

SA 814. Mr. CRAPO (for himself, Mr. JOHANNIS, Mr. SHELBY, Mr. TOOMEY, Mr. MORAN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 815. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 816. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra.

SA 817. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 818. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 819. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 820. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 821. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 822. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 823. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 824. 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 825. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 826. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 827. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 828. Mr. UDALL of Colorado submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 829. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 830. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 831. Mr. BINGAMAN submitted an amendment intended to be proposed to

amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 832. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 833. Mr. COBURN 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 834. Mr. PAUL 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 835. Mr. PAUL (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 836. Mr. LAUTENBERG (for himself, Mr. SANDERS, Mr. MENENDEZ, and Mrs. GILLIBRAND) 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 837. Mr. SCHUMER (for himself and Mrs. GILLIBRAND) 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 838. Mrs. GILLIBRAND (for herself and Mr. SCHUMER) 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 839. Mr. CONRAD (for himself, Mr. LEAHY, Mr. SANDERS, Mrs. GILLIBRAND, Mr. HOEVEN, Mr. MENENDEZ, and Mr. LAUTENBERG) 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 840. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 841. Mr. TESTER 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 842. Mr. PAUL 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 843. Mr. HELLER 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 844. Mr. HATCH (for himself, Mr. MORAN, Mr. INHOFE, Mr. ISAKSON, Mr. CHAMBLISS, Ms. AYOTTE, Mr. HOEVEN, Mr. SHELBY, Mr. NELSON of Nebraska, and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 845. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 846. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 847. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 848. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 849. Mr. RUBIO (for himself, Mr. WICKER, Mr. NELSON of Florida, Ms. LANDRIEU, and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 850. Mr. DURBIN 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 851. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 852. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 853. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 854. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 855. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 856. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 857. Mr. MENENDEZ (for himself, Mr. ISAKSON, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 785. Mrs. FEINSTEIN 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 83, between lines 20 and 21, insert the following:

SEC. . FOOD DONATION PROGRAM.

Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following:

“(1) FOOD DONATION PROGRAM.—

“(1) IN GENERAL.—Each school and local educational agency participating in the school lunch program under this Act may donate any food not consumed under such program to eligible local food banks or charitable organizations.

“(2) GUIDANCE.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall develop and publish guidance to schools and local educational agencies participating in the school lunch program under this Act to assist such schools and local educational agencies in donating food under this subsection.

“(B) UPDATES.—The Secretary shall update such guidance as necessary.

“(3) LIABILITY.—Any school or local educational agency making donations pursuant to this subsection shall be exempt from civil

and criminal liability to the extent provided under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

“(4) DEFINITION.—In this subsection, the term ‘eligible local food banks or charitable organizations’ means any food bank or charitable organization which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).”

SA 786. Mr. BEGICH (for himself and 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:

At the end of the amendment, insert the following:

SEC. —. AUTHORITY TO CONDUCT INTER-STATE FIREARMS TRANSACTIONS.

(a) FIREARMS DISPOSITIONS.—Section 922(b)(3)(A) of title 18, United States Code, is amended—

(1) by striking “rifle or shotgun” and inserting “firearm”;

(2) by striking “located” and inserting “located or temporarily located”; and

(3) by striking “both such States” and inserting “the State in which the transfer is conducted and the State of residence of the transferee”.

(b) DEALER LOCATION.—Section 923 of such title is amended—

(1) in subsection (j)—

(A) in the first sentence, by striking “, and such location is in the State which is specified on the license”; and

(B) in the last sentence—

(i) by inserting “transfer,” after “sell,”; and

(ii) by striking all that follows “Act” and inserting a period; and

(2) by adding at the end the following:

“(m) Nothing in this chapter shall be construed to prohibit the sale, transfer, delivery, or other disposition of a firearm or ammunition—

“(1) by a person licensed under this chapter to another person so licensed, at any location in any State; or

“(2) by a licensed importer, licensed manufacturer, or licensed dealer to a person not licensed under this chapter, at a temporary location described in subsection (j) in any State.”

(c) RESIDENCE OF UNITED STATES OFFICERS.—Section 921 of such title is amended by striking subsection (b) and inserting the following:

“(b) For purposes of this chapter:

“(1) A member of the Armed Forces on active duty is a resident of—

“(A) the State in which the member maintains legal residence;

“(B) the State in which the permanent duty station of the member is located; and

“(C) the State in which the member maintains a place of abode from which the member commutes each day to the permanent duty station.

“(2) An officer or employee of the United States (other than a member of the Armed Forces) stationed outside the United States for a period exceeding one year is a resident of the State in which the member maintains legal residence.”

SA 787. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 750 proposed by Mr. REID (for Mr. WEBB) to the amendment SA 738 proposed by Mr. INOUE 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 the amendment, insert the following:

(i) ADDITIONAL REVIEW.—The review required by subsection (c) shall include an examination of all grant programs administered by the Department of Justice, Department of Homeland Security, Department of Health and Human Services, Department of Labor, and the Department of Education that are related to criminal justice, corrections, drug prevention, rehabilitation, and treatment to—

(1) examine the extent to which the grant programs administered by these agencies could be consolidated to ensure that taxpayer dollars are not wasted administering similar programs among different Federal agencies; and

(2) analyze the potential benefits of consolidating programs administered by these agencies.

(j) TERRORISM EXPENSES.—The Commission shall have no authority to recommend a reduction, modification, or other adjustment to the sentence of any Federal or state prisoner serving a criminal sentence for a terrorism offense.

SA 788. Mr. GRASSLEY 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 of title II of division B, insert the following:

SEC. 218. The Office of Professional Responsibility at the Department of Justice and the Office of Professional Responsibility at the Federal Bureau of Investigation (referred to in this section as the “Office”) shall issue a report to Congress, annually, that includes the following:

(1) A factual summary of each individual action taken by the Office against an employee.

(2) A summary of the allegations of wrongdoing, and the findings of the Office.

(3) Any action taken against an employee, including punishments, terminations, demotions, letters of reprimand, or any dismissal of a complaint of allegation of wrongdoing.

(4) Any appeal of an action and whether the finding of the Office was upheld on appeal or overturned.

(5) A summary of the reason any appeal is upheld or overturned.

(6) A breakdown of the costs associated with investigating and adjudicating complaints.

SA 789. Mr. GRASSLEY 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 of title II of division B, insert the following:

SEC. 218. (a) OVERSIGHT OF DEPARTMENT OF JUSTICE PROGRAMS.—All grants awarded by

the Attorney General using funds made available under this Act shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—Beginning in fiscal year 2012, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct an audit of not fewer than 10 percent of all recipients of grants using funds made available under this Act to prevent waste, fraud, and abuse of funds by grantees.

(2) MANDATORY EXCLUSION.—A recipient of a grant awarded by the Attorney General using funds made available under this Act that is found to have an unresolved audit finding shall not be eligible to receive any grant funds under a grant program administered by the Attorney General during the 2 fiscal years beginning after the 6-month period described in paragraph (5).

(3) PRIORITY.—In awarding grants using funds made available under this Act, the Attorney General shall give priority to eligible entities that, during the 3 fiscal years before submitting an application for a grant, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.

(4) REIMBURSEMENT.—If an entity is awarded grant funds by the Attorney General using funds made available under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

(A) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(5) DEFINED TERM.—In this subsection, the term “unresolved audit finding” means an audit report finding, statement, or recommendation that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 6-month period beginning on the date of an initial notification of the finding or recommendation.

(6) MATCHING REQUIREMENT.—

(A) IN GENERAL.—Unless otherwise explicitly provided in authorizing legislation, no funds may be expended for grants to non-Federal entities until a 25 percent non-Federal match has been secured by the grantee to carry out this subsection.

(B) CASH REQUIREMENT.—Not less than 60 percent of the matching requirement described in subparagraph (A) shall be in cash.

(C) IN-KIND CONTRIBUTIONS.—No more than 40 percent of the matching requirement described in subparagraph (A) may be in-kind contributions. In this subparagraph, the term “in-kind contributions” means legal or other related professional services and office space that directly relate to the purpose for which the grant was awarded.

(7) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this section and the grant programs described in this Act, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General may not award a grant using funds made available under this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant using funds made available under this Act and uses the

procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(8) ADMINISTRATIVE EXPENSES.—Unless otherwise explicitly provided in authorizing legislation, not more than 8 percent of the amounts appropriated under this Act may be used by the Attorney General for salaries and administrative expenses of the Department of Justice.

(9) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts appropriated to the Department of Justice under title II of division B of this Act may be used by the Attorney General, or by any individual or organization awarded funds under this Act, to host or support any expenditure for conferences, unless the Deputy Attorney General or the appropriate Assistant Attorney General provides prior written authorization that the funds may be expended to host a conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) may not be delegated and shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved and denied.

(10) PROHIBITION ON LOBBYING ACTIVITY.—

(A) IN GENERAL.—Amounts appropriated under this Act may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of the Federal Government or a State, local, or tribal government regarding the award of grant funding.

(B) PENALTY.—If the Attorney General determines that any recipient of a grant under this Act has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years.

(11) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, the Assistant Attorney General for the Office of Justice Programs, the Director of the Office on Violence Against Women, and the Director of the Office of Community Oriented Policing Services shall submit, to Committee on the Judiciary of the Senate, the Committee on Appropriations of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Appropriations of the House of Representatives, an annual certification that—

(A) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the Assistant Attorney General for the Office of Justice Programs;

(B) all mandatory exclusions required under paragraph (2) have been issued;

(C) all reimbursements required under paragraph (4) have been made; and

(D) includes a list of any grant recipients excluded under paragraph (2) from the previous year.

(b) LIMITATION ON USE OF FUNDS; TRANSFER OF FUNDS.—Notwithstanding any other provision of this Act—

(1) none of the funds made available under title II of division B of this Act may be used for the Office of Legal Policy;

(2) of the amount appropriated—

(A) under the heading “SALARIES AND EXPENSES” under the heading “GENERAL ADMINISTRATION” under title II of division B of this Act, \$5,000,000 shall be transferred to the Office of the Inspector General; and

(B) under the heading “RESEARCH, EVALUATION, AND STATISTICS” under the heading “OFFICE OF JUSTICE PROGRAMS” under title II of division B of this Act, \$5,000,000 shall be transferred to the Office of the Inspector General; and

(3) amounts transferred to the Office of the Inspector General under paragraph (2) shall be used to conduct the audits described in subsection (a).

