroe County Campus. This undertaking will expand and improve educational opportunities for countless students for generations to come. It is a notable achievement that has been made possible through the persistence, dedication, and cooperation of a committed group of faculty, staff, and administrators at Northampton Community College.

Northampton's newest campus, which impressively spans over 200,000 square feet, includes a workforce development training center, an enrollment center building, and a student life building. Given our country's current economic climate and staggering unemployment rate, what Northampton Community College has managed to accomplish today is nothing short of remarkable.

Northampton Community College is a public, comprehensive community college that serves more than 36,000 students per year with its main campus in Bethlehem, PA. Currently, there are more than 16,000 students enrolled in their credit programs and an additional 21,000 who are involved in workforce training, adult literacy, or youth classes.

This new campus in Monroe County highlights Northampton's dedication to Pennsylvania and higher education in America. Northampton's strong commitment to preparing its students for the demands of today's economy is reflected in the new campus. Their new workforce training center is forecasted to train 1,000 new, incumbent, and displaced workers in the first 5 years of

its existence. Northampton also offers many degree programs specifically designed to meet the needs of industries in the region. In 2012 it is estimated to create 541 new jobs, $15.9 million in new economic revenue activity, and $2.8 million in tax revenue.

Northampton continues to lead the pack in higher education and has proven to be a model for community colleges across the country. The faculty, staff, and administration, under the leadership of President Art Scott, put students first. This new campus is evidence of this institution's steadfast commitment to preparing students for the 21st century economy. I could not be more pleased and honored to recognize such an exceptional educational accomplishment and ask that you would join me today in celebrating along with Northampton Community College.●

TRIBUTE TO NOBEL PEACE PRIZE WINNERS

● Mr. KERRY. Mr. President, on Friday, October 7, the Nobel Peace Prize for 2011 was awarded to three distinguished women for their courageous efforts to promote peace and democracy. President Ellen Johnson Sirleaf of Liberia, her compatriot and peace activist Leymah Gbowee, and prodemocracy campaigner Tawakkol Karman of Yemen join the ranks of the chosen few whose dedication to peace is acknowledged by the international community.

President Johnson Sirleaf, Africa's first democratically elected female head of state, has helped Liberia recover from 14 brutal years of civil war. Taking office in 2006 after a lengthy exile, she led her nation to greater peace and security, while transforming Liberia in the eyes of the world.

Ms. Gbowee, a founding member of the Women in Peacebuilding Network, mobilized over 3,000 Muslim and Christian women to hold nonviolent protests that helped bring an end to Liberia's civil war. Her efforts demonstrate that the desire for peace and the power to effect change transcend ethnic, religious, and gender divides.

Ms. Karman has for years been a vocal champion of human rights in Yemen. In 2005, she founded a group called Women Journalists Without Chains. Since then, she has braved physical threats and harassment to advance the cause of freedom in her country. And this year, she has emerged as one of the leaders of Yemen's nonviolent democratic uprising. As the first Arab woman to receive a Nobel prize, her selection honors all of the mothers, daughters, and sisters across the Middle East who have been standing for their rights alongside their fathers, sons and brothers.

In the history of the Nobel Peace Prize, very few women have received this high honor. The choice of the selection committee this year is more than a recognition of the strength and courage of these women; it is a clear and resounding testament to the idea that women's rights are important, that it is smart policy to promote gender equality, and that societies are better off when all of their members—women included—can safely exercise their fundamental rights and become drivers of economic security and political opportunity.

Let's take this moment to remember another Nobel Peace Prize winner, Dr. Wangari Maathai, who passed away just days before this year's announcement. Dr. Maathai led the Green Belt Movement with tenacity and vision, transforming Kenya's landscape and women's lives. She and the women who are honored this year leave an indelible mark on our social consciousness. I want to congratulate President Johnson Sirleaf, Ms. Gbowee, and Ms. Karman on their selection and to thank them for their service to their communities and commitment to uphold global standards of human rights.●

TRIBUTE TO WARRANT OFFICER JAY T. LANE

● Mr. LEE. Mr. President. today we honor WO Jay T. Lane as a hero for an act of incredible bravery and courage. He has earned the Silver Star and I am humbled and honored to submit these words of deep gratitude and appreciation.

In 1971, Jay was the pilot of a lift helicopter that was struck by two rocket-propelled grenades, the incredibly deadly weapon of choice for our enemies in Vietnam. It is a miracle that wasn't the end of Jay right then and there.

Known as an extraordinarily skillful and talented pilot by his peers, Jay somehow safely landed what was left of the helicopter. Relatively speaking, Jay was OK, but one of the infantrymen on the vehicle was badly wounded.

After removing his fellow soldier from the wreckage, Jay then went back into a burning helicopter under intense fire from the enemy to retrieve the first aid kit and began to care for his wounded friend.

Knowing he needed to get to a safer area, Jay carried the wounded soldier on his back through the jungle and waited until help arrived.

After the episode, Jay's superior officer wrote, ''His gallant actions and devotion to duty were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, and the United States Military.''

I couldn't agree more. Jay's bravery stands as a fine example of the character of our men and women who have fought for and defended this country. Those who wear the uniform today still display that same courage in far away places, just as Jay did that day in Vietnam.

Without their sense of duty to our country, we would not enjoy the freedoms we have today. It is of the highest calling to provide for the common defense, as the preamble of our Constitution makes clear. I am awed by their sacrifice.

Today, I am honored to congratulate Jay T. Lane for earning the Silver Star. It is well deserved.●

REMEMBERING MAYOR JERRY WASHBURN

● Mr. LEE. Mr. President, the city of Orem recently lost a great leader and public servant—Mayor Jerry C. Washburn.

Mayor Washburn called Orem his home for over 50 years and acted as the longest-serving mayor in the city's history. He was known as a natural leader who took the time to listen to all opinions, and created an environment that encouraged an open exchange of ideas.

As mayor he focused on enriching the quality of life in Orem, and dedicated his time to projects that will benefit generations to come. Citywide streetlights, the swimming pools at SCERA Park, Lakeside Sports Park, and Nielsen's Grove Park are just a few that residents today and in the future will enjoy.

Mayor Washburn also served as chairman of the Utah County Transportation Planning Organization, chairman of the Utah County Board of Health, and was a founding board member of the Utah Lake Commission. His life was truly devoted to serving his community, his church, and his family. He will be greatly missed by all who knew him.●

TRIBUTE TO NICHOLAS CORVINO

● Mr. RUBIO. Mr. President, today I recognize Nicholas Corvino, a summer intern in my Washington, DC office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Nicholas is a rising senior pursuing a major in political science and a minor in history at the University of Central Florida. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Nicholas for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO TIMOTHY COSTA

● Mr. RUBIO. Mr. President, today I recognize Timothy Costa, a summer intern in my Washington, DC office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Timothy is a rising senior pursuing a major in philosophy and a minor in political science at Temple University. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Timothy for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO ADRIAN DOMINGUEZ

● Mr. RUBIO. Mr. President, today I recognize Adrian Dominguez, a summer intern in my Washington, DC office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Adrian is a rising senior pursuing a major in business and economics with a minor in Spanish at Virginia Military Institute. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Adrian for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO BRENDAN FLANAGAN

● Mr. RUBIO. Mr. President, today I recognize Brendan Flanagan, a summer law extern in my Washington, DC office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Brendan is a graduate of Florida State University in Tallahassee, FL, where he majored in political science. Currently, he is entering his second year at John Marshall Law School. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Brendan for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO ANDREW GREEN

● Mr. RUBIO. Mr. President, today I recognize Andrew Green, a summer intern in my Washington, DC office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Andrew is a rising senior pursuing a major in political science at the University of Central Florida. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Andrew for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO EITAN HEERING

● Mr. RUBIO. Mr. President, today I recognize Eitan Heering, a summer intern in my Washington, DC office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Eitan is a graduate of Weinbaum Yeshiva High School in Boca Raton, FL. Currently, he rising junior pursuing a major in government and politics at the University of Maryland. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Eitan for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO ANDREW NEAL JUNEAU

● Mr. RUBIO. Mr. President, today I recognize Andrew Neal Juneau, a summer intern in my Washington, DC office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Andrew is a graduate of Auburn University, where he majored in public administration and minored in business. Currently, he is pursuing his master's degree in public administration at Auburn University. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Andrew for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO PARKER MANTELL

● Mr. RUBIO. Mr. President, today I recognize Parker Mantell, a summer intern in my Washington, DC office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Parker is a rising sophomore pursuing a major in political science at Indiana University. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Parker for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO MAGGIE MARTINEZ

● Mr. RUBIO. Mr. President, today I recognize Maggie Martinez, a summer intern in my Washington, DC office for all of the hard work she has done for me, my staff, and the people of the State of Florida.

Maggie is a graduate of Lake Highland Preparatory School in Orlando, FL. Currently, she is a rising senior double majoring in art history and English at Vanderbilt University. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Maggie for all the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO CALEB McCREA

● Mr. RUBIO. Mr. President, today I recognize Caleb McCrea, a summer intern in my Washington, DC office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Caleb is a rising senior pursuing a major in political science at the University of Texas. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Caleb for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO ASHLEY WAHL

● Mr. RUBIO. Mr. President, today I recognize Ashley Wahl, a summer intern in my Washington, DC office for all of the hard work she has done for me, my staff, and the people of the State of Florida.

Ashley is a graduate of La Salle High School in Coconut Grove, FL. Currently, she is a rising junior pursuing a major in political science and a minor in psychology at Florida International University. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Ashley for all the fine work she has done and wish her continued success in the years to come.●

REMEMBERING JOE SIMON SANDO

● Mr. UDALL of New Mexico. Mr. President, today, I honor the life and legacy of the great Pueblo Indian Historian, Joe Simon Sando. Joe was one of New Mexico's leading historians and the preeminent expert on Pueblo History. He passed away at the age of 88 on September 13, 2011, after a lifetime of dedication to education, history, and cultural preservation.

Joe Sando taught, published and lectured throughout the world about the history and culture of the Pueblo People. His numerous publications and educational efforts brought to life the vibrant history of the Pueblo People while also acknowledging the ever changing and current culture of the pueblos.

Joe's own story started in Jemez Pueblo in northern New Mexico where he grew up speaking Towa. He later learned English, the language of his extensive publications, when he attended the Santa Fe Indian School. When World War II raged into the lives of Americans, Joe Sando bravely harkened to the call for service, joined the Navy, and served out the war on the decks of aircraft carriers.

After his military service, Joe obtained an education degree from Eastern New Mexico University and taught at the Albuquerque Indian School. He later went on to attend graduate school at Vanderbilt University in Tennessee and become an instructor at the University of New Mexico. Teaching Pueblo history at UNM, and ethnohistory at the Institute of American Indian Arts in Santa Fe, Joe Sando quickly became the dominant expert in pueblo history and culture. In 1986, he helped create the Institute for Pueblo Indian Studies at the Indian Pueblo Cultural Center and did not retire until 2003 at the age of 80.

Joe Sando said, ''As a Pueblo man of Jemez, I feel that the Indian people have a duty and a challenge to write their own history.'' Sando aggressively took up this challenge writing and contributing to numerous books about his culture and history from the distinct and not often published perspective of a tribal member. Joe felt that ''the traditional Pueblo history should be revealed, as the Pueblo Indians themselves know it,'' and that is exactly how he wrote it, from the pueblo perspective.

Joe Sando's contribution to society was not limited to his extensive educational efforts. He was also a generous and dedicated public servant. He was the first chairman of the All Indian Pueblo Housing Authority and the first chairman of the State Judicial Council. He also served on the Statuary Hall Commission and on the board of Americans for Indian Opportunity.

Joe was also widely honored. He was the 2005 recipient of the Southwestern Association for Indian Arts Lifetime Achievement Award. In 2007 he received an honorary Doctor of Letters from the University of New Mexico, and the Lifetime Achievement Award from the All Indian Pueblo Council. For his writing, he received the Bravo Award for Literary Excellence, Outstanding Alumnae of Eastern New Mexico University, State Heritage Preservation Award, Excellence in the Humanities Award, Lifetime Achievement Award of Indian Librarians and Indian History Teachers, and the Eugene Crawford Memorial Peace Pipe Award.

Mr. Sando was a friend to every pueblo, and had an extensive knowledge of genealogies and individuals from each pueblo. He could form a personal connection with anyone as he also determined a familial connection, using his impressive memory of families and clans.

But perhaps Joe Sando's story is better told through the history he taught and loved. The history of the Pueblo People is a vibrant part of our nation's story.

For centuries immemorial, the Pueblo People occupied the Southwest. The ancestors of the Pueblo People were guided by deity from place to place and finally they were brought to a land where they would be safe from the catastrophes of natures. This vast area of the Southwest, much of which is still occupied by the 20 remaining pueblos, was given to the ancestors of the Pueblo People at the beginning of time.

In their vast open lands of mesas, mountains, and plains, pueblo society developed around the systematic raising of food, especially corn, making hominy, succotash, cornbread, cornmeal mush, tortillas, and tamales. Also cultivated were chile, squash, pumpkins, beans, and a myriad of other products. Various dances were held according to the seasons, prayer dances and thanksgiving dances, and the ancient people were warned to respect and obey the laws of nature and the orders of their leaders who would guide them spiritually and socially. Guidelines for well-ordered living were established and lead to centuries of cultural development and continued community success.

Through the centuries, several individual pueblos emerged and three distinct language groups developed, Zuni, Keresan, and Tanoan with dialects of Tiwa, Tewa, and Towa. These languages continue to be spoken in the remaining 21 pueblo tribes.

In 1539 Europeans entered the Pueblo World and by the end of the century the Spanish were planning a permanent settlement in the pueblo region. The tentative interactions and exchange of knowledge and goods quickly turned to anger and distrust as taxes were leveed on the Pueblo People and the expressions of the pueblo culture were oppressed.

In 1598 the All Indian Pueblo Council was organized to coordinate interactions between the pueblos and the Spanish Governor, Juan de Oñate. This council of pueblo leaders continues today as a functional symbol of tribal sovereignty, pueblo unity, and government-to-government relations.

But despite the council's formation and efforts, tensions escalated between the Spanish and Pueblo People. One distinctive event in 1680 lead to the first American Revolution. Religious and political pueblo leaders were accused of ''sorcery'', and were imprisoned, publicly humiliated, whipped, and some even hung. Po'pay, from the Pueblo of Ohkay Owingeh, was one of these leaders taken from his village, humiliated, and lashed. And as tradition has it, Po'pay rose from this oppression to unite the pueblos to drive the Spanish from Pueblo lands in 1680. We honor Po'pay's fight for justice and his mark on history today in our capitol, where a statue of Po'pay stands as one of the honored leaders in the National Statuary Hall Collection.

In a matter of years after the Pueblo Revolution some pueblos welcomed the Spanish back, while others continued to wage conflict. Finally, in 1706, an alliance between the Pueblo People and the Spanish was established to help protect against raids from the outside. Since then, a culture of mutual respect and interdependence has emerged and continues today.

More than a century after this alliance was established, the treaty of Guadalupe Hidalgo ended the Mexican American war and moved the US border south of the pueblos. Later, President Lincoln formally recognized the authority of the pueblo governors under the United States Government, and today pueblo leadership continues to conduct government-to-government interaction with the United States. In New Mexico we continue to learn about and appreciate the culture and history of the Pueblo People, and celebrate as new leaders, like Joe Sando, continue to emerge.

Joe Sando recognized his call to share the history of the Pueblo People. He said that, ''Every now and then some readers tell me that I was mandated to tell the world about the Pueblo Indians. That may be true.'' Today we record Joe Sando's story in the United States CONGRESSIONAL RECORD to honor him for taking up the call to tell the world about the Pueblo People, a story integral to our national history and ever-changing culture.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 358. An act to amend the Patient Protection and Affordable Care Act to modify special rules relating to coverage of abortion services under such Act.

H.R. 2250. An act to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

H.R. 2273. An act to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels.

The message also announced that pursuant to 22 U.S.C. 6913 and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Mr. WALZ of Minnesota.

The message further that pursuant to 16 U.S.C. 431 note and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the Dwight D. Eisenhower Memorial Commission: Mr. BISHOP of Georgia.

The message also announced that pursuant to section 1002 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306) as amended by section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010, the Minority Leader appoints the following individuals to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: Honorable RUSH D. HOLT of New Jersey and Ms. Samantha Ravich of Clark, New Jersey.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 358. An act to amend the Patient Protection and Affordable Care Act to modify special rules relating to coverage of abortion services under such Act; to the Committee on Finance.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2250. An act to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

H.R. 2273. An act to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels.

S. 1720. A bill to provide American jobs through economic growth.

S. 1723. A bill to provide for teacher and first responder stabilization.

S. 1726. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 368. A bill to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

H.R. 394. A bill to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 2633. A bill to amend title 28, United States Code, to clarify the time limits for appeals in civil cases to which United States officers or employees are parties.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 473. A bill to extend the chemical facility security program of the Department of Homeland Security, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 1014. A bill to provide for additional Federal district judgeships.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1636. A bill to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.

