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 school days, school years, and eliminated summer...
school programs that help underprivi-
leged children to compete in the world.
They have cut art and music classes and
afterschool activities that keep
students engaged and prevent every-
thing from high school dropouts, delin-
quency, and even teen pregnancy.

While all of these cuts have been dif-
cult, things could be much worse. The
Recovery Act and the Education Jobs
Fund provided money to keep 422,000
teachers in classrooms 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 en-
sure American'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 in-
vest $30 billion as part of the American
Recovery Act and the Education Jobs
Fund provided money to keep 422,000
teachers in classrooms for a year.

That means schools that are already
struggling, so do State and local budgets.
The ACTING PRESIDENT pro tem-
po. 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 tem-
po. The clerk will call the roll.

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the quorum call be rescinded.

The ACTING PRESIDENT pro tem-
po. Without objection, it is so or-
dered.

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 alterna-
tive 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 spend-
ing. We believe business creates jobs in
America.

It is clear from the President's stimu-
lus 2 that he believes government cre-
ates jobs, so there is a fundamental dif-
terence between our proposal and
theirs. What they have proposed is an-
other stimulus. We tried that. We saw
the movie before. It did not work.

Mr. President, will the Chair an-
ounce the business of the day?

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tem-
po. Under the previous order, the
leadership time is reserved.

MORNING BUSINESS

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CONFERENCE REPORTS

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the movie before. It did not work.

Mr. President, will the Chair an-
ounce the business of the day?
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 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:

Yesterdya, a group of Senators, including John McCain [and Rob Portman] and Rand Paul, introduced the “Jobs Through Growth Act.” This legislation marks a departure from a “government knows best” approach and instead trusts the private sector to grow our economy. As the Chamber outlined in its Six-Point Jobs Plan, alleviating regulatory burdens, tax uncertainty, and restoring confidence that smart growth 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 creating jobs, as outlined in 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 offshores.

You will hear from various liberal think tanks that we don’t create jobs, that this is not a good thing to do, etc. 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 CBO. 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 last effort played more interest in politics than growth.

Senators McCain, Paul, and Portman have proposed a plan that effectively touts their 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 why this 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.

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 would again be forced to use taxpayer dollars to bail them out. The fact is that the Dodd-Frank act was 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 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.

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 have created 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 framework.

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 he put forward. 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 reform. That’s their 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 bus. He is traveling 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 on 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 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” and that “we’ll likely 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—see this up so the rest of the good work that’s being done by 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 all time 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 overwelming 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 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 through 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. And 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 way that accounts for the paramilitary 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 would have the 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 first 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—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 be able to 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 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 that are being foreclosed and in 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 get those mortgage holders that 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 affordable as the homeowner can work out. Yet we find, in many cases, the banks don’t do that. Is there a 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 that has not been 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 recoveries, 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 a weekend ago a very, very, very, very 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 Blanca. 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 US 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 6 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 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 to prove 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 up, 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.”

From Politico: “... a stunning end to a controversial 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 pay-for of 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, that we 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 we 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. And by that 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 was going to proceed and it would go 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 hard to imagine 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 was 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 level of premium and benefit amounts . . . 30 or 40 years down the road. My professional experience has led me to believe that this program would collapse in short order and require significant financial 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 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, the American people 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. Unfortunately, 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 a sum total of the family debt, of the mortgage, 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, to get spending under control, or, for that matter, a first mortgage on their homes. They have an enormous amount of debt for which they are responsible.

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October 17, 2011

CONGRESSIONAL RECORD — SENATE

S6571

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 the 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 a little more than half 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 for 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 systems I think is the holy grail of public education; that is, principal—teacher evaluations 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 Tennessee 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 no question that 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, 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 on the Senate floor. I think we need 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 legislation. There are a number of provisions that tend to create a national school board. One is the so-called achievement gap. One is the so-called high-quality teachers provision. These are all provisions that substitute the judgment of people in Washington for that of mayors, local school board members, teachers, and legislators. So I don’t think we need a national school board, and neither do most Americans.

Some will say: Why can’t we, with the amount of agreement we already have, send to the President and the American people. There is no reason why we can’t. Well, then, why would we make to the authors of this bill. In our earlier meetings with the President, to the House Education and Labor Committee, and to 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 waiting until Christmas, let’s 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.

I think 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 MILLER of California, who was a key leader in developing No Child Left Behind, and I think we need to do something a little different around here. Instead of waiting until Christmas, let’s 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.

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. 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 for us to come together and recognize the 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.
jobs. We can’t create them from Wash-
ington, but we can create an environ-
ment in which people in their own com-
munities, and families and States can
create better schools and better jobs.
This is a good place to start.
Mr. President, I ask unanimous con-
sent 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 which reminds us of how difficult it is to evaluate teachers fair-
ly and how wise we would be if we sat-
isfied ourselves with creating an envi-
rionment in which that could happen
but did not mandate it, define it, and
regulate it from Washington, DC.
There being no objection, the ma-
nerial 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, Wash-
ington, DC.

Hon. Mike Enzi,
Ranking Member, Committee on Health, Edu-
cation, Labor & Pensions, U.S. Senate,
Washington, DC.

DEAR TOM AND MIKE: Thank you for the op-
portunity to be in discussion with you this
morning on a package of amendments fixing
the problems with No Child Left Be-
hind.

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

I have attached a summary of 7 amend-
ments I will offer. Most of these are intended
to stop the legislation from creating a na-
tional school board that would substitute
its judgment for that of governors, state legis-
tators, mayors, local school board members, prin-
cipals and teachers. Hopefully, substitute language including these amend-
ments will be the final product of our legisla-
tive 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 fur-
ther 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 Christ-
mas. If Congress does not act now, our inac-
tion will let the U.S. Secretary of Educa-
tion 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” with development levels 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 the conversation about whether schools are succeeding or failing out of Washing-
ton and back to states and communities. It
keeps the valuable reporting requirements of
No Child Left Behind. It should also 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 aca-
demic achievement as well as grade-level performance. It further includes many good provisions suggested by Sec-
retary Duncan and congressional Republic-
ans, as well as Democrats.

But the base bill’s main weakness is that
it contains provisions that would transform
the U.S. Secretary of Education into chair-
man of an independent school board. Chief among
these provisions are federal mandates, defini-
tions and regulations for identifying “achievement gap” schools and the “contin-
uous improvement plan” for 95% of all 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 addi-
tion, the bill retains in Washington, DC deci-
sions about whether our 3.2 million teachers are “highly qualified” or not. It does not suf-
ficiently 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 dis-
tricts 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 worrisome. It is at least 600 pages. When sev-
eral of us met with President Obama to dis-
cuss fixing No Child Left Behind, we agreed
to take Congressman George Miller’s advice to produce a “lean bill.” The five bills of-
ferred last month by Senators Isakson, Burr,
Kirk and I, along with several other Repub-
lican Senators, totaled 221 pages. The com-
parable sections of your draft total 517 pages.
We can do better.

Despite these concerns, I will vote in favor of
this base bill being reported out of the HELP Committee and look forward to work-
ing with you and our colleagues in the Sen-
ate 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)

**STUDENTS IN LIMBO**

Many educators are also worried about the
evaluation model.

"TEAM has some good points," said Re-
becca Dickenson, who is Eagleton Elementary
School’s librarian. "However, it was im-
plemented in a huge hurry without enough explanation for teachers and principals.
It leaves 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 evalua-
tion. 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,"
said Dickenson, who also serves as BCEA’s
vice president. "I’m used to the walking through the library and getting the oppor-
tunities to see what’s happening. However,
she’s been inundated with evaluations this
year."

"Frustrated teachers need to less 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 con-
sistently across the state. So, you’re going
to see these things in every system. We’re
personally experiencing a lot of growing pain."

Britt and Dr. Jane Morton, supervisor of instruction for grades 5-12, organized two fo-
rums with teachers in Blount County schools.
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 ef-
forts to try to get answers for teachers and get
input from principals. We’re very
sensitive to teacher concerns. It’s high stakes, and we’re performing our due dili-
gence 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 concerned that
administrators to make it as palatable as possible."
The school district's observers will require more training, Britt said. "Most are im-
plementing the way that they were trained. The state didn't provide exhaustive training. It
was more surface-level, which was a good be-
ginning. However, it wasn't thorough. We
need more follow-up in a timely manner."

**FUTURE PLANS**

The state Department of Education is cur-
rently evaluating TEAM. State officials are com-
gitted to gathering feedback that will help determine where the evalua-
tion model needs revision, and stake-
holders are providing input through several chan-
nels.

The Tennessee Consortium on Research, Evaluation and Development (TN CRED) is laun-
ching a survey in spring 2022 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 Advi-
sory Group will bring revision recommenda-
tions 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 tem-
pore.** 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 by the Senator from Virginia.

The **ACTING PRESIDENT pro tem-
pore.** Without objection, it is so or-
dered.

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
does on the Foreign Relations Com-
mmittee, Subcommittee on East
Asian Affairs, where he is the ranking
Republican, and the other work he has
done on the Armed Services Com-
mmittee.

Today I rise to speak about the Na-
tional Criminal Justice Commission
legislation which I introduced more
than 2 years ago and which the leader and
the managers of this bill are being
asked to review 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 co-
sponsor, Senator LINDSEY GRAHAM, for
all the work he has done.

There are good national commissions
and bad national commissions and re-
dundant national commissions and some-
times there are national commis-
sions 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 re-
sulted in a finding of approximately $30
billion in fraud, waste, and abuse in con-
tracts that had gone to Iraq and Af-
ganistan and which provided a model
for the way we should be approaching such spending. I would put this particular national commis-

sion in that category. It was put to-
gether after much thought and many
hearings. It is paid for, it is unsun-
setted at 18 months, and it is dedicated to
helping us resolve this issue of very seri-
ous 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 resolu-
tion 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 in-
troduced this legislation, we met—at
staff levels, since I am not on the Judi-
ciciary Committee, with the

s afary Committee—with representatives
from more than 100 different organiza-
tions across the country and across the
philosophical spectrum.