SA 790. Mr. GRASSLEY 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 of title II of division B, insert the following:

SEC. 218. (a) CAP ON DEPARTMENT OF JUSTICE CONFERENCE SPENDING.—Of the amounts made available to the Department of Justice under this Act, not more than \$45,000,000 may be used by the Department of Justice for the purpose of hosting, funding, or otherwise facilitating any conference held by the Department of Justice or any other entity.

(b) LIMITATION.—None of the funds made available to the Department of Justice under this Act may be used by the Attorney General, or by any individual or organization awarded funds made available under this Act, to host or support any expenditure for a conference, unless the Deputy Attorney General or the appropriate Assistant Attorney General provides prior written authorization that such funds may be expended to host the conference.

(c) WRITTEN AUTHORIZATION.—

(1) AUTHORITY.—The authority to provide a written authorization described in subsection may not be delegated.

(2) CONTENTS.—A written authorization described in subsection (b) shall include a written estimate of all costs associated with the conference being approved, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(d) ANNUAL REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures that are approved and denied during the fiscal year covered by the report.

SA 791. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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 by the Secretary of Agriculture to provide direct payments under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to any person or legal entity that has an average adjusted gross income (as defined in section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a)) in excess of \$1,000,000.

SA 792. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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. ____ The Secretary of Housing and Urban Development may not make a payment to any person or entity with respect to a property assisted or insured under a program of the Department of Housing and Urban Development that—

(a) on the date of enactment of this Act, is designated as “troubled” on the Online Property Integrated Information System for “life threatening deficiencies” or “poor” physical condition; and

(b) has been designated as “troubled” on the Online Property Integrated Information System at least once during the 5-year period ending on the date of enactment of this Act.

SA 793. Mr. COBURN 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, after line 2 insert the following:

SEC. ____ The provisions of sections 517(c), 531, and 538 shall apply to all agencies and departments funded by divisions A, B, and C.

SA 794. Mr. COBURN 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. ____ (a) Each fiscal year, for purposes of the report required by subsection (b), the head of each agency shall—

(1) identify and describe every program administered by the agency;

(2) for each such program—

(A) determine the total administrative expenses of the program;

(B) determine the expenditures for services for the program;

(C) estimate the number of clients served by the program and beneficiaries who received assistance under the program (if applicable); and

(D) estimate—

(i) the number of full-time employees who administer the program; and

(ii) the number of full-time equivalents (whose salary is paid in part or full by the Federal Government through a grant, contract, subaward of a grant or contract, cooperative agreement, or other form of financial award or assistance) who assist in administering the program; and

(3) identify programs within the Federal Government (whether inside or outside the agency) with duplicative or overlapping missions, services, and allowable uses of funds.

(b) With respect to the requirements of subsections (a)(1) and (a)(2)(B), the head of an agency may use the same information provided in the catalog of domestic and international assistance programs in the case of any program that is a domestic or international assistance program.

(c) Not later than February 1 of each fiscal year, the head of each agency shall publish on the official public website of the agency a report containing the following:

(1) The information required under subsection (a) with respect to the preceding fiscal year.

(2) The latest performance reviews (including the program performance reports required under section 1116 of title 31, United States Code) of each program of the agency identified under subsection (a)(1), including performance indicators, performance goals, output measures, and other specific metrics used to review the program and how the program performed on each.

(3) For each program that makes payments, the latest improper payment rate of the program and the total estimated amount of improper payments, including fraudulent payments and overpayments.

(4) The total amount of unspent and unobligated program funds held by the agency and grant recipients (not including individuals) stated as an amount—

(A) held as of the beginning of the fiscal year in which the report is submitted; and

(B) held for five fiscal years or more.

(5) Such recommendations as the head of the agency considers appropriate—

(A) to consolidate programs that are duplicative or overlapping;

(B) to eliminate waste and inefficiency; and

(C) to terminate lower priority, outdated, and unnecessary programs and initiatives.

(d) In this section:

(1) The term “administrative costs” has the meaning as determined by the Director of the Office of Management and Budget under section 504(b)(2) of Public Law 111-85 (31 U.S.C. 1105 note), except the term shall also include, for purposes of that section and this section, with respect to an agency—

(A) costs incurred by the agency as well as costs incurred by grantees, subgrantees, and other recipients of funds from a grant program or other program administered by the agency; and

(B) expenses related to personnel salaries and benefits, property management, travel, program management, promotion, reviews and audits, case management, and communication about, promotion of, and outreach for programs and program activities administered by the agency.

(2) The term “services” has the meaning provided by the Director of the Office of Management and Budget and shall be limited to only activities, assistance, and aid that provide a direct benefit to a recipient, such as the provision of medical care, assistance for housing or tuition, or financial support (including grants and loans).

(3) The term “agency” has the same meaning given that term in section 551(1) of title 5, United States Code, except that the term also includes offices in the legislative branch

other than the Government Accountability Office.

(4) The terms “performance indicator”, “performance goal”, “output measure”, and “program activity” have the meanings provided by section 1115 of title 31, United States Code.

(5) The term “program” has the meaning provided by the Director of the Office of Management and Budget and shall include, with respect to an agency, any organized set of activities directed toward a common purpose or goal undertaken by the agency that includes services, projects, processes, or financial or other forms of assistance, including grants, contracts, cooperative agreements, compacts loans, leases, technical support, consultation, or other guidance.

(e)(1)(A) Section 6101 of title 31, United States Code, is amended by adding at the end the following:

“(7) The term ‘international assistance’ has the meaning provided by the Director of the Office of Management and Budget and shall include, with respect to an agency, assistance including grants, contracts, compacts, loans, leases, and other financial and technical support to—

“(A) foreign nations;

“(B) international organizations;

“(C) services provided by programs administered by any agency outside of the territory of the United States; and

“(D) services funded by any agency provided in foreign nations or outside of the territory of the United States by non-governmental organizations and entities.

“(8) The term ‘assistance program’ means each of the following:

“(A) A domestic assistance program.

“(B) An international assistance program.”.

(B)(i) Section 6102 of title 31, United States Code, is amended—

(I) in subsection (a), in the matter preceding paragraph (1), by striking “domestic” both places it appears; and

(II) in subsection (b), by striking “domestic”.

(ii) Section 6104 of title 31, United States Code, is amended—

(I) in subsections (a) and (b), by inserting “and international assistance” after “domestic assistance” each place it appears; and

(II) in the section heading, by inserting “and international” after “domestic”.

(f) Section 6104(b) of title 31, United States Code, is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(4) the information required in paragraphs (1) through (4) of section 419(a) of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012;

“(5) the budget function or functions applicable to each assistance program contained in the catalog;

“(6) with respect to each assistance program in the catalog, an electronic link to the annual report required under section 419(b) of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012, by the agency that carries out the assistance program; and

“(7) the authorization and appropriation amount provided by law for each assistance program in the catalog in the current fiscal year, and a notation if the program is not authorized in the current year, has not been authorized in law, or does not receive a specific line item appropriation.”.

(g) Section 6104 of title 31, United States Code, is further amended by adding at the end the following new subsection:

“(e) COMPLIANCE.—On the website of the catalog of Federal domestic and international assistance information, the Administrator shall provide the following:

“(1) CONTACT INFORMATION.—The title and contact information for the person in each agency responsible for the implementation, compliance, and quality of the data in the catalog.

“(2) REPORT.—An annual report compiled by the Administrator of domestic assistance programs, international assistance programs, and agencies with respect to which the requirements of this chapter are not met.”.

(h) Section 6103 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(d) BULK DOWNLOADS.—The information in the catalog of domestic and international assistance under section 6104 of this title shall be available on a regular basis through bulk downloads from the website of the catalog.”.

(i) Section 6101(2) of title 31, United States Code, is amended by inserting before the period at the end the following: “except such term also includes offices in the legislative branch other than the Government Accountability Office”.

(j)(1) Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe regulations to implement this section.

(2) This section shall be implemented beginning with the first full fiscal year occurring after the date of the enactment of this Act.

SA 795. Mr. COBURN 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. ____ The Secretary of Housing and Urban Development—

(1) shall cancel any funding obligated for a construction or renovation project for which the Department of Housing and Urban Development committed to provide \$50,000 or more that—

(A) commenced before the date that is 5 years before the date of enactment of this Act;

(B) is not complete;

(C) did not draw funds against a Department of Housing and Urban Development account during the 18-month period ending on the date of enactment of this Act;

(D) on the date of enactment of this Act, is vacant and has not been sold or leased; or

(E) has not drawn funds against a Department of Housing and Urban Development account, if, on the date of enactment of this Act, funds have been obligated for the project for more than 1 year;

(2) may not provide any funding on or after the date of enactment of this Act for a project described in paragraph (1); and

(3) shall transfer any funds debilitated under paragraph (1) or made available to carry out a project described in paragraph (1) to the general fund of the Treasury and are hereby rescinded.

SA 796. Mr. COBURN 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. _____. A person or entity that receives a Federal loan using amounts made available under division A, division B, or division C of this Act may not repay the loan using a Federal grant or other award funded with amounts made available under division A, division B, or division C of this Act; *Provided further*, a grant or other award funded with amounts made available under division A, division B, or division C of this Act may not be used to repay a Federal loan.

SA 797. Mr. COBURN 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. _____. (a) Except as provided in subsection (b), none of the funds made available by this Act or an amendment made by this Act may be used to pay for renovation projects that have not commenced as of the date of enactment of this Act (including renovation projects for which plans have been created, but for which physical renovation has not begun) to any Federal building or office space in existence on the date of enactment of this Act, or for the purchase, execution of a leasing agreement, or construction of any Federal building or office space that has not commenced as of the date of enactment of this Act (including construction or purchase or lease agreements for which plans have been established, but for which physical construction has not begun or an agreement has not been executed).

(b) Subsection (a) shall not apply to the renovation of, purchase of, leasing agreement for, or construction of (including renovation, construction, or purchase or leasing agreements for which plans have been established, but for which physical renovation or construction has not begun or an agreement has not been executed) any Federal building or office space needed to address a safety or national security issue.

SA 798. Mr. COBURN 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. _____. Notwithstanding section 701, none of the funds made available by this Act may be used to purchase new passenger motor vehicles.

SA 799. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administra-

tion, 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 under this Act may be used to carry out 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): *Provided further*, any funds appropriated by this Act for this purpose are hereby rescinded.

SA 800. Mr. COBURN 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. _____. Notwithstanding any other provision of this Act, the total amount of funds made available under this title to the Rural Development Agency are reduced by \$1,000,000,000, to be applied proportionally to each budget activity, activity group, and subactivity group and each program, project, and activity of the Rural Development Agency carried out under this title.

SA 801. Mr. COBURN 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 226, strikes lines 1 through 5, and insert “and not less than \$29,250,000 shall be for Airport Technology Research: *Provided further*, no funds made available under this Act may be used to carry out the Small Community Air Service Development Program.”

