

SA 754. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 755. Mr. KOHL proposed an amendment to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, *supra*.

SA 756. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 757. Ms. COLLINS (for herself, Mr. UDALL of Colorado, Mr. CRAPO, Mr. RISCH, Ms. SNOWE, Mr. WYDEN, Ms. AYOTTE, Mr. JOHANNIS, Mr. NELSON of Nebraska, Mr. JOHNSON of Wisconsin, Mr. HOEVEN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 758. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

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SA 761. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 762. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 763. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

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SA 767. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 768. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

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

SA 770. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 771. Mr. BINGAMAN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 772. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, *supra*.

SA 773. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 774. Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 775. Mr. CORNYN proposed an amendment to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, *supra*.

SA 776. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 777. Mr. PAUL (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 778. Mr. PAUL (for himself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 779. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 780. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 781. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 782. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUE to the bill H.R. 2112, *supra*; which was ordered to lie on the table.

SA 783. Mr. REID (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 275, to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

SA 784. Mr. REID (for Mr. PAUL) proposed an amendment to the bill S. 275, *supra*.

#### TEXT OF AMENDMENTS

**SA 739.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_\_. None of the amounts made available under this division may be used for—

- (1) scenic or historic highway programs, including tourist and welcome centers;
- (2) landscaping or scenic beautification;
- (3) historic preservation;
- (4) rehabilitation or operation of historic transportation buildings, structures, or facilities;
- (5) control or removal of outdoor advertising;
- (6) archaeological planning or research; or
- (7) the establishment of transportation museums.

**SA 740.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading "ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS" under the heading "ECONOMIC DEVELOPMENT ADMINISTRATION" in title I of division B, strike ", for trade adjustment assistance, and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added by section 603 of the America COMPETES Reauthorization Act of 2010 (Public Law 111-358), \$220,000,000" and insert "and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added by section 603 of the America COMPETES Reauthorization Act of 2010 (Public Law 111-358), \$204,200,000".

**SA 741.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_\_. None of the funds made available by this Act shall be used to construct, fund, install, or operate an ethanol blender pump or an ethanol storage facility, including—

- (1) funds in any trust fund to which funds are made available by Federal law; and
- (2) any funds made available under the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107).

**SA 742.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 319, lines 9 through 14, strike "That of the total amount provided under this heading, \$17,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further,*,".

**SA 743.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217, insert the following:

SEC. 218. Notwithstanding any other provision of this title, no funds appropriated or otherwise made available by this title may be used for an Edward Byrne Memorial criminal justice innovation program and the total amount appropriated under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE (INCLUDING TRANSFER OF FUNDS)" under the heading "OFFICE OF JUSTICE PROGRAMS" under this title shall be reduced by \$20,000,000.

**SA 744.** Mr. MCCAIN submitted an amendment intended to be proposed by

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

On page 98, line 17, strike “Nevada.”.

**SA 745.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the amounts made available under this Act may be used to provide payments to the Brazil Cotton Institute or to pay the salaries or other expenses of personnel to process such payments.

**SA 746.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title VII of division A, strike section 729.

**SA 747.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title VII of division A, strike section 722.

**SA 748.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading “SALARIES AND EXPENSES” under the heading “ANIMAL AND PLANT HEALTH INSPECTION SERVICE” of title I of division A, strike “of which \$891,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831);”.

**SA 749.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 7 \_\_\_\_\_. None of the funds made available by this Act may be used to carry out

section 11016 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2130), including the amendments made by that section.

**SA 750.** Mr. REID (for Mr. WEBB) proposed an amendment to amendment SA 738 proposed by Mr. 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 appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) SHORT TITLE.—This section may be cited as the “National Criminal Justice Commission Act of 2011”.

(b) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the “National Criminal Justice Commission” (referred to in this section as the “Commission”).

(c) PURPOSE OF THE COMMISSION.—The Commission shall undertake a comprehensive review of the criminal justice system, encompassing current Federal, State, local, and tribal criminal justice policies and practices, and make reform recommendations for the President, Congress, State, local, and tribal governments.