This chart is an indication of the type of
support we have received for this com-
missioning project. It will be

emphasized.

So the conclusion we reached, after
listening to dozens of representatives from
different organizations across the
philosophical spectrum, was that we
have to find a new over-16, top-
16, bottom-16, bottom-16. We have
seen 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 pris-
on? 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
to deal with the problems of transna-
tional 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 intro-
duced the National Criminal Justice
Act, the goal of which is to create a
blue ribbon national commission, time
unsetted—18 months—to get the finest
minds in the country together to exam-
ine these different pieces and to come
back to the Congress with specific rec-
nomendations for our national
criminal justice system.

Just last week, in a meeting of the
Senate law Enforcement Caucus, Phila-
delphia Police Chief Charles Ramsey
noted the tremendous influence of this
last commission's report, which was rep-
orted in 1997—44 years ago—and
voiced strong support for the creation of
a new commission. We are long over-
due to look at what works and what
doesn't in our criminal justice system.
This bill begins to do that, to knock 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 it in accord with 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.

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 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 given 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 has been undertaken. The reason 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 region 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, that terrorism as it comes in, then we have to handle that terrorism and to stop it.

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, he has taken about kids from the age of 9, 10, 11, 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 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.

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 this 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 captivated—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 President 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 in fact it 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.

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. 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 chete, 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 chete, burnt alive after smearing their bodies with palm oil... . . . 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 that 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 training and equipment, to name a few.

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 ear 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 beside 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 fighters are one of the longest, most violent, and costly conflicts ever on the continent of Africa.
very austere measure. Almost every category of funding is lower than last year and much lower than the year be-
fore. Setting aside disaster and secu-

The discretionary programs and ac-
tivities of USDA and FDA that are sup-
ported by this bill include high priority
responsibilities such as the Fed-
eral Government and its partners to
protect human health and safety, con-
tribute to economic recovery, and ach-
ache policy objectives strongly sup-
ported by the American people. The
ability to provide for these measures is
made difficult by growing pressure on
available levels of discretionary spend-
ing as a consequence of the overall pub-
lic debate on Federal spending, reve-
unes, and size of the Federal debt.
While clearly a part of this overall dis-
cretionary spending and play a very
important role in fighting world hunger. Right now, the Horn of Af-
ica is under a state of declared fam-
icide, violation of rules, and denial of
food aid is all that stands between life
and death for these people, and I am
glad to report that we are able to pro-
sure 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 pro-
grams in this bill remain below the 2010
levels.

This bill funds the priorities I have
described above as well as conserva-
tion programs that are important to
many others important to the American people. In spite of the challenges we face, I
believe Senator BLUNT and I have pro-
vided the proper balance for the pro-
grams in this bill.

I thank him for his help and his guid-
ance. This is his first year as the rank-
ing member of this subcommittee, and
he has been very helpful.

As I said at the outset, this bill is very
austere. The choices we 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 res-
olution. 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 amend-
ments to these bills should work with
us to assure that the appropriate chair-
man and ranking member can be on the
floor to respond to amendments that
fall under their jurisdiction.

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ings and health care clinics. They sup-
port 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
McCormack-SmITH Foreign Commodity
Program, fall within the security cat-
esty items that we dealt with in debt
limit negotiations, discretionary spend-
ning is nearly $2 bil-
lion below 2011. Compared to 2010, it is $3.2 billion lower. That is equal to a 15-per-
cent reduction compared to 2010.

In total, discretionary spending is
$20.046 billion. That figure includes
almost $2.2 billion for the FDA,
including food safety. We made sure
these activities are protected. We pro-
vided more than $1 billion for the Food
Safety and Inspection Service so they
can maintain current levels of inspec-
tion for meat and poultry. The bill in-
cludes almost $2.2 billion for the FDA,
which is an increase of $50 million.

Most of this increase is for food safety,
and I thank the agency that office funded by this bill at a higher level
than last year.

An equally high priority is pro-
tecting the most vulnerable Americans
from hunger. The WIC Program, which
helps women, infants, and children in
more than one-third of all discretionary spending in this bill, is funded at almost $6.6 bil-
lion. According to USDA, this level will support current participation lev-
el. We also protected other domestic
feeding programs, including the Com-
modity 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 participa-
tion, and we have done so in this bill.

Another priority worthy of protec-
tion is agricultural research. Without
continued investment, food production
in this country and around the globe
will not be able to keep up with chal-

413-475. We provided the proper
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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 for our 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, to 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.

TPF is a measure of productivity growth. It aggregates productivity improvements from agricultural extension, farmer education, rural infrastructure, 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 inflation in research costs, and raising R&D spending by 83 percent by 2050. For these reasons, Senator BLUNT and I determined that funding for agricultural research remains a priority and we are concerned that we cannot jeopardize our agricultural productivity 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 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 Subcommittee on Commerce, Justice, Science and Transportation and Housing and Urban Development. For now, I will limit my comments just to the agriculture provisions, and, 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 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. 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, rebuild, 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 today together.

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 included in this Act.)

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 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 committee 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.

This bill is also a principal underwriter of the National 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 an investment 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 us 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 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, elderly, and disabled populations.

This bill has been supported by broad consensus across the Senate. It wasn’t always easy, and it wasn’t always smooth sailing, but we got to where we are today because of the leaders of our Appropriations Committees and the strong support we received from so many Members of this body.

The bill provides funding for 11,000 new HUD–VA supportive housing units under the VASH program, which help veterans and their families maintain their homes.

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

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 program, which 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 intercity passenger rail projects that also make 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 reductions 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.

The challenge of this 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 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 has a clear sense 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, we can continue to work on it once we get to conference.

I am very pleased to join my colleagues—particularly the subcommittee chairman, Senator Murray—as we begin floor consideration of these 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 now, when we are near the end of the year, or 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.

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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 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 has a clear sense 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, which we need to do more of.

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.
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 will 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 bill 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, in order that we may continue to support our bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MKULIKI. 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 Leader MURRAY 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 address 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 $591 billion below 2011. So everybody should hear this. We are almost $1/2 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 provide 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, which represents the poor. This agency also funds the National Science Foundation and NASA, which, again, promote our innovation. This agency also funds the Commission on Civil Rights, upholding prescription drugs, which enforces our trade laws and promotes, again, American innovation.

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 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 equal opportunity, 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 satellite that not only say whether we are going to have stormy weather, but our weather operations also give us early predictions for everything from tornados 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 $100 million for our weather satellites. Meeting these challenges 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 less than 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 year. We have had one of 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. It is at the courthouses. It is 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.

But there is another 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. Are we going to 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 historical level, which, again, Senator HUTCHISON is a member and 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 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 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 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 tornado is coming, you know when a hurricane 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.

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 are 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 this 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 idea of the space 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 Department of Justice. 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: 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 Southwest 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 convicted of specified crimes 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 and the space 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 Americas into space under American control in 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 presence and space, that we are going to go through low Earth orbit and we are going to see what is beyond the Moon in an asteroid 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 asteroids, 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 planets and is 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 economic vitality 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 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 participation 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 their efforts, Senator CASEY 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 Specer and was renominated by the administration in January. Judge Cathy Bissoon has had a distinguished career in our 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, 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 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 once similarly 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 works on 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 Spreuze, 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 April 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 that brings that, 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 have 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 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 my colleagues to have them from Pennsylvania to come 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. These 27 nominations have passed 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 stilled 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 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 on just 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 is 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 on 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 make 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 judges 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 26 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 has no reason to resist 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 long backlogs have a problem: vacancies. Vacancies cause cases 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 cases. Nothing less than a sustained, concerted, and cooperative effort will be sufficient to make discernible progress in reducing the longstanding, 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 Robinson’s letters to the Senate leadership be included in 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, we 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 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 filled 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 Cathill 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. Her 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 Doney 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 when 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 Senate Republicans 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.
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 judicial nominees submitted this Congress, or 87 percent.

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

Judge Bissoo 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 Bissoo 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 Bissoo returned to private practice at Reed Smith where she worked primarily with employment and labor litigation. Judge Bissoo 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 Bissoo 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 Bissoo as a U.S. magistrate judge.

Judge Bissoo received a unanimous “Qualified” rating from the ABA Committee on the Federal Judiciary.

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

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 at the limit. If we do not 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 hurricane and disaster-related damage, 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 Administration to provide 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, Congresswoman FOXX, and other municipal and State 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 for 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 the winds and rain blew them out and 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 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 Vermont senator said to me, Vermont, 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 our 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 Bissoo, 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 nominee. I am grateful for his help and cooperation.

I rise to speak about Judge Cathy Bissoo, who is a daughter of Brooklyn, NY. She was born there and became a Pennsylvania attorney after law school.

Judge Bissoo 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 bar a few 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 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 Bissoo 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 firm’s 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 of and vote 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 Villanova University.

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 the Pennsylvania State University, and was a partner in the law firm of Robert D. Mariani, P.C.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the record be printed in the RECORD.

The PRESIDING OFFICER. The assistant legislative clerk will call the roll.

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

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.

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 2006. 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 she 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:


Was Named Fellow of the Litigation Counsel of America (formerly the American Academy of Trial Counsel) in 2009.

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 10 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 graduated second in his class and graduated second in his class and graduated second in his class. He is 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 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 Lawrence Convention Center and Consol Energy Center and represents the authority in litigation and transactional matters.

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

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the record be printed in the RECORD.

The PRESIDING OFFICER. The assistant legislative clerk will call the roll.

The question is, Will the Senate advise and consent to the nomination of Cathy Bissoon?
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.

Mr. UDALL. Mr. President, I rise today to discuss an amendment numbered 757 to amendment No. 738.

Mr. CORNYN. I thank the Senator from Maine for his statement. Then I will yield to him, my partner in this endeavor, for his statement. Then I will yield to him, my partner in this endeavor.