SA 802. Mr. HELLER 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, insert the following:
SEC. _____. **RESCISSION OF UNOBLIGATED BALANCES.**

(a) IN GENERAL.—

(1) RESCISSION.—Any unobligated balances of discretionary appropriations made prior to fiscal year 2010 for accounts in divisions A, B, or C are rescinded effective October 1, 2012 and shall be used to reduce the deficit.

(2) EXCEPTION.—Paragraph (1) shall not apply to appropriation accounts or subgroup accounts that are designated as emergencies.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall determine which appropriation accounts the rescission under subsection (a) shall apply to and the amount that each such account shall be reduced by pursuant to such rescission.

(2) REPORT.—Not later than 60 days after the date of enactment of this section, the Di-

rector of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress listing the accounts reduced by the rescission in subsection (a) and the amounts rescinded from each such account.

SA 803. Mr. HELLER 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, insert the following:

TITLE _____—NO BUDGET, NO PAY ACT

SEC. 01. SHORT TITLE.

This title may be cited as the “No Budget, No Pay Act”.

SEC. 02. DEFINITION.

In this title, the term “Member of Congress”—

(1) has the meaning given under section 2106 of title 5, United States Code; and

(2) does not include the Vice President.

SEC. 03. TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET.

If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year.

SEC. 04. NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairperson of the Committee on the Budget of the Senate or the Chairperson of the Committee on the Budget of the House of Representatives under section 05.

(b) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairperson of the Committee on the Budget of the Senate or the Chairperson of the Committee on the Budget of the House of Representatives under section 05, at any time after the end of that period.

SEC. 05. DETERMINATIONS.

(a) SENATE.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairperson of the Committee on the Budget of the Senate for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the Senate shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 04 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 04; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Secretary of the Senate.

(b) HOUSE OF REPRESENTATIVES.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative

Officer of the House of Representatives shall submit a request to the Chairperson of the Committee on the Budget of the House of Representatives for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the House of Representatives shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 04 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 04; and

(C) provide timely certification of the determinations under subparagraph (A) and (B) upon the request of the Chief Administrative Officer of the House of Representatives.

SEC. 06. EFFECTIVE DATE.

This title shall take effect on February 1, 2013.

SA 804. Ms. COLLINS (for herself, Mr. UDALL of Colorado, Mr. CRAPO, Mr. RISCH, Ms. SNOWE, Ms. AYOTTE, Mr. JOHANNIS, Mr. NELSON of Nebraska, Mr. HOEVEN, Ms. MURKOWSKI, Mr. JOHNSON of Wisconsin, and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; as follows:

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

SEC. __. None of the funds made available by this Act may be used to implement an interim final or final rule that—

(1) sets any maximum limits on the serving of vegetables in school meal programs established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

(2) is inconsistent with the recommendations of the most recent Dietary Guidelines for Americans for vegetables.

SA 805. Mr. COCHRAN 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 49, line 15, before the period at the end insert “: *Provided*, That up to \$2,000,000,000 shall be used for the construction, acquisition, or improvement of fossil-fueled electric generating plants (whether new or existing) that utilize carbon sequestration systems”.

SA 806. Mrs. HUTCHISON 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 365, line 8, strike “10,000” and insert “20,000”.

SA 807. Mr. ROBERTS (for himself, Mr. JOHANNIS, Mr. BOOZMAN, Mr. LUGAR,

Mr. CHAMBLISS, Mr. INHOFE, Mr. THUNE, Mr. MORAN, Mr. BARRASSO, Mr. CRAPO, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. 7 __. (a) USE OF AUTHORIZED PESTICIDES.—Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

“(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under that Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of the pesticide.”.

(b) DISCHARGES OF PESTICIDES.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) DISCHARGES OF PESTICIDES.—

“(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), or the residue of such a pesticide, resulting from the application of the pesticide.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

“(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—

“(i) the discharge would not have occurred but for the violation; or

“(ii) the quantity of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

“(B) Stormwater discharges subject to regulation under subsection (p).

“(C) The following discharges subject to regulation under this section:

“(i) Manufacturing or industrial effluent.

“(ii) Treatment works effluent.

“(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.”.

SA 808. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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 6, line 8, strike “\$28,165,000” and insert “\$20,165,000”.

On page 7, line 14, strike “\$8,105,000” and insert “\$7,105,000”.

On page 7, line 18, strike “\$84,121,000” and insert “\$83,121,000”.

On page 76, line strike lines 13 through 15 and insert the following:

(2) The Watershed Rehabilitation program authorized by section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), in excess of \$10,000,000;

SA 809. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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 251, strike line 8 and insert “agreement, shall not be required to repay grant amounts received in error under such sections and, in addition, shall be reimbursed for core or expanded deployment expenditures such States made before the date of the enactment of this Act in reliance on a grant awarded in error under such sections.”.

SA 810. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. __. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) in any manner that permits a household or individual to qualify for benefits under that program without qualifying under the specific eligibility standards (including income and assets requirements) of the program, regardless of the participation of the household or individual in any other Federal or State program.

SA 811. Mr. SESSIONS 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 the amendment, insert the following:

SEC. __. NO CHANGES IN MANDATORY PROGRAMS IN APPROPRIATION BILLS.

Section 302(f)(2) of the Congressional Budget Act of 1974 is amended to read as follows:

“(2) IN THE SENATE.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill or joint resolution, amendment, motion, or conference report that—

“(A)(i) in the case of any committee except the Committee on Appropriations, would cause the applicable allocation of new budget authority or outlays under subsection (a) for the first fiscal year or the total of fiscal years to be exceeded; or

“(ii) in the case of the Committee on Appropriations, would cause the applicable sub-allocation of new budget authority or outlays under subsection (b) to be exceeded; or

“(B) includes one or more provisions that would have been estimated as affecting direct spending or receipts under section 252 of

the Balanced Budget and Emergency Deficit Control Act of 1985 were they included in legislation other than appropriations legislation, if such provision does not result in net outlay savings over the total of the period of the current year, the budget year, and all fiscal years covered under the most recently adopted concurrent resolution on the budget.”.

SA 812. Mr. SESSIONS (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. No funds appropriated, or otherwise made available, under this Act may be used by the Director of the United States Patent and Trademark Office to carry out section 37 of the Leahy-Smith America Invents Act (35 U.S.C. 156 note), including the flush sentence added to section 156(d)(1) of title 35, United States Code, by such section 37.

SA 813. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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 147, line 7, strike the period at the end and insert “: *Provided further*, That no jurisdiction shall receive compensation from the amount made available by this paragraph if the jurisdiction has a custom, practice, policy, legislative provision, or ordinance that results in the jurisdiction failing or refusing to comply with immigration detainers issued by U.S. Immigration and Customs Enforcement.”.

SA 814. Mr. CRAPO (for himself, Mr. JOHANNIS, Mr. SHELBY, Mr. TOOMEY, Mr. MORAN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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 by the Commodity Futures Trading Commission—

(1) to promulgate any final rules under the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203; 124 Stat. 1376) (including under any law amended by that Act) or the Commodity Exchange Act (7 U.S.C. 1 et seq.), until the Commodity Futures Trading Commission, jointly with the Securities and Exchange Commission and the prudential regulators (as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a))—

(A) has, pursuant to the notice and comment provisions of section 553 of title 5,

United States Code, adopted an implementation schedule for title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8301 et seq.) (including amendments made by that title) (referred to in this section as “the title”) that sets forth a schedule for the publication of final rules required by the title that—

(i) begins with the publication of the rules required under section 712(d)(1) of that Act (15 U.S.C. 8302); and

(ii) includes provisions that require a rulemaking and provisions that do not require a rulemaking; and

(B) has completed and submitted to Congress an analysis that includes—

(i) a quantitative analysis of the effects of the title on United States economic growth and job creation;

(ii) an assessment of the implications of the title for cross-border activity by, and international competitiveness of, United States financial institutions, companies, and investors;

(iii) an assessment of whether and how the definitional, clearing, trading, reporting, recordkeeping, real-time reporting, registration, capital, margin, business conduct, position limits, and other requirements of the title work together, and how those requirements affect market depth and liquidity;

(iv) an assessment of the implications of any lack of harmonization by the Securities and Exchange Commission, the Commodity Futures Trading Commission, and the prudential regulators with respect to the timing and the substance of the rules of those entities; and

(v) an analysis of the progress of members of the Group of 20 and other countries toward implementing derivatives regulatory reform, including material differences in the schedule for implementation (as well as material differences in definitions, clearing, trading, reporting, registration, capital, margin, business conduct, and position limits) and the possible and likely effects on United States competitiveness, market liquidity, and financial stability; or

(2) to further define the terms—

(A) “swap” and “security-based swap” to include—

(i) for purposes of section 4s(e) of the Commodity Exchange Act (7 U.S.C. 6s(e)) and section 15F(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-10(e)), an agreement, contract, or transaction that would otherwise be a swap or security-based swap, in which 1 of the counterparties is not—

(I) a swap dealer or major swap participant;

(II) an investment fund that—

(aa) has issued securities (other than debt securities) to more than 5 unaffiliated persons;

(bb) would be an investment company (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3)) but for paragraph (1) or (7) of subsection (c) of that section; and

(cc) is not primarily invested in physical assets (including commercial real estate) directly or through an interest in an affiliate that owns the physical assets;

(III) a regulated entity, as defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502); or

(IV) a commodity pool that is predominantly invested in any combination of commodities, commodity swaps, commodity options, or commodity futures;

(ii) an agreement, contract, or transaction that would otherwise be a swap or security-based swap, and that is entered into by a party that is controlling, controlled by, or under common control with its counterparty; or

(iii) except with respect to any law (including rules and regulations) prohibiting fraud or manipulation, an agreement, contract, or transaction that would otherwise be a swap or security-based swap and—

(I) is entered into outside of the United States between counterparties established under the laws of any jurisdiction outside of the United States (including a non-United States branch of a United States entity licensed and recognized under local law outside of the United States);

(II) has a valid business purpose;

(III) is not structured with the sole purpose of evading the requirements of the title; and

(IV) is not reasonably expected to have a serious adverse effect on the stability of the United States financial system; and

(B) “major swap participant” and “major security-based swap participant” in a manner that does not distinguish between—

(i) net and gross exposures; and

(ii) collateralized and uncollateralized positions.

SA 815. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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 6, line 17, insert “: *Provided further*, That \$8,000,000 of the amount made available by this heading shall be transferred to carry out the program authorized under section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012)” before the period at the end.