(d) REVIEW AND RECOMMENDATIONS.—

(1) GENERAL REVIEW.—The Commission shall undertake a comprehensive review of all areas of the criminal justice system, including Federal, State, local, and tribal governments’ criminal justice costs, practices, and policies.

(2) FINDINGS AND RECOMMENDATIONS.—After conducting a review of the United States criminal justice system as required by paragraph (1), the Commission shall make findings regarding such review and recommendations for changes in oversight, policies, practices, and laws designed to prevent, deter, and reduce crime and violence, reduce recidivism, improve cost-effectiveness, and ensure the interests of justice at every step of the criminal justice system.

(3) PRIOR COMMISSIONS.—The Commission shall take into consideration the work of prior relevant commissions in conducting its review.

(4) STATE AND LOCAL GOVERNMENT.—In making its recommendations, the Commission should consider the financial and human resources of State and local governments. Recommendations shall not infringe on the legitimate rights of the States to determine their own criminal laws or the enforcement of such laws.

(5) PUBLIC HEARINGS.—The Commission shall conduct public hearings in various locations around the United States.

(6) CONSULTATION WITH GOVERNMENT AND NONGOVERNMENT REPRESENTATIVES.—

(A) IN GENERAL.—The Commission shall—

(i) closely consult with Federal, State, local, and tribal government and nongovernmental leaders, including State, local, and tribal law enforcement officials, legislators, public health officials, judges, court administrators, prosecutors, defense counsel, victims’ rights organizations, probation and parole officials, criminal justice planners, criminologists, civil rights and liberties organizations, formerly incarcerated individuals, professional organizations, and corrections officials; and

(ii) include in the final report required by paragraph (7) summaries of the input and recommendations of these leaders.

(B) UNITED STATES SENTENCING COMMISSION.—To the extent the review and recommendations required by this subsection

relate to sentencing policies and practices for the Federal criminal justice system, the Commission shall conduct such review and make such recommendations in consultation with the United States Sentencing Commission.

(7) REPORT.—

(A) REPORT.—Not later than 18 months after the first meeting of the Commission, the Commission shall prepare and submit a final report that contains a detailed statement of findings, conclusions, and recommendations of the Commission to Congress, the President, State, local, and tribal governments.

(B) GOAL OF UNANIMITY.—It is the sense of the Congress that, given the national importance of the matters before the Commission, the Commission should work toward unanimously supported findings and recommendations.

(C) PUBLIC AVAILABILITY.—The report submitted under this paragraph shall be made available to the public.

(D) VOTES ON RECOMMENDATIONS IN REPORT.—Consistent with subparagraph (B), the Commission shall state the vote total for each recommendation contained in its report to Congress.

(e) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 14 members, as follows:

(A) One member shall be appointed by the President, who shall serve as co-chairman of the Commission.

(B) One member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Republican Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Republican Party, who shall serve as co-chairman of the Commission.

(C) Two members shall be appointed by the senior member of the Senate leadership of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(D) Two members shall be appointed by the senior member of the Senate leadership of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(E) Two members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(F) Two members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(G) Two members, who shall be State and local representatives, shall be appointed by the President in agreement with leader of the Senate (majority or minority leader, as the case may be) of the Republican Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Republican Party.

(H) Two members, who shall be State and local representatives, shall be appointed by the President in agreement with leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party.

(2) MEMBERSHIP.—

(A) QUALIFICATIONS.—The individuals appointed from private life as members of the Commission shall be individuals with distinguished reputations for integrity and non-partisanship who are nationally recognized for expertise, knowledge, or experience in such relevant areas as—

(i) law enforcement;

- (ii) criminal justice;
- (iii) national security;
- (iv) prison and jail administration;
- (v) prisoner reentry;
- (vi) public health, including physical and sexual victimization, drug addiction and mental health;
- (vii) victims' rights;
- (viii) civil liberties;
- (ix) court administration;
- (x) social services; and
- (xi) State, local, and tribal government.

(B) **DISQUALIFICATION.**—An individual shall not be appointed as a member of the Commission if such individual possesses any personal financial interest in the discharge of any of the duties of the Commission.

(C) **TERMS.**—Members shall be appointed for the life of the Commission.