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, JOHANS, NELSON of Nebraska, MIKULSKI, and HOVEN. Earlier this week, the U.S. Department of Agriculture proposed a rule that would limit servings of 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 needed 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 meet 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. Your 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. UDALL. 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 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 operators throughout the country, yielding time to me. I look forward to yielding the floor to Senator Cooney.

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 that the USDA take 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 that we implement the bipartisan child nutrition reauthorization 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 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.

One food service director told me of her school’s attempt to get children to eat healthier and become more active.

One food service director told me of her school’s attempt to get children 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 country.

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, entering schools better prepared to become the next leaders in our goal of winning the global economic race.

I thank the Senator from Maine for yielding the floor 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.
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 such as the National School Lunch Program and the School Breakfast Program. As the National Association of Elementary School Principals pointed out in its letter to Secretary Vilsack, the overly prescriptive nature of the requirement 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 cost increases on our Nation's school districts at a time when they can least afford it. Listens 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   LETTIE S OF SUPPORT   NATIONAL SCHOOL GROUPS

American Association of School Administrators (AASA): Represents approximately 15,000 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 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): Represents approximately 55,000 representatives of the national service agencies (public multi-service agencies that provide support services and programs for schools). They work with all levels of education, including state and local education officials, as well as individuals who are concerned about rural education.

Association of Educational Service Agencies (AESA): Represents approximately 500 regional service agencies that provide support services and programs for schools.

Other groups

American 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 business officials (SBOs) 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

Other groups

American Frozen Food Institute

Ms. SNOWE. Mr. President. I rise today with my colleagues Senator Collins and Senator Udall to raise the alarm on the threat of nutrition and 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 by 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 these 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, which serves approximately 33 million students in grades pre-kindergarten through grade 8 and 6.8 million children in grades pre-kindergarten through grade 12, 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 proposed rule would also affect working families who rely on the school meal programs. As the National Association of Elementary School Principals pointed out in its letter to Secretary Vilsack, the overly prescriptive nature of the requirement 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 cost increases on our Nation's school districts at a time when they can least afford it. The costs associated with the proposed rule would also affect working families who rely on the school meal programs.
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 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 to one cup per week. Including the 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 released 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 “take away” American’s 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—5.3 oz with the skin—is not only a good source of potassium, but also 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 Guidance 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 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 pleased 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 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 Depers 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 way to feed 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. 

Mr. DURBIN. Mr. President, 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 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 high-way facilities damaged by natural disasters or emergencies.

Strike section 128 of division C.

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

Mr. SCHUMER. Mr. President, 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.

The PRESIDING OFFICER. The Senator from New York.

MORNING BUSINESS
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. 1622(a)(2)(M)) is amended—

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

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

(c) EXPIRATION 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, in the subparagraph heading, by striking “in the general fund of the Treasury.”

(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 be deposited, in their entirety, in the general fund of the Treasury.

(c) SCRAPPING 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 be abolished on 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 want to 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 5,000 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 immigrants 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 non-partisan 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 irreplaceable harm that will soon be done to these most vulnerable of individuals when they begin missing checks.

Again I want to thank my co-sponsors, 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 this happen 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 gripping 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 Ohlinger Drugs. That store has been a target in the last couple of years. I spoke with Tom Ohlinger, the fourth generation owner of this drugstore, and he described being held up at gunpoint on more than one occasion.

Then I saw 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 it 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.

This 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 have added anti-drug,stratagies for other crime. This bill would also identify 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 have 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 oxycotin. 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 control around the transportation and distribution of prescription drugs is definitely a key step, however, we can all raise the importance of 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 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 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 Safehouse, 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 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 her life.

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. Violence is a torch that will light the way to 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 that you take some time to become aware of the current status of your local domestic violence shelter. 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 10 in 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 1996, 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 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, 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 effectively 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 allegations may be 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 the chance to go to school, 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 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 that children are working in do- mestic 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. The 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 the current GSP program, the President 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 living up to its commitments to end 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:

Dear Leader McConnell:

During my floor speech on Monday, October 17, 2011, I asked unanimous consent that S. 1385, a bill to terminate the Presidential Coin Program, be granted unanimous consent to be placed on the Senate Calendar. I would like to explain why I feel this is such an important piece of legislation.

Under the 2008 Presidential Coin Act, the President is authorized to mint and release commemorative gold and silver coins. These coins are designed to pay tribute to our nation’s heroes, and to recognize America’s history and culture. Unfortunately, the Department of the Treasury has not been using this authority to its fullest potential. In fact, the very first coin released by the Treasury this year, the American Indian Heritage coin, was quickly followed by a gold coin featuring a picture of a woman from the Blackfeet tribe. My constituents were left wondering why the District of Columbia’s black history was not being celebrated in the same way.

Moreover, it has been nearly a year since the Treasury released a coin featuring the Rosa Parks coin. While I applaud the Treasury’s decision to commemorate this American hero, I believe that the Treasury’s coin program has not been effective in representing our nation’s diverse heritage.

As a result, I ask unanimous consent that S. 1385 be granted unanimous consent to be placed on the Senate Calendar. I urge all Members to consider the importance of this legislation and to support it.

Thank you.

Sincerely,

CHARLES E. GRASSLEY,
United States Senator.
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 ago, she took flak from traditional Indian people, who didn't realize 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 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 reminded me that many of the members she represented were volume short order. 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 Montana Community Foundation.

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. As a member of the Great Falls Business College and attended Montana State University, where she received an honorary degree. In 2011, Dartmouth College awarded her an honorary degree of Doctor of Humane Letters. In a conversation with Senator Bob Dole, she told him: “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. Montana 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, and specified 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.

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 Kansans 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 Disablement Act, the Voting Rights Act, just to name a few. He also worked across the aisle with the likes of liberal George McGovern, as well as by their bipartisan work on nutrition programs.

Bob set the bar high as the longest serving Republican Senator Majority Leader. He was known as a principled leader 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 if 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.

That 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 wonderful unique; a Mecca not really expected to derfully unique; a Mecca not really expected to derfully unique; a Mecca not really expected to derfully unique; a Mecca not really expected to derfully unique; a Mecca not really expected 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 not just a 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 fortunate— 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 squash, and lasts as long. Honor, on the other hand, is the work of a lifetime—more, it’s the seed of 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 bungled up 2nd Lieutenant studying law at Yale and a breed that may have Dwight Eisenhower could be persuaded to run for president for run for president for run for president for run for president.

Now there’s a definition of honor. In fact, honor is a quality that is rarely recognized. 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. And now it is my pleasure to turn over this lecetn to the indomitable Kansas Governor, Sam Brownback.
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 civic leader 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 is known today 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 official.

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 the Volunteer State, and served as its first president as vice president for civic affairs at KeyBank. He has continued his efforts to serve his community and as a civic volunteer and local elected official.

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 the city’s mayor. After a childhood in New Hampshire, he graduated from the University of California, Berkeley, where he graduated in 1962 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, Post and 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 in the mountains.

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 1962 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.

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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, Post and 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 in the mountains.

I extend my heartfelt condolences to Rollin’s family, friends, and former colleagues. He will be sorely missed.
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. I encourage new campuses and 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 known as Tawakkol. It has been led by Dr. Maathai in 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 his 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. City-wide 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 DC office 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 hard 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 Timotheo 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 politics at the University of Wisconsin. 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 is 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 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 became 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 tribe that also 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 extensive work, Sando received the Institute for Food and Agricultural Sciences Henry A. Wallace Award for Literary Excellence, Outstanding Alumnae of Eastern New Mexico University, State Heritage Preservation Award, Award for 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 he taught 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 nature. 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 distinctive peoples, 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 levied 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, oppression continued 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 hanged. 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 capital, 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 created 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 and provided for the pueblo 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.
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 Senate has been advised 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 second times by unanimous consent, and referred as indicated:

H.R. 338. 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.

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; and for other purposes; to the Committee on Environment and Public Works.

S. 1720. A bill to provide American jobs through economic growth.

S. 1723. A bill to provide for teacher and first responder stabilization.

S. 1728. 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. 394. 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; to the Committee on the Judiciary, without amendments.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

H.R. 338. A bill to amend title 28, United States Code, to the Committee on the Judiciary, with amendments.

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; and for other purposes; to the Committee on Environment and Public Works.

S. 1720. A bill to provide American jobs through economic growth.

S. 1723. A bill to provide for teacher and first responder stabilization.

S. 1728. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

By Mr. SCHUMER (for himself, Mrs. LEAHY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. FRANKEN, and Ms. KLOUCHAR):

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 to nonelderly, 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 primary and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mr. CARPER, Ms. Mikulski, and Mr. Cantwell):

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 government activities.

S. 23. 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 prohibit 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 Mississippi (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 Mrs. 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. Hagans, 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 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 persons, and for other purposes.

S. 1398

At the request of Mr. Enzi, the name of the Senator from Idaho (Mr. Crapo) was added as a cosponsor of S. 1398, a bill to prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending.

S. 1399

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. 1399, a bill to amend title 49, United States Code, to provide rights for points, 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 Mrs. 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. 1651

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. 1651, a bill to prohibit the National Labor Relations Board from ordering any employers to close, relocate, or transfer employment under any circumstance.

S. 1679

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. 1679, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1707

At the request of Mr. Thune, the name of the Senator from Alaska (Mr. Begich) was added as a cosponsor of S. 1707, a bill to ensure effective control over the Congressional budget process.

S. 1838

At the request of Mr. McCaskill, the name of the Senator from Alaska (Ms. Murkowski) was added as a cosponsor of S. 1838, a bill to take the multiple use land management policy in the State of Arizona, and for other 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.
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 to the beneficiaries. The 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 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 post-settlement collection efforts than 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 on 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 safeguard against Medicare 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 unnecessarily burdening them.

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.”

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 reimbursement amount (in this clause referred to as a ‘statement of reimbursement amount’) for any payments subject to reimbursement under clause (ii). A claimant or applicable plan may request a statement under this subsection only once with respect to such settlement, judgment, award, or other payment.