S. 1637. A bill to clarify appeal time limits in civil actions to which United States officers or employees are parties.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. GILLIBRAND:

S. 1714. A bill to extend the milk income loss contract program, to require the Secretary of Agriculture to conduct hearings to assess the implications of transitioning Federal milk marketing orders from end-product pricing to a competitive pay pricing system, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND:

S. 1715. A bill to replace current dairy product price support and milk income loss contract programs with a program to protect dairy producer income when the difference between milk prices and feed costs is less than a specified amount, to establish a dairy market stabilization program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SANDERS:

S. 1716. A bill to amend the Elementary and Secondary Education Act of 1965 to improve teacher quality and increase access to effective teachers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 1717. A bill to prevent the escapement of genetically altered salmon in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself, Mr. PORTMAN, Mr. NELSON of Nebraska, and Mr. BURR):

S. 1718. A bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1719. A bill to clarify that schools and local educational agencies participating in the school lunch program under the Richard B. Russell National School Lunch Act are authorized to donate excess food to local food banks or charitable organizations; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCAIN (for himself, Mr. PAUL, Mr. PORTMAN, Mr. MCCONNELL, Mr. CHAMBLISS, Mr. COATS, Mr. COCHRAN, Mr. CRAPO, Mr. DEMINT, Mr. GRASSLEY, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. KIRK, Mr. LEE, Mr. LUGAR, Mr. ROBERTS, Mr. RUBIO, Mr. TOOMEY, Mr. WICKER, Mr. SHELBY, Mr. THUNE, Mr. GRAHAM, Mr. VITTER, Mr. ENZI, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, and Mr. SESSIONS):

S. 1720. A bill to provide American jobs through economic growth; read the first time.

By Mr. SCHUMER (for himself, Mr. LEAHY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. FRANKEN, and Ms. KLOBUCHAR):

S. 1721. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to extend the eligibility period for supplemental security income benefits for refugees, asylees, and certain other humanitarian immigrants, and for other purposes; considered and passed.

By Mrs. BOXER:

S. 1722. A bill to improve early education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Ms. STABENOW, Mr. CASEY, Mr. REID, and Mr. HARKIN):

S. 1723. A bill to provide for teacher and first responder stabilization; read the first time.

By Ms. MURKOWSKI:

S. 1724. A bill to amend the Elementary and Secondary Education Act of 1965 regarding highly qualified teachers, growth models, adequate yearly progress, Native American language programs, and parental involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI:

S. 1725. A bill to amend the Elementary and Secondary Education Act of 1965 regarding the accountability system for elementary and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL:

S. 1726. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COONS (for himself, Mr. CARPER, Ms. MIKULSKI, and Mr. CARDIN):

S. Res. 294. A resolution commemorating the 182nd anniversary of the opening of the Chesapeake and Delaware Canal; considered and agreed to.

By Mr. HOEVEN (for himself, Mr. CONRAD, Mr. ROBERTS, Mr. SESSIONS, Mr. ISAKSON, Mr. BLUNT, and Mr. BOOZMAN):

S. Res. 295. A resolution designating October 26, 2011, as ''Day of the Deployed''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 165

At the request of Mr. VITTER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 165, a bill to amend the Public Health Services Act to prohibit certain abortion-related discrimination in governmental activities.

S. 230

At the request of Mr. BEGICH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 230, a bill to amend the Federal Food, Drug, and Cosmetic Act to prevent the approval of genetically-engineered fish.

S. 306

At the request of Mr. WEBB, the name of the Senator from Alaska (Mr.

BEGICH) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S. 504

At the request of Mr. DEMINT, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 556

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 556, a bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

S. 678

At the request of Mr. KOHL, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 678, a bill to increase the penalties for economic espionage.

S. 738

At the request of Ms. STABENOW, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 810

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 968

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 1002

At the request of Mr. KYL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1131

At the request of Mrs. HAGAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1131, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 1154

At the request of Mr. BAUCUS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1154, a bill to require transparency for Executive departments in meeting the Government-wide goals for contracting with small business concerns owned and controlled by service-disabled veterans, and for other purposes.

S. 1265

At the request of Mr. BINGAMAN, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from North Carolina (Mr. BURR) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1301

At the request of Mr. LEAHY, the names of the Senator from Ohio (Mr. PORTMAN), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, and for other purposes.

S. 1316

At the request of Mr. ENZI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1316, a bill to prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending.

S. 1335

At the request of Mr. INHOFE, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Tennessee (Mr. CORKER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY), the Senator from Illinois (Mr. KIRK) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1451

At the request of Mr. VITTER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1451, a bill to prohibit the sale of billfish.

S. 1467

At the request of Mr. BLUNT, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1493

At the request of Ms. MIKULSKI, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1493, a bill to provide compensation to relatives of Foreign Service members killed in the line of duty and the relatives of United States citizens who were killed as a result of the bombing of the United States Embassy in Kenya on August 7, 1998, and for other purposes.

S. 1507

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1507, a bill to provide protections from workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1523

At the request of Mr. GRAHAM, the names of the Senator from Texas (Mr. CORNYN), the Senator from Nevada (Mr. HELLER), the Senator from Alabama (Mr. SESSIONS) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 1523, a bill to prohibit the National Labor Relations Board from ordering any employers to close, relocate, or transfer employment under any circumstance.

S. 1541

At the request of Mr. BENNET, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1651

At the request of Mr. SESSIONS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1679

At the request of Mr. THUNE, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1679, a bill to ensure effective control over the Congressional budget process.

S. 1690

At the request of Mr. MCCAIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1690, a bill to preserve the multiple use land management policy in the State of Arizona, and for other purposes.

S. 1707

At the request of Mr. BURR, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1707, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. PORTMAN, Mr. NELSON of Nebraska, and Mr. BURR):

S. 1718. A bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today to advocate for increasing Medicare efficiency and effectiveness by introducing the Strengthening Medicare and Repaying Taxpayers, SMART, Act of 2011 with my colleagues, Senators PORTMAN, BEN NELSON, and BURR.

The SMART Act initiates common sense changes to the Medicare Secondary Payer, MSP, system, as a means of achieving that efficiency and effectiveness. This system kicks in whenever a Medicare beneficiary is injured and another party accepts responsibility to pay for the costs associated with that injury, making Medicare the ''secondary payer.'' For example, if a Medicare beneficiary is injured when she slips in a store the store reimburses her for the costs of the injury. In this scenario the store becomes the party responsible for paying the costs associated with the injury, and if Medicare pays any of the costs associated with the injury, it has to be reimbursed. The purpose of this system is to ensure that Medicare does not pay claims that a third party is liable for. Although seemingly obvious, the system currently on the books is set up in manner that is unnecessarily burdensome to all parties involved in these claims.

At the heart of the problem is the lack of financial disclosure by the Center for Medicare and Medicaid Services, CMS. Under the current MSP system, CMS does not calculate the MSP amount owed to the Trust Fund until after a claim has settled, making it impossible for the parties to factor that amount into the settlement process. Even after the claim has been settled and reported to Medicare, it can take months for the parties to find out how much money is actually owed in reimbursement.

Does this make any sense at all? Of course not. The beneficiary has no idea what portion of the settlement will be left after the payment is made to Medicare, the third party responsible for the bill has no way of knowing whether or not the amount settled upon will be sufficient to fully reimburse Medicare, and the Medicare Trust Fund is denied much needed funds because of the uncertain settlement process.

It is clear that the repercussions of our inefficient MSP system are widespread. Individual beneficiaries and businesses large and small are left in the dark. On top of that, State and local governments that settle personal injury and worker compensation claims also fall victim to these long, drawn out settlements which costs a significant amount of money at a time when budgets are especially tight.

The legislation my colleagues and I are introducing today provides a straightforward and commonsense solution. The SMART Act would create a more effective and efficient MSP process for all parties involved, while speeding the return of Medicare Trust Fund dollars. This legislation will improve the flow of information so that beneficiaries and companies may determine how much money is owed to the Trust Fund before they settle a claim. This change will enable parties to calculate the MSP amount they owe and reimburse Medicare directly, and it will provide CMS with tools to ensure that Medicare is fully reimbursed.

Medicare beneficiaries and businesses will no longer be forced to play this real life version of ''Price is Right,'' where Medicare plays the Bob Barker/Drew Carey role and the other parties are forced to guess at how much is owed.

The SMART Act will also preserve taxpayer resources by ensuring that Medicare does not spend more money pursuing these cases than the claim is actually worth. There have been reports of MSP demands as low as $2—CMS should not be spending more money on postage than the Medicare Trust Fund will receive in reimbursement. Surely we can create a sensible threshold that will protect Medicare's interest and prevent parties from gaming the system without wasting government money chasing down elderly beneficiaries to collect a handful of quarters.

In addition to streamlining the MSP system the SMART Act will protect consumers by eliminating the requirement for businesses to collect Social Security Numbers or Medicare numbers during the claims process. This is in line with a recently launched Medicare campaign which encourages beneficiaries not to give out these numbers as an important tool in fighting health care fraud and identity theft. We should not be sending seniors mixed messages or punishing businesses that are unable to obtain this information, despite their best efforts, from understandably reticent seniors.

The SMART Act will provide much needed clarity to the MSP system and will relieve the burden that is currently placed on all parties involved in the process.

I urge my colleagues to join us in cosponsoring this important legislation.

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. 1718

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Strengthening Medicare And Repaying Taxpayers Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Expediting Secretarial determination of reimbursement amount to improve program efficiency.
Sec. 3. Fiscal efficiency and revenue neutrality.
Sec. 4. Reporting requirement safe harbors.
Sec. 5. Use of social security numbers and other identifying information in reporting.
Sec. 6. Statute of limitations.

SEC. 2. EXPEDITING SECRETARIAL DETERMINATION OF REIMBURSEMENT AMOUNT TO IMPROVE PROGRAM EFFICIENCY.

Section 1862(b)(2)(B) of the Social Security Act (42 U.S.C. 1395y(b)(2)(B)) is amended by adding at the end the following new clause:

''(vii) TIMELY NOTICE OF CONDITIONAL PAYMENT REIMBURSEMENT.—

''(I) REQUEST FOR CONDITIONAL PAYMENT STATEMENT.—In the case of a payment made by the Secretary pursuant to clause (i) for items and services provided to the claimant, the claimant or applicable plan (as defined in paragraph (8)(F)) may at any time beginning 120 days before the reasonably expected date of a settlement, judgment, award, or other payment, notify the Secretary that a payment is reasonably expected, and request from the Secretary, in accordance with regulations, a statement of the conditional payment reimbursement amount (in this clause referred to as a 'statement of reimbursement amount') for any payments subject to reimbursement required under clause (ii). A claimant or applicable plan may request a statement under this subclause only once with respect to such settlement, judgment, award, or other payment.

''(II) SECRETARIAL RESPONSE.—

''(aa) IN GENERAL.—Not later than 65 days after the date of receipt of a request under subclause (I), the Secretary shall respond to such request with a statement of reimbursement amount, which shall constitute the conditional payment subject to recovery under clause (ii) related to such settlement, judgment, award or other payment.

''(bb) CASE OF SECRETARIAL FAILURE.—Subject to subclause (III), if the Secretary fails to provide such a statement of reimbursement amount for items or services subject to reimbursement required under clause (ii) in accordance with this subclause, the claimant, applicable plan, or an entity that receives payment from an applicable plan shall provide an additional notice to the Secretary of such failure. If the Secretary fails to provide a statement of reimbursement amount within 30 days of the date of such additional notice, the claimant, applicable plan, and an entity that receives payment from an applicable plan shall not be liable for and shall not be obligated to make payment subject to this section for any item or service related to the request unless the Secretary demonstrates (in accordance with regulations) that the failure was justified due to exceptional circumstances (as defined in such regulations). Such regulations shall define exceptional circumstances in a manner so that not more than 1 percent of the repayment obligations under this subclause would qualify as exceptional circumstances.

''(III) NOTICE TO SECRETARY.—In the event that a settlement, judgment, award, or other payment does not occur (or is no longer reasonably expected to occur) within 120 days of the date of an original request under subclause (I) with respect to a settlement, judgment, award, or other payment, the claimant or the applicable plan shall timely notify the Secretary, and the Secretary shall be exempt from any obligation under subclause (II) with respect to a statement of reimbursement amount relating to such settlement, judgment, award, or other payment related to the notice.

''(IV) EFFECTIVE DATE.—The Secretary shall promulgate final regulations to carry out this clause not later than 9 months after the date of the enactment of this clause. Such regulations shall require the disclosure from a claimant or applicable plan of no more than the minimum amount of information necessary for the Secretary to determine the amount of conditional payment subject to recovery under clause (ii) related to such settlement, judgment, award, or other payment, and may require partial disclosure (but may not require full disclosure) of social security numbers or health identification claim numbers.

''(viii) RIGHT OF APPEAL.—The Secretary shall promulgate regulations establishing a right of appeal and appeals process, with respect to any determination under this subsection for a payment made under this title for an item or service under a primary plan, under which the applicable plan involved, or an attorney, agent, or third party administrator on behalf of such applicable plan, may appeal such determination. Such right of appeal shall—

''(I) include review through an administrative law judge and administrative review board, and access to judicial review in the district court of the United States for the judicial district in which the appellant is located (or, in the case of an action brought jointly by more than one applicant, the judicial district in which the greatest number of applicants are located) or in the District Court for the District of Columbia; and

''(II) be carried out in a manner similar to the appeals procedure under regulations for hearing procedures respecting notices of determinations of nonconformance of group health plans under this subsection.''.

SEC. 3. FISCAL EFFICIENCY AND REVENUE NEUTRALITY.

(a) IN GENERAL.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended—

(1) in paragraph (2)(B)(ii), by striking ''A primary plan'' and inserting ''Subject to paragraph (9), a primary plan''; and

(2) by adding at the end the following new paragraph:

''(9) EXCEPTION.—

''(A) IN GENERAL.—Clause (ii) of paragraph (2)(B) and any reporting required by paragraph (8) shall not apply with respect to any settlement, judgment, award, or other payment by an applicable plan constituting a total payment obligation to a claimant of not more than the single threshold amount calculated by the Chief Actuary of the Centers for Medicare & Medicaid Services under subparagraph (B) for the year involved.

''(B) ANNUAL COMPUTATION OF THRESHOLDS.—Not later than November 15 before each year, the Chief Actuary of the Centers for Medicare & Medicaid Services shall calculate and publish a single threshold amount for settlements, judgments, awards or other payments for conditional payment obligations arising from each of liability insurance (including self-insurance), workers' compensation laws or plans, and no fault insurance subject to this section for that year. Each such annual single threshold amount for a year shall be set such that the expected average amount to be credited to the Medicare trust funds of collections of conditional payments from such settlements, judgments, awards, or other payments for each of liability insurance (including self-insurance), workers' compensation laws or plans, and no fault insurance subject to this section shall equal the expected average cost of collection incurred by the United States (including payments made to contractors) for a conditional payment from each of liability insurance (including self-insurance), workers' compensation laws or plans, and no fault insurance subject to this section for the year. The Chief Actuary shall include, as part of such publication for a year—

''(i) the expected average cost of collection incurred by the United States (including payments made to contractors) for a conditional payment arising from each of liability insurance (including self-insurance), no fault insurance, and workers' compensation laws or plans; and

''(ii) a summary of the methodology and data used by such Chief Actuary in computing the threshold amount and such average cost of collection.

''(C) TREATMENT OF ONGOING EXPENSES.—For purposes of this paragraph and with respect to a settlement, judgment, award, or other payment not otherwise addressed in clause (ii) of paragraph (2)(B) involving the ongoing responsibility for medical payments, such payment shall include only the cumulative value of the medical payments made and the purchase price of any annuity or similar instrument.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to years beginning more than 4½ months after the date of the enactment of this Act.

SEC. 4. REPORTING REQUIREMENT SAFE HARBORS.

Section 1862(b)(8) of the Social Security Act (42 U.S.C. 1395y(b)(8)) is amended—

(1) in the first sentence of subparagraph (E)(i), by striking ''shall be subject'' and all that follows through the end of the sentence and inserting the following: ''may be subject to a civil money penalty of up to $1,000 for each day of noncompliance. The severity of each such penalty shall be based on the knowing, willful, and repeated nature of the violation.''; and

(2) by adding at the end the following new subparagraph:

''(I) ESTABLISHMENT OF SAFE HARBORS.—Not later than 60 days after the date of the enactment of this subparagraph, the Secretary shall publish a notice in the Federal Register soliciting proposals, which will be accepted during a 60-day period, for the specification of practices for which sanctions will not be imposed under subparagraph (E), including for good faith efforts to identify a beneficiary pursuant to this paragraph under an applicable entity responsible for reporting information, under which this paragraph will be deemed to have complied with the reporting requirements under this paragraph and will not be subject to such sanctions. After considering the proposals so submitted, the Secretary, in consultation with the Attorney General, shall publish in the Federal Register, including a 60-day period for comment, proposed specified practices for which such sanctions will not be imposed. After considering any public comments received during such period, the Secretary shall issue final rules specifying such practices.''.

SEC. 5. USE OF SOCIAL SECURITY NUMBERS AND OTHER IDENTIFYING INFORMATION IN REPORTING.

Section 1862(b)(8)(B) of the Social Security Act (42 U.S.C. 1395y(b)(8)(B)) is amended by adding at the end (after and below clause (ii)) the following: ''Not later than 1 year after the date of enactment of this sentence, the Secretary shall modify the reporting requirements under this paragraph so that an applicable plan in complying with such requirements is permitted but not required to access or report to the Secretary beneficiary social security account numbers or health identification claim numbers.''.

SEC. 6. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended—

(1) in paragraph (2)(B)(iii), by adding at the end the following new sentence: ''An action may not be brought by the United States under this clause with respect to payment owed unless the complaint is filed not later than 3 years after the date of the receipt of notice of a settlement, judgment, award, or other payment made pursuant to paragraph (8) relating to such payment owed.''; and

(2) in paragraph (8)(E)(i), by adding at the end the following new sentence: ''A civil money penalty may not be imposed under this clause with respect to failure to submit required information unless service of notice of intention to impose the penalty is provided not later than 3 years after the date by which the information was required to be submitted.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to actions brought and penalties sought on or after 6 months after the date of the enactment of this Act.