SA 816. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, line 21, insert “, of which \$1,000,000 shall be for economic adjustment assistance grants under section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) to support innovative, utility-administered energy efficiency programs for small businesses” before the period at the end.

SA 817. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 319, line 8, strike “\$57,000,000” and insert “\$62,398,750”.

On page 319, line 14, strike “\$35,000,000” and insert “\$40,398,750”.

On page 336, line 1, strike “\$199,035,000” and insert “\$193,636,250”.

SA 818. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr.

INOUE 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 307, line 12, after “including” insert the following: “long-term accrued leave.”

SA 819. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE 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 1, line 8 of the amendment, insert “or Mexico” after “Canada”.

SA 820. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE 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 1 of the amendment, strike line 8 through line 10 and insert the following: “381(g)) from importing a prescription drug from Canada, or from a permitted country designated by the Secretary of Health and Human Services, that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That the Secretary shall designate a permitted country as a country from which an individual may import a prescription drug in accordance with this section if the Secretary determines that (1) the country has statutory or regulatory standards that are equivalent to the standards in the United States and Canada with respect to the training of pharmacists, the practice of pharmacy, and the protection of the privacy of personal medical information, and (2) the importation of drugs to individuals in the United States from the country will not adversely affect public health: *Provided further*, That the term ‘permitted country’ means—

“(1) Australia;
“(2) a member country of the European Union, but does not include a member country with respect to which—

“(A) the country’s Annex to the Treaty of Accession to the European Union 2003 includes a transitional measure for the regulation of human pharmaceutical products that has not expired; or

“(B) the Secretary determines that the requirements described in subparagraphs (A) and (B) of paragraph (6) will not be met by the date on which such transitional measure for the regulation of human pharmaceutical products expires;

“(3) Japan;
“(4) New Zealand;
“(5) Switzerland; and
“(6) a country in which the Secretary determines the following requirements are met:

“(A) The country has statutory or regulatory requirements—

“(i) that require the review of drugs for safety and effectiveness by an entity of the government of the country;

“(ii) that authorize the approval of only those drugs that have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety and effectiveness of drugs on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs;

“(iii) that require the methods used in, and the facilities and controls used for the manufacture, processing, and packing of drugs in the country to be adequate to preserve their identity, quality, purity, and strength;

“(iv) for the reporting of adverse reactions to drugs and procedures to withdraw approval and remove drugs found not to be safe or effective; and

“(v) that require the labeling and promotion of drugs to be in accordance with the approval of the drug.

“(B) The valid marketing authorization system in the country is equivalent to the systems in the countries described in paragraphs (1) through (5).

“(C) The importation of drugs to the United States from the country will not adversely affect public health.”

SA 821. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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 213, line 13, insert “: *Provided further*, That notwithstanding section 133(d)(2) of title 23, United States Code, none of the funds made available under this heading may be used to implement or execute transportation enhancement activities: *Provided further*, That at least 10 percent of the funds made available under this heading shall be made available for the highway bridge program authorized under section 144 of title 23, United States Code” before the period at the end.

SA 822. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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 231, lines 13 through 16, strike “\$41,107,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2012: *Provided*, That within the \$41,107,000,000” and insert “\$27,000,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2012: *Provided*, That within the \$27,000,000,000”.

SA 823. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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:

Beginning on page 84, strike line 8 and all that follows through page 108, line 24.

SA 824. 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 follow:

At the appropriate place, insert the following:

DIVISION —CORPS OF ENGINEERS REFORM

SECTION 1. SHORT TITLE.

This division may be cited as the “Corps of Engineers Reform Act of 2011”.

TITLE I—HARBOR MAINTENANCE REFORM

SEC. 101. PURPOSE.

The purpose of this title is to establish a harbor maintenance block grant program to provide the maximum flexibility to each State to carry out harbor maintenance and deepening projects in the State.

SEC. 102. DEFINITIONS.

Except as otherwise specifically provided, in this title:

(1) HARBOR MAINTENANCE.—The term “harbor maintenance” means any project directly related to the operations and maintenance of a harbor, including additional development of a harbor.

(2) LEAD AGENCY.—The term “lead agency” means the agency designated under section 106(a).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

(4) STATE.—The term “State” means—
(A) a State;
(B) the District of Columbia;
(C) the Commonwealth of Puerto Rico; and
(D) any other territory or possession of the United States.

SEC. 103. FUNDING.

The harbor maintenance block grant program established under section 104 shall be funded from the State Harbor Maintenance Block Grant Account established under section 9505 of the Internal Revenue Code of 1986.

SEC. 104. ESTABLISHMENT OF HARBOR MAINTENANCE BLOCK GRANT PROGRAM.

The Secretary shall establish a program to make grants to States in accordance with this title to carry out harbor maintenance and deepening projects located in participating States in accordance with the priorities determined by each participating State, including operations and maintenance, investigations, site infrastructure improvements, and new construction projects at harbors.

SEC. 105. REPORTS.

(a) IN GENERAL.—To be eligible to receive and expend amounts for a fiscal year under this title, a State shall prepare and submit to the Secretary a report describing the activities that the State intends to carry out using amounts received under this title, including information on the types of activities to be carried out.

(b) AVAILABILITY AND COMMENT.—A report under subsection (a) shall be made public within the State in such a manner as to facilitate comment by any person (including any Federal or other public agency) during the development of the report and after the completion of the report.

(c) REVISION.—

(1) IN GENERAL.—The report shall be revised throughout the year as may be necessary to reflect substantial changes in the activities assisted using amounts provided under this title.

(2) AVAILABILITY AND COMMENT.—Any revision in the report shall be subject to subsection (b).

(d) NO ADDITIONAL REPORTS.—The Secretary may not impose any reporting requirements on States to carry out this title that are in addition to the reports specifically required under this title.

SEC. 106. LEAD AGENCY.

(a) DESIGNATION.—The chief executive officer of a State that seeks to receive a grant under this title shall designate, in an application submitted to the Secretary under section 107, an appropriate State agency that complies with subsection (b) to act as the lead agency for the State.

(b) DUTIES.—

(1) IN GENERAL.—The lead agency shall—

(A) administer, directly or through other State agencies, the financial assistance received under this title by the State;

(B) develop the State plan to be submitted to the Secretary under section 107(a)(2);

(C) in conjunction with the development of the State plan, hold at least 1 hearing in the State to provide to the public an opportunity to comment on the State plan; and

(D) coordinate the implementation of harbor maintenance projects under this title with applicable Federal, State, and local agencies.

(2) DEVELOPMENT OF PLAN.—In the development of the State plan described in paragraph (1)(B), the lead agency shall consult with appropriate representatives of units of general purpose local government on issues relating to the State plan.

SEC. 107. APPLICATION AND PLAN.

(a) APPLICATION.—To be eligible to receive assistance under this title, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall by rule require, including—

(1) an assurance that the State will comply with the requirements of this title; and

(2) a State plan that meets the requirements of subsection (b).

(b) REQUIREMENTS OF A PLAN.—

(1) LEAD AGENCY.—The State plan shall identify the lead agency.

(2) USE OF BLOCK GRANT FUNDS.—The State plan shall provide that the State shall use the amounts provided to the State for each fiscal year under this title to carry out harbor maintenance and deepening projects.

(c) APPROVAL OF APPLICATION.—The Secretary shall approve an application that satisfies the requirements of this section.

SEC. 108. EFFECT ON ENVIRONMENTAL LAWS.

Nothing in this title affects, alters, or modifies any provisions of applicable Federal environmental laws (including regulations).

SEC. 109. ADMINISTRATION AND ENFORCEMENT.

(a) ADMINISTRATION.—The Secretary shall—

(1) coordinate all activities of the Department of Defense relating to harbor maintenance activities, and, to the maximum extent practicable, coordinate the activities with similar activities of other Federal entities; and

(2) provide technical assistance to assist States in carrying out this title, including assistance on a reimbursable basis.

(b) ENFORCEMENT.—

(1) REVIEW OF COMPLIANCE WITH STATE PLAN.—The Secretary shall—

(A) review and monitor State compliance with—

(i) this title; and

(ii) the plan approved under section 107(c) for the State; and

(B) have the power to terminate payments to the State in accordance with paragraph (2).

(2) NONCOMPLIANCE.—

(A) IN GENERAL.—

(i) APPLICATION.—This subparagraph applies if the Secretary, after reasonable notice to a State and opportunity for a hearing, finds that—

(I) there has been a failure by the State to comply substantially with any provision or requirement set forth in the plan approved under section 107(c) for the State in a manner that constitutes fraud or abuse; or

(II) in the operation of any program or activity for which assistance is provided under this title, there is a failure by the State to comply substantially with any provision of this title in a manner that constitutes fraud or abuse.

(ii) NOTICE.—If the Secretary makes the finding described in subclause (I) or (II) of clause (i), the Secretary shall notify the State of the finding and that no further payments will be made to the State under this title (or, in the case of noncompliance in the operation of a program or activity, that no further payments to the State will be made with respect to the program or activity) until the Secretary is satisfied that there is no longer any such failure to comply or that the noncompliance will be promptly corrected.

(B) ADDITIONAL SANCTIONS.—In the case of a finding of noncompliance made pursuant to subparagraph (A), the Secretary may, in addition to imposing the sanctions described in subparagraph (A), impose other appropriate sanctions, including recoupment of funds improperly expended for purposes prohibited or not authorized by this title, and disqualification from the receipt of financial assistance under this title.

(C) NOTICE.—The notice required under subparagraph (A) shall include specific identification of any additional sanction being imposed under subparagraph (B).

(3) PROCEDURES.—The Secretary shall establish by regulation procedures for—

(A) receiving, processing, and determining the validity of complaints concerning any failure of a State to comply with the State plan or any requirement of this title; and

(B) imposing sanctions under this section.

SEC. 110. PAYMENTS.

(a) IN GENERAL.—

(1) PAYMENTS.—A State that has an application approved by the Secretary under section 107(c) shall be entitled to a payment under this section for each fiscal year in an amount that is equal to the allotment of the State under section 113 for the fiscal year.

(2) STATE ENTITLEMENT.—Subject to the availability of funds under section 103, this title—

(A) constitutes budget authority in advance of appropriations Acts; and

(B) represents the obligation of the Federal Government to provide for the payment to States of the amount described in paragraph (1).

(b) METHOD OF PAYMENT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may make payments to a State in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(2) LIMITATION.—The Secretary may not make the payments in a manner that prevents the State from complying with section 107.

SEC. 111. AUDITS.

(a) REQUIREMENT.—After the close of each program period covered by an application ap-

proved under section 107(c), a State shall audit—

(1) the expenditures of the State during the program period from amounts received under this title; and

(2) the maintenance by the State of unexpended amounts received by the State under this title.