“(II) SECONDARY 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 SECONDARY FAILURE.—Subject to subsection (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 subsection, the claimant, applicable plan, or an entity that receives payment from an applicable plan shall provide an additional notice to the Secretary of this 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 may provide for exceptional circumstances in a manner so that not more than 1 percent of the repayment obligations under this subsection 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) 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 applicable plan may request a statement of reimbursement amount. The Secretary, and the Secretary shall be exempt from any obligation under subclause (II) with respect to a statement of reimbursement amount. In the event of such a request, the Secretary shall provide to the Secretary, in accordance with regulations, a statement under this subsection only once with respect to such settlement, judgment, award, or other payment related to the notice.

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:

S6602 CONGRESSIONAL RECORD — SENATE October 17, 2011
“(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 may 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 of social security numbers or health identification claim numbers.”

“ Effective Date.—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 title II 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—

“(1) include review through an administrative appeal process and an 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; and

“(2) be carried out in a manner similar to the appeals procedures respecting notices of determinations of nonconformance of group health plans under this subsection.”

SECTION 3. FISCAL EFFICIENCY AND REVENUE NEUTRALITY.

(a) IN GENERAL.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)(1)) is amended—

(1) in the first sentence of subparagraph (B)(i), by striking “shall be subject” and all that follows through the end of subparagraph (B)(i) and inserting the following:

“An action for a civil money penalty may not be imposed under this subsection unless the complaint is filed not later than 3 years after the date of the receipt of 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.”

“ 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.”

“ Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)(1)) is amended—

(1) in the first sentence of subparagraph (B)(i), by striking “shall be subject” and all that follows through the end of subparagraph (B)(i) and inserting the following:

“An action for a civil money penalty may not be imposed under this subsection unless the complaint is filed not later than 3 years after the date of the receipt of 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.”

“ 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 people and at a time of 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 the actual payment. This bill requires that Medicare no longer pursue MSP claims that do not cover the actual 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 or the area council on aging to 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 bipartisan 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 (42 U.S.C. 1758) 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 Food Donation Act (42 U.S.C. 1791).

This bill is a step forward in making food donations easier and safer for schools interested in donating excess food and for local food banks and charitable organizations.

By Mrs. BOXER:

S. 1722. A bill to improve early education programs; 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 receptivity, 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 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 in 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 California, allowing school districts to use Federal funds to prepare young English learners for grades in critical.

In addition, this legislation will help local school districts use federal funds to provide pre-kindergarten 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 pre-kindergarteners.

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 REVENUE.

(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 report to the Congress within 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 the President of the United States for the amounts determined and identified for reabsorption under the preceding section.

(c) EXCEPTION.—This section shall not apply to the unobligated balances of the Department of Defense or the Department of Veterans Affairs.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 294—COMMENORATING 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 26, 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 commerce, Baltimore, Philadelphia, as well as the broader United States economy,

Whereas the Chesapeake and Delaware Canal has served the interests of commerce by linking the Delaware and Chesapeake Bays, the Susquehanna, Maryland, and Pennsylvania, and has been the impetus for development on both banks of 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 enhancing the quality of life 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 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 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 the freedom around the world;

Whereas members of the Armed Forces personnel the virtues of patriotism, service, duty, courage, and sacrifice;

Whereas 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) designates October 26, 2011 as "Day of the Deployed";

(2) acknowledges the members of the United States Armed Forces who are deployed;

(3) designates October 26, 2011, as "Day of the Deployed";

(4) recognizes the potential for recreation on federally owned land along the banks of the Chesapeake and Delaware Canal while encouraging health and wellness and free by the loyal military personnel who protect our precious heritage through their positive declaration and actions;

AMENDMENTS SUBMITTED AND PROPOSED

SA 739. 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 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. WEnSTh) proposed an amendment to amendment SA 738 proposed by Mr. InOuY to the bill H.R. 2112, supra.

SA 751. Ms. MURKOWSKI (for herself and Mr. BEaCH) 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. ATOTTTe 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. UZALAT of Colorado, Mr. CRAPO, Mr. RISCH, Ms. SNOWE, Mr. WYDEN, Ms. AYOTTE, Mr. JOHANNES, Mr. NELSON of Nebraska, Mr. JOHNSON of Wisconsin, Mr. HROYSEN, and Ms. MUKOWSKA) 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. 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 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. VITTER 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 771. 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 772. 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 773. 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 774. Mr. PAUL (for himself and Mr. VYRTRAJAN) 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. LANDSNORST) 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 by him 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. 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 782. Mr. REID (for Mr. ROCKFELLER) proposed an amendment to the bill S. 275, to amend title II, highways, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the products by pipeline, and for other purposes. As follows:

At the appropriate place in division C, insert the following:

SEC. 218. Notwithstanding any other provision of this title, no funds appropriated or otherwise 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 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:

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:

After section 217, insert the following:

None of the amounts made available under this division may be used for—

(1) scenic 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 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:

In the matter under the heading “ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS” under the heading “ECONOMIC DEVELOPMENT ADMINISTRATION” in title I of division B, strike "sec.

For fiscal year 2012, and for other purposes, as follows:

\[\text{S.280,100,000} \]\n
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 96, line 17, strike ‘‘Nebraska.’’

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. 745. 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 $98,000 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:

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. 11016. None of the funds made available under this paragraph shall be made available for any State or local government unless such government certifies to the Secretary of the Treasury that the funds included in the paragraph will not be used for enforcement purposes.

(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.—In General.—The Commission shall be composed of 11 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 senior member 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 Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(F) 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.

(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 Democratic Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic 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.

(I) Membership.—In General.—The Commission shall be composed of 11 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 senior member 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 Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(F) 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.

(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 Democratic Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic 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.
(ii) criminal justice;
(iii) national security;
(iv) prison and jail administration;
(v) prisoner reentry;
(vi) health care, including physical and sexual victimization, drug addiction and mental health;
(vii) victims’ rights;
(viii) dependence.
(ix) court administration;
(x) social services; and
(xi) State, local, and tribal government.

(2) COMMISSION.—An individual shall not be appointed as a member of the Commission if such individual possesses any personal or pecuniary interest in the discharge of any of the duties of the Commission.

(C) TERMS.—Members shall be appointed for a term of not more than 4 years and shall serve until their successors are appointed.

(D) VACANCIES.—Any vacancy in the Commission shall be filled by the President by appointment of a member, in the same manner and under the same conditions as other appointments to the Commission, whenever vacancy occurs.

(E) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services of experts and consultants on a fee-basis.

(F) ADMINISTRATION.—

(1) STAFF.—

(A) IN GENERAL.—The Commission shall be responsible for the provision of necessary support services.

(B) INSTRUCTION.—The Commission may, if authorized by the co-chairs of the Commission, make arrangements by contract for temporary and intermittent services of experts and consultants on a fee-basis.

(C) PERSONNEL AS FEDERAL EMPLOYEES.—

(I) IN GENERAL.—The executive director and any personnel of the Commission who are employees of the United States Government shall be employees of the Commission.

(II) PAY.—The Commission may pay reasonable compensation for the services of employees of the Commission.

(III) PERDIEM.—If any employee of the Commission is otherwise entitled to any per diem allowance under law, the Commission may pay such per diem allowance to such employee.

(IV) TRAVEL EXPENSES.—The Commission may pay travel expenses of employees for any purpose for which per diem allowance is paid under section 5703(b) of title 5, United States Code, for the performance of services for the Commission.

(V) ADMINISTRATION.—The Commission shall be responsible for the provision of necessary support services.

(G) TRAVEL EXPENSES.—The expenses of the Commission shall be paid as authorized.

(H) REPRESENTATION.—The Commission shall be represented in the Federal Register by the Director and, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of such officers 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.

(2) EXPENSES.—The expenses of the Commission shall be paid as authorized.

(I) TRAVEL EXPENSES.—The expenses of the Commission shall be paid as authorized.

(J) REPRESENTATION.—The Commission shall be represented in the Federal Register by the Director.

(K) ADMINISTRATION.—The Commission shall be responsible for the provision of necessary support services.

As used in section 5703(b) of title 5, United States Code, in lieu of subsistence, in the same manner as authorized by section 5703(b) of title 5, United States Code, for the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for the performance of services for the Commission.

(L) PAY.—The Commission may pay reasonable compensation for the services of employees of the Commission.

(M) PERDIEM.—The Commission may pay any employee of the Commission who is otherwise entitled to any per diem allowance under law, the per diem allowance authorized by the Commission.

(N) TRAVEL EXPENSES.—The Commission may pay travel expenses of employees for any purpose for which per diem allowance is paid under section 5703(b) of title 5, United States Code.

(O) ADMINISTRATION.—The Commission shall be responsible for the provision of necessary support services.

(P) TRAVEL EXPENSES.—The expenses of the Commission shall be paid as authorized.

(Q) REPRESENTATION.—The Commission shall be represented in the Federal Register by the Director.

(R) ADMINISTRATION.—The Commission shall be responsible for the provision of necessary support services.

(S) TRAVEL EXPENSES.—The expenses of the Commission shall be paid as authorized.

(T) REPRESENTATION.—The Commission shall be represented in the Federal Register by the Director.

(U) ADMINISTRATION.—The Commission shall be responsible for the provision of necessary support services.

(V) TRAVEL EXPENSES.—The expenses of the Commission shall be paid as authorized.

(W) REPRESENTATION.—The Commission shall be represented in the Federal Register by the Director.

(X) ADMINISTRATION.—The Commission shall be responsible for the provision of necessary support services.

(Y) TRAVEL EXPENSES.—The expenses of the Commission shall be paid as authorized.

(Z) REPRESENTATION.—The Commission shall be represented in the Federal Register by the Director.

(A) PAY.—The Commission may pay reasonable compensation for the services of employees of the Commission.

(B) PERDIEM.—The Commission may pay any employee of the Commission who is otherwise entitled to any per diem allowance under law, the per diem allowance authorized by the Commission.