(3) **APPOINTMENT; FIRST MEETING.**—

(A) **APPOINTMENT.**—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this section.

(B) **FIRST MEETING.**—The Commission shall hold its first meeting on the date that is 60 days after the date of enactment of this section, or not later than 30 days after the date on which funds are made available for the Commission, whichever is later.

(C) **ETHICS.**—At the first meeting of the Commission, the Commission shall draft appropriate ethics guidelines for commissioners and staff, including guidelines relating to conflict of interest and financial disclosure. The Commission shall consult with the Senate and House Committees on the Judiciary as a part of drafting the guidelines and furnish the Committees with a copy of the completed guidelines.

(4) **MEETINGS; QUORUM; VACANCIES.**—

(A) **MEETINGS.**—The Commission shall meet at the call of the co-chairs or a majority of its members.

(B) **QUORUM.**—Eight members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(C) **VACANCIES.**—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. If vacancies in the Commission occur on any day after 45 days after the date of the enactment of this section, a quorum shall consist of a majority of the members of the Commission as of such day, so long as at least 1 Commission member chosen by a member of each party, Republican and Democratic, is present.

(5) **ACTIONS OF COMMISSION.**—

(A) **IN GENERAL.**—The Commission—

(i) shall act by resolution agreed to by a majority of the members of the Commission voting and present; and

(ii) may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this section—

(I) which shall be subject to the review and control of the Commission; and

(II) any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(B) **DELEGATION.**—Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this section.

(f) **ADMINISTRATION.**—

(1) **STAFF.**—

(A) **EXECUTIVE DIRECTOR.**—The Commission shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate established for the Certified Plan pay level for the Senior Executive Service

under section 5382 of title 5, United States Code.

(B) **APPOINTMENT AND COMPENSATION.**—The co-chairs of the Commission shall designate and fix the compensation of the Executive Director and, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(C) **PERSONNEL AS FEDERAL EMPLOYEES.**—

(i) **IN GENERAL.**—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(ii) **MEMBERS OF COMMISSION.**—Clause (i) shall not be construed to apply to members of the Commission.

(D) **THE COMPENSATION OF COMMISSIONERS.**—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States, State, or local government shall serve without compensation in addition to that received for their services as officers or employees.

(E) **TRAVEL EXPENSES.**—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(2) **EXPERTS AND CONSULTANTS.**—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(3) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(4) **OTHER RESOURCES.**—The Commission shall have reasonable access to materials, resources, statistical data, and other information such Commission determines to be necessary to carry out its duties from the Library of Congress, the Department of Justice, the Office of National Drug Control Policy, the Department of State, and other agencies of the executive and legislative branches of the Federal Government. The co-chairs of the Commission shall make requests for such access in writing when necessary.

(5) **VOLUNTEER SERVICES.**—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission is authorized to accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volun-

teers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in performance of those services for the purposes of chapter 81 of title 5 of the United States Code, relating to compensation for work-related injuries, chapter 171 of title 28 of the United States Code, relating to tort claims, and chapter 11 of title 18 of the United States Code, relating to conflicts of interest.

(6) **OBTAINING OFFICIAL DATA.**—The Commission may secure directly from any agency of the United States information necessary to enable it to carry out this section. Upon the request of the co-chairs of the Commission, the head of that department or agency shall furnish that information to the Commission. The Commission shall not have access to sensitive information regarding ongoing investigations.

(7) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(8) **ADMINISTRATIVE REPORTING.**—The Commission shall issue biannual status reports to Congress regarding the use of resources, salaries, and all expenditures of appropriated funds.

(9) **CONTRACTS.**—The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities. A contract, lease or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

(10) **GIFTS.**—Subject to existing law, the Commission may accept, use, and dispose of gifts or donations of services or property.

(11) **ADMINISTRATIVE ASSISTANCE.**—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section. These administrative services may include human resource management, budget, leasing, accounting, and payroll services.