(b) INDEPENDENT AUDITOR.—An audit under this section shall be conducted—

(1) by an entity that is independent of any agency administering activities that receive assistance under this title; and

(2) in accordance with generally accepted auditing principles.

(c) SUBMISSION.—Not later than 30 days after the completion of an audit under this section, the State shall submit a copy of the audit to the legislature of the State and to the Secretary.

(d) REPAYMENT OF AMOUNTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), each State shall repay to the United States any amounts made available to the State under this title and determined through an audit under this section—

(A) to have been expended in a manner that constitutes fraud or abuse; or

(B) to remain unexpended as a result of fraud or abuse.

(2) OFFSET TO AMOUNTS.—As an alternative to requiring repayment of amounts under paragraph (1), the Secretary may offset the amounts required to be repaid against any other amounts to which the State is or may be entitled under this title.

SEC. 112. REPORT BY SECRETARY.

Not later than 60 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate committees of Congress a report that contains—

(1) a summary and analysis of the data and information provided to the Secretary in the State audits submitted under section 111; and

(2) an assessment, and if appropriate, recommendations for Congress concerning efforts that should be undertaken to improve harbor maintenance in the United States.

SEC. 113. ALLOTMENTS.

(a) IN GENERAL.—For each fiscal year, the Secretary shall allot to each participating State an amount that is equal to the proportion that—

(1) the amounts collected in the State for deposit in the State Harbor Maintenance Block Grant Account for that fiscal year in accordance with section 9505 of the Internal Revenue Code of 1986; bears to

(2) the total amount of funds in the State Harbor Maintenance Block Grant Account in that fiscal year.

(b) INSUFFICIENT FUNDS.—If the Secretary finds that the total amount of allotments to which States would otherwise be entitled for a fiscal year under subsection (a) will exceed the amount of funds available to provide the allotments for the fiscal year, the Secretary shall reduce the allotments made to States under this subsection, on a pro rata basis, to the extent necessary to allot under this subsection a total amount that is equal to the funds that will be made available.

SEC. 114. AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—Subsection (c) of section 9505 of the Internal Revenue Code of 1986 is amended by striking “Amounts” and inserting “Except as provided in subsection (d), amounts”.

(b) STATE BLOCK GRANTS.—Section 9505 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(d) ESTABLISHMENT OF STATE BLOCK GRANT ACCOUNT.—

“(1) CREATION OF ACCOUNT.—There is established in the Harbor Maintenance Trust Fund a separate account to be known as the ‘State Harbor Maintenance Block Grant Account’ consisting of such amounts as may be transferred or credited to the State Harbor Maintenance Block Grant Account as provided in this section or section 9602(b).”

“(2) TRANSFERS TO STATE HARBOR MAINTENANCE BLOCK GRANT ACCOUNT.—The Secretary shall transfer to the State Harbor Maintenance Block Grant Account the electing State amount of the amounts appropriated to the Harbor Maintenance Trust Fund under subsection (b).”

“(3) EXPENDITURES FROM ACCOUNT.—Except as provided in paragraph (4), amounts in the State Harbor Maintenance Block Grant Account shall be available for making expenditures to fund the harbor maintenance block grant program authorized by the Corps of Engineers Reform Act of 2011. The Secretary shall, from time to time, transfer such amounts to such accounts as are identified by the Secretary of the Army, acting through the Chief of Engineers, for the purpose of making such expenditures.”

“(4) LIMITATIONS.—

“(A) NON-ELECTING STATES.—Amounts in the State Harbor Maintenance Block Grant Account shall not be used for making any payment to a State, or for making expenditures within a State, unless such State is an electing State.”

“(B) RESERVATION OF ADMINISTRATIVE COSTS.—

“(i) IN GENERAL.—The expenditures under subsection (c)(3) shall be borne by the State Harbor Maintenance Block Grant Account and the General Account in proportion to the respective amounts of the revenues transferred under this section to the State Harbor Maintenance Block Grant Account and the General Account (after the application of paragraph (2)).”

“(ii) RESERVATION.—The amounts required to bear the State Harbor Maintenance Block Grant Account’s share of the expenditures under clause (i) shall be reserved for such purpose and shall not be used to make any other expenditures.”

“(iii) GENERAL ACCOUNT.—For purposes of this subparagraph, the term ‘General Account’ means the portion of the Harbor Maintenance Trust Fund which is not the State Harbor Maintenance Block Grant Account.”

“(5) DEFINITIONS.—For purposes of this subsection—

“(A) ELECTING STATE AMOUNT.—The term ‘electing State amount’ means the portion of the amounts appropriated to the Harbor Maintenance Trust Fund under subsection (b) which is equivalent to the taxes received in the Treasury under section 4461 which are collected from ports in electing States.”

“(B) ELECTING STATE.—The term ‘electing State’ means a State that has elected (by submission of the application required under section 107 of the Corps of Engineers Reform Act of 2011) to participate in the harbor maintenance block grant program authorized by the Corps of Engineers Reform Act of 2011.”

“(6) COORDINATION WITH TRUST FUND EXPENDITURES.—Expenditures under paragraphs (1) and (2) of subsection (c) shall not be made to, or for projects located within, any State which is an electing State.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts appropriated or transferred to the Harbor Maintenance Trust Fund under section 9505 of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

TITLE II—WATER RESOURCES DEVELOPMENT

SEC. 201. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ‘‘Commission’’ means the Water Resources Commission established by section 203.

(2) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the Army, acting through the Chief of Engineers.

SEC. 202. CORPS TRANSPARENCY.

(a) ANNUAL PUBLICATION OF AUTHORIZED PROJECTS.—

(1) IN GENERAL.—The Secretary shall publish annually a list describing each authorized water resources project of the Corps of Engineers in the Federal Register and on a publicly available website.

(2) CONTENTS.—For each authorized water resources project, the list described in paragraph (1) shall include—

(A) the date on which the water resources project was authorized; and

(B) the amount of Federal funds, if any, provided to the water resources project during the 5 years immediately preceding the date on which the list described in paragraph (1) is published.

(3) REPORT TO CONGRESS.—The Secretary shall submit the list described in paragraph (1) to—

(A) the Committees on Environment and Public Works and Appropriations of the Senate; and

(B) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

(b) PUBLICATION OF DEAUTHORIZED PROJECTS.—

(1) IN GENERAL.—Not later than 90 days after date of the enactment of this Act, the Secretary shall publish a list describing each water resources study or project of the Corps of Engineers that is no longer authorized.

(2) CONTENTS.—For each water resources study or project described in paragraph (1), the list described in paragraph (1) shall include—

(A) the date on which the water resources study or project was authorized; and

(B) the amount of Federal funds, if any, provided to the water resources study or project for the 5 years immediately following the date on which that study or project was authorized.

(3) REPORT TO CONGRESS.—The Secretary shall submit the list described in paragraph (1) to—

(A) the Committees on Environment and Public Works and Appropriations of the Senate; and

(B) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

SEC. 203. WATER RESOURCES COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission, to be known as the ‘‘Water Resources Commission’’, to prioritize water resources projects in the United States.

(2) MEMBERSHIP.—

(A) COMPOSITION.—

(i) IN GENERAL.—The Commission shall be composed of 11 members, of whom—

(I) 1 member shall be appointed by the President;

(II) 1 member shall be appointed by the Speaker of the House of Representatives;

(III) 1 member shall be appointed by the majority leader of the Senate; and

(IV) 8 members shall be appointed in accordance with clause (ii) by the Speaker of the House of Representatives and the majority leader of the Senate, in consultation with the minority leader of the House of Representatives and the minority leader of the Senate.

(ii) RESTRICTIONS.—

(I) IN GENERAL.—Subject to subclause (II), each of the 8 members appointed under clause (i)(IV) shall represent 1 of the following Corps of Engineers geographical divisions:

(aa) Great Lakes & Ohio River Division.

(bb) Mississippi Valley Division.

(cc) North Atlantic Division.

(dd) Northwestern Division.

(ee) Pacific Ocean Division.

(ff) South Atlantic Division.

(gg) South Pacific Division.

(hh) Southwestern Division.

(II) GEOGRAPHICAL REPRESENTATION.—Not more than 2 of the members appointed under clause (i)(IV) shall represent the same Corps of Engineers geographical division described in subclause (I).

(B) QUALIFICATIONS.—

(i) IN GENERAL.—Subject to clause (ii), members shall be appointed to the Commission from among individuals who—

(I)(aa) are knowledgeable in the fields of navigation, water infrastructure, or natural resources; or

(bb) are recognized as having expertise in project management or cost-benefit analysis; and

(II) while serving on the Commission, do not hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(ii) REQUIREMENT.—At least 1 of the members under subparagraph (A) shall have knowledge of safety issues relating to water resources projects carried out by the Corps of Engineers.

(C) DATE OF APPOINTMENTS.—The members of the Commission shall be appointed under subparagraph (A) not later than 90 days after the date of enactment of this Act.

(3) TERM; VACANCIES.—

(A) TERM.—A member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled not later than 30 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(5) MEETINGS.—The Commission shall meet at the call of—

(A) the Chairperson; or

(B) the majority of the members of the Commission.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(b) DUTIES OF COMMISSION.—

(1) PRIORITIZATION OF WATER RESOURCES PROJECTS.—

(A) IN GENERAL.—In accordance with this section, the Commission shall make recommendations for the means by which to prioritize water resources projects of the Corps of Engineers and prioritize water resources projects of the Corps of Engineers that are not being carried out under a continuing authorities program.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to Congress a report containing the recommendations and

prioritization method required under this paragraph.

(C) **RECOMMENDATIONS.**—The report shall include recommendations for—

(i) a process of regularized prioritization assessments that ensures continuity in project prioritization rankings and the inclusion of newly authorized projects;

(ii) a process to prioritize water resources projects across project type; and

(iii) a method of analysis, with respect to the prioritization process, of recreation and other ancillary benefits resulting from the construction of Corps of Engineers projects.

(D) **PROJECT INCLUSIONS.**—The report shall include, at a minimum, each water resources project authorized for study or construction on or before the date of enactment of this Act.

(E) **PRIORITIZATION REQUIREMENTS.**—

(i) **IN GENERAL.**—Each project described in the report shall be categorized by project type and be classified into a tier system of descending priority, to be established by the Commission, in a manner that reflects the extent to which the project achieves project prioritization criteria established under subparagraph (F).

(ii) **MULTIPURPOSE PROJECTS.**—Each multipurpose project described in the report shall be classified—

(I) by the project type that best represents the primary project purpose, as determined by the Commission; and

(II) into the tier system described in clause (i) within that project type.