Mr. PORTMAN. Mr. President, I am pleased to introduce the Strengthening Medicare and Repaying Taxpayers, SMART, Act with Senators WYDEN, BURR and BEN NELSON. This bi-partisan effort will help strengthen and protect Medicare by ensuring greater reliability and efficiency of Medicare reimbursements. The SMART Act proposes common-sense solutions to problems in the current Medicare Secondary Payer, MSP, system, at no cost to the American taxpayer. With Washington's sky high debt and deficit, we need to do everything we can to ensure that vital entitlement programs, such as Medicare, are cost effective and working for the very people they were designed to help.

Under the MSP program, if a Medicare beneficiary is injured by a third party and a settlement is pursued as a result of that injury, the third party is responsible for paying for the individual's medical expenses. If Medicare, now the ''secondary payer,'' pays any of the costs associated with the injury, it is entitled to reimbursement.

Numerous problems exist with the current MSP system; each of these are addressed by the SMART Act.

Under current law, Medicare does not have a pathway to disclose their MSP amount until after a case has been settled or adjusted—which creates an uncertainty that impedes beneficiaries and third parties from reaching a legal settlement. This legislation creates a process that allows the Centers for Medicare and Medicaid Services, CMS, to disclose this information before settlement, so it can be factored into the settlement.

Second, Medicare often spends more money pursuing an MSP payment than they actually receive in payment. This bill requires that Medicare no longer pursue MSP claims that do not cover their own expenses.

Additionally, the MSP system requires complex and extensive reporting requirements from those who settle a claim involving Medicare. If all required information is not 100 percent accurate and on-time, the company is fined $1,000 per claim, per day. The SMART Act provides CMS with leeway to issue smaller fines and provides safe harbor to protect companies that make

good faith efforts to comply fully and on-time.

Furthermore, under these requirements, claim beneficiaries must submit their Social Security numbers or Health Insurance Claim Numbers, Medicare Numbers, to the settlement company so they can be reported to CMS, generating serious privacy concerns. This legislation directs Medicare to establish an alternative method of identifying individuals, to mitigate concerns about identity theft and Medicare fraud.

Finally, there is currently no clear statute of limitations on MSP claims. This bill sets a 3-year statute of limitations for most claims.

The SMART Act is a common-sense bi-partisan bill that will make the MSP system work more efficiently, reduce unnecessary burdens and waste, and speed the repayment of amounts owed to the Medicare Trust Fund.

By Mrs. FEINSTEIN:

S. 1719. A bill to clarify that schools and local educational agencies participating in the school lunch program under the Richard B. Russell National School Lunch Act are authorized to donate excess food to local food banks or charitable organizations; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. FEINSTEIN. Mr. President. I rise to introduce legislation which would provide clarification to schools and school districts that wish to donate excess food to food banks and charitable organizations.

In 1996, Congress passed the Bill Emerson Good Samaritan Food Donation Act to encourage the donation of food and grocery products to nonprofit organizations such as homeless shelters, soup kitchens and churches for distribution to needy individuals. The law limits the liability of donors to instances of gross negligence or intentional misconduct. However, because the law does not explicitly include schools as having limited liability, many schools and school districts have been hesitant to donate excess food.

This legislation would amend the Richard B. Russell National School Lunch Act to clarify that schools and local education agencies participating in the school lunch program under the act are authorized to donate excess food to local food banks or charitable organizations. It would clarify that schools and local education agencies making donations would be exempt from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Act.

Schools interested in donating excess food would be encouraged and better informed with the passage of this legislation. The Secretary of Education would provide schools with guidance to assist schools with food donations.

Given the current economy and high unemployment rate, more and more individuals are becoming dependent on food banks and charities. This legislation would help to address the needs of those living in poverty by increasing support for food donations.

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. 1719

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 ''School Food Recovery Act''.

SEC. 2. FOOD DONATION PROGRAM.

Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following:

''(l) FOOD DONATION PROGRAM.—

''(1) IN GENERAL.—Each school and local educational agency participating in the school lunch program under this Act may donate any food not consumed under such program to eligible local food banks or charitable organizations.

''(2) GUIDANCE.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall develop and publish guidance to schools and local educational agencies participating in the school lunch program under this Act to assist such schools and local educational agencies in donating food under this subsection.

''(B) UPDATES.—The Secretary shall update such guidance as necessary.

''(3) LIABILITY.—Any school or local educational agency making donations pursuant to this subsection shall be exempt from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

''(4) DEFINITION.—In this subsection, the term 'eligible local food banks or charitable organizations' means any food bank or charitable organization which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).''.

By Mrs. BOXER:

S. 1722. A bill to improve early education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I rise to introduce the Early Language Proficiency Act, legislation critical to preparing young children across our country to be successful in school.

Studies have shown that children who participate in pre-kindergarten programs are less likely to be held back a grade, show greater learning retention and initiative, have better social skills, are more enthusiastic about school, and are more likely to have good attendance records.

Experts agree that an early education experience is one of the most effective strategies for improving later school performance. The National Research Council reported that pre-kindergarten educational opportunities are critical in developing early language and literacy skills and preventing reading difficulties in young children.

This bill is a step forward in making a national commitment to giving all children access to high quality pre-kindergarten programs that have been proven to have a solid impact on a child's success later in school and in life.

The Early Language Proficiency Act, would authorize pre-kindergarten English language instruction as an allowable use of Federal funding. With over 5 million English language learning students nationwide, 1.5 million of who reside in my home State of in California, allowing school districts to use Federal funds to prepare young English learners for grade school is critical.

In addition, this legislation will help local school districts use federal funds to provide prekindergarten services to all young children they serve. Although school districts may already use Federal funds from Title I of the Elementary and Secondary Education Act for early education, many school districts are either unaware of or are uncertain of how to use this authority. The Early Language Proficiency Act would ensure that states provide proper guidance to local schools about how to use Title I funds to educate prekindergarteners.

The future of our Nation's economy depends on the next generation of workers, and high-quality early childhood education is key to preparing them for their careers. In the long run, pre-kindergarten programs pay for themselves. Decades of research have proven that early education programs yield between $7 to $16 for every dollar invested.

Ensuring that all students start school ready to learn is essential to ensuring that we meet our goal of having the best-educated workforce and the highest proportion of college graduates in the world by 2020. I urge my colleagues to support this legislation.

By Mr. MCCONNELL:

S. 1726. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; read the first time.

Mr. MCCONNELL. 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. 1726

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 ''Withholding Tax Relief Act of 2011''.

SEC. 2. REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

SEC. 3. RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, $30,000,000,000 in appropriated

discretionary funds are hereby permanently rescinded.

(b) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(c) EXCEPTION.—This section shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 294—COMMEMORATING THE 182ND ANNIVERSARY OF THE OPENING OF THE CHESAPEAKE AND DELAWARE CANAL

Mr. COONS (for himself, Mr. CARPER, Ms. MIKULSKI, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 294

Whereas on October 17, 1829, the Chesapeake and Delaware Canal became operational with the joint support of the Federal Government and the States of Delaware, Maryland, and Pennsylvania;

Whereas the Chesapeake and Delaware Canal has served the economy of the Chesapeake and Mid-Atlantic regions for 182 years, first as a lock-system canal and in the 20th century, as a free-flowing waterway;

Whereas the Chesapeake and Delaware Canal Museum recognizes and celebrates the history of the Canal and the role of the Canal in the economic development of the United States from the early 19th century through the date of approval of this resolution;

Whereas the Chesapeake and Delaware Canal is 1 of only 2 commercially viable sea level canals in the United States and is vital to the Ports of Wilmington, Baltimore, and Philadelphia, as well as the broader United States economy;

Whereas the Chesapeake and Delaware Canal is 1 of the busiest working waterways in the world, with more than 25,000 vessels passing though the Canal each year;

Whereas the Philadelphia District of the Corps of Engineers has responsibly managed the Chesapeake and Delaware Canal since 1933, including regularly dredging the Canal, maintaining existing bridges and roadways, and managing maritime traffic;

Whereas in 2005 and 2006, public workshops were held to solicit ideas and comments from local residents regarding potential recreational uses along the Chesapeake and Delaware Canal;

Whereas in March 2006, the Chesapeake and Delaware Canal trail concept plan was completed by the working group recommending the creation of a recreational trail along both banks of the Chesapeake and Delaware Canal to be used by walkers, joggers, cyclists, and equestrians;

Whereas the Federal Government and the State of Delaware have worked together to provide funding to build the first phase of the recreational trail along the banks of the Chesapeake and Delaware Canal, with construction set to begin in the spring of 2012;

Whereas the Chesapeake and Delaware Canal is surrounded by more than 7,500 acres of public land, creating a unique and safe environment for recreationists, families, students, anglers, hunters, nature enthusiasts, and others to participate in outdoor activities;

Whereas the recreational trail along the Chesapeake and Delaware Canal has the potential to provide a common link to communities across the States of Delaware and Maryland from Chesapeake City to Delaware City;

Whereas plans for Phase I of the recreational trail call for 9 miles of improved trail along the Chesapeake and Delaware Canal from Delaware City to Summit Marina, Delaware, including the construction of parking areas and comfort stations;

Whereas public participation has been an integral part of the development of the recreational trail along the Chesapeake and Delaware Canal and the plan enjoys broad support from local communities, stakeholder groups, and Federal and State officials; and

Whereas construction of the trail will create jobs and bring economic activity to communities along the Chesapeake and Delaware Canal while encouraging health and wellness through outdoor engagement: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 182nd anniversary of the opening of the Chesapeake and Delaware Canal;

(2) celebrates the history of the Chesapeake and Delaware Canal as a facilitator of trade and economic development in the Chesapeake and Mid-Atlantic regions;

(3) honors the ongoing role that the Chesapeake and Delaware Canal plays in supporting commerce by linking the Delaware River and Chesapeake Bay to ports around the world; and

(4) recognizes the potential for recreation on federally owned land along the banks of the Chesapeake and Delaware Canal to encourage job creation, outdoor engagement, wellness, and fitness.

SENATE RESOLUTION 295—DESIGNATING OCTOBER 26, 2011, AS ''DAY OF THE DEPLOYED''

Mr. HOEVEN (for himself, Mr. CONRAD, Mr. ROBERTS, Mr. SESSIONS, Mr. ISAKSON, Mr. BLUNT, and Mr. BOOZMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 295

Whereas more than 2,270,000 people serve as members of the United States Armed Forces;

Whereas several hundred thousand members of the Armed Forces rotate each year through deployments to 150 countries in every region of the world;

Whereas more than 2,300,000 members of the Armed Forces have deployed to the area of operations of the United States Central Command since the September 11, 2001, terrorist attacks;

Whereas the United States is kept strong and free by the loyal military personnel who protect our precious heritage through their positive declaration and actions;

Whereas members of the Armed Forces serving at home and abroad have courageously answered the call to duty to defend the ideals of the United States and to preserve peace and freedom around the world;

Whereas members of the Armed Forces personify the virtues of patriotism, service, duty, courage, and sacrifice;

Whereas the families of members of the Armed Forces make important and significant sacrifices for the United States;

Whereas North Dakota began honoring the members of the Armed Forces and their families by designating October 26 as ''Day of the Deployed'' in 2006 ; and

Whereas 40 States designated October 26, 2010, as ''Day of the Deployed'': Now, therefore, be it

Resolved, That the Senate—

(1) honors the members of the United States Armed Forces who are deployed;

(2) calls on the people of the United States to reflect on the service of those members of the United States Armed Forces, wherever they serve, past, present, and future;

(3) designates October 26, 2011, as ''Day of the Deployed''; and

(4) encourages the people of the United States to observe ''Day of the Deployed'' with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 739. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 740. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 741. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 742. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 743. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 744. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 745. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 746. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 747. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 748. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 749. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 750. Mr. REID (for Mr. WEBB) proposed an amendment to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra.

SA 751. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 752. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 753. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 754. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 755. Mr. KOHL proposed an amendment to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra.

SA 756. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 757. Ms. COLLINS (for herself, Mr. UDALL of Colorado, Mr. CRAPO, Mr. RISCH, Ms. SNOWE, Mr. WYDEN, Ms. AYOTTE, Mr. JOHANNS, Mr. NELSON of Nebraska, Mr. JOHNSON of Wisconsin, Mr. HOEVEN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 758. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 759. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 760. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 761. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 762. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 763. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 764. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 765. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 766. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 767. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 768. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 769. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 770. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 771. Mr. BINGAMAN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 772. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra.

SA 773. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 774. Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 775. Mr. CORNYN proposed an amendment to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra.

SA 776. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 777. Mr. PAUL (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 778. Mr. PAUL (for himself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 779. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 780. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 781. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 782. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 783. Mr. REID (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 275, to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

SA 784. Mr. REID (for Mr. PAUL) proposed an amendment to the bill S. 275, supra.

TEXT OF AMENDMENTS

SA 739. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division C, insert the following:

SEC. ____. None of the amounts made available under this division may be used for—

(1) scenic or historic highway programs, including tourist and welcome centers;

(2) landscaping or scenic beautification;

(3) historic preservation;

(4) rehabilitation or operation of historic transportation buildings, structures, or facilities;

(5) control or removal of outdoor advertising;

(6) archaeological planning or research; or

(7) the establishment of transportation museums.

SA 740. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading ''ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS'' under the heading ''ECONOMIC DEVELOPMENT ADMINISTRATION'' in title I of division B, strike '', for trade adjustment assistance, and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added by section 603 of the America COMPETES Reauthorization Act of 2010 (Public Law 111–358), $220,000,000'' and insert ''and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added by section 603 of the America COMPETES Reauthorization Act of 2010 (Public Law 111–358), $204,200,000''.

SA 741. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. ____. None of the funds made available by this Act shall be used to construct, fund, install, or operate an ethanol blender pump or an ethanol storage facility, including—

(1) funds in any trust fund to which funds are made available by Federal law; and

(2) any funds made available under the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107).

SA 742. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 319, lines 9 through 14, strike ''That of the total amount provided under this heading, $17,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*,''.

SA 743. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217, insert the following:

SEC. 218. Notwithstanding any other provision of this title, no funds appropriated or otherwise made available by this title may be used for an Edward Byrne Memorial criminal justice innovation program and the total amount appropriated under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE (INCLUDING TRANSFER OF FUNDS)'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title shall be reduced by $20,000,000.

SA 744. Mr. MCCAIN submitted an amendment intended to be proposed by

him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, line 17, strike ''Nevada,''.

SA 745. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the amounts made available under this Act may be used to provide payments to the Brazil Cotton Institute or to pay the salaries or other expenses of personnel to process such payments.

SA 746. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title VII of division A, strike section 729.

SA 747. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title VII of division A, strike section 722.

SA 748. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading ''SALARIES AND EXPENSES'' under the heading ''ANIMAL AND PLANT HEALTH INSPECTION SERVICE'' of title I of division A, strike ''of which $891,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831);''.

SA 749. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division A, add the following:

SEC. 7____. None of the funds made available by this Act may be used to carry out section 11016 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2130), including the amendments made by that section.

SA 750. Mr. REID (for Mr. WEBB) proposed an amendment to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) SHORT TITLE.—This section may be cited as the ''National Criminal Justice Commission Act of 2011''.

(b) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the ''National Criminal Justice Commission'' (referred to in this section as the ''Commission'').

(c) PURPOSE OF THE COMMISSION.—The Commission shall undertake a comprehensive review of the criminal justice system, encompassing current Federal, State, local, and tribal criminal justice policies and practices, and make reform recommendations for the President, Congress, State, local, and tribal governments.

(d) REVIEW AND RECOMMENDATIONS.—

(1) GENERAL REVIEW.—The Commission shall undertake a comprehensive review of all areas of the criminal justice system, including Federal, State, local, and tribal governments' criminal justice costs, practices, and policies.

(2) FINDINGS AND RECOMMENDATIONS.—After conducting a review of the United States criminal justice system as required by paragraph (1), the Commission shall make findings regarding such review and recommendations for changes in oversight, policies, practices, and laws designed to prevent, deter, and reduce crime and violence, reduce recidivism, improve cost-effectiveness, and ensure the interests of justice at every step of the criminal justice system.

(3) PRIOR COMMISSIONS.—The Commission shall take into consideration the work of prior relevant commissions in conducting its review.

(4) STATE AND LOCAL GOVERNMENT.—In making its recommendations, the Commission should consider the financial and human resources of State and local governments. Recommendations shall not infringe on the legitimate rights of the States to determine their own criminal laws or the enforcement of such laws.

(5) PUBLIC HEARINGS.—The Commission shall conduct public hearings in various locations around the United States.

(6) CONSULTATION WITH GOVERNMENT AND NONGOVERNMENT REPRESENTATIVES.—

(A) IN GENERAL.—The Commission shall—

(i) closely consult with Federal, State, local, and tribal government and nongovernmental leaders, including State, local, and tribal law enforcement officials, legislators, public health officials, judges, court administrators, prosecutors, defense counsel, victims' rights organizations, probation and parole officials, criminal justice planners, criminologists, civil rights and liberties organizations, formerly incarcerated individuals, professional organizations, and corrections officials; and

(ii) include in the final report required by paragraph (7) summaries of the input and recommendations of these leaders.

(B) UNITED STATES SENTENCING COMMISSION.—To the extent the review and recommendations required by this subsection relate to sentencing policies and practices for the Federal criminal justice system, the Commission shall conduct such review and make such recommendations in consultation with the United States Sentencing Commission.

(7) REPORT.—

(A) REPORT.—Not later than 18 months after the first meeting of the Commission, the Commission shall prepare and submit a final report that contains a detailed statement of findings, conclusions, and recommendations of the Commission to Congress, the President, State, local, and tribal governments.

(B) GOAL OF UNANIMITY.—It is the sense of the Congress that, given the national importance of the matters before the Commission, the Commission should work toward unanimously supported findings and recommendations.