(12) **NONAPPLICABILITY OF FACIA AND PUBLIC ACCESS TO MEETINGS AND MINUTES.**—

(A) **IN GENERAL.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(B) **MEETINGS AND MINUTES.**—

(i) **MEETINGS.**—

(I) **ADMINISTRATION.**—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(II) **NOTICE.**—All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(ii) **MINUTES AND PUBLIC AVAILABILITY.**—Minutes of each open meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. The minutes and records of all open meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(13) ARCHIVING.—Not later than the date of termination of the Commission, all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.

(g) APPROPRIATION.—Of amounts provided in this Act for salary and expenses for the Office of Justice Programs, \$5,000,000 shall be for the establishment of the commission, until such funds are expended.

(h) SUNSET.—The Commission shall terminate 60 days after it submits its report to Congress.

**SA 751.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_ . None of the funds made available by this Act to the Food and Drug Administration may be used to approve any application submitted under section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b) for approval of genetically engineered fish.

**SA 752.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

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

**SA 753.** Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 218. (a) PROHIBITION ON USE OF FUNDS FOR PROSECUTION OF ENEMY COMBATANTS IN ARTICLE III COURTS.—None of the funds appropriated or otherwise made available for the Department of Justice by this Act may be obligated or expended to commence the prosecution in an Article III court of the United States of an individual determined to be—

(1) a member of, or part of, al-Qaeda or an affiliated entity; and

(2) a participant in the course of planning or carrying out an attack or attempted attack against the United States or its coalition partners.

(b) DEFINITIONS.—In this section:

(1) The term “Article III court of the United States” means a court of the United States established under Article III of the Constitution of the United States.

(2) The term “individual” does not include a citizen of the United States.

**SA 754.** Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 248, line 18, insert “*Provided further*, That none of the funds made available under this heading may be used to finalize, enforce, or implement the hours-of-service regulations proposed by the Federal Motor Carrier Safety Administration on December 29, 2010:” after “transfer:”.

**SA 755.** Mr. KOHL proposed an amendment to amendment SA 738 proposed by Mr. 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. 7 \_\_\_\_ . Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report describing plans to implement reductions to salaries and expenses accounts included in this Act.

**SA 756.** Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, line 21, strike “\$509,295,000” and insert “\$499,295,000”.

On page 48, beginning on line 1, strike “\$10,000,000” and all that follows through “Account” on line 10 and insert “none of the funds made available under this Act may be used to make high energy cost grants under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a)”.

**SA 757.** Ms. COLLINS (for herself, Mr. UDALL of Colorado, Mr. CRAPO, Mr. RISCH, Ms. SNOWE, Mr. WYDEN, Ms. AYOTTE, Mr. JOHANNS, Mr. NELSON of Nebraska, Mr. JOHNSON of Wisconsin, Mr. HOEVEN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

(2) limits the options of local school districts in providing fruits and vegetables consistent with the most recent Dietary Guidelines for Americans.

**SA 758.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 114. None of the funds made available under this Act may be used for the development or implementation of coastal and marine spatial planning (as defined in section 3 of Executive Order 13547 (33 U.S.C. 857–19 note; relating to stewardship of the ocean, our coasts, and the Great Lakes)).

**SA 759.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 114. None of the funds made available under this Act may be used for the development or implementation of the planning described in section 3(b) of Executive Order 13547 (33 U.S.C. 857–19 note; relating to stewardship of the ocean, our coasts, and the Great Lakes).

**SA 760.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, after line 7 add the following:

SEC. 237. The Federal Housing Administration may not use any funds made available under the heading “FEDERAL HOUSING ADMINISTRATION” under the heading “DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT” under this title unless, not later than 60 days after the date of enactment of this Act, the Director of the Federal Housing Administration takes all necessary steps to ensure that the Mutual Mortgage Insurance Fund established under section 205 of the National Housing Act (12 U.S.C. 1711) attains a capital ratio of 2 percent before the end of fiscal year 2012.

**SA 761.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 218. None of the amounts made available in this title under the heading “COMMUNITY ORIENTED POLICING SERVICES” may be used in contravention of section 642(a) of the

Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

**SA 762.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . NATIONAL RIGHT TO WORK.**

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking “except to” and all that follows through “authorized in section 8(a)(3)”.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking “: *Provided*