(iii) **TIER SYSTEM REQUIREMENTS.**—In establishing a tier system under clause (i), the Commission shall ensure that each tier—

(I) is limited to total authorized project costs of \$5,000,000,000; and

(II) includes not more than 100 projects.

(iv) **BALANCE.**—The Commission shall seek, to the maximum extent practicable, a balance between the water resource needs of all States, regardless of the size or population of a State.

(F) **PROJECT PRIORITIZATION CRITERIA.**—In preparing the report, the Commission shall prioritize each water resources project of the Corps of Engineers based on the extent to which the project meets at least the following criteria and such additional criteria as the Commission may fully explain in the report:

(i) For flood damage reduction projects, the extent to which such a project—

(I) addresses critical flood damage reduction needs of the United States, including by reducing the risk of loss of life;

(II) avoids increasing risks to human life or damages to property in the case of large flood events; and

(III) avoids adverse environmental impacts or produces environmental benefits.

(ii) For navigation projects, the extent to which such a project—

(I) addresses priority navigation needs of the United States, including by having a high probability of producing the economic benefits projected with respect to the project and reflecting regional planning needs, as applicable; and

(II) avoids adverse environmental impacts.

(iii) For environmental restoration projects, the extent to which such a project addresses priority environmental restoration needs of the United States, including by restoring the natural hydrologic processes and spatial extent of an aquatic habitat, while being, to the maximum extent practicable, self-sustaining.

(2) **AVAILABILITY.**—The report prepared under this subsection shall be—

(A) published in the Federal Register; and

(B) submitted to—

(i) the Committees on Environment and Public Works and Appropriations of the Senate; and

(ii) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

(C) **POWERS OF COMMISSION.**—

(1) **HEARINGS.**—The Commission shall hold such hearings, meet and act at such times and places, take such testimony, administer such oaths, and receive such evidence as the Commission considers advisable to carry out this section.

(2) **INFORMATION FROM FEDERAL AGENCIES.**—

(A) **IN GENERAL.**—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) **PROVISION OF INFORMATION.**—On request of the Chairperson of the Commission, the head of the Federal agency shall provide the information to the Commission.

(3) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(D) **COMMISSION PERSONNEL MATTERS.**—

(1) **COMPENSATION OF MEMBERS.**—A member of the Commission shall serve without pay, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) **STAFF.**—

(A) **IN GENERAL.**—The Chairperson of the Commission may, without regard to the civil service laws, including regulations, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) **CONFIRMATION OF EXECUTIVE DIRECTOR.**—The employment of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(C) **COMPENSATION.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) **MAXIMUM RATE OF PAY.**—In no event shall any employee of the Commission (other than the executive director) receive as compensation an amount in excess of the maximum rate of pay for Executive Level IV under section 5315 of title 5, United States Code.

(3) **DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.**—

(A) **IN GENERAL.**—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) **CIVIL SERVICE STATUS.**—The detail of a Federal employee shall be without interruption or loss of civil service status or privilege.

(4) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—On request of the Commission, the Secretary, acting through the Chief of Engineers, shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Commission and staff of the Commission as are necessary for the Commission to carry out the duties of the Commission under this section.

(e) **TERMINATION.**—The Commission shall terminate on the date that is 90 days after

the date on which the final report of the Commission is submitted under subsection (b).

SEC. 204. FUNDING.

(a) **FUNDING.**—

(1) **IN GENERAL.**—In carrying out this title, the Commission shall use funds made available for the general operating expenses of the Corps of Engineers.

(2) **PRIORITY WATER RESOURCES PROJECTS.**—In carrying out the water resources projects prioritized by the Commission under section 203(b), the Secretary shall use funds made available to the Corps of Engineers.

(b) **USE OF COMMISSION REPORT BY SECRETARY.**—

(1) **IN GENERAL.**—The Secretary shall use the priority recommendations described in the report under section 203(b) as a means of allocating amounts appropriated under subsection (a)(2).

(2) **EXCEPTION.**—The Secretary may deviate from the priority recommendations in the report under section 203(b) by advancing the priority of a project only if the Secretary determines that—

(A) the project is vital to the national interest of the United States; and

(B) failure to complete the project would cause significant harm and expense to the United States.

(c) **REPORTS.**—

(1) **IN GENERAL.**—For each fiscal year, the Secretary shall submit to the committees described in paragraph (2), and make available to the public on the Internet, a report that lists, for the year covered by the report—

(A) the water resources projects that receive funding and are carried out in accordance with section 203(b); and

(B) the water resources projects that receive funding and are carried out on a project-by-project basis through line items contained in appropriations Acts.

(2) **COMMITTEES.**—The committees referred to in paragraph (1) are—

(A) the Committees on Environment and Public Works and Appropriations of the Senate; and

(B) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

SA 825. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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. All reports, written requests, and other communications required to be submitted to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives under this Act shall be simultaneously posted in a prominent place on the website of the submitting agency.

SA 826. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. None of the funds made available by this Act may be used for coastal and marine spatial planning (as defined by Executive Order 13547 (33 U.S.C. 857-19 note; relating to stewardship of the ocean, coasts, and Great Lakes)) for a State unless the Governor of the State provides written consent for such planning.

SA 827. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. 7. ASIAN CARP.

(a) **DEFINITIONS.**—In this section:

(1) **CAWS.**—The term “CAWS” means the Chicago Area Water System.

(2) **DIRECTOR.**—The term “Director” means the Director of the United States Geological Survey.

(3) **HYDROLOGICAL SEPARATION.**—The term “hydrological separation” means a physical separation on the CAWS that—

(A) would disconnect the Mississippi River from Lake Michigan; and

(B) shall be designed to be adequate in scope to prevent the transfer of aquatic species between each of those bodies of water.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

(5) **STUDY.**—The term “study” means the feasibility study described in subsection (b)(1).

(b) **FEASIBILITY STUDY.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Secretary, pursuant to section 206 of the Flood Control Act of 1958 (Public Law 85-500; 72 Stat. 317), shall initiate a study of the watersheds of the following rivers (including the tributaries of the rivers) that drain directly into Lake Michigan:

(A) The Illinois River, at and in the vicinity of Chicago, Illinois.

(B) The Chicago River in the State of Illinois.

(C) The Calumet River in the States of Illinois and Indiana.

(2) **PURPOSE OF STUDY.**—The purpose of the study shall be to determine the feasibility and best means of implementing the hydrological separation of the Great Lakes and Mississippi River Basins to prevent the introduction or establishment of populations of aquatic nuisance species between the Great Lakes and Mississippi River Basins through the CAWS and other aquatic pathways.

(3) **REQUIREMENTS OF STUDY.**—

(A) **OPTIONS.**—The study shall include options to address—

(i) flooding;

(ii) Chicago wastewater and stormwater infrastructure;

(iii) waterway safety operations; and

(iv) barge and recreational vessel traffic alternatives, which shall include—

(I) examining other modes of transportation for cargo and CAWS users; and

(II) creating engineering designs to move canal traffic from 1 body of water to another body of water without transferring aquatic species.

(B) **COST-BENEFIT ANALYSIS.**—The study shall contain a detailed analysis of the envi-

ronmental benefits and costs of each option described in subparagraph (A).

(C) **ASSOCIATION WITH OTHER STUDY.**—The study shall be conducted in association with the study required under section 3061(d) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1121).

(D) **CONSULTATION.**—In conducting the study, the Secretary shall consult with any relevant expert or stakeholder knowledgeable on the issues of hydrological separation and aquatic nuisance species.

(4) **DEADLINE.**—The Secretary shall complete the study by not later than the date that is 18 months after the date of enactment of this Act.

(c) **REPORT.**—

(1) **IN GENERAL.**—The Secretary shall prepare a report on the waterways described in subsection (b)(1) in accordance with—

(A) the purpose described in subsection (b)(2); and

(B) each requirement described in subsection (b)(3).

(2) **DEADLINES.**—The Secretary shall submit to Congress and the President—

(A) not later than 180 days after the date of enactment of this Act, an initial report under this subsection;

(B) not later than 1 year after the date of enactment of this Act, an interim report under this subsection; and

(C) not later than 18 months after the date of enactment of this Act, a final report under this subsection.

(d) **FEDERAL EXPENSE REQUIREMENT.**—The Secretary shall carry out this section at full Federal expense.

(e) **PRESIDENTIAL OVERSIGHT.**—The President, or the Council on Environmental Quality, acting as a designee of the President, shall oversee the study to ensure the thoroughness and timely completion of the study.

(f) **RESPONSE TO ADDITIONAL THREATS.**—

(1) **MONITORING CONNECTING WATERS.**—To identify additional threats that could allow Asian Carp to enter the Great Lakes Basin, the Director, in cooperation with the Director of the United States Fish and Wildlife Service, shall monitor and survey all waters that connect to the Great Lakes Basin or could connect to the Great Lakes Basin due to—

(A) flooding;

(B) underground hydrological connection; or

(C) human-made diversion.

(2) **RESPONSE TO ADDITIONAL THREATS.**—As soon as practicable after the date of identification of a threat under paragraph (1), the Director, in cooperation with the Director of the United States Fish and Wildlife Service, shall—

(A) prioritize each threat; and

(B) help identify means to impede the passage of Asian Carp to the Great Lakes Basin.

(3) **CONSULTATION WITH OTHER ACTORS.**—In carrying out paragraphs (1) and (2), the Director, in cooperation with the Director of the United States Fish and Wildlife Service, shall consult with each relevant—

(A) Federal agency;

(B) State; and

(C) stakeholder.

SA 828. Mr. UDALL of Colorado submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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 10, line 19, strike “\$265,987,000” and insert “\$261,987,000”.

On page 15, line 12, strike “\$25,948,000” and insert “\$29,948,000”.

On page 15, line 25, strike “\$5,988,000” and insert “\$9,988,000”.

SA 829. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, after line 7 add the following:

SEC. 237. (a) Notwithstanding the amount made available under the heading “NATIVE AMERICAN HOUSING BLOCK GRANTS” under the heading “PUBLIC AND INDIAN HOUSING” under the heading DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT under this division, there shall be available for the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996, \$705,300,000, to remain available until expended.

(b) Notwithstanding any other provision of this Act, the amount made available or authorized to be appropriated for fiscal year 2012 for each program, project, or activity authorized under this division and the amendments made by this division (except the program described in subsection (a)) shall be reduced on a pro rata basis by a total of \$55,300,000.