(C) PUBLIC AVAILABILITY.—The report submitted under this paragraph shall be made available to the public.

(D) VOTES ON RECOMMENDATIONS IN REPORT.—Consistent with subparagraph (B), the Commission shall state the vote total for each recommendation contained in its report to Congress.

(e) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 14 members, as follows:

(A) One member shall be appointed by the President, who shall serve as co-chairman of the Commission.

(B) One member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Republican Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Republican Party, who shall serve as co-chairman of the Commission.

(C) Two members shall be appointed by the senior member of the Senate leadership of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(D) Two members shall be appointed by the senior member of the Senate leadership of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(E) Two members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(F) Two members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(G) Two members, who shall be State and local representatives, shall be appointed by the President in agreement with leader of the Senate (majority or minority leader, as the case may be) of the Republican Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Republican Party.

(H) Two members, who shall be State and local representatives, shall be appointed by the President in agreement with leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party.

(2) MEMBERSHIP.—

(A) QUALIFICATIONS.—The individuals appointed from private life as members of the Commission shall be individuals with distinguished reputations for integrity and nonpartisanship who are nationally recognized for expertise, knowledge, or experience in such relevant areas as—

(i) law enforcement;

(ii) criminal justice;
(iii) national security;
(iv) prison and jail administration;
(v) prisoner reentry;
(vi) public health, including physical and sexual victimization, drug addiction and mental health;
(vii) victims' rights;
(viii) civil liberties;
(ix) court administration;
(x) social services; and
(xi) State, local, and tribal government.

(B) DISQUALIFICATION.—An individual shall not be appointed as a member of the Commission if such individual possesses any personal financial interest in the discharge of any of the duties of the Commission.

(C) TERMS.—Members shall be appointed for the life of the Commission.

(3) APPOINTMENT; FIRST MEETING.—

(A) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this section.

(B) FIRST MEETING.—The Commission shall hold its first meeting on the date that is 60 days after the date of enactment of this section, or not later than 30 days after the date on which funds are made available for the Commission, whichever is later.

(C) ETHICS.—At the first meeting of the Commission, the Commission shall draft appropriate ethics guidelines for commissioners and staff, including guidelines relating to conflict of interest and financial disclosure. The Commission shall consult with the Senate and House Committees on the Judiciary as a part of drafting the guidelines and furnish the Committees with a copy of the completed guidelines.

(4) MEETINGS; QUORUM; VACANCIES.—

(A) MEETINGS.—The Commission shall meet at the call of the co-chairs or a majority of its members.

(B) QUORUM.—Eight members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(C) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. If vacancies in the Commission occur on any day after 45 days after the date of the enactment of this section, a quorum shall consist of a majority of the members of the Commission as of such day, so long as at least 1 Commission member chosen by a member of each party, Republican and Democratic, is present.

(5) ACTIONS OF COMMISSION.—

(A) IN GENERAL.—The Commission—

(i) shall act by resolution agreed to by a majority of the members of the Commission voting and present; and

(ii) may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this section—

(I) which shall be subject to the review and control of the Commission; and

(II) any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(B) DELEGATION.—Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this section.

(f) ADMINISTRATION.—

(1) STAFF.—

(A) EXECUTIVE DIRECTOR.—The Commission shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate established for the Certified Plan pay level for the Senior Executive Service under section 5382 of title 5, United States Code.

(B) APPOINTMENT AND COMPENSATION.—The co-chairs of the Commission shall designate and fix the compensation of the Executive Director and, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(C) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(D) THE COMPENSATION OF COMMISSIONERS.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States, State, or local government shall serve without compensation in addition to that received for their services as officers or employees.

(E) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(4) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information such Commission determines to be necessary to carry out its duties from the Library of Congress, the Department of Justice, the Office of National Drug Control Policy, the Department of State, and other agencies of the executive and legislative branches of the Federal Government. The co-chairs of the Commission shall make requests for such access in writing when necessary.

(5) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission is authorized to accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in performance of those services for the purposes of chapter 81 of title 5 of the United States Code, relating to compensation for work-related injuries, chapter 171 of title 28 of the United States Code, relating to tort claims, and chapter 11 of title 18 of the United States Code, relating to conflicts of interest.

(6) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any agency of the United States information necessary to enable it to carry out this section. Upon the request of the co-chairs of the Commission, the head of that department or agency shall furnish that information to the Commission. The Commission shall not have access to sensitive information regarding ongoing investigations.

(7) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(8) ADMINISTRATIVE REPORTING.—The Commission shall issue biannual status reports to Congress regarding the use of resources, salaries, and all expenditures of appropriated funds.

(9) CONTRACTS.—The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities. A contract, lease or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

(10) GIFTS.—Subject to existing law, the Commission may accept, use, and dispose of gifts or donations of services or property.

(11) ADMINISTRATIVE ASSISTANCE.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section. These administrative services may include human resource management, budget, leasing, accounting, and payroll services.

(12) NONAPPLICABILITY OF FACA AND PUBLIC ACCESS TO MEETINGS AND MINUTES.—

(A) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(B) MEETINGS AND MINUTES.—

(i) MEETINGS.—

(I) ADMINISTRATION.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(II) NOTICE.—All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(ii) MINUTES AND PUBLIC AVAILABILITY.—Minutes of each open meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. The minutes and records of all open meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(13) ARCHIVING.—Not later than the date of termination of the Commission, all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.

(g) APPROPRIATION.—Of amounts provided in this Act for salary and expenses for the Office of Justice Programs, $5,000,000 shall be for the establishment of the commission, until such funds are expended.

(h) SUNSET.—The Commission shall terminate 60 days after it submits its report to Congress.

SA 751. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII in division A, add the following:

SEC. __. None of the funds made available by this Act to the Food and Drug Administration may be used to approve any application submitted under section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b) for approval of genetically engineered fish.

SA 752. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. None of the funds made available by this Act may be used for coastal and marine spatial planning, as defined by Executive Order 13547 (33 U.S.C. 857–19 note; relating to stewardship of the ocean, coasts, and Great Lakes).

SA 753. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. (a) PROHIBITION ON USE OF FUNDS FOR PROSECUTION OF ENEMY COMBATANTS IN ARTICLE III COURTS.—None of the funds appropriated or otherwise made available for the Department of Justice by this Act may be obligated or expended to commence the prosecution in an Article III court of the United States of an individual determined to be—

(1) a member of, or part of, al-Qaeda or an affiliated entity; and

(2) a participant in the course of planning or carrying out an attack or attempted attack against the United States or its coalition partners.

(b) DEFINITIONS.—In this section:

(1) The term ''Article III court of the United States'' means a court of the United States established under Article III of the Constitution of the United States.

(2) The term ''individual'' does not include a citizen of the United States.

SA 754. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 248, line 18, insert ''*Provided further,* That none of the funds made available under this heading may be used to finalize, enforce, or implement the hours-of-service regulations proposed by the Federal Motor Carrier Safety Administration on December 29, 2010:'' after ''transfer:''.

SA 755. Mr. KOHL proposed an amendment to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; as follows:

At the end of title VII of division A, add the following:

SEC. 7_____. Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report describing plans to implement reductions to salaries and expenses accounts included in this Act.

SA 756. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, line 21, strike ''$509,295,000'' and insert ''$499,295,000''.

On page 48, beginning on line 1, strike ''$10,000,000'' and all that follows through ''Account'' on line 10 and insert ''none of the funds made available under this Act may be used to make high energy cost grants under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a)''.

SA 757. Ms. COLLINS (for herself, Mr. UDALL of Colorado, Mr. CRAPO, Mr. RISCH, Ms. SNOWE, Mr. WYDEN, Ms. AYOTTE, Mr. JOHANNS, Mr. NELSON of Nebraska, Mr. JOHNSON of Wisconsin, Mr. HOEVEN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division A, add the following:

SEC. __. None of the funds made available by this Act may be used to implement an interim final or final rule that—

(1) sets maximum limits on the frequency of serving fruits and vegetables in school meal programs established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

(2) limits the options of local school districts in providing fruits and vegetables consistent with the most recent Dietary Guidelines for Americans.

SA 758. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. None of the funds made available under this Act may be used for the development or implementation of coastal and marine spatial planning (as defined in section 3 of Executive Order 13547 (33 U.S.C. 857–19 note; relating to stewardship of the ocean, our coasts, and the Great Lakes)).

SA 759. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. None of the funds made available under this Act may be used for the development or implementation of the planning described in section 3(b) of Executive Order 13547 (33 U.S.C. 857–19 note; relating to stewardship of the ocean, our coasts, and the Great Lakes).

SA 760. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, after line 7 add the following:

SEC. 237. The Federal Housing Administration may not use any funds made available under the heading ''FEDERAL HOUSING ADMINISTRATION'' under the heading ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'' under this title unless, not later than 60 days after the date of enactment of this Act, the Director of the Federal Housing Administration takes all necessary steps to ensure that the Mutual Mortgage Insurance Fund established under section 205 of the National Housing Act (12 U.S.C. 1711) attains a capital ratio of 2 percent before the end of fiscal year 2012.

SA 761. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, after line 24, add the following:

SEC. 218. None of the amounts made available in this title under the heading ''COMMUNITY ORIENTED POLICING SERVICES'' may be used in contravention of section 642(a) of the

Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

SA 762. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL RIGHT TO WORK.

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking ''except to'' and all that follows through ''authorized in section 8(a)(3)''.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking '': *Provided*, That'' and all that follows through ''retaining membership'';

(B) in subsection (b)—

(i) in paragraph (2), by striking ''or to discriminate'' and all that follows through ''retaining membership''; and

(ii) in paragraph (5), by striking ''covered by an agreement authorized under subsection (a)(3) of this section''; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

SA 763. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement the final rule entitled ''Use of Ozone-Depleting Substances; Removal of Essential-Use Designation (Epinephrine)'' (73 Fed. Reg. 69532 (November 19, 2008)).

SA 764. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 7____. Section 101(a)(2) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 120; 124 Stat. 2394; 124 Stat. 3265) is amended by striking ''after October 31, 2013'' and inserting ''on the date of enactment of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012''.

SA 765. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds appropriated or otherwise made available by this title shall be used to pay the salaries and expenses of personnel to enforce the provisions of section 3(a)(2) of the Lacey Act Amendments of 1981 (16 U.S.C. 3372(a)(2)) with respect to a plant taken, possessed, transported, or sold in violation of a foreign law unless the applicable foreign government has initiated proceedings against the company or individual under the foreign law.

SA 766. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIGHTING ENERGY EFFICIENCY.

(a) IN GENERAL.—Subtitle B of title III of the Energy Independence and Security Act of 2007 (Public Law 110–140) is repealed.

(b) APPLICATION.—The Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) shall be applied and administered as if subtitle B of title III of the Energy Independence and Security Act of 2007 (and the amendments made by that subtitle) had not been enacted.

SA 767. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 388, after line 17, add the following:

DIVISION D—LOAN GUARANTEES

SEC. 101. LOAN GUARANTEES.

Notwithstanding any other provision of this Act, none of the funds made available by this Act (including divisions A, B, and C) or an amendment made by this Act may be used to make a loan guarantee.

SA 768. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available by this Act may be used for mifepristone, commonly known as RU-486.

SA 769. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. ____. None of the funds made available in this Act for the Food and Drug Administration shall be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act.

SA 770. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 17, insert ''or hereafter'' after ''herein''.

On page 121, line 23, insert ''or hereafter'' after ''herein''.

On page 122, line 11, insert '', hereafter,'' after ''That''.

On page 124, line 13, insert '', hereafter,'' after ''That''.

On page 124, line 17, insert '', hereafter,'' after ''That''.

On page 124, line 21, insert '', hereafter,'' after ''That''.

On page 179, line 13, strike ''None of'' and insert ''Hereafter, none of''.

On page 181, line 3, strike ''The Bureau'' and insert ''For fiscal year 2012 and thereafter, the Bureau''.

On page 184, line 14, insert ''hereafter,'' after ''treaty,''.

On page 186, line 19, insert ''hereafter,'' after ''law,''.

SA 771. Mr. BINGAMAN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, between lines 2 and 3, insert the following:

SEC. 542. (a) The matter under the heading ''SALARIES AND EXPENSES'' under the heading ''OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE'' in title IV of this division is amended by striking ''$46,775,000'' and inserting ''$51,251,000''.

(b) Section 529(c)(2) of this title is amended by striking ''$620,000,000'' and inserting ''$624,476,000''.

SA 772. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; as follows:

Strike section 128 of division C.

SA 773. Mr. DEMINT submitted an amendment intended to be proposed by

him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REPEAL OF THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203) is repealed, and the provisions of law amended by such Act are revived or restored as if such Act had not been enacted.

SA 774. Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. OPPOSITION TO FUNDING BY THE INTERNATIONAL MONETARY FUND FOR THE EUROPEAN FINANCIAL STABILITY FACILITY.

The United States Executive Director of the International Monetary Fund shall use the voice and vote of the United States to oppose—

(1) the use of any funds that include any contributions from the United States to the Fund for the European Financial Stability Facility;

(2) any additional funding provided by the Fund for any program related to the Facility; and

(3) any increase in the authority of the Fund that may be used to provide support for the Facility or any such program.

SA 775. Mr. CORNYN proposed an amendment to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. No funds made available under this Act shall be used to allow the transfer of firearms to agents of drug cartels where law enforcement personnel of the United States do not continuously monitor and control such firearms at all times.

SA 776. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. ____. Not later than 3 days after the date of enactment of this Act, the Commissioner of Food and Drugs shall provide a response to the Independent Turtle Farmers of Louisiana regarding the submission to the Food and Drug Administration by such Independent Turtle Farmers of Louisiana dated March 31, 2011, relating to the regulation that bans the sale of small turtles.

SA 777. Mr. PAUL (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement the FDA Food Safety Modernization Act (Public Law 111–353) (or any amendment made by such Act).

SA 778. Mr. PAUL (for himself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. __. None of the funds made available by this Act to the Food and Drug Administration may be used for the purchase of weapons or ammunition to be used in enforcement activities, including raids.

SA 779. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 287, line 8, strike ''$549,499,000'' and insert ''$542,939,000''.

On page 333, line 9, strike ''$35,940,000'' and insert ''$42,500,000''.

SA 780. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 289, line 8, strike ''$101,076,000'' and insert ''$97,076,000''.

On page 289, line 11, strike ''$392,796,000'' and insert ''$382,296,000''.

On page 326, line 18, strike ''$60,000,000'' and insert ''$87,500,000''.

On page 336, line 1, strike ''$199,035,000'' and insert ''$184,035,000''.

SA 781. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. 7____. Section 363 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006e) is amended in the first sentence by striking ''any loan'' and inserting ''any farmer program loan''.

SA 782. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, line 21, insert '', of which $1,000,000 shall be used for capitalization or recapitalization, as applicable, of revolving loan funds to support innovative, utility-administered energy efficiency lending to small businesses'' before the period at the end.

SA 783. Mr. REID (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 275, to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; as follows:

On page 64, after line 18, add the following:

SEC. 30. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 784. Mr. REID (for Mr. PAUL) proposed an amendment to the bill S. 275, to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; as follows:

Beginning on page 56, strike line 12 and all that follows through page 64, line 18, and insert the following:

(1) 9 employees shall be added in fiscal year 2012;

(2) 10 employees shall be added in fiscal year 2013;

(3) 10 employees shall be added in fiscal year 2014; and

(4) 10 employees shall be added in fiscal year 2015.

(b) FUNCTIONS.—In increasing the number of employees under subsection (a), the Secretary shall focus on hiring employees—

(1) to conduct data collection, analysis, and reporting;

(2) to develop, implement, and update information technology;

(3) to conduct inspections of pipeline facilities to determine compliance with applicable regulations and standards;

(4) to provide administrative, legal, and other support for pipeline enforcement activities; and

(5) to support the overall pipeline safety mission of the Pipeline and Hazardous Materials Safety Administration, including training of pipeline enforcement personnel.

SEC. 26. MAINTENANCE OF EFFORT.

Section 60107(b) is amended to read as follows:

''(b) PAYMENTS.—After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program and that the total State amount spent for a safety program (excluding grants of the United States Government) will at least equal the average amount spent for gas and hazardous liquid safety programs for fiscal years 2004 through 2006, except when the Secretary waives the requirements of this subsection. The Secretary shall grant such a waiver if a State can demonstrate an inability to maintain or increase the required funding share of its pipeline safety program at or above the level required by this subsection due to economic hardship in that State.''.

SEC. 27. MAXIMUM ALLOWABLE OPERATING PRESSURE.

(a) ESTABLISHMENT OF RECORDS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall require pipeline operators to conduct a verification of records for all interstate and intrastate gas transmission lines in class 3 and class 4 locations and class 1 and class 2 high consequence areas that accurately reflect the pipeline's physical and operational characteristics and confirm the established maximum allowable operating pressure of those pipelines.

(2) ELEMENTS.—Verification of each record under paragraph (1) shall include such elements as the Secretary considers appropriate.

(b) REPORTING.—

(1) DOCUMENTATION OF CERTAIN PIPELINES.—Not later than 18 months after the date of enactment of this Act, pipeline operators shall submit to the Secretary documentation of all interstate and intrastate gas transmission pipelines in class 3 and class 4 locations and class 1 and class 2 high consequence areas where the records required under subsection (a) are not sufficient to confirm the established maximum allowable operating pressure of those pipeline segments.

(2) EXCEEDANCES OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—All pipeline operators shall report any exceedance of the maximum allowable operating pressure for gas transmission pipelines that exceed the build-up allowed for operation of pressure-limiting or control devices to the Secretary not later than 5 working days after the exceedance occurs. Notice of exceedance by gas transmission pipelines shall be provided concurrently to appropriate State authorities.