(C) TRAVEL EXPENSES.—The Commission may pay travel expenses of employees for any purpose for which per diem allowance is paid under section 5703(b) of title 5, United States Code.

(D) ADMINISTRATION.—The Commission shall be responsible for the provision of necessary support services.

(E) TRAVEL EXPENSES.—The expenses of the Commission shall be paid as authorized.

(F) REPRESENTATION.—The Commission shall be represented in the Federal Register by the Director.

(G) ADMINISTRATION.—The Commission shall be responsible for the provision of necessary support services.

(H) TRAVEL EXPENSES.—The expenses of the Commission shall be paid as authorized.

(I) REPRESENTATION.—The Commission shall be represented in the Federal Register by the Director.

(J) ADMINISTRATION.—The Commission shall be responsible for the provision of necessary support services.

(K) TRAVEL EXPENSES.—The expenses of the Commission shall be paid as authorized.

(L) REPRESENTATION.—The Commission shall be represented in the Federal Register by the Director.

(M) ADMINISTRATION.—The Commission shall be responsible for the provision of necessary support services.

(N) TRAVEL EXPENSES.—The expenses of the Commission shall be paid as authorized.

(O) REPRESENTATION.—The Commission shall be represented in the Federal Register by the Director.

(P) ADMINISTRATION.—The Commission shall be responsible for the provision of necessary support services.

(Q) TRAVEL EXPENSES.—The expenses of the Commission shall be paid as authorized.

(R) REPRESENTATION.—The Commission shall be represented in the Federal Register by the Director.

(S) ADMINISTRATION.—The Commission shall be responsible for the provision of necessary support services.

(T) TRAVEL EXPENSES.—The expenses of the Commission shall be paid as authorized.

(U) REPRESENTATION.—The Commission shall be represented in the Federal Register by the Director.

(V) ADMINISTRATION.—The Commission shall be responsible for the provision of necessary support services.

(W) TRAVEL EXPENSES.—The expenses of the Commission shall be paid as authorized.

(X) REPRESENTATION.—The Commission shall be represented in the Federal Register by the Director.

(Y) ADMINISTRATION.—The Commission shall be responsible for the provision of necessary support services.

(Z) TRAVEL EXPENSES.—The expenses of the Commission shall be paid as authorized.

(A) REPRESENTATION.—The Commission shall be represented in the Federal Register by the Director.

(B) ADMINISTRATION.—The Commission shall be responsible for the provision of necessary support services.

(C) TRAVEL EXPENSES.—The expenses of the Commission shall be paid as authorized.

(D) REPRESENTATION.—The Commission shall be represented in the Federal Register by the Director.

(E) ADMINISTRATION.—The Commission shall be responsible for the provision of necessary support services.

(F) TRAVEL EXPENSES.—The expenses of the Commission shall be paid as authorized.

(G) REPRESENTATION.—The Commission shall be represented in the Federal Register by the Director.

(H) ADMINISTRATION.—The Commission shall be responsible for the provision of necessary support services.

(I) TRAVEL EXPENSES.—The expenses of the Commission shall be paid as authorized.

(J) REPRESENTATION.—The Commission shall be represented in the Federal Register by the Director.

(K) ADMINISTRATION.—The Commission shall be responsible for the provision of necessary support services.

(L) TRAVEL EXPENSES.—The expenses of the Commission shall be paid as authorized.
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. 114. 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:

Sect. 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, our coasts, and the 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:

Sect. 217. (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) FINANCING.—In this section:


(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, 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—’’.

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; which was ordered to lie on the table; as follows:

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

Sect. 7. None of the funds made available under this Act may be used to implement 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 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. JOHNS, 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:

Sect. 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 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:

Sect. 7. 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. 47. The Federal Housing Administrator 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 206 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 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. 3. 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. 3. 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 for Freon (R-22)” (73 Fed. Reg. 65592 (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. 3. 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 for Freon (R-22)” (73 Fed. Reg. 65592 (November 19, 2008)).

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. 8. None of the funds made available by this Act may be used for mifepristone, commonly known as RU-486.

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. 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 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:

At the appropriate place, insert the following:

SEC. 2. 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. 101. None of the funds made available in this Act for the Food and Drug Administration shall be used to prevent an individual from being convicted of a misdemeanor when importing a prescription drug (within the meaning of section 802(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 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:

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 thereby are revoked 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; and

(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 are 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 63, 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 on 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 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; as follows:

On page 267, line 8, strike "$54,999,000" and insert "$52,903,000".

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 266, 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 "$77,500,000".

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. __. 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 amended in the second sentence by inserting "any loan" and inserting "any loan program".

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 $100,000 shall be used for loan 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) 9 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. 28. ADMINISTRATIVE ENFORCEMENT PROC- ESS.
(a) ISSUANCE OF REGULATIONS.—
(1) IN GENERAL.—Not later than 2 years after the date of 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; and
(B) requiring that the presiding official must—
(i) define the term "presiding official" to mean the person who conducts any hearing relating to enforcement compliance orders, safety orders, or corrective action orders; and
(ii) 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 violation, orders relating to civil penalty assessments, compliance orders, and corrective action orders.

(b) PRELIMINARY. The regulations prescribed under this subsection shall—
(A) define the term "preliminary official" to mean the person who conducts any hearing relating to enforcement compliance orders, safety orders, or corrective action orders; and
(B) require that the preliminary 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 violation, orders relating to civil penalty assessments, compliance orders, and corrective action orders.

SEC. 29. AUTHORIZATION OF APPROPRIATIONS.
(a) GAS AND HAZARDOUS LIQUID.—
(1) Section 60125(a)(2) is amended by striking subparagraphs (A) through (D) and inserting the following:
"(A) for fiscal year 2012, $92,200,000, of which $9,200,000 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 $53,956,000 is for making grants."

(b) Pipeline Transportation Research and Development.—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—
(1) in subsection (a)(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.".

(c) Pipeline Transportation Research and Development.—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—
(1) in subsection (a)(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.".

(d) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134 is amended by adding at the end the following:
"(1) 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 ACT.—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) in subsection (a)(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.

(g) PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—
(1) in subsection (a)(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.

NOTICE OF INTENT TO OBJECT
I, Senator Charles Grassley, intend to object to proceeding to S. 1385, a bill to amend the 9-1-1 program and to insert--

PHILIPPINES OF THE FLOOR

Mr. KOHL. Mr. President, I ask unanimous consent that the following staff be addressed the Senate floor during consideration of H.R. 2112: Galen Fountain, Jessica Frederick, Dianne Nellor, Stacy McBride, Phil
Mr. REID. Mr. President, I ask unanimous consent that the following amendment be stricken and the following substituted:

(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 damage prevention data collection.
Sec. 15. Gas and hazardous liquid gathering pipelines.
Sec. 16. Transportation-related oil flow lines.
Sec. 17. Alaska project coordination.
Sec. 18. Cost recovery for design reviews.
Sec. 19. Special pipeline regulations.
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. Authorizing appropriations.

(c) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—In determining the factors prescribed in subsection (b), 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;

(C) environmental harm exceeding $250,000 in estimated environmental cost.

SEC. 2. CIVIL PENALTIES.

(a) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—Section 60122 is amended—

(1) by striking ''the ability to pay,'' in subsection (b)(1);'' and

(2) by redesigning subsections (c) through (g) 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 shall be subject to a civil penalty of not more than $250,000 for each violation. A separate violation occurs for each day the violation continues. The Secretary shall issue regulations, after no less than 1 year after the date of enactment of this Act, specifying the factors to be considered in determining the amount of a civil penalty for a major consequence violation.

(2) PENALTY CONSIDERATIONS.—In determining the factors in subsection (1), the Secretary shall take into account the- (A) appropriate participation by all municipalities, State agencies, or their contractors from its one-call notification system requirements.

(b) STATE DAMAGE PREVENTION PROGRAMS.—

(1) by striking ''and'' after the semicolon in paragraph (1);

(2) by striking ''(b),'' in paragraph (2) and inserting ''(b);'' and

(3) by adding at the end the following:

(d) JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCEMENT ORDERS.—Section 60119(a) is amended—

(1) by striking the subsection caption and in subsection (a)(1), ‘‘(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)’’ and inserting ‘‘about an application for an exemption, a waiver, or an extension under section 60118(c) or (d)’’.

SEC. 3. PIPELINE DAMAGE PREVENTION.

(a) MINIMUM STANDARDS FOR STATE ONE-CALL NOTIFICATION PROGRAMS.—Section 6103(a) is amended to read as follows:

(b) STATE DAMAGE PREVENTION PROGRAMS.—

(1) IN GENERAL.—In order for a State 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.

(b) EXEMPTIONS PROHIBITED.—A State one-call notification program may not exempt 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.

(a) OFFSHORE GATHERING PIPELINES.—Section 60101(a)(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 no less than 1 year after the date of enactment of this Act, 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.

(a) 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—

(b) DISTRIBUTION BRANCH SERVICES, MULTIFAMILY FACILITIES, AND SMALL COMMERCIAL FACILITIES.—Not later than 2 years after the date of enactment of the Pipeline Transportation Improvement Act of 2011.
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 technologically feasible, at cross-border pipelines, and at any replaced distribution branch services, multi-family facilities, and small commercial facilities.”.

SEC. 7. INTEGRITY MANAGEMENT.

(a) RESTRICTIONS.—Not later than 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; and

(3) whether data collected outside high consequence areas as part of gas transmission pipeline integrity management system natural gas and have 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 all necessary data 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 integrity management system natural gas and hazardous liquid pipeline inspections conducted by or reported to the Pipeline and Hazardous Materials Safety Administration that includes—

“(A) the operator inspected;

“(B) the type of inspection;

“(C) the results of the inspection, including any deficiencies identified; and

“(D) the actions required to be taken by the operator to remediate such deficiencies;

“(2) maintain

“(i) a status indicator 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 to any change of information that is necessary to carry out the purposes of this Act,

“(ii) a comprehensive description of the requirements for such plans; and

“(iii) a list of all approval and system regulatory actions required to complete an 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, as defined in subsection 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 of, 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 plan 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(b) of title 5.