SA 830. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, after line 7 add the following:

SEC. 237. (a) Notwithstanding the amount made available under the heading “NATIVE AMERICAN HOUSING BLOCK GRANTS” under the heading “PUBLIC AND INDIAN HOUSING” under the heading DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT under this division, there shall be available for the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996, \$705,300,000, to remain available until expended.

(b) Notwithstanding any other provision of this Act, the amount made available or authorized to be appropriated for fiscal year 2012 for each program, project, or activity authorized under this division and the amendments made by this division (except the program described in subsection (a)) shall be reduced on a pro rata basis by a total of \$55,300,000.

SA 831. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE 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 1 of the amendment, strike line 10 and insert the following: “Act: *Provided*, That notwithstanding other any provision of law, the practices and policies of the Food and Drug Administration and Bureau of Customs and Border Protection, in effect on January 1, 2004, with respect to the importation of prescription drugs into the United States by an individual, on the person of such individual, for personal use, shall remain in effect.”.

SA 832. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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:

Beginning on page 53, strike line 9 and all that follows through page 54, line 8, and insert the following:

SUPPLEMENTAL NUTRITION ASSISTANCE
PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), \$71,173,308,000, of which \$3,000,000,000, to remain available through September 30, 2013, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, notwithstanding section 16(h)(1) of the Food and Nutrition Act of 2008: *Provided further*, That of the funds made available under this heading, \$1,000,000 may be used to provide nutrition education services to state agencies and Federally recognized tribes participating in the Food Distribution Program on Indian Reservations: *Provided further*, That funds made available under this heading may be available to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

SA 833. Mr. COBURN 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 by the Secretary of Agriculture to provide direct payments under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

SA 834. Mr. PAUL 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 under this Act may be used to take any action (including any administrative, civil, criminal, or other action) that would prohibit, interfere with, regulate, or otherwise restrict the interstate traffic of milk, or a milk product, that is unpasteurized and packaged for direct human consumption, if the restriction is based on the determination that, solely because the milk or milk product is unpasteurized, the milk or milk product is adulterated, misbranded, or otherwise in violation of Federal law.

SA 835. Mr. PAUL (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. _____. Notwithstanding any other provision of law, no funds appropriated under any division of this Act shall be used to implement or enforce Executive Order 13502 (issued February 6, 2009).

SA 836. Mr. LAUTENBERG (for himself, Mr. SANDERS, Mr. MENENDEZ, and Mrs. GILLIBRAND) 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 88, between lines 8 and 9, insert the following:

For an additional amount for “Economic Development Assistance Programs” for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation in 2011 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$365,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

SA 837. Mr. SCHUMER (for himself and Mrs. GILLIBRAND) 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. _____. ASSISTANCE FOR DISASTER-AFFECTED PRODUCERS.

(a) DEFINITIONS.—In this section:

(1) DISASTER COUNTY.—The term “disaster county” means—

(A) a county included in the geographical area covered by a qualifying natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(2) DISASTER-AFFECTED PRODUCER.—The term “disaster-affected producer” means an eligible producer on a farm (as defined in section 531(a) of the Federal Crop Insurance Act (7 U.S.C. 1531(a))) that suffered losses in a disaster county in an insurable commodity or noninsurable commodity during the 2011 crop year due to damaging weather or other conditions relating to a natural disaster.

(3) QUALIFYING NATURAL DISASTER DECLARATION.—The term “qualifying natural disaster declaration” means a major disaster or emergency designated by the President in 2011 due to damaging weather or other conditions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE PROGRAM.—In the case of a disaster-affected producer that does not meet the requirements of paragraph (1) of section 531(g) of the Federal Crop Insurance Act (7 U.S.C. 1531(g)), the Secretary of Agriculture shall waive that paragraph if the disaster-affected producer—

(1) pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under that paragraph for the 2011 crop year to the Secretary not later than 90 days after the date of enactment of this Act; and

(2)(A) in the case of each insurable commodity of the disaster-affected producer, excluding grazing land, agree to obtain a policy or plan of insurance under subtitle A of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (excluding a crop insurance pilot program under that subtitle) for the next insurance year for which crop insurance is available to the eligible producers on the farm; and

(B) in the case of each noninsurable commodity of the disaster-affected producer, agree to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the next year for which a policy is available.

(c) EMERGENCY SPENDING.—

(1) DISASTER RELIEF.—The amount made available under this section for major disaster counties (within the meaning of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)) is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)).

(2) EMERGENCY REQUIREMENT.—Amounts made available under this section for emergency presidential declarations (within the meaning of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)) or contiguous counties are designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(d) EFFECTIVE DATE.—This section takes effect on the date of enactment of this Act.

SA 838. Mrs. GILLIBRAND (for herself and Mr. SCHUMER) 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 82, line 10, strike “\$78,000,000” and insert “\$155,700,000”.

On page 83, line 11, strike “\$31,000,000” and insert “\$188,200,000”.

SA 839. Mr. CONRAD (for himself, Mr. LEAHY, Mr. SANDERS, Mrs. GILLIBRAND, Mr. HOEVEN, Mr. MENENDEZ, and Mr. LAUTENBERG) 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 316, after line 23 add the following:

For an additional amount for the “Community Development Fund”, for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) in 2011, \$600,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): *Provided*, That the amount provided under this heading is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended: *Provided further*, That such additional amount shall be subject to the same terms and conditions as any other amounts provided under this heading.

SA 840. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUE 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 1 of the amendment, strike line 10 and insert the following: “Act: *Provided*, That notwithstanding any other provision of law, the practices and policies of the Food and Drug Administration and Bureau of Customs and Border Protection, in effect on January 1, 2004, with respect to the importation of prescription drugs into the United States by an individual, on the person of such individual, for personal use, shall remain in effect with respect to such importation by individuals from countries other than Canada.”.

SA 841. Mr. TESTER 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 77, line 25, insert “in excess of \$5,000,000” before the semicolon at the end.

On page 83, between lines 20 and 21, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, each amount provided

by this Act to administration accounts of the Department of Agriculture is reduced by the pro rata percentage required to reduce the total amount provided to those accounts by \$5,000,000.

SA 842. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. _____. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to provide to a person or legal entity (as defined in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)) any benefit described in section 1001D(b)(1)(C) of that Act (7 U.S.C. 1308-3a(b)(1)(C)) during a crop, fiscal, or program year, as appropriate, if—

(1) the person is deceased; or
(2) the average adjusted gross income (as defined in section 1001D(a)(1) of that Act) of the person or legal entity exceeds \$250,000.

SA 843. Mr. HELLER 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 of title II of division B, insert the following:

SEC. 218. None of the funds made available by this Act may be used to require a person licensed under section 923 of title 18, United States Code, to report information to the Department of Justice regarding the sale of multiple rifles or shotguns to the same person.

SA 844. Mr. HATCH (for himself, Mr. MORAN, Mr. INHOFE, Mr. ISAKSON, Mr. CHAMBLISS, Ms. AYOTTE, Mr. HOEVEN, Mr. SHELBY, Mr. NELSON of Nebraska, and Mr. HELLER) submitted an amendment to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 17, insert “or hereafter” after “herein”.

On page 121, line 23, insert “or hereafter” after “herein”.

On page 122, line 11, insert “, hereafter,” after “That”.

On page 124, line 13, insert “, hereafter,” after “That”.

On page 124, line 17, insert “, hereafter,” after “That”.

On page 124, line 21, insert “, hereafter,” after “That”.

On page 179, line 13, strike “None of” and insert “Hereafter, none of”.

On page 181, line 3, strike “The Bureau” and insert “For fiscal year 2012 and thereafter, the Bureau”.

On page 184, line 14, insert “hereafter,” after “treaty,”.

On page 186, line 19, insert “hereafter,” after “law,”.

SA 845. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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 3, strike “: *Provided*,” on line 16 and all that follows through line 23 and insert a period.

SA 846. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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 150, strike line 23 and all that follows through page 151, line 4.

SA 847. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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 176, strike lines 5 through 9.

SA 848. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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 3, strike “: *Provided*,” on line 16 and all that follows through line 23 and insert a period.

On page 150, strike line 23 and all that follows through page 151, line 4.

On page 176, strike lines 5 through 9.

SA 849. Mr. RUBIO (for himself, Mr. WICKER, Mr. NELSON of Florida, Ms. LANDRIEU, and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, after line 24, add the following:

SEC. 218. EVALUATION OF GULF COAST CLAIMS FACILITY.

The Attorney General shall identify an independent auditor to evaluate the claims determination methodologies of the Gulf Coast Claims Facility.

SA 850. Mr. DURBIN submitted an amendment intended to be proposed by

him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. Not later than 1 year after the date of enactment of this Act, the Government Accountability Office shall conduct an assessment, and submit to Congress a report on the results of such assessment, of the effectiveness and utility of the adverse event reporting system since 2007, including—

(1) the actions being taken, if any, by the Food and Drug Administration to ensure that dietary supplement manufacturers are reporting adverse events;

(2) how the adverse event reporting system informs the public of the efforts of the Food and Drug Administration to protect consumers; and

(3) to what extent the Food and Drug Administration has implemented the recommendations made by the Government Accountability Office in its 2009 report on dietary supplements.

SA 851. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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 264, between lines 9 and 10, insert the following:

SEC. 153. BUYING GOODS PRODUCED IN THE UNITED STATES.

(a) **COMPLIANCE.**—None of the funds made available for freight rail transportation projects under this title may be expended by any entity unless the entity agrees that such expenditures will comply with the requirements under this section.

(b) **PREFERENCE.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of Transportation may not obligate any funds appropriated for a freight rail transportation project under this title or provide direct loans or loan guarantees under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) unless all the steel, iron, and manufactured products used in the project are produced in the United States.

(2) **WAIVER.**—The Secretary of Transportation may waive the application of paragraph (1) in circumstances in which the Secretary determines that—

(A) such application would be inconsistent with the public interest;

(B) such materials and products produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or

(C) inclusion of domestic material would increase the cost of the overall project by more than 25 percent.

(c) **LABOR COSTS.**—For purposes of this subsection (b)(2)(C), labor costs involved in final assembly shall not be included in calculating the cost of components.

(d) **MANUFACTURING PLAN.**—The Secretary of Transportation shall prepare, in conjunction with the Secretary of Commerce, a manufacturing plan that—

(1) promotes the production of products in the United States that are the subject of waivers granted under subsection (b)(2)(B);

(2) addresses how such products may be produced in a sufficient and reasonably available amount, and in a satisfactory quality, in the United States; and

(3) addresses the creation of a public database for the waivers granted under subsection (b)(2)(B).