(c) DETERMINATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

(1) IN GENERAL.—For any transmission line reported in subsection (b), the Secretary shall require the operator of the transmission line to reconfirm a maximum allowable operational pressure as expeditiously as economically feasible.

(2) INTERIM ACTIONS.—For cases described in paragraph (1), the Secretary will determine what actions are appropriate for a pipeline operator to take to maintain safety until a maximum allowable operating pressure is confirmed. In determining what actions an operator should take, the Secretary shall take into account consequences to public safety and the environment, impacts on pipeline system reliability and deliverability, and other factors, as appropriate.

(d) TESTING REGULATIONS.—The Secretary shall, not later than 18 months after the date of the enactment of this Act, prescribe regulations for conducting tests to confirm the material strength of previously untested natural gas transmission pipelines located in areas identified pursuant to section 60109(a) of title 49, United States Code, and operating at a pressure greater than 30 percent of specified minimum yield strength. The Secretary shall consider safety testing methodologies including, at a minimum, pressure testing or other alternative methods, including in-line inspections, determined by the Secretary to be of equal or greater effectiveness. The Secretary, in consultation with the Chairman of the Federal Energy Regulatory Commission and State regulators, as appropriate, shall establish timeframes for the completion of such testing that take into account consequences to public safety and the environment and that minimize costs and service disruptions.

SEC. 28. ADMINISTRATIVE ENFORCEMENT PROCESS.

(a) ISSUANCE OF REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall prescribe regulations—

(A) requiring hearings under sections 60112, 60117, 60118, and 60122 to be convened before a presiding official;

(B) providing the opportunity for any person requesting a hearing under sections 60112, 60117, 60118, and 60122 to arrange for a transcript of that hearing, at the expense of the requesting person; and

(C) ensuring expedited review of any order issued pursuant to section 60112(e).

(2) PRESIDING OFFICIAL.—The regulations prescribed under this subsection shall—

(A) define the term ''presiding official'' to mean the person who conducts any hearing relating to civil penalty assessments, compliance orders, safety orders, or corrective action orders; and

(B) require that the presiding official must be an attorney on the staff of the Deputy Chief Counsel that is not engaged in investigative or prosecutorial functions, including the preparation of notices of probable violations, orders relating to civil penalty assessments, compliance orders, or corrective action orders.

(b) STANDARDS OF JUDICIAL REVIEW.—Section 60119(a) is amended by adding at the end the following new paragraph:

''(3) All judicial review of agency action under this section shall apply the standards of review established in section 706 of title 5.''.

SEC. 29. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—

(1) Section 60125(a)(1) is amended by striking subparagraphs (A) through (D) and inserting the following:

''(A) for fiscal year 2012, $92,206,000, of which $9,200,000 is for carrying out such section 12 and $36,958,000 is for making grants;

''(B) for fiscal year 2013, $96,144,000, of which $9,600,000 for carrying out such section 12 and $39,611,000 is for making grants;

''(C) for fiscal year 2014, $99,876,000, of which $9,900,000 is for carrying out such section 12 and $41,148,000 is for making grants; and

''(D) for fiscal year 2015, $102,807,000, of which $10,200,000 is for carrying out such section 12 and $42,356,000 is for making grants.''.

(2) Section 60125(a)(2) is amended by striking subparagraphs (A) through (D) and inserting the following:

''(A) for fiscal year 2012, $18,905,000, of which $7,562,000 is for carrying out such section 12 and $7,864,000 is for making grants;

''(B) for fiscal year 2013, $19,661,000, of which $7,864,000 is for carrying out such section 12 and $7,864,000 is for making grants;

''(C) for fiscal year 2014, $20,000,000, of which $8,000,000 is for carrying out such section 12 and $8,000,000 is for making grants; and

''(D) for fiscal year 2015, $20,000,000, of which $8,000,000 is for carrying out such section 12 and $8,000,000 is for making grants.''.

(b) EMERGENCY RESPONSE GRANTS.—Section 60125(b)(2) is amended by striking ''2007 through 2010'' and inserting ''2012 through 2015''.

(c) ONE-CALL NOTIFICATION PROGRAMS.—Section 6107 is amended—

(1) by striking ''2007 through 2010.'' in subsection (a) and inserting ''2012 through 2015.'';

(2) by striking ''2007 through 2010.'' in subsection (b) and inserting ''2012 through 2015.''; and

(3) by striking subsection (c).

(d) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134 is amended by adding at the end the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to provide grants under this section $2,000,000 for each of fiscal years 2012 through 2015. The funds shall remain available until expended.''.

(e) COMMUNITY PIPELINE SAFETY INFORMATION GRANTS.—Section 60130 is amended—

(1) by striking ''$50,000'' in subsection (a)(1) and inserting ''$100,000''; and

(2) by striking ''2003 through 2010.'' in subsection (d) and inserting ''2012 through 2015.''.

(f) PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—

(1) by adding at the end of subsection (d) the following:

''(3) ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program each year that funds are appropriated for carrying out the plan.''; and

(2) by striking ''2003 through 2006.'' in subsection (f) and inserting ''2012 through 2015.''.

NOTICE OF INTENT TO OBJECT

I, Senator CHARLES GRASSLEY, intend to object to proceeding to S. 1385, a bill to terminate the $1 presidential coin program, dated October 17, 2001.

PRIVILEGES OF THE FLOOR

Mr. KOHL. Mr. President, I ask unanimous consent that the following staff be granted the privileges of the floor during consideration of H.R. 2112: Galen Fountain, Jessica Frederick, Dianne Nellor, Stacy McBride, Phil

Karsting, Chad Metzler, Michael Lavender, Aliza Fishbein, Brian Diffell, Zach Kinne, Kristina Weger; as well as Bob Ross and Mary Koskinen, detailees from the Department of Agriculture to the Committee on Appropriations.

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

Ms. COLLINS. Mr. President, on behalf of Senator MURRAY and myself, I ask unanimous consent that the following staff have unlimited floor privileges during the consideration of H.R. 2112: Heideh Shahmoradi, Brooke Stringer, Carl Barrick, Alex Keenan, Meaghan McCarthy, Dabney Hegg, Molly O'Rourke, Terri Curtain, Elizabeth McDonnell, Kenneth Altman, Jessica James Morgan Cashwell, Lorinda Harris, Cyrus Cheslak, and Mark LeDuc.

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

Ms. COLLINS. Mr. President, I also ask unanimous consent that Michael Clarke, a detailee from the Department of Transportation to the Committee on Appropriations, be granted unlimited floor privileges during the consideration of H.R. 2112.

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

PIPELINE TRANSPORTATION SAFETY IMPROVEMENT ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 96.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 275) to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pipeline Transportation Safety Improvement Act of 2011''.

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
Sec. 2. Civil penalties.
Sec. 3. Pipeline damage prevention.
Sec. 4. Offshore gathering pipelines.
Sec. 5. Automatic and remote-controlled shut-off valves.
Sec. 6. Excess flow valves.
Sec. 7. Integrity management.
Sec. 8. Public education and awareness.
Sec. 9. Cast iron gas pipelines.
Sec. 10. Leak detection.
Sec. 11. Incident notification.
Sec. 12. Transportation-related onshore facility response plan compliance.
Sec. 13. Pipeline infrastructure data collection.
Sec. 14. International cooperation and consultation.
Sec. 15. Gas and hazardous liquid gathering lines.
Sec. 16. Transportation-related oil flow lines.
Sec. 17. Alaska project coordination.
Sec. 18. Cost recovery for design reviews.
Sec. 19. Special permits.
Sec. 20. Biofuel pipelines.
Sec. 21. Carbon dioxide pipelines.
Sec. 22. Study of the transportation of tar sands crude oil.
Sec. 23. Study of non-petroleum hazardous liquids transported by pipeline.
Sec. 24. Clarifications.
Sec. 25. Additional resources.
Sec. 26. Maintenance of effort.
Sec. 27. Maximum allowable operating pressure.
Sec. 28. Administrative enforcement process.
Sec. 29. Authorization of appropriations.

SEC. 2. CIVIL PENALTIES.

(a) PENALTY CONSIDERATIONS; MAJOR CONSEQUENCE VIOLATIONS.—Section 60122 is amended—

(1) by striking ''the ability to pay,'' in subsection (b)(1)(B);

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(3) by inserting after subsection (b) the following:

''(c) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—

''(1) IN GENERAL.—A person that the Secretary of Transportation decides, after written notice and an opportunity for a hearing, has committed a major consequence violation of section 60114(b), 60114(d), or 60118(a) of this title or a regulation prescribed or order issued under this chapter is liable to the United States Government for a civil penalty of not more than $250,000 for each violation. A separate violation occurs for each day the violation continues. The maximum civil penalty under this paragraph for a related series of major consequence violations is $2,500,000.

''(2) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty for a major consequence violation under this subsection, the Secretary shall consider the factors prescribed in subsection (b).

''(3) MAJOR CONSEQUENCE VIOLATION DEFINED.—In this subsection, the term 'major consequence violation' means a violation that contributed to an incident resulting in—

''(A) 1 or more deaths;

''(B) 1 or more injuries or illnesses requiring in-patient hospitalization; or

''(C) environmental harm exceeding $250,000 in estimated damage to the environment including property loss other than the value of natural gas or hazardous liquid lost, or damage to pipeline equipment.''.

(b) PENALTY FOR OBSTRUCTION OF INSPECTIONS AND INVESTIGATIONS.—Section 60118(e) is amended by adding at the end the following: ''The Secretary may impose a civil penalty under section 60122 of this title on a person who obstructs or prevents the Secretary from carrying out inspections or investigations under this chapter.''.

(c) ADMINISTRATIVE PENALTY CAPS INAPPLICABLE.—Section 60120(a)(1) is amended by adding at the end the following: ''The maximum amount of civil penalties for administrative enforcement actions under section 60122 of this title shall not apply to enforcement actions under this section.''.

(d) JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCEMENT ORDERS.—Section 60119(a) is amended—

(1) by striking the subsection caption and inserting ''(a) REVIEW OF REGULATIONS, ORDERS, AND OTHER FINAL AGENCY ACTIONS.—''; and

(2) by striking ''about an application for a waiver under section 60118(c) or (d) of'' and inserting ''under''.

SEC. 3. PIPELINE DAMAGE PREVENTION.

(a) MINIMUM STANDARDS FOR STATE ONE-CALL NOTIFICATION PROGRAMS.—Section 6103(a) is amended to read as follows:

''(a) MINIMUM STANDARDS.—

''(1) IN GENERAL.—In order to qualify for a grant under section 6106, a State one-call notification program shall, at a minimum, provide for—

''(A) appropriate participation by all underground facility operators, including all government operators;

''(B) appropriate participation by all excavators, including all government and contract excavators; and

''(C) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

''(2) EXEMPTIONS PROHIBITED.—A State one-call notification program may not exempt municipalities, State agencies, or their contractors from its one-call notification system requirements.''.

(b) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134(a) is amended—

(1) by striking ''and'' after the semicolon in paragraph (1);

(2) by striking ''(b).'' in paragraph (2) and inserting ''(b); and''; and

(3) by adding at the end the following:

''(3) does not provide any exemptions to municipalities, State agencies, or their contractors from its one-call notification system requirements.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 4. OFFSHORE GATHERING PIPELINES.

Section 60102(k)(1) is amended by striking the last sentence and inserting ''Not later than 1 year after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall issue regulations, after notice and an opportunity for a hearing, subjecting offshore hazardous liquid gathering pipelines and hazardous liquid gathering pipelines located within the inlets of the Gulf of Mexico to the same standards and regulations as other hazardous liquid gathering pipelines. The regulations issued under this paragraph shall not apply to low-stress distribution pipelines.''.

SEC. 5. AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.

Section 60102 is amended by adding at the end the following:

''(n) AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.—Not later than 2 years after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall by regulation, after notice and an opportunity for a hearing, require the use of automatic or remote-controlled shut-off valves, or equivalent technology, where economically, technically, and operationally feasible on transmission pipelines constructed or entirely replaced after the date on which the Secretary issues a final rule.''.

SEC. 6. EXCESS FLOW VALVES.

Section 60109(e)(3) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

''(B) DISTRIBUTION BRANCH SERVICES, MULTI-FAMILY FACILITIES, AND SMALL COMMERCIAL FACILITIES.—Not later than 2 years after the date of enactment of the Pipeline Transportation

Safety Improvement Act of 2011, the Secretary shall prescribe regulations, after notice and an opportunity for hearing, to require the use of excess flow valves, where economically and technically feasible, on new or entirely replaced distribution branch services, multi-family facilities, and small commercial facilities.''.

SEC. 7. INTEGRITY MANAGEMENT.

(a) EVALUATION.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation shall evaluate—

(1) whether integrity management system requirements, or elements thereof, should be expanded beyond high consequence areas (as defined under section 60109(a) of title 49, United States Code);

(2) with respect to gas pipeline facilities, whether applying the integrity management program requirements to additional areas would mitigate the need for class location requirements, with an emphasis on class 3 and 4 facilities; and

(3) whether data collected outside high consequence areas as part of gas transmission pipeline integrity management programs should be included as part of the records required to be maintained by operators.

(b) STANDARDS.—Not later than 1 year after completion of the evaluation, the Secretary shall prescribe such regulations, as appropriate, after notice and an opportunity for a hearing.

(c) DATA REPORTING.—The Secretary shall collect any relevant data necessary to complete the evaluation required by subsection (a) and may collect such additional data pursuant to regulations promulgated under subsection (b) as may be necessary.

(d) SEISMICITY.—In identifying high consequence areas under section 60109, the Secretary shall consider the seismicity of the area.

SEC. 8. PUBLIC EDUCATION AND AWARENESS.

(a) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

''§ 60138. Public education and awareness

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall—

''(1) maintain a monthly updated summary of all completed and final natural gas and hazardous liquid pipeline inspections conducted by or reported to the Pipeline and Hazardous Materials Safety Administration that includes—

''(A) identification of the operator inspected;

''(B) the type of inspection;

''(C) the results of the inspection, including any deficiencies identified; and

''(D) any corrective actions required to be taken by the operator to remediate such deficiencies;

''(2) maintain—

''(A) a status indication of the review and approval of each gas emergency response plan pursuant to section 60102(d)(5) of this title and of each hazardous liquid pipeline operator's response plan pursuant to part 194 of title 49, Code of Federal Regulations;

''(B) a comprehensive description of the requirements for such plans; and

''(C) a detailed summary of each approved plan written by the operator that includes the key elements of the plan, but which may exclude—

''(i) proprietary information;

''(ii) security-sensitive information, including as referenced in section 1520.5(a) of title 49, code of Federal Regulations;

''(iii) specific response resources and tactical resource deployment plans; and

''(iv) the specific amount and location of worst-case discharges, including the process by which an operator determines the worst discharge.

''(3) excluding any proprietary or security-sensitive information, as part of the National Pipeline Mapping System maintain a map of all currently designated high consequence areas in which pipelines are required to meet integrity management safety regulations and update the map annually; and

''(4) maintain a copy or, at a minimum, a detailed summary of any industry-developed or professional organization pipeline safety standards that have been incorporated by reference into regulations, to the extent consistent with fair use.

''(b) PUBLIC AVAILABILITY.—The requirements of subsection (a) shall be considered to have been met if the information required to be made public is made available on the Pipeline and Hazardous Materials Safety Administration's public Web site.

''(c) RELATIONSHIP TO FOIA.—Nothing in this section shall be construed to require disclosure of information or records that are exempt from disclosure under section 552 of title 5.''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 601 is amended by inserting after the item relating to section 60137 the following new item:

''60138. Public education and awareness''.

SEC. 9. CAST IRON GAS PIPELINES.

(a) SURVEY UPDATE.—Not later than one year after the enactment of this Act, the Secretary of Transportation shall conduct a follow-on survey to the survey conducted under section 60108(d) to determine—

(1) the extent to which each operator has adopted a plan for the safe management and replacement of cast iron pipelines;

(2) the elements of the plan, including the anticipated rate of replacement; and

(3) the progress that has been made.

(b) SURVEY FREQUENCY.—Section 60108(d) is amended by adding at the end the following new paragraph:

''(4) The secretary shall conduct a follow-up survey to measure progress of plan implementation biannually.''.

SEC. 10. LEAK DETECTION.

(a) LEAK DETECTION STUDY UPDATE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and on Energy and Commerce of the House of Representatives an updated report on leak detection systems utilized by operators of hazardous liquid pipelines and transportation-related flow lines. The report shall include an analysis of the technical limitations of current leak detection systems, including the systems' ability to detect ruptures and small leaks that are ongoing or intermittent, and what can be done to foster development of better technologies.

(b) LEAK DETECTION STANDARDS.—Not later than 1 year after completion of the report, the Secretary shall, as appropriate, based on the study in subsection (a), prescribe regulations, after notice and an opportunity for a hearing, requiring an operator of a hazardous liquid pipeline to use leak detection technologies, particularly in high consequence areas.

SEC. 11. INCIDENT NOTIFICATION.

Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall—

(1) prescribe regulations, after notice and an opportunity for a hearing, that establish time limits for accident and incident telephonic or electronic notification by pipeline operators to State and local government officials and emergency responders when a spill or rupture occurs; and

(2) review procedures for pipeline operators and the National Response Center to provide thorough and coordinated notification to all relevant emergency response officials and revise such procedures as appropriate.

SEC. 12. TRANSPORTATION-RELATED ONSHORE FACILITY RESPONSE PLAN COMPLIANCE.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 311(m)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(m)(2)) are each amended by striking ''Administrator or'' and inserting ''Administrator, the Secretary of Transportation, or''.