“(d) CLERICAL AMENDMENT.—The table of contents for chapter 601 is amended by inserting after the item relating to section 60137 the following new paragraph:

“§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 update 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 dollar amount 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 inserting at the end of that section the following new paragraph:

“(4) The Secretary shall conduct a follow-up survey to ensure the 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 Committee 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 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.

SEC. 12. TRANSPORTATION-RELATED ONSHORE FACILITY RESPONSE PLAN COMPLIANCE AND REQUIREMENTS.

(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) D I S CLOSURE LIMITED TO FOIA REQUIREMENTS.—Section 60132 is amended by adding at the end the following:

“(d) DISCLOSURE LIMITED TO FOIA REQUIREMENTS.—The Secretary may not disclose information collected pursuant to subsection (a) except to the extent permitted by section 552 of title 5.”.

SEC. 13. PIPELINE INFRASTRUCTURE DATA COLLECTION.

(a) IN GENERAL.—Section 60132(a) is amended by—

(1) by striking “and gathered lines”; and

(2) by adding at the end the following:

“(3) by adding 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 the section.

(b) D I S CLOSURE LIMITED TO FOIA REQUIREMENTS.—Section 60132 is amended by adding at the end the following:

“(d) DISCLOSURE LIMITED TO FOIA REQUIREMENTS.—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:

“(g) 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 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 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 Committee 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:

“(6) TRANSPORTATION-RELATED OIL FLOW LINES.

“(a) 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
DESIGN REVIEW.—In this subsection, the term "trans-
portation-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 re-fining,
finishing, or manufacturing facilities, or through
operation of pipeline systems located on the
grounds of wells.

SEC. 11. 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 au-
thorities of the Department of Transportation
and the State of Alaska;

(2) consulting on the development and imple-
mentation of programs designed to manage the
integrity risks associated with operating pipe-
line systems in Alaska; and

(3) training inspection and enforcement per-
sonnel and consulting on the development and imple-
mentation of inspection protocols and training
programs.

(b) ENTERING INTO CONTRACTS.—The table of con-
tents for chapter 601, as amended by section 8 of
this Act, is further amended by inserting after
the item relating to section 60139 the following new
item:

"60139. Alaska project coordination".

SEC. 12. COST RECOVERY FOR DESIGN REVIEWS.

Section 60117(n) is amended to read as follows:

"(n) COST RECOVERY FOR DESIGN REVIEWS.—

(1) IN GENERAL.—On application of an
owner or operator of a pipeline facility, the Sec-
retary by order may waive compliance with any
part of an applicable standard prescribed under
this chapter with respect to the facility on terms
and conditions prescribed by the Secretary. The Sec-
retary determines that the waiver is not incon-
sistent with pipeline safety.

(2) CONSIDERATIONS.—In determining whether
to grant a waiver, the Secretary shall consider—

(i) the fitness of the applicant to conduct the
credibility of 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 Sec-
retary considers relevant to making the deter-
mation.

(3) EFFECTIVE PERIOD.—A waiver of one or
more pipeline operating requirements shall be
reviewed by the Secretary 3 years after its effec-
tive date. In reviewing a waiver, the Secretary
shall consider any change in ownership or con-
trol of the pipeline, any change in the condi-
tions around the pipeline, and other factors as
appropriate. The Secretary may modify, sus-
pend, or revoke a waiver after such review
under subparagraph (E).

(4) PUBLIC NOTICE AND HEARING.—The Sec-
retary shall make a public notice and hearing,
and associated analysis the reasons for granting
it.

(E) NONCOMPLIANCE AND MODIFICATION, SUS-
PENSION, OR REVOCATION.—After notice to a
holder of a waiver and opportunity to show
cause, the Secretary may modify, suspend, or re-
voke a waiver issued under this section for fail-
ure to comply with its terms or conditions, inter-
vening changes in Federal law, a material
change in circumstances affecting safety, in-
cluding erroneous information in the applica-
tion, 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

(2) by redesignating subparagraph (B) as sub-
paragraph (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 sig-
ificant quantities; and"

SEC. 21. CARBON DIOXIDE PIPELINES.

Section 60101(i)(1) is amended to read as follows:

"(1) by adding "and" after the semicolon in subparagraph

(2) by redesignating subparagraph (B) as sub-
paragraph (C); and

(3) by inserting after subparagraph (A) the
following:

"(B) carbon dioxide; and"

SEC. 22. STUDY OF THE TRANSPORTATION OF TAR SANDS CRUDE OIL.

Not later than 18 months after the date of en-
actment of this Act, the Secretary of Transpor-
tation shall complete a comprehensive review of
hazardous liquid pipeline regulations to deter-
mine whether these regulations are sufficient to
address 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 Commit-
tees on Transportation and Infrastructure and
on Energy and Commerce of the House of Repre-
sentatives.

SEC. 23. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPE-
LINE.

The Secretary of Transportation may conduct an analysis of the transportation of non-petro-
leum hazardous liquid. The purpose of identifying the extent to which pipelines are currently being used to transport non-petro-
leum hazardous liquids, such as chlorine, from
chemical production facilities across land and
water areas owned by the producer that are accessible to
the public. The analysis should identify the
extent to which the safety of the lines is regu-
lated 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, prop-
eries, or the environment. The Secretary shall complete a comprehensive
review of these pipeline regulations to deter-
mine whether these regulations are sufficient to
address the transportation of such chemicals by pipeline
across areas accessible to the public.

The results of the analysis shall be available
to the Committee on Commerce, Science, and
Transportation of the Senate and the Commit-
tees on Transportation and Infrastructure and
on Energy and Commerce of the House of Repre-
sentatives.

SEC. 24. CLARIFICATIONS.

(a) AMENDMENT OF PROCEDURES CLARIFICATION.—

Section 60108(a)(1) is amended by strik-
ing "an intrastate" and inserting "a".

(b) OWNER AND OPERATOR CLARIFICATION.—

Section 60114(a)(3)(B)(iv) is amended by striking "owners and operators" and inserting "any or
all of the owners or operators".

(c) ONE-CALL ENFORCEMENT CLARIFICATION.—

Section 60104(e) is amended by striking the
end and associated analysis the reasons for granting
it.

SEC. 25. ADDITIONAL RESOURCES.

(a) IN GENERAL.—To the extent funds are ap-
propriated, the Secretary of Transportation
shall increase the personnel of the Pipeline and
Hazardous Materials Safety Administration by
a total of 39 full-time equivalent, including 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.

SEC. 26. PIPELINES TRANSPORTING CARBON DIOXIDE.

(a) 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 infor-
mation technology;
(3) to conduct inspections of pipeline facilities to determine compliance with applicable regulations and standards; and
(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 the appropriate State authorities, 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 in an appropriate manner. 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 pipelines in class 1, class 2, class 3, and class 4 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 6 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 1, class 2, class 3, and class 4 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 by later than 5 working days after the exceedance occurs. Notice of exceedance by gas transmission pipelines shall be provided concurrently to appropriate State authorities.

(3) DETERMINATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

(1) IN GENERAL.—For any transmission line reported by the Secretary to have an exceedance of the maximum allowable operating pressure, 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 PROCEDURE.

(a) ISSUANCE OF REGULATIONS.—
(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate regulations requiring the Department of Transportation to:

(A) requiring hearings under sections 6012, 60117, 60118, and 60122 to be convened before a presiding official;

(B) providing the opportunity for any person requesting a hearing under sections 6012, 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 6012(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 regarding 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 to provide for investigation 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:

(4) 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) D ocumentation of Certain Pipelines.—Section 60125(a)(1) is amended by striking subparagraphs (A) through (D) and inserting the following:

(A) for fiscal year 2017, $8,206,000, of which $9,200,000 is for carrying out such section 12 and $35,958,000 is for making grants;

(B) for fiscal year 2016, $19,144,000, of which $9,600,000 is for carrying out such section 12 and $39,611,000 is for making grants;

(C) for fiscal year 2015, $99,876,000, of which $9,900,000 is for carrying out such section 12 and $41,148,000 is for making grants;

(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) Authorizations.—Section 60125(b)(2) is amended by striking ''2007 through 2009'' and inserting ''2010 through 2014''.

(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.

(b) Pipeline Enforcement Personnel.—

(1) Authorization.—Section 60125(b)(3) is amended by striking subdivision (A) and inserting the following:

(A) for fiscal year 2011, $100,000.

(2) Secretary to Provide Grants.—Section 60125(b)(4) is amended by striking ''$10,000'' and inserting ''$100,000''.

(c) E ngineering and Research.—

(1) Authorization.—Section 60125(b)(5) is amended by adding at the end the following:

(D) for fiscal year 2011, $92,206,000, of which $10,200,000 is for carrying out such section 12 and $42,356,000 is for making grants.

(d) Pipeline Transportation 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 2010'' in subsection (d) 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 passed and sent to the House, 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.

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 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 amendment (No. 784) was agreed to, as follows:

(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
Sec. 29. Authorization of appropriations.

Sec. 27. Maximum allowable operating pres-

tents for this Act is as follows:

Sec. 22. Study of the transportation of tar

liquids transported by pipeline.

Sec. 21. Carbon dioxide pipelines.

Sec. 20. Biofuel pipelines.

Sec. 19. Special permits.

Sec. 16. Transportation-related oil flow

Sec. 15. Gas and hazardous liquid gathering

cilities.

Sec. 13. Pipeline infrastructure data collec-

tion.

Sec. 14. International cooperation and con-

Sec. 12. Transportation-related onshore fa-

Sec. 6. Excess flow valves.

Sec. 5. Automatic and remote-controlled

shut-off valves.

Sec. 4. Offshore gathering pipelines.

Sec. 3. Pipeline damage prevention.

Sec. 2. Civil penalties.

Sec. 1. Incident notification.

Sec. 12. Transportation-related onshore fa-

Sec. 11. Incident notification.

Sec. 10. Leak detection.