(e) **WAIVER NOTICE AND COMMENT.**—If the Secretary of Transportation determines that a waiver of subsection (b)(1) is warranted, the Secretary, before the date on which such determination takes effect, shall—

(1) post the waiver request and a detailed written justification of the need for such waiver on the Department of Transportation's public website;

(2) publish a detailed written justification of the need for such waiver in the Federal Register; and

(3) provide notice of such determination and an opportunity for public comment for a reasonable period of time not to exceed 15 days.

(f) **STATE REQUIREMENTS.**—The Secretary of Transportation may not impose any limitation on amounts made available for freight rail transportation projects under this title that—

(1) restricts a State from imposing requirements that are more stringent than the requirements under this section on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries, in projects carried out with such assistance; or

(2) prohibits any recipient of such amounts from complying with State requirements authorized under paragraph (1).

(g) **CERTIFICATION.**—The Secretary of Transportation may authorize a manufacturer or supplier of steel, iron, or manufactured goods to correct, after bid opening, any certification of noncompliance or failure to properly complete the certification (except for failure to sign the certification) under this section if such manufacturer or supplier attests, under penalty of perjury, and establishes, by a preponderance of the evidence, that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error.

(h) **REVIEW.**—Any entity adversely affected by an action by the Department of Transportation under this section is entitled to seek judicial review of such action in accordance with section 702 of title 5, United States Code.

(i) **MINIMUM COST.**—The requirements under this section shall only apply to contracts for which the costs exceed \$100,000.

(j) **INTERNATIONAL AGREEMENTS.**—This section shall be applied in a manner consistent with United States obligations under international agreements.

(k) **FRAUDULENT USE OF "MADE IN AMERICA" LABEL.**—An entity is ineligible to receive a contract or subcontract made with amounts appropriated for freight rail transportation projects under this title or under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) if a court or department, agency, or instrumentality of the Government determines that the person intentionally—

(1) affixed a "Made in America" label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this section applies, but were not produced in the United States; or

(2) represented that goods described in paragraph (1) were produced in the United States.

SA 852. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr.

INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. None of the funds made available by this Act may be used for coastal and marine spatial planning (as defined by Executive Order 13547 (33 U.S.C. 857-19 note; relating to stewardship of the ocean, coasts, and Great Lakes)) for an ocean area adjacent to a State that does not have an approved coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

SA 853. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. AMERICA'S CUP.

(a) **SHORT TITLE.**—This section may be cited as the "America's Cup Act of 2011".

(b) **IN GENERAL.**—Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America's Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

(c) **DEFINITIONS.**—In this section:

(1) **34TH AMERICA'S CUP.**—The term "34th America's Cup"—

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending team from the United States, in accordance with the terms of the America's Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America's Cup, includes additional sailing competitions conducted by America's Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) **AMERICA'S CUP RACE MANAGEMENT.**—The term "America's Cup Race Management" means the entity established to provide for independent, professional, and neutral race management of the America's Cup sailing competitions.

(3) **ELIGIBILITY CERTIFICATION.**—The term "Eligibility Certification" means a certification issued under subsection (d).

(4) **ELIGIBLE VESSEL.**—The term "eligible vessel" means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America's Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America's Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b) of title 46, United States Code);

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) SUPPORTING VESSEL.—The term “supporting vessel” means a vessel that is operating in support of the 34th America’s Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

(d) CERTIFICATION.—

(1) REQUIREMENT.—A vessel may not operate under subsection (b) unless the vessel has received an Eligibility Certification.

(2) ISSUANCE.—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in subsection (c)(4).

(e) ENFORCEMENT.—Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America’s Cup as a competing vessel or a supporting vessel.

(f) PENALTY.—Any vessel participating in the 34th America’s Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, United States Code.

SA 854. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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. _____. Prior to obligating or expending \$118,178,100 of the funds made available under the heading “SALARIES AND EXPENSES” under the heading “FARM SERVICE AGENCY” in title I, the Secretary of Agriculture shall certify to Congress that the Farm Service Agency has enforced section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) by—

(1) reviewing information and documentation regarding the average adjusted gross income of the person or legal entity collected through procedures established by the Secretary under subsection (d)(1)(B) of that section, in cooperation with the Internal Revenue Service, in order to identify all payment recipients potentially in violation of income limitations established in that section;

(2) requiring a certification by a certified public accountant or another third party that is acceptable to the Secretary that the average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income of the person or legal entity potentially in violation of income limitations does not exceed the applicable limitation;

(3) reclaiming any payments made in the 2009 or 2010 crop, fiscal, or program year, as appropriate, if the Secretary determines that a person or legal entity has failed to comply with that section and should have been denied the issuance of applicable payments and benefits under subsection (d)(2) of that section;

(4) establishing statistically valid procedures under which the Secretary shall conduct targeted audits of such persons or legal entities as the Secretary determines are most likely to exceed the limitations under that section in order to verify the accuracy of the certifications of compliance with average adjusted gross income limitations in that section; and

(5) in cases in which the Secretary believes that fraudulent or false claims have led to payments in violation of that section, referring cases to the Department of Justice for prosecution under section 1001 of title 18, United States Code.

SA 855. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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. _____. Prior to obligating or expending \$118,178,100 of the funds made available under the heading “SALARIES AND EXPENSES” under the heading “FARM SERVICE AGENCY” in title I, the Secretary of Agriculture shall certify to Congress that the Farm Service Agency has enforced section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) by reviewing information and documentation collected under subsection (d)(1)(B) of that section and conducting audits of farm payment recipients as required under subsection (d)(3) of that section.

SA 856. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE 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. 734. Notwithstanding section 1619(b)(2) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8791(b)(2)), none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator to prohibit the disclosure, on request, of the information described in that section to any State agency or any political subdivision of a State charged with implementing an agriculture or conservation program under Federal or State law.

SA 857. Mr. MENENDEZ (for himself, Mr. ISAKSON, and Mrs. FEINSTEIN) 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. __. HOUSING LOAN LIMIT EXTENSIONS.

(a) FEDERAL HOUSING ADMINISTRATION.—Notwithstanding any other provision of law, for mortgages for which a Federal Housing Administration case number has been assigned during the period beginning on the date of enactment of this Act and ending on December 31, 2013, the dollar amount limitation on the principal obligation for purposes of section 203 of the National Housing Act (12 U.S.C. 1709) shall be considered to be, except for purposes of section 255(g) of such Act (12 U.S.C. 1715z-20(g)), the greater of—

(1) the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)); or

(2) the dollar amount limitation that was prescribed for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620).

(b) FANNIE MAE AND FREDDIE MAC LOAN LIMIT EXTENSION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for mortgage loans originated during the period beginning on the date of enactment of this Act and ending on December 31, 2013, the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation shall be the greater of—

(A) the limitation in effect at the time of the purchase of the mortgage loan, as determined pursuant to section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), respectively; or

(B) the limitation that was prescribed for loans originated during the period beginning on July 1, 2007 and ending on December 31, 2008, pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 619).

(2) PREMIUM LOAN FEE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Federal Housing Finance Agency shall, by rule or order, impose a premium loan fee to be charged by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation with respect to mortgage loans made eligible for purchase by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation by a higher limitation provided under paragraph (1)(B), annually during the life of the loan, of 15 basis points of the unpaid principal balance of the mortgage, to achieve an estimated \$300,000,000 from the revenue raised from such fees.

(B) PREMIUM LOAN FEE STRUCTURE.—The premium loan fee is independent of any guarantee fees, upfront or ongoing, charged to the borrower, and the premium loan fee shall not be affected by changes in guarantee fees.

(3) USE OF FEES.—

(A) IN GENERAL.—The fees imposed under paragraph (2) by the Federal Housing Finance Agency shall be deposited in the fund established under subparagraph (C), and shall be used to pay for costs associated with maintaining loan limits established under this section.

(B) SUBJECT TO APPROPRIATIONS.—Amounts in the fund established under subparagraph

(C) shall be available only to the extent provided in a subsequent appropriations Act.

(C) FUND.—There is established in the United States Treasury a fund, for the deposit of fees imposed under paragraph (2), to be used to pay for costs associated with maintaining loan limits established under this section.

(4) FHFA REPORT ON FEES.—The Federal Housing Finance Agency shall include in each annual report required by section 1601 of the Housing and Economic Recovery Act of 2008 related to the period described in paragraph (2)(B) a section that provides the basis for and an analysis of the premium loan fee charged in each year covered by the report.

(C) DEPARTMENT OF VETERANS AFFAIRS LOAN LIMIT EXTENSION.—Section 501 of the Veterans' Benefits Improvement Act of 2008 (Public Law 110-389; 122 Stat. 4175; 38 U.S.C. 3703 note) is amended, in the matter before paragraph (1), by striking "December 31, 2011" and inserting "December 31, 2013".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on October 18, 2011, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on October 18, 2011, at 10 a.m. in Dirksen 406 to conduct a hearing entitled, "A Review of the 2011 Floods and the Condition of the Nation's Flood Control Systems."

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

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 18, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Tax Reform Options: Incentives for Charitable Giving."

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "The Recession and Older Americans: Where Do We Go from Here" on October 18, 2011, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Com-

mittee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 18, 2011, at 10 a.m. to conduct a hearing entitled "Ten Years After 9/11 and the Anthrax Attacks: Protecting Against Biological Threats."

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on October 17, 2011, at 10 a.m. to conduct a hearing entitled "The Small Business Jobs Act of 2010, One Year Later."

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 18, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science and Transportation be authorized to meet during the session of the Senate on October 18, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, "Pipeline Safety since San Bruno and Other Recent Incidents."

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 429, 430, 431, 432, 433, 434, 435; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Dan W. Mozena, of Iowa, 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 People's Republic of Bangladesh.

Robert A. Mandell, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

Thomas Charles Krajieski, of Virginia, 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 Kingdom of Bahrain.

Susan Denise Page, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Sudan.

Adrienne S. O'Neal, of Michigan, 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 Cape Verde.

Mary Beth Leonard, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Mark Francis Brzezinski, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Energy Subcommittee be discharged from further consideration of S. 925 and the Senate proceed to the immediate consideration of the following bills en bloc: Calendar No. 129, S. 270; Calendar No. 132, S. 292; Calendar No. 133, S. 333; Calendar No. 134, S. 334; Calendar No. 136, S. 404; Calendar No. 184, H.R. 489; Calendar No. 185, H.R. 470; Calendar No. 186, H.R. 765; and S. 925.

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

Mr. REID. Mr. President, I ask unanimous consent that the committee amendments, where applicable, be agreed to, the bills, as amended, if amended, be read a third time and passed, and the motions to reconsider be laid upon the table.

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

The Senate proceeded to consider the bills en bloc, as follows:

LA PINE LAND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 270) to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

(Insert the part printed in italic)

S. 270

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