(b) CONFORMING AMENDMENT.—Section 311(b)(6)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)(6)(A)) is amended by striking ''operating or'' and inserting ''operating, the Secretary of Transportation, or''.

SEC. 13. PIPELINE INFRASTRUCTURE DATA COLLECTION.

(a) IN GENERAL.—Section 60132(a) is amended—

(1) by striking ''and gathering lines''; and

(2) by adding at the end the following:

''(4) Any other geospatial, technical, or other related pipeline data, including design and material specifications, that the Secretary determines is necessary to carry out the purposes of this section. The Secretary shall give reasonable notice to operators that the data are being requested.''.

(b) DISCLOSURE LIMITED TO FOIA REQUIREMENTS.—Section 60132 is amended by adding at the end the following:

''(d) PUBLIC DISCLOSURE LIMITED.—The Secretary may not disclose information collected pursuant to subsection (a) except to the extent permitted by section 552 of title 5.''.

SEC. 14. INTERNATIONAL COOPERATION AND CONSULTATION.

Section 60117 is amended by adding at the end the following:

''(o) INTERNATIONAL COOPERATION AND CONSULTATION.—

''(1) INFORMATION EXCHANGE AND TECHNICAL ASSISTANCE.—If the Secretary determines that it would benefit the United States, subject to guidance from the Secretary of State, the Secretary may engage in activities supporting cooperative international efforts to share information about the risks to the public and the environment from pipelines and means of protecting against those risks. Such cooperation may include the exchange of information with domestic and appropriate international organizations to facilitate efforts to develop and improve safety standards and requirements for pipeline transportation in or affecting interstate or foreign commerce.

''(2) CONSULTATION.—To the extent practicable, subject to guidance from the Secretary of State, the Secretary may consult with interested authorities in Canada, Mexico, and other interested authorities, as needed, to ensure that the respective pipeline safety standards and requirements prescribed by the Secretary and those prescribed by such authorities are consistent with the safe and reliable operation of cross-border pipelines.

''(3) DIFFERENCES IN INTERNATIONAL STANDARDS AND REQUIREMENTS.—Nothing in this section requires that a standard or requirement prescribed by the Secretary under this chapter be identical to a standard or requirement adopted by an international authority.''.

SEC. 15. GAS AND HAZARDOUS LIQUID GATHERING LINES.

Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall complete a review of all exemptions for gas and hazardous liquid gathering lines. Based on this review the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and on Energy and Commerce of the House of Representatives containing the Secretary's recommendations with respect to the modification or revocation of existing exemptions.

SEC. 16. TRANSPORTATION-RELATED OIL FLOW LINES.

Section 60102, as amended by section 5, is further amended by adding at the end the following:

''(o) TRANSPORTATION-RELATED OIL FLOW LINES.—

''(1) DATA COLLECTION.—The Secretary may collect geospatial, technical, or other pipeline

data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

''(2) TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.—In this subsection, the term 'transportation-related oil flow line' means a pipeline transporting oil off of the grounds of the well where it originated across areas not owned by the producer regardless of the extent to which the oil has been processed, if at all.

''(3) LIMITATION.—Nothing in this subsection authorizes the Secretary to prescribe standards for the movement of oil through production, refining, or manufacturing facilities, or through oil production flow lines located on the grounds of wells.''.

SEC. 17. ALASKA PROJECT COORDINATION.

(a) IN GENERAL.—Chapter 601, as amended by section 8 of this Act, is further amended by adding at the end the following:

''§ 60139. Alaska project coordination

''The Secretary may provide technical assistance to the State of Alaska for the purpose of achieving coordinated and effective oversight of the construction, expansion, or operation of pipeline systems in Alaska. The assistance may include—

''(1) conducting coordinated inspections of pipeline systems subject to the respective authorities of the Department of Transportation and the State of Alaska;

''(2) consulting on the development and implementation of programs designed to manage the integrity risks associated with operating pipeline systems in the unique conditions of Alaska;

''(3) training inspection and enforcement personnel and consulting on the development and implementation of inspection protocols and training programs; and

''(4) entering into cooperative agreements, grants, or other transactions with the State of Alaska, the Joint Pipeline Office, other Federal agencies, and other public and private agencies to carry out the objectives of this section.''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 601, as amended by section 8 of this Act, is further amended by inserting after the item relating to section 60138 the following new item:

''60139. Alaska project coordination''.

SEC. 18. COST RECOVERY FOR DESIGN REVIEWS.

Section 60117(n) is amended to read as follows:

''(n) COST RECOVERY FOR DESIGN REVIEWS.—

''(1) IN GENERAL.—

''(A) REVIEW COSTS.—For any project described in subparagraph (B), if the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a new gas or hazardous liquid pipeline or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person or entity proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this section, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this section. This authority is in addition to the authority provided in section 60301 of this title, but the Secretary may not collect fees under this section and section 60301 for the same design safety review.

''(B) PROJECTS TO WHICH APPLICABLE.—Subparagraph (A) applies to any project that—

''(i) has design and construction costs totaling at least $3,400,000,000; or

''(ii) uses new or novel technologies or designs.

''(2) NOTIFICATION.—For any new pipeline construction project in which the Secretary will conduct design reviews, the person or entity proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials at least 120 days prior to the commencement of construction.

''(3) DEPOSIT AND USE.—There is established a Pipeline Safety Design Review Fund in the Treasury of the United States. The Secretary shall deposit funds paid under this subsection into the Fund. Funds deposited under this section are authorized to be appropriated for the purposes set forth in this chapter. Fees authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts.

''(4) NO ADDITIONAL PERMITTING AUTHORITY.—Nothing in this subsection shall be construed as authorizing the Secretary to require a person to obtain a permit before beginning design and construction in connection with a project described in paragraph (1)(B).''.

SEC. 19. SPECIAL PERMITS.

Section 60118(c)(1) is amended to read as follows:

''(1) ISSUANCE OF WAIVERS.—

''(A) IN GENERAL.—On application of an owner or operator of a pipeline facility, the Secretary by order may waive compliance with any part of an applicable standard prescribed under this chapter with respect to the facility on terms the Secretary considers appropriate, if the Secretary determines that the waiver is not inconsistent with pipeline safety.

''(B) CONSIDERATIONS.—In determining whether to grant a waiver, the Secretary shall consider—

''(i) the fitness of the applicant to conduct the activity authorized by the waiver in a manner that is consistent with pipeline safety;

''(ii) the applicant's compliance history;

''(iii) the applicant's accident history; and

''(iv) any other information or data the Secretary considers relevant to making the determination.

''(C) EFFECTIVE PERIOD.—A waiver of one or more pipeline operating requirements shall be reviewed by the Secretary 5 years after its effective date. In reviewing a waiver, the Secretary shall consider any change in ownership or control of the pipeline, any change in the conditions around the pipeline, and other factors as appropriate. The Secretary may modify, suspend, or revoke a waiver after such review under subparagraph (E).

''(D) PUBLIC NOTICE AND HEARING.—The Secretary may act on a waiver under this section only after public notice and an opportunity for a hearing, which may consist of publication of notice in the Federal Register that an application for a waiver has been filed and providing the public with the opportunity to review and comment on the application. If a waiver is granted, the Secretary shall state in the order and associated analysis the reasons for granting it.

''(E) NONCOMPLIANCE AND MODIFICATION, SUSPENSION, OR REVOCATION.—After notice to a holder of a waiver and opportunity to show cause, the Secretary may modify, suspend, or revoke a waiver issued under this section for failure to comply with its terms or conditions, intervening changes in Federal law, a material change in circumstances affecting safety, including erroneous information in the application, or any other reason. If necessary to avoid a significant risk of harm to persons, property, or the environment, the Secretary may waive the show cause procedure and make the action immediately effective.''.

SEC. 20. BIOFUEL PIPELINES.

Section 60101(a)(4) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) non-petroleum fuels, including biofuels that are flammable, toxic, or corrosive or would be harmful to the environment if released in significant quantities; and''.

SEC. 21. CARBON DIOXIDE PIPELINES.

Section 60102(i) is amended to read as follows:

''(i) PIPELINES TRANSPORTING CARBON DIOXIDE.—The Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in either a liquid or gaseous state.''.

SEC. 22. STUDY OF THE TRANSPORTATION OF TAR SANDS CRUDE OIL.

Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall complete a comprehensive review of hazardous liquid pipeline regulations to determine whether these regulations are sufficient to regulate pipelines used for the transportation of tar sands crude oil. In conducting this review, the Secretary shall conduct an analysis of whether any increase in risk of release exists for pipelines transporting tar sands crude oil. The Secretary shall report the results of this review to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and on Energy and Commerce of the House of Representatives.

SEC. 23. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPELINE.

The Secretary of Transportation may conduct an analysis of the transportation of non-petroleum hazardous liquids by pipeline for the purpose of identifying the extent to which pipelines are currently being used to transport non-petroleum hazardous liquids, such as chlorine, from chemical production facilities across land areas not owned by the producer that are accessible to the public. The analysis should identify the extent to which the safety of the lines is unregulated by the States and evaluate whether the transportation of such chemicals by pipeline across areas accessible to the public would present significant risks to public safety, property, or the environment in the absence of regulation. The results of the analysis shall be made available to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and on Energy and Commerce of the House of Representatives.

SEC. 24. CLARIFICATIONS.

(a) AMENDMENT OF PROCEDURES CLARIFICATION.—Section 60108(a)(1) is amended by striking ''an intrastate'' and inserting ''a''.

(b) OWNER AND OPERATOR CLARIFICATION.—Section 60102(a)(2)(A) is amended by striking ''owners and operators'' and inserting ''any or all of the owners or operators''.

(c) ONE-CALL ENFORCEMENT CLARIFICATION.—Section 60114(f) is amended by adding at the end the following: ''This subsection does not apply to proceedings against persons who are pipeline operators.''.

SEC. 25. ADDITIONAL RESOURCES.

(a) IN GENERAL.—To the extent funds are appropriated, the Secretary of Transportation shall increase the personnel of the Pipeline and Hazardous Materials Safety Administration by a total of 39 full-time employees to carry out the pipeline safety program and the administration of that program, of which at least—

(1) 9 employees shall be added in fiscal year 2011;

(2) 10 employees shall be added in fiscal year 2012;

(3) 10 employees shall be added in fiscal year 2013; and

(4) 10 employees shall be added in fiscal year 2014.

(b) FUNCTIONS.—In increasing the number of employees under subsection (a), the Secretary shall focus on hiring employees—

(1) to conduct data collection, analysis, and reporting;

(2) to develop, implement, and update information technology;

(3) to conduct inspections of pipeline facilities to determine compliance with applicable regulations and standards;

(4) to provide administrative, legal, and other support for pipeline enforcement activities; and

(5) to support the overall pipeline safety mission of the Pipeline and Hazardous Materials Safety Administration, including training of pipeline enforcement personnel.

SEC. 26. MAINTENANCE OF EFFORT.

Section 60107(b) is amended to read as follows:

''(b) PAYMENTS.—After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program and that the total State amount spent for a safety program (excluding grants of the United States Government) will at least equal the average amount spent for gas and hazardous liquid safety programs for fiscal years 2004 through 2006, except when the Secretary waives the requirements of this subsection. The Secretary shall grant such a waiver if a State can demonstrate an inability to maintain or increase the required funding share of its pipeline safety program at or above the level required by this subsection due to economic hardship in that State.''.

SEC. 27. MAXIMUM ALLOWABLE OPERATING PRESSURE.

(a) ESTABLISHMENT OF RECORDS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall require pipeline operators to conduct a verification of records for all interstate and intrastate gas transmission lines in class 3 and class 4 locations and class 1 and class 2 high consequence areas that accurately reflect the pipeline's physical and operational characteristics and confirm the established maximum allowable operating pressure of those pipelines.

(2) ELEMENTS.—Verification of each record under paragraph (1) shall include such elements as the Secretary considers appropriate.

(b) REPORTING.—

(1) DOCUMENTATION OF CERTAIN PIPELINES.—Not later than 18 months after the date of enactment of this Act, pipeline operators shall submit to the Secretary documentation of all interstate and intrastate gas transmission pipelines in class 3 and class 4 locations and class 1 and class 2 high consequence areas where the records required under subsection (a) are not sufficient to confirm the established maximum allowable operating pressure of those pipeline segments.

(2) EXCEEDANCES OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—All pipeline operators shall report any exceedance of the maximum allowable operating pressure for gas transmission pipelines that exceed the build-up allowed for operation of pressure-limiting or control devices to the Secretary not later than 5 working days after the exceedance occurs. Notice of exceedance by gas transmission pipelines shall be provided concurrently to appropriate State authorities.

(c) DETERMINATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

(1) IN GENERAL.—For any transmission line reported in subsection (b), the Secretary shall require the operator of the transmission line to reconfirm a maximum allowable operational pressure as expeditiously as economically feasible.

(2) INTERIM ACTIONS.—For cases described in paragraph (1), the Secretary will determine what actions are appropriate for a pipeline operator to take to maintain safety until a maximum allowable operating pressure is confirmed. In determining what actions an operator should take, the Secretary shall take into account consequences to public safety and the environment, impacts on pipeline system reliability and deliverability, and other factors, as appropriate.

SEC. 28. ADMINISTRATIVE ENFORCEMENT PROCESS.

(a) ISSUANCE OF REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall prescribe regulations—

(A) requiring hearings under sections 60112, 60117, 60118, and 60122 to be convened before a presiding official;

(B) providing the opportunity for any person requesting a hearing under sections 60112, 60117, 60118, and 60122 to arrange for a transcript of that hearing, at the expense of the requesting person; and

(C) ensuring expedited review of any order issued pursuant to section 60112(e).

(2) PRESIDING OFFICIAL.—The regulations prescribed under this subsection shall—

(A) define the term ''presiding official'' to mean the person who conducts any hearing relating to civil penalty assessments, compliance orders, safety orders, or corrective action orders; and

(B) require that the presiding official must be an attorney on the staff of the Deputy Chief Counsel that is not engaged in investigative or prosecutorial functions, including the preparation of notices of probable violations, orders relating to civil penalty assessments, compliance orders, or corrective action orders.

(b) STANDARDS OF JUDICIAL REVIEW.—Section 60119(a) is amended by adding at the end the following new paragraph:

''(3) All judicial review of agency action under this section shall apply the standards of review established in section 706 of title 5.''.

SEC. 29. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—

(1) Section 60125(a)(1) is amended by striking subparagraphs (A) through (D) and inserting the following:

''(A) for fiscal year 2011, $92,206,000, of which $9,200,000 is for carrying out such section 12 and $36,958,000 is for making grants;

''(B) for fiscal year 2012, $96,144,000, of which $9,600,000 for carrying out such section 12 and $39,611,000 is for making grants;

''(C) for fiscal year 2013, $99,876,000, of which $9,900,000 is for carrying out such section 12 and $41,148,000 is for making grants; and

''(D) for fiscal year 2014, $102,807,000, of which $10,200,000 is for carrying out such section 12 and $42,356,000 is for making grants.''.

(2) Section 60125(a)(2) is amended by striking subparagraphs (A) through (D) and inserting the following:

''(A) for fiscal year 2011, $18,905,000, of which $7,562,000 is for carrying out such section 12 and $7,864,000 is for making grants;

''(B) for fiscal year 2012, $19,661,000, of which $7,864,000 is for carrying out such section 12 and $7,864,000 is for making grants;

''(C) for fiscal year 2013, $20,000,000, of which $8,000,000 is for carrying out such section 12 and $8,000,000 is for making grants; and

''(D) for fiscal year 2014, $20,000,000, of which $8,000,000 is for carrying out such section 12 and $8,000,000 is for making grants.''.

(b) EMERGENCY RESPONSE GRANTS.—Section 60125(b)(2) is amended by striking ''2007 through 2010'' and inserting ''2011 through 2014''.

(c) ONE-CALL NOTIFICATION PROGRAMS.—Section 6107 is amended—

(1) by striking ''2007 through 2010.'' in subsection (a) and inserting ''2011 through 2014.'';

(2) by striking ''2007 through 2010.'' in subsection (b) and inserting ''2011 through 2014.''; and

(3) by striking subsection (c).

(d) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134 is amended by adding at the end the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to provide grants under this section $2,000,000 for each of fiscal years 2011 through 2014. The funds shall remain available until expended.''.

(e) COMMUNITY PIPELINE SAFETY INFORMATION GRANTS.—Section 60130 is amended—

(1) by striking ''$50,000'' in subsection (a)(1) and inserting ''$100,000''; and

(2) by striking ''2003 through 2010.'' in subsection (d) and inserting ''2011 through 2014.''.

(f) PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—

(1) by adding at the end of subsection (d) the following:

''(3) ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program each year that funds are appropriated for carrying out the plan.''; and

(2) by striking ''2003 through 2006.'' in subsection (f) and inserting ''2011 through 2014.''.

Mr. REID. Mr. President, I ask unanimous consent the committee-reported substitute be considered, the Rockefeller and Paul amendments at the desk be agreed to, the substitute amendment be agreed to, and the bill as amended be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The amendment (No. 783) was agreed to, as follows:

(Purpose: To include the statutorily required PAYGO language)

On page 64, after line 18, add the following:

SEC. 30. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The amendment (No. 784) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 275), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 275

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

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pipeline Transportation Safety Improvement Act of 2011''.

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment

or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
Sec. 2. Civil penalties.
Sec. 3. Pipeline damage prevention.
Sec. 4. Offshore gathering pipelines.
Sec. 5. Automatic and remote-controlled shut-off valves.
Sec. 6. Excess flow valves.
Sec. 7. Integrity management.
Sec. 8. Public education and awareness.
Sec. 9. Cast iron gas pipelines.
Sec. 10. Leak detection.
Sec. 11. Incident notification.
Sec. 12. Transportation-related onshore facility response plan compliance.
Sec. 13. Pipeline infrastructure data collection.
Sec. 14. International cooperation and consultation.
Sec. 15. Gas and hazardous liquid gathering lines.
Sec. 16. Transportation-related oil flow lines.
Sec. 17. Alaska project coordination.
Sec. 18. Cost recovery for design reviews.
Sec. 19. Special permits.
Sec. 20. Biofuel pipelines.
Sec. 21. Carbon dioxide pipelines.
Sec. 22. Study of the transportation of tar sands crude oil.
Sec. 23. Study of non-petroleum hazardous liquids transported by pipeline.
Sec. 24. Clarifications.
Sec. 25. Additional resources.
Sec. 26. Maintenance of effort.
Sec. 27. Maximum allowable operating pressure.
Sec. 28. Administrative enforcement process.
Sec. 29. Authorization of appropriations.
Sec. 30. PAYGO compliance.

SEC. 2. CIVIL PENALTIES.

(a) PENALTY CONSIDERATIONS; MAJOR CONSEQUENCE VIOLATIONS.—Section 60122 is amended—

(1) by striking ''the ability to pay,'' in subsection (b)(1)(B);

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(3) by inserting after subsection (b) the following:

''(c) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—

''(1) IN GENERAL.—A person that the Secretary of Transportation decides, after written notice and an opportunity for a hearing, has committed a major consequence violation of section 60114(b), 60114(d), or 60118(a) of this title or a regulation prescribed or order issued under this chapter is liable to the United States Government for a civil penalty of not more than $250,000 for each violation. A separate violation occurs for each day the violation continues. The maximum civil penalty under this paragraph for a related series of major consequence violations is $2,500,000.

''(2) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty for a major consequence violation under this subsection, the Secretary shall consider the factors prescribed in subsection (b).

''(3) MAJOR CONSEQUENCE VIOLATION DEFINED.—In this subsection, the term 'major consequence violation' means a violation that contributed to an incident resulting in—

''(A) 1 or more deaths;

''(B) 1 or more injuries or illnesses requiring in-patient hospitalization; or

''(C) environmental harm exceeding $250,000 in estimated damage to the environment including property loss other than the value of natural gas or hazardous liquid lost, or damage to pipeline equipment.''.

(b) PENALTY FOR OBSTRUCTION OF INSPECTIONS AND INVESTIGATIONS.—Section 60118(e) is amended by adding at the end the following: ''The Secretary may impose a civil penalty under section 60122 of this title on a person who obstructs or prevents the Secretary from carrying out inspections or investigations under this chapter.''.

(c) ADMINISTRATIVE PENALTY CAPS INAPPLICABLE.—Section 60120(a)(1) is amended by adding at the end the following: ''The maximum amount of civil penalties for administrative enforcement actions under section 60122 of this title shall not apply to enforcement actions under this section.''.

(d) JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCEMENT ORDERS.—Section 60119(a) is amended—

(1) by striking the subsection caption and inserting ''(a) REVIEW OF REGULATIONS, ORDERS, AND OTHER FINAL AGENCY ACTIONS.—''; and

(2) by striking ''about an application for a waiver under section 60118(c) or (d) of'' and inserting ''under''.

SEC. 3. PIPELINE DAMAGE PREVENTION.

(a) MINIMUM STANDARDS FOR STATE ONE-CALL NOTIFICATION PROGRAMS.—Section 6103(a) is amended to read as follows:

''(a) MINIMUM STANDARDS.—

''(1) IN GENERAL.—In order to qualify for a grant under section 6106, a State one-call notification program shall, at a minimum, provide for—

''(A) appropriate participation by all underground facility operators, including all government operators;

''(B) appropriate participation by all excavators, including all government and contract excavators; and

''(C) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

''(2) EXEMPTIONS PROHIBITED.—A State one-call notification program may not exempt municipalities, State agencies, or their contractors from its one-call notification system requirements.''.

(b) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134(a) is amended—

(1) by striking ''and'' after the semicolon in paragraph (1);

(2) by striking ''(b).'' in paragraph (2) and inserting ''(b); and''; and

(3) by adding at the end the following:

''(3) does not provide any exemptions to municipalities, State agencies, or their contractors from its one-call notification system requirements.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 4. OFFSHORE GATHERING PIPELINES.

Section 60102(k)(1) is amended by striking the last sentence and inserting ''Not later than 1 year after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall issue regulations, after notice and an opportunity for a hearing, subjecting offshore hazardous liquid gathering pipelines and hazardous liquid gathering pipelines located within the inlets of the Gulf of Mexico to the same standards and regulations as other hazardous liquid gathering pipelines. The regulations issued under this paragraph shall not apply to low-stress distribution pipelines.''.

SEC. 5. AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.

Section 60102 is amended by adding at the end the following:

''(n) AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.—Not later than 2 years after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall by regulation, after notice and an opportunity for a hearing, require the use of automatic or remote-controlled shut-off valves, or equivalent technology, where economically, technically, and operationally feasible on transmission pipelines constructed or entirely replaced after the date on which the Secretary issues a final rule.''.

SEC. 6. EXCESS FLOW VALVES.

Section 60109(e)(3) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

''(B) DISTRIBUTION BRANCH SERVICES, MULTI-FAMILY FACILITIES, AND SMALL COMMERCIAL FACILITIES.—Not later than 2 years after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall prescribe regulations, after notice and an opportunity for hearing, to require the use of excess flow valves, where economically and technically feasible, on new or entirely replaced distribution branch services, multi-family facilities, and small commercial facilities.''.

SEC. 7. INTEGRITY MANAGEMENT.

(a) EVALUATION.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation shall evaluate—

(1) whether integrity management system requirements, or elements thereof, should be expanded beyond high consequence areas (as defined under section 60109(a) of title 49, United States Code);

(2) with respect to gas pipeline facilities, whether applying the integrity management program requirements to additional areas would mitigate the need for class location requirements, with an emphasis on class 3 and 4 facilities; and

(3) whether data collected outside high consequence areas as part of gas transmission pipeline integrity management programs should be included as part of the records required to be maintained by operators.

(b) STANDARDS.—Not later than 1 year after completion of the evaluation, the Secretary shall prescribe such regulations, as appropriate, after notice and an opportunity for a hearing.

(c) DATA REPORTING.—The Secretary shall collect any relevant data necessary to complete the evaluation required by subsection (a) and may collect such additional data pursuant to regulations promulgated under subsection (b) as may be necessary.

(d) SEISMICITY.—In identifying high consequence areas under section 60109, the Secretary shall consider the seismicity of the area.

SEC. 8. PUBLIC EDUCATION AND AWARENESS.

(a) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

''§ 60138. Public education and awareness

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2011, the Secretary shall—

''(1) maintain a monthly updated summary of all completed and final natural gas and hazardous liquid pipeline inspections conducted by or reported to the Pipeline and Hazardous Materials Safety Administration that includes—

''(A) identification of the operator inspected;

''(B) the type of inspection;

''(C) the results of the inspection, including any deficiencies identified; and

''(D) any corrective actions required to be taken by the operator to remediate such deficiencies;

''(2) maintain—

''(A) a status indication of the review and approval of each gas emergency response plan pursuant to section 60102(d)(5) of this title and of each hazardous liquid pipeline operator's response plan pursuant to part 194 of title 49, Code of Federal Regulations;

''(B) a comprehensive description of the requirements for such plans; and

''(C) a detailed summary of each approved plan written by the operator that includes the key elements of the plan, but which may exclude—

''(i) proprietary information;

''(ii) security-sensitive information, including as referenced in section 1520.5(a) of title 49, code of Federal Regulations;

''(iii) specific response resources and tactical resource deployment plans; and

''(iv) the specific amount and location of worst-case discharges, including the process by which an operator determines the worst discharge.

''(3) excluding any proprietary or security-sensitive information, as part of the National Pipeline Mapping System maintain a map of all currently designated high consequence areas in which pipelines are required to meet integrity management safety regulations and update the map annually; and

''(4) maintain a copy or, at a minimum, a detailed summary of any industry-developed or professional organization pipeline safety standards that have been incorporated by reference into regulations, to the extent consistent with fair use.

''(b) PUBLIC AVAILABILITY.—The requirements of subsection (a) shall be considered to have been met if the information required to be made public is made available on the Pipeline and Hazardous Materials Safety Administration's public Web site.

''(c) RELATIONSHIP TO FOIA.—Nothing in this section shall be construed to require disclosure of information or records that are exempt from disclosure under section 552 of title 5.''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 601 is amended by inserting after the item relating to section 60137 the following new item:

''60138. Public education and awareness''.

SEC. 9. CAST IRON GAS PIPELINES.

(a) SURVEY UPDATE.—Not later than one year after the enactment of this Act, the Secretary of Transportation shall conduct a follow-on survey to the survey conducted under section 60108(d) to determine—

(1) the extent to which each operator has adopted a plan for the safe management and replacement of cast iron pipelines;

(2) the elements of the plan, including the anticipated rate of replacement; and

(3) the progress that has been made.

(b) SURVEY FREQUENCY.—Section 60108(d) is amended by adding at the end the following new paragraph:

''(4) The secretary shall conduct a follow-up survey to measure progress of plan implementation biannually.''.

SEC. 10. LEAK DETECTION.

(a) LEAK DETECTION STUDY UPDATE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and on Energy and Commerce of the House of Representatives an updated report on leak detection systems utilized by operators of hazardous liquid pipelines and transportation-related flow lines. The report shall include an analysis of the technical limitations of current leak detection systems, including the systems' ability to detect ruptures and small leaks that are ongoing or intermittent, and what can be done to foster development of better technologies.

(b) LEAK DETECTION STANDARDS.—Not later than 1 year after completion of the report, the Secretary shall, as appropriate, based on the study in subsection (a), prescribe regulations, after notice and an opportunity for a hearing, requiring an operator of a hazardous liquid pipeline to use leak detection technologies, particularly in high consequence areas.

SEC. 11. INCIDENT NOTIFICATION.

Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall—

(1) prescribe regulations, after notice and an opportunity for a hearing, that establish time limits for accident and incident telephonic or electronic notification by pipeline operators to State and local government officials and emergency responders when a spill or rupture occurs; and

(2) review procedures for pipeline operators and the National Response Center to provide thorough and coordinated notification to all relevant emergency response officials and revise such procedures as appropriate.

SEC. 12. TRANSPORTATION-RELATED ONSHORE FACILITY RESPONSE PLAN COMPLIANCE.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 311(m)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(m)(2)) are each amended by striking ''Administrator or'' and inserting ''Administrator, the Secretary of Transportation, or''.

(b) CONFORMING AMENDMENT.—Section 311(b)(6)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)(6)(A)) is amended by striking ''operating or'' and inserting ''operating, the Secretary of Transportation, or''.

SEC. 13. PIPELINE INFRASTRUCTURE DATA COLLECTION.

(a) IN GENERAL.—Section 60132(a) is amended—

(1) by striking ''and gathering lines''; and

(2) by adding at the end the following:

''(4) Any other geospatial, technical, or other related pipeline data, including design and material specifications, that the Secretary determines is necessary to carry out the purposes of this section. The Secretary shall give reasonable notice to operators that the data are being requested.''.

(b) DISCLOSURE LIMITED TO FOIA REQUIREMENTS.—Section 60132 is amended by adding at the end the following:

''(d) PUBLIC DISCLOSURE LIMITED.—The Secretary may not disclose information collected pursuant to subsection (a) except to the extent permitted by section 552 of title 5.''.

SEC. 14. INTERNATIONAL COOPERATION AND CONSULTATION.

Section 60117 is amended by adding at the end the following:

''(o) INTERNATIONAL COOPERATION AND CONSULTATION.—

''(1) INFORMATION EXCHANGE AND TECHNICAL ASSISTANCE.—If the Secretary determines that it would benefit the United States, subject to guidance from the Secretary of State, the Secretary may engage in activities supporting cooperative international efforts to share information about the risks to the public and the environment from pipelines and means of protecting against those risks. Such cooperation may include the exchange of information with domestic and appropriate international organizations to facilitate efforts to develop and improve safety standards and requirements for pipeline transportation in or affecting interstate or foreign commerce.

''(2) CONSULTATION.—To the extent practicable, subject to guidance from the Secretary of State, the Secretary may consult with interested authorities in Canada, Mexico, and other interested authorities, as needed, to ensure that the respective pipeline safety standards and requirements prescribed by the Secretary and those prescribed by such authorities are consistent with the safe and reliable operation of cross-border pipelines.

''(3) DIFFERENCES IN INTERNATIONAL STANDARDS AND REQUIREMENTS.—Nothing in this section requires that a standard or requirement prescribed by the Secretary under this chapter be identical to a standard or requirement adopted by an international authority.''.

SEC. 15. GAS AND HAZARDOUS LIQUID GATHERING LINES.

Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall complete a review of all exemptions for gas and hazardous liquid gathering lines. Based on this review the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and on Energy and Commerce of the House of Representatives containing the Secretary's recommendations with respect to the modification or revocation of existing exemptions.

SEC. 16. TRANSPORTATION-RELATED OIL FLOW LINES.

Section 60102, as amended by section 5, is further amended by adding at the end the following:

''(o) TRANSPORTATION-RELATED OIL FLOW LINES.—

''(1) DATA COLLECTION.—The Secretary may collect geospatial, technical, or other pipeline data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

''(2) TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.—In this subsection, the term 'transportation-related oil flow line' means a pipeline transporting oil off of the grounds of the well where it originated across areas not owned by the producer regardless of the extent to which the oil has been processed, if at all.

''(3) LIMITATION.—Nothing in this subsection authorizes the Secretary to prescribe standards for the movement of oil through production, refining, or manufacturing facilities, or through oil production flow lines located on the grounds of wells.''.

SEC. 17. ALASKA PROJECT COORDINATION.

(a) IN GENERAL.—Chapter 601, as amended by section 8 of this Act, is further amended by adding at the end the following:

''§ 60139. Alaska project coordination

''The Secretary may provide technical assistance to the State of Alaska for the purpose of achieving coordinated and effective oversight of the construction, expansion, or operation of pipeline systems in Alaska. The assistance may include—

''(1) conducting coordinated inspections of pipeline systems subject to the respective authorities of the Department of Transportation and the State of Alaska;

''(2) consulting on the development and implementation of programs designed to manage the integrity risks associated with operating pipeline systems in the unique conditions of Alaska;

''(3) training inspection and enforcement personnel and consulting on the development and implementation of inspection protocols and training programs; and

''(4) entering into cooperative agreements, grants, or other transactions with the State

of Alaska, the Joint Pipeline Office, other Federal agencies, and other public and private agencies to carry out the objectives of this section.''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 601, as amended by section 8 of this Act, is further amended by inserting after the item relating to section 60138 the following new item:

''60139. Alaska project coordination''.

SEC. 18. COST RECOVERY FOR DESIGN REVIEWS.

Section 60117(n) is amended to read as follows:

''(n) COST RECOVERY FOR DESIGN REVIEWS.—

''(1) IN GENERAL.—

''(A) REVIEW COSTS.—For any project described in subparagraph (B), if the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a new gas or hazardous liquid pipeline or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person or entity proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this section, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this section. This authority is in addition to the authority provided in section 60301 of this title, but the Secretary may not collect fees under this section and section 60301 for the same design safety review.

''(B) PROJECTS TO WHICH APPLICABLE.—Subparagraph (A) applies to any project that—

''(i) has design and construction costs totaling at least $3,400,000,000; or

''(ii) uses new or novel technologies or designs.

''(2) NOTIFICATION.—For any new pipeline construction project in which the Secretary will conduct design reviews, the person or entity proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials at least 120 days prior to the commencement of construction.

''(3) DEPOSIT AND USE.—There is established a Pipeline Safety Design Review Fund in the Treasury of the United States. The Secretary shall deposit funds paid under this subsection into the Fund. Funds deposited under this section are authorized to be appropriated for the purposes set forth in this chapter. Fees authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts.

''(4) NO ADDITIONAL PERMITTING AUTHORITY.—Nothing in this subsection shall be construed as authorizing the Secretary to require a person to obtain a permit before beginning design and construction in connection with a project described in paragraph (1)(B).''.

SEC. 19. SPECIAL PERMITS.

Section 60118(c)(1) is amended to read as follows:

''(1) ISSUANCE OF WAIVERS.—

''(A) IN GENERAL.—On application of an owner or operator of a pipeline facility, the Secretary by order may waive compliance with any part of an applicable standard prescribed under this chapter with respect to the facility on terms the Secretary considers appropriate, if the Secretary determines that the waiver is not inconsistent with pipeline safety.

''(B) CONSIDERATIONS.—In determining whether to grant a waiver, the Secretary shall consider—

''(i) the fitness of the applicant to conduct the activity authorized by the waiver in a manner that is consistent with pipeline safety;

''(ii) the applicant's compliance history;

''(iii) the applicant's accident history; and

''(iv) any other information or data the Secretary considers relevant to making the determination.

''(C) EFFECTIVE PERIOD.—A waiver of one or more pipeline operating requirements shall be reviewed by the Secretary 5 years after its effective date. In reviewing a waiver, the Secretary shall consider any change in ownership or control of the pipeline, any change in the conditions around the pipeline, and other factors as appropriate. The Secretary may modify, suspend, or revoke a waiver after such review under subparagraph (E).

''(D) PUBLIC NOTICE AND HEARING.—The Secretary may act on a waiver under this section only after public notice and an opportunity for a hearing, which may consist of publication of notice in the Federal Register that an application for a waiver has been filed and providing the public with the opportunity to review and comment on the application. If a waiver is granted, the Secretary shall state in the order and associated analysis the reasons for granting it.

''(E) NONCOMPLIANCE AND MODIFICATION, SUSPENSION, OR REVOCATION.—After notice to a holder of a waiver and opportunity to show cause, the Secretary may modify, suspend, or revoke a waiver issued under this section for failure to comply with its terms or conditions, intervening changes in Federal law, a material change in circumstances affecting safety, including erroneous information in the application, or any other reason. If necessary to avoid a significant risk of harm to persons, property, or the environment, the Secretary may waive the show cause procedure and make the action immediately effective.''.

SEC. 20. BIOFUEL PIPELINES.

Section 60101(a)(4) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) non-petroleum fuels, including biofuels that are flammable, toxic, or corrosive or would be harmful to the environment if released in significant quantities; and''.

SEC. 21. CARBON DIOXIDE PIPELINES.

Section 60102(i) is amended to read as follows:

''(i) PIPELINES TRANSPORTING CARBON DIOXIDE.—The Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in either a liquid or gaseous state.''.

SEC. 22. STUDY OF THE TRANSPORTATION OF TAR SANDS CRUDE OIL.

Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall complete a comprehensive review of hazardous liquid pipeline regulations to determine whether these regulations are sufficient to regulate pipelines used for the transportation of tar sands crude oil. In conducting this review, the Secretary shall conduct an analysis of whether any increase in risk of release exists for pipelines transporting tar sands crude oil. The Secretary shall report the results of this review to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and on Energy and Commerce of the House of Representatives.

SEC. 23. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPELINE.

The Secretary of Transportation may conduct an analysis of the transportation of non-petroleum hazardous liquids by pipeline for the purpose of identifying the extent to which pipelines are currently being used to transport non-petroleum hazardous liquids, such as chlorine, from chemical production facilities across land areas not owned by the producer that are accessible to the public. The analysis should identify the extent to which the safety of the lines is unregulated by the States and evaluate whether the transportation of such chemicals by pipeline across areas accessible to the public would present significant risks to public safety, property, or the environment in the absence of regulation. The results of the analysis shall be made available to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and on Energy and Commerce of the House of Representatives.

SEC. 24. CLARIFICATIONS.

(a) AMENDMENT OF PROCEDURES CLARIFICATION.—Section 60108(a)(1) is amended by striking ''an intrastate'' and inserting ''a''.

(b) OWNER AND OPERATOR CLARIFICATION.—Section 60102(a)(2)(A) is amended by striking ''owners and operators'' and inserting ''any or all of the owners or operators''.

(c) ONE-CALL ENFORCEMENT CLARIFICATION.—Section 60114(f) is amended by adding at the end the following: ''This subsection does not apply to proceedings against persons who are pipeline operators.''.

SEC. 25. ADDITIONAL RESOURCES.

(a) IN GENERAL.—To the extent funds are appropriated, the Secretary of Transportation shall increase the personnel of the Pipeline and Hazardous Materials Safety Administration by a total of 39 full-time employees to carry out the pipeline safety program and the administration of that program, of which at least—

(1) 9 employees shall be added in fiscal year 2012;

(2) 10 employees shall be added in fiscal year 2013;

(3) 10 employees shall be added in fiscal year 2014; and

(4) 10 employees shall be added in fiscal year 2015.

(b) FUNCTIONS.—In increasing the number of employees under subsection (a), the Secretary shall focus on hiring employees—

(1) to conduct data collection, analysis, and reporting;

(2) to develop, implement, and update information technology;

(3) to conduct inspections of pipeline facilities to determine compliance with applicable regulations and standards;

(4) to provide administrative, legal, and other support for pipeline enforcement activities; and

(5) to support the overall pipeline safety mission of the Pipeline and Hazardous Materials Safety Administration, including training of pipeline enforcement personnel.

SEC. 26. MAINTENANCE OF EFFORT.

Section 60107(b) is amended to read as follows:

''(b) PAYMENTS.—After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program and that the total State amount spent for a safety program (excluding grants of the United States Government) will at least equal the average amount spent for gas and hazardous liquid safety programs for fiscal years 2004 through 2006, except when the Secretary waives the requirements of this subsection.

The Secretary shall grant such a waiver if a State can demonstrate an inability to maintain or increase the required funding share of its pipeline safety program at or above the level required by this subsection due to economic hardship in that State.''.

SEC. 27. MAXIMUM ALLOWABLE OPERATING PRESSURE.

(a) ESTABLISHMENT OF RECORDS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall require pipeline operators to conduct a verification of records for all interstate and intrastate gas transmission lines in class 3 and class 4 locations and class 1 and class 2 high consequence areas that accurately reflect the pipeline's physical and operational characteristics and confirm the established maximum allowable operating pressure of those pipelines.

(2) ELEMENTS.—Verification of each record under paragraph (1) shall include such elements as the Secretary considers appropriate.

(b) REPORTING.—

(1) DOCUMENTATION OF CERTAIN PIPELINES.—Not later than 18 months after the date of enactment of this Act, pipeline operators shall submit to the Secretary documentation of all interstate and intrastate gas transmission pipelines in class 3 and class 4 locations and class 1 and class 2 high consequence areas where the records required under subsection (a) are not sufficient to confirm the established maximum allowable operating pressure of those pipeline segments.

(2) EXCEEDANCES OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—All pipeline operators shall report any exceedance of the maximum allowable operating pressure for gas transmission pipelines that exceed the build-up allowed for operation of pressure-limiting or control devices to the Secretary not later than 5 working days after the exceedance occurs. Notice of exceedance by gas transmission pipelines shall be provided concurrently to appropriate State authorities.

(c) DETERMINATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

(1) IN GENERAL.—For any transmission line reported in subsection (b), the Secretary shall require the operator of the transmission line to reconfirm a maximum allowable operational pressure as expeditiously as economically feasible.

(2) INTERIM ACTIONS.—For cases described in paragraph (1), the Secretary will determine what actions are appropriate for a pipeline operator to take to maintain safety until a maximum allowable operating pressure is confirmed. In determining what actions an operator should take, the Secretary shall take into account consequences to public safety and the environment, impacts on pipeline system reliability and deliverability, and other factors, as appropriate.

(d) TESTING REGULATIONS.—The Secretary shall, not later than 18 months after the date of the enactment of this Act, prescribe regulations for conducting tests to confirm the material strength of previously untested natural gas transmission pipelines located in areas identified pursuant to section 60109(a) of title 49, United States Code, and operating at a pressure greater than 30 percent of specified minimum yield strength. The Secretary shall consider safety testing methodologies including, at a minimum, pressure testing or other alternative methods, including in-line inspections, determined by the Secretary to be of equal or greater effectiveness. The Secretary, in consultation with the Chairman of the Federal Energy Regulatory Commission and State regulators, as appropriate, shall establish timeframes for the completion of such testing that take into account consequences to public safety and the environment and that minimize costs and service disruptions.

SEC. 28. ADMINISTRATIVE ENFORCEMENT PROCESS.

(a) ISSUANCE OF REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall prescribe regulations—

(A) requiring hearings under sections 60112, 60117, 60118, and 60122 to be convened before a presiding official;

(B) providing the opportunity for any person requesting a hearing under sections 60112, 60117, 60118, and 60122 to arrange for a transcript of that hearing, at the expense of the requesting person; and

(C) ensuring expedited review of any order issued pursuant to section 60112(e).

(2) PRESIDING OFFICIAL.—The regulations prescribed under this subsection shall—

(A) define the term ''presiding official'' to mean the person who conducts any hearing relating to civil penalty assessments, compliance orders, safety orders, or corrective action orders; and

(B) require that the presiding official must be an attorney on the staff of the Deputy Chief Counsel that is not engaged in investigative or prosecutorial functions, including the preparation of notices of probable violations, orders relating to civil penalty assessments, compliance orders, or corrective action orders.

(b) STANDARDS OF JUDICIAL REVIEW.—Section 60119(a) is amended by adding at the end the following new paragraph:

''(3) All judicial review of agency action under this section shall apply the standards of review established in section 706 of title 5.''.

SEC. 29. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—

(1) Section 60125(a)(1) is amended by striking subparagraphs (A) through (D) and inserting the following:

''(A) for fiscal year 2012, $92,206,000, of which $9,200,000 is for carrying out such section 12 and $36,958,000 is for making grants;

''(B) for fiscal year 2013, $96,144,000, of which $9,600,000 for carrying out such section 12 and $39,611,000 is for making grants;

''(C) for fiscal year 2014, $99,876,000, of which $9,900,000 is for carrying out such section 12 and $41,148,000 is for making grants; and

''(D) for fiscal year 2015, $102,807,000, of which $10,200,000 is for carrying out such section 12 and $42,356,000 is for making grants.''.

(2) Section 60125(a)(2) is amended by striking subparagraphs (A) through (D) and inserting the following:

''(A) for fiscal year 2012, $18,905,000, of which $7,562,000 is for carrying out such section 12 and $7,864,000 is for making grants;

''(B) for fiscal year 2013, $19,661,000, of which $7,864,000 is for carrying out such section 12 and $7,864,000 is for making grants;

''(C) for fiscal year 2014, $20,000,000, of which $8,000,000 is for carrying out such section 12 and $8,000,000 is for making grants; and

''(D) for fiscal year 2015, $20,000,000, of which $8,000,000 is for carrying out such section 12 and $8,000,000 is for making grants.''.

(b) EMERGENCY RESPONSE GRANTS.—Section 60125(b)(2) is amended by striking ''2007 through 2010'' and inserting ''2012 through 2015''.

(c) ONE-CALL NOTIFICATION PROGRAMS.—Section 6107 is amended—

(1) by striking ''2007 through 2010.'' in subsection (a) and inserting ''2012 through 2015.'';

(2) by striking ''2007 through 2010.'' in subsection (b) and inserting ''2012 through 2015.''; and

(3) by striking subsection (c).

(d) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134 is amended by adding at the end the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to provide grants under this section $2,000,000 for each of fiscal years 2012 through 2015. The funds shall remain available until expended.''.

(e) COMMUNITY PIPELINE SAFETY INFORMATION GRANTS.—Section 60130 is amended—

(1) by striking ''$50,000'' in subsection (a)(1) and inserting ''$100,000''; and

(2) by striking ''2003 through 2010.'' in subsection (d) and inserting ''2012 through 2015.''.

(f) PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—

(1) by adding at the end of subsection (d) the following:

''(3) ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program each year that funds are appropriated for carrying out the plan.''; and

(2) by striking ''2003 through 2006.'' in subsection (f) and inserting ''2012 through 2015.''.

SEC. 30. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

COMMEMORATING THE OPENING OF THE CHESAPEAKE AND DELAWARE CANAL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 294, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 294) commemorating the 182nd anniversary of the opening of the Chesapeake and Delaware Canal.

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

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions 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 resolution (S. Res. 294) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 294

Whereas on October 17, 1829, the Chesapeake and Delaware Canal became operational with the joint support of the Federal

Government and the States of Delaware, Maryland, and Pennsylvania;

Whereas the Chesapeake and Delaware Canal has served the economy of the Chesapeake and Mid-Atlantic regions for 182 years, first as a lock-system canal and in the 20th century, as a free-flowing waterway;

Whereas the Chesapeake and Delaware Canal Museum recognizes and celebrates the history of the Canal and the role of the Canal in the economic development of the United States from the early 19th century through the date of approval of this resolution;

Whereas the Chesapeake and Delaware Canal is 1 of only 2 commercially viable sea level canals in the United States and is vital to the Ports of Wilmington, Baltimore, and Philadelphia, as well as the broader United States economy;

Whereas the Chesapeake and Delaware Canal is 1 of the busiest working waterways in the world, with more than 25,000 vessels passing though the Canal each year;

Whereas the Philadelphia District of the Corps of Engineers has responsibly managed the Chesapeake and Delaware Canal since 1933, including regularly dredging the Canal, maintaining existing bridges and roadways, and managing maritime traffic;

Whereas in 2005 and 2006, public workshops were held to solicit ideas and comments from local residents regarding potential recreational uses along the Chesapeake and Delaware Canal;

Whereas in March 2006, the Chesapeake and Delaware Canal trail concept plan was completed by the working group recommending the creation of a recreational trail along both banks of the Chesapeake and Delaware Canal to be used by walkers, joggers, cyclists, and equestrians;

Whereas the Federal Government and the State of Delaware have worked together to provide funding to build the first phase of the recreational trail along the banks of the Chesapeake and Delaware Canal, with construction set to begin in the spring of 2012;

Whereas the Chesapeake and Delaware Canal is surrounded by more than 7,500 acres of public land, creating a unique and safe environment for recreationists, families, students, anglers, hunters, nature enthusiasts, and others to participate in outdoor activities;

Whereas the recreational trail along the Chesapeake and Delaware Canal has the potential to provide a common link to communities across the States of Delaware and Maryland from Chesapeake City to Delaware City;

Whereas plans for Phase I of the recreational trail call for 9 miles of improved trail along the Chesapeake and Delaware Canal from Delaware City to Summit Marina, Delaware, including the construction of parking areas and comfort stations;

Whereas public participation has been an integral part of the development of the recreational trail along the Chesapeake and Delaware Canal and the plan enjoys broad support from local communities, stakeholder groups, and Federal and State officials; and

Whereas construction of the trail will create jobs and bring economic activity to communities along the Chesapeake and Delaware Canal while encouraging health and wellness through outdoor engagement: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 182nd anniversary of the opening of the Chesapeake and Delaware Canal;

(2) celebrates the history of the Chesapeake and Delaware Canal as a facilitator of trade and economic development in the Chesapeake and Mid-Atlantic regions;

(3) honors the ongoing role that the Chesapeake and Delaware Canal plays in supporting commerce by linking the Delaware River and Chesapeake Bay to ports around the world; and

(4) recognizes the potential for recreation on federally owned land along the banks of the Chesapeake and Delaware Canal to encourage job creation, outdoor engagement, wellness, and fitness.

DESIGNATING OCTOBER 26, 2011, AS ''DAY OF THE DEPLOYED''

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 295.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 295) designating October 26, 2011, as ''Day of the Deployed.''

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 295) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 295

Whereas more than 2,270,000 people serve as members of the United States Armed Forces;

Whereas several hundred thousand members of the Armed Forces rotate each year through deployments to 150 countries in every region of the world;

Whereas more than 2,300,000 members of the Armed Forces have deployed to the area of operations of the United States Central Command since the September 11, 2001, terrorist attacks;

Whereas the United States is kept strong and free by the loyal military personnel who protect our precious heritage through their positive declaration and actions;

Whereas members of the Armed Forces serving at home and abroad have courageously answered the call to duty to defend the ideals of the United States and to preserve peace and freedom around the world;

Whereas members of the Armed Forces personify the virtues of patriotism, service, duty, courage, and sacrifice;

Whereas the families of members of the Armed Forces make important and significant sacrifices for the United States;

Whereas North Dakota began honoring the members of the Armed Forces and their families by designating October 26 as ''Day of the Deployed'' in 2006 ; and

Whereas 40 States designated October 26, 2010, as ''Day of the Deployed'': Now, therefore, be it

Resolved, That the Senate—

(1) honors the members of the United States Armed Forces who are deployed;

(2) calls on the people of the United States to reflect on the service of those members of the United States Armed Forces, wherever they serve, past, present, and future;

(3) designates October 26, 2011, as ''Day of the Deployed''; and

(4) encourages the people of the United States to observe ''Day of the Deployed'' with appropriate ceremonies and activities.

MEASURES READ THE FIRST TIME—H.R. 2250, H.R. 2273, S. 1720, AND S. 1723

Mr. REID. Mr. President, I am told there are four bills at the desk, and I ask for their first reading en bloc.

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

The assistant legislative clerk read as follows:

A bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

A bill (H.R. 2273) to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels.

A bill (S. 1720) to provide American jobs through economic growth.

A bill (S. 1723) to provide for teacher and first responder stabilization.

Mr. REID. Mr. President, I ask for a second reading of these four matters en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read a second time on the next legislative day.

ORDERS FOR TUESDAY, OCTOBER 18, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, October 18; 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 following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time 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 that following morning business, the Senate resume consideration of H.R. 2112; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

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

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MEASURE READ THE FIRST TIME—S. 1726

Mr. REID. Mr. President, before the Chair rules on my consent request, I am told we missed one bill due for its first reading. I ask the clerk to report that bill.

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

The assistant legislative clerk read as follows:

A bill (S. 1726) to repeal the imposition of withholding on certain payments made to vendors by government entities.

Mr. REID. Mr. President, I ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

Mr. REID. Mr. President, I made a request, and it is my understanding the Chair has approved that. Is that true?

The PRESIDING OFFICER. The leader is correct.

PROGRAM

Mr. REID. Mr. President, we will work on an agreement with respect to amendments that are pending. There are four or five of them pending now to H.R. 2112. We will notify Senators when votes are scheduled. We would hope we could get some of them out of the way tomorrow morning. There would be no reason we could not do that.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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 7:22 p.m., adjourned until Tuesday, October 18, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

SHARON ENGLISH WOODS VILLAROSA, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

NATIONAL COUNCIL ON DISABILITY

KAMILAH ONI MARTIN-PROCTOR, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2014, VICE MARYLYN ANDREA HOWE, TERM EXPIRED.

THE JUDICIARY

PAUL J. WATFORD, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE PAMELA ANN RYMER, DECEASED.

COMMUNITY RELATIONS SERVICE

GRANDE LUM, OF CALIFORNIA, TO BE DIRECTOR, COMMUNITY RELATIONS SERVICE, FOR A TERM OF FOUR YEARS, VICE ONDRAY T. HARRIS, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate October 17, 2011:

THE JUDICIARY

CATHY BISSOON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.