Sec. 9. Cast iron gas pipelines.

Sec. 8. Public education and awareness.

Sec. 7. Integrity management.

Sec. 6. Excess flow valves.

Sec. 5. Automatic and remote-controlled

shut-off valves.

Sec. 4. Offshore gathering pipelines.

Sec. 3. Pipeline damage prevention.

Sec. 2. Civil penalties.

Sec. 1. Incident notification.

Sec. 12. Transportation-related onshore fa-

Sec. 11. Incident notification.

Sec. 10. Leak detection.

Sec. 9. Cast iron gas pipelines.

Sec. 8. Public education and awareness.

Sec. 7. Integrity management.

Sec. 6. Excess flow valves.

Sec. 5. Automatic and remote-controlled

shut-off valves.

Sec. 4. Offshore gathering pipelines.

Sec. 3. Pipeline damage prevention.

Sec. 2. Civil penalties.

Sec. 1. Incident notification.

Sec. 12. Transportation-related onshore fa-

Sec. 11. Incident notification.

Sec. 10. Leak detection.

Sec. 9. Cast iron gas pipelines.

Sec. 8. Public education and awareness.

Sec. 7. Integrity management.

Sec. 6. Excess flow valves.

Sec. 5. Automatic and remote-controlled

shut-off valves.

Sec. 4. Offshore gathering pipelines.

Sec. 3. Pipeline damage prevention.

Sec. 2. Civil penalties.

Sec. 1. Incident notification.

Sec. 12. Transportation-related onshore fa-

Sec. 11. Incident notification.

Sec. 10. Leak detection.

Sec. 9. Cast iron gas pipelines.

Sec. 8. Public education and awareness.

Sec. 7. Integrity management.

Sec. 6. Excess flow valves.

Sec. 5. Automatic and remote-controlled

shut-off valves.

Sec. 4. Offshore gathering pipelines.

Sec. 3. Pipeline damage prevention.

Sec. 2. Civil penalties.

Sec. 1. Incident notification.

Sec. 12. Transportation-related onshore fa-

Sec. 11. Incident notification.

Sec. 10. Leak detection.

Sec. 9. Cast iron gas pipelines.

Sec. 8. Public education and awareness.

Sec. 7. Integrity management.

Sec. 6. Excess flow valves.

Sec. 5. Automatic and remote-controlled

shut-off valves.

Sec. 4. Offshore gathering pipelines.

Sec. 3. Pipeline damage prevention.

Sec. 2. Civil penalties.

Sec. 1. Incident notification.

Sec. 12. Transportation-related onshore fa-

Sec. 11. Incident notification.

Sec. 10. Leak detection.

Sec. 9. Cast iron gas pipelines.

Sec. 8. Public education and awareness.

Sec. 7. Integrity management.

Sec. 6. Excess flow valves.

Sec. 5. Automatic and remote-controlled

shut-off valves.

Sec. 4. Offshore gathering pipelines.

Sec. 3. Pipeline damage prevention.

Sec. 2. Civil penalties.

Sec. 1. Incident notification.

Sec. 12. Transportation-related onshore fa-

Sec. 11. Incident notification.

Sec. 10. Leak detection.

Sec. 9. Cast iron gas pipelines.

Sec. 8. Public education and awareness.

Sec. 7. Integrity management.

Sec. 6. Excess flow valves.

Sec. 5. Automatic and remote-controlled

shut-off valves.

Sec. 4. Offshore gathering pipelines.

Sec. 3. Pipeline damage prevention.

Sec. 2. Civil penalties.

Sec. 1. Incident notification.
"(D) any corrective actions required to be taken by the operator to remediate such deficiencies;

"(2) maintains at all times a record of the provisions of each gas emergency response plan pursuant to section 60102(b)(5) of this title and of each hazardous liquid pipeline emergency 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—

(1) proprietary information;

(2) security-sensitive information, including as referenced in section 1520.5(a) of title 49, Code of Federal Regulations;

(3) specific response resources and tactical resource deployment plans; and

(4) 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 Emergency 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 professionally 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.

SEC. 10. LEAK DETECTION.

(1) LEAK DETECTION STUDY UPDATE.—Not later than 1 year after the enactment of this Act, the Secretary of Transportation shall conduct a follow-up survey of the survey conducted under section 60108(d) to determine—

(a) the extent to which each operator has adopted a plan for the safety management and replacement of cast iron pipelines;

(b) the elements of the plan, including the anticipated rate of replacement; and

(c) the progress that has been made.

(2) INTEGRATION.—The Secretary may engage in activities, including as referenced in section 1520.5(a) of title 49, Code of Federal Regulations, to foster development of better technologies, particularly in high consequence areas.

SEC. 11. INCIDENT NOTIFICATION.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall—

(a) prescribe regulations, after notice and 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

(b) review procedures for pipeline operators and the National Response Center to provide for the coordination of designated notification to all relevant emergency response officials and revise such procedures as appropriate.

SEC. 12. TRANSPORTATION-RELATED ONSHORE FACILITY RESPONSE PLAN COMPLIANCE.

SEC. 13. PIPELINE INFRASTRUCTURE DATA COLLECION.

(a) IN GENERAL.—Section 60312(a) is amended—

(1) by striking “and gathering lines”;

(2) by inserting after the term “transportation-related oil flow line” the term “pipeline systems subject to the respective pipeline safety standards and requirements prescried by the Secretary under this chapter”;

SEC. 14. INTERNATIONAL COOPERATION AND CONSULTATION.

(a) IN GENERAL.—Section 60117 is amended by adding at the end the following:

 SEC. 17. ALASKA PROJECT COORDINATION.

(a) IN GENERAL.—Chapter 601, as amended by section 6 of this Act, is further amended by adding at the end the following:

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 to the Committee on Commerce, Science, and Transportation a report describing 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:

SEC. 18. TRANSPORTATION-RELATED OIL FLOW LINK 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.

SEC. 19. 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 and gas pipelines located on the grounds of the well.

SEC. 17. ALASKA PROJECT COORDINATION.

(a) IN GENERAL.—Chapter 601, as amended by section 6 of this Act, is further amended by adding at the end the following:

"(a) ALASKA PROJECT COORDINATION.—The Secretary may provide technical assistance to the State of Alaska for the purposes 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 condition of Alaska;

(3) training inspection and enforcement personnel and consulting on the development and implementation of inspection protocols and necessary programs 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 pipe-
of Alaska, the Joint Pipeline Office, other Federal agencies, and other public and private agencies to carry out the objectives of this section.

(b) GENERAL AMENDMENT.—The table of contents for chapter 601, as amended by section 8 of this Act, is further amended by inserting the following new item:

“80139. 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 the 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 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. The Secretary shall prescribe procedures to collect fees under this section. This authority is in addition to the authority provided in section 6001 of this title, but the Secretary may not use this authority under chapter 6 and section 6001 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 subsection shall be available for obligations of the Secretary authorized to be appropriated for the purposes set forth in this chapter. Fees authorized under this section shall be collected and available for obligations of the Secretary authorized to be appropriated 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:

“(c) ISSUANCE OF WAIVERS.—

“(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 reason. If necessary, the Secretary may modify, suspend, or revoke a waiver after such hearing as the Secretary considers necessary to avoid a significant risk of harm to persons, property, or the environment, 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 modify, suspend, or revoke a waiver if the Secretary determines that the waiver is not consistent with pipeline safety.

“(2) 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 hearing as the Secretary considers necessary if the Secretary determines that the waiver is not consistent with pipeline safety, 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. 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, oil sands, and other energy sources which are able to cause, or which are reasonably expected to cause, harm or which could have a significant adverse effect on the environment and community health and safety, including erroneous information in the application, or any other reason. The Secretary may modify, suspend, or revoke a waiver if the Secretary determines that the waiver is not consistent with pipeline safety.

SEC. 21. CARBON DIOXIDE PIPELINES.
Section 60102(1) is amended to read as follows:

“(1) PIPELINES TRANSPORTING CARBON DIOXIDE.—The Secretary shall prescribe minimum requirements 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, sulfur, 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 pipelines are safely regulated 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.
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 Act 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 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 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 6 months after the date of enactment of this Act, pipeline operators shall submit to the Secretary documentation of all interstate and intrastate gas transmission lines in class 3 and class 4 locations and class 2 high consequence areas where the records required under subsection (a) are not sufficient to confirm the 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 allowable of pressure-limiting control devices to the Secretary not later than 5 working days after the exceedance occurs.

(c) **Determination of maximum allowable operating pressure.**—

(1) **In general.**—For any transmission line reported under subsection (b), the Secretary shall require the operator of the transmission line to take no less than 2 actions to determine the maximum achievable operating pressure as expeditiously as economically feasible.

(2) **Interim actions.**—For cases described in paragraph (1), the Secretary shall 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 6019(f) 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 inspection and, class 2 high consequence areas, to be of equal or greater effectiveness. The Secretary, in consultation with the Chairman of the Federal Energy Regulatory Commission and State pipeline safety regulators, as appropriate, shall establish timeframes for the completion of such testing that take into account consequences to public safety and the environment that minimize costs and service disruptions.

**SEC. 28. ADMINISTRATIVE ENFORCEMENT PROCEDURE.**

(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 6012, 60117, 60118, and 60222 to be convened before a presiding official;

(B) providing the opportunity for any person requesting a hearing under sections 6012, 60117, 60118, and 60222 to arrange for a transcript of that hearing, at the expense of the requesting party;

(C) ensuring expedited review of any order issued pursuant to section 60122(e).

(2) **Presidential regulations.**—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 investigatory 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 60122(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.**—

(1) **Section 60125(b) is amended by striking “2012 through 2013” and inserting “2012 through 2015.”

(2) **Emergency response grants.**—

(1) **Section 60125(b) is amended by striking “2012 through 2013” and inserting “2012 through 2015.”

**SEC. 30. PAYGO COMPLIANCE.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-Go-Act of 2011, 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.
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, and that the preamble be stricken from the motion 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;

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 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.
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.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 18, 2011 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

OCTOBER 19

9:30 a.m.

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine market microstructure, focusing on an examination of Exchange-Traded Funds (ETFs).

SD-538

10 a.m.

Environment and Public Works

Superfund, Toxics and Environmental Health Subcommittee

To hold a joint oversight hearing to examine the Brownfields Program, focusing on cleaning up and rebuilding communities.

SD-406

Health, Education, Labor, and Pensions

Business meeting to consider an original bill entitled “Elementary and Secondary Education Act”, and any pending nominations.

SD-106

Homeland Security and Governmental Affairs

Business meeting to consider S. 1268, to increase the efficiency and effectiveness of the Government by providing for greater interagency experience among national security and homeland security personnel through the development of a national security and homeland security human capital strategy and interagency rotational service by employees, S. 1409, to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending, S. 743, to amend chapter 23 of title 5, United States Code, to enhance the oversight authorities of the Comptroller General, S. 1379, to amend title II, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service, S. 1447, to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, H.R. 1059, to prevent the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, S. 394, to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue semipostal to raise funds for breast cancer research, H.R. 2062, to designate the facility of the United States Postal Service located at 45 Meetinghouse Lane in Sagamore Beach, Massachusetts, as the “Matthew A. Pucino Post Office”, H.R. 2149, to designate the facility of the United States Postal Service located at 4554 Pahoa Avenue, Hawaii, as the “Cecil L. Hetzel Post Office Building”, H.R. 1975, to designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the “First Lieutenant Oliver Goodall Post Office Building”, S. 1412, to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn Massachusetts, as the “Officer John Maguire Post Office”, H.R. 1843, to designate the facility of the United States Postal Service located at 489 Army Drive in Barrigada, Guam, as the “John Pangelinan Gerber Post Office Building”, and the nominations of Ronald David McCray, of Texas, to be a Member of the Federal Retirement Thrift Investment Board, Corinne Ann Beckwith, and Catharine Friend Easterly, both to be an Associate Judge of the District of Columbia Court of Appeals, and Ernest Mitchell, Jr., of California, to be Administrator of the United States Fire Administration, Federal Emergency Management Agency, Department of Homeland Security.

SD-342

JUDICIARY

To hold an oversight hearing to examine the Department of Homeland Security.

SD-226

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine concessions and the marketing of sports equipment.

SR-253

JUDICIARY

To hold hearings to examine the nominations of Michael E. Horowitz, of Maryland, to be Inspector General, Department of Justice, and Suzie Morgan, to be United States District Judge for the Eastern District of Louisiana.

SD-226

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 544, to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, S. 1083, to amend the National Trails System Act to designate the route of the Smoky Hill Trail, an overland trail across the Great Plains during pioneer days in Kansas and Colorado, for study for potential addition to the National Trails System, S. 1084, to amend the National Trails System Act to designate the routes of the Shawnee Cattle Trail, the oldest of the major Texas Cattle Trails, for study for potential addition to the National Trails System, S. 1303, to authorize the Secretary of the Interior to establish Port Monroe National Historical Park in the Commonwealth of Virginia, S. 1325, to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, S. 1347, to authorize the Secretary of the Interior to establish Colvisville National Historical Park in the State of Connecticut, S. 1421, to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, S. 1478, to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and S. 1597, to authorize the Secretary of the Interior to accept from the Board of Directors of the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc., the donation of title to The National September 11 Memorial and Museum at the World Trade Center.

SD-366

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine the final report of the Commission on Wartime Contracting in Iraq and Afghanistan.

SR-232A

United States Senate Caucus on International Narcotics Control

To hold hearings to examine United States-Andean security cooperation.

SD-562

OCTOBER 20

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine housing finance reform, focusing on continuation of the 30-year fixed-rate mortgage.

SD-538

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Foreign Relations
To receive a closed briefing on United States military deployment to Central Africa.

Judiciary
Business meeting to consider S. 75, to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer’s product or service cannot be sold violates the Sherman Act, and the nominations of Stephanie Dawn Thacker, of West Virginia, to be United States Circuit Judge for the Fourth Circuit, Michael Walter Fitzgerald, to be United States District Judge for the Central District of California, Ronnie Abrams, to be United States District Judge for the Southern District of New York, Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia, and Miranda Du, to be United States District Judge for the District of Nevada.

10:30 a.m.  Homeland Security and Governmental Affairs
Disaster Recovery and Intergovernmental Affairs Subcommittee
To hold hearings to examine accountability at the Federal Emergency Management Agency (FEMA).

2 p.m.  Banking, Housing, and Urban Affairs
Security and International Trade and Finance Subcommittee
To hold hearings to examine the Group of Twenty (G20) and global economic and financial risks.

2:15 p.m.  Indian Affairs
Business meeting to consider S. 1262, to improve Indian education; to be immediately followed by a hearing to examine S. 134, to authorize the Mescalero Apache Tribe to lease adjudicated water rights, S. 599, to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, S. 1296, to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium, S. 1327, to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation, and S. 1345, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydroelectric power by the Grand Coulee Dam.

2:30 p.m.  Energy and Natural Resources
Water and Power Subcommittee
To hold an oversight hearing to examine shale gas production and water resources in the Eastern United States.

NOVEMBER 3
9 a.m.  Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold closed hearings to examine speculation and compliance with the “Dodd-Frank Act”.

SH–219
SD–538
SD–226
SD–628
SD–342
SD–366
Monday, October 17, 2011

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6565–S6622

Measures Introduced: Thirteen bills and two resolutions were introduced, as follows: S. 1714–1726, and S. Res. 294–295.

Page S6600

Measures Reported:

H.R. 368, 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.

H.R. 394, to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, with amendments.

H.R. 2633, 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.

S. 473, to extend the chemical facility security program of the Department of Homeland Security, with amendments.

S. 1014, to provide for additional Federal district judgeships, with amendments.

S. 1636, to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts.

S. 1637, to clarify appeal time limits in civil actions to which United States officers or employees are parties.

Page S6600

Measures Passed:


Page S6600

Pipeline Transportation Safety Improvement Act: Senate passed 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, after agreeing to the committee amendment in the nature of a substitute, and the following amendments proposed thereto:

Reid (for Rockefeller) Amendment No. 783, to include the statutorily required PAYGO language.

Reid (for Paul) Amendment No. 784, to provide for testing to confirm the material strength of previously untested natural gas transmission pipelines located in certain areas, and to update fiscal year references.

Chesapeake and Delaware Canal 182nd Anniversary: Senate agreed to S. Res. 294, commemorating the 182nd anniversary of the opening of the Chesapeake and Delaware Canal.

Day of the Deployed: Senate agreed to S. Res. 295, designating October 26, 2011, as “Day of the Deployed”.

Page S6621

Measures Considered:

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act—Agreement: Senate began consideration of 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, after withdrawing the committee reported amendment, and taking action on the following amendments proposed thereto:

Pages S6575–82, S6587–90

Pending:

Reid (for Inouye) Amendment No. 738, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012.

Page S6575

Reid (for Webb) Amendment No. 750 (to Amendment No. 738), to establish the National Criminal Justice Commission.

Page S6575

Kohl Amendment No. 755 (to Amendment No. 738), to require a report on plans to implement reductions to certain salaries and expenses accounts.

Pages S6577–82

Cornyn Amendment No. 775 (to Amendment No. 738), to prohibit funding for Operation Fast and Furious or similar “gun walking” programs. Page S6587
Durbin (for Murray) Amendment No. 772 (to Amendment No. 738), to strike a section providing for certain exemptions from environmental requirements for the reconstruction of highway facilities damaged by natural disasters or emergencies.

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 11 a.m., on Tuesday, October 18, 2011.

Nomination Confirmed: Senate confirmed the following nomination:

By 82 yeas 3 nays (Vote No. EX. 166), Cathy Bissoon, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Nominations Received: Senate received the following nominations:

Sharon English Woods Villarosa, of Texas, to be Ambassador to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador to the Republic of Seychelles.

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.

Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit.

Grande Lum, of California, to be Director, Community Relations Service, for a term of four years.

Messages from the House: Pages S6599–S6600

Measures Referred:

Measures Read the First Time: Pages S6600, S6621, S6622

Additional Cosponsors: Pages S6600–01

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Notices of Intent:

Privileges of the Floor:

Record Votes: One record vote was taken today. (Total—166)

Adjournment: Senate convened at 2 p.m. and adjourned at 7:22 p.m., until 10 a.m. on Tuesday, October 18, 2011. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S6622.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet at 11 a.m. on Tuesday, October 18, 2011 in pro forma session.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1078)

H.R. 771, to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the “Schertz Veterans Post Office”. Signed on October 12, 2011. (Public Law 112–38)

H.R. 1632, to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the “Sergeant Chris Davis Post Office”. Signed on October 12, 2011. (Public Law 112–39)

COMMITTEE MEETINGS FOR TUESDAY, OCTOBER 18, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security, to hold hearings
to examine pipeline safety since San Bruno and other recent incidents, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine the status of response capability and readiness for oil spills in foreign Outer Continental Shelf waters adjacent to United States waters, 10 a.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine a review of the 2011 floods and the condition of the nation’s flood control systems, 10 a.m., SD–406.

Committee on Finance: to hold hearings to examine tax reform options, focusing on incentives for charitable giving, 10 a.m., SD–215.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Primary Health and Aging, to hold hearings to examine the recession and older Americans, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine ten years after 9/11 and the anthrax attacks, focusing on protecting against biological threats, 10 a.m., SD–342.

Committee on Small Business and Entrepreneurship: to hold hearings to examine the “Small Business Jobs Act of 2010”, one year later, 10 a.m., SD–192.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

No hearings are scheduled.
Next Meeting of the SENATE
10 a.m., Tuesday, October 18

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of H.R. 2112, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
11 a.m., Tuesday, October 18

House Chamber

Program for Tuesday: The House will meet in pro forma session at 11 a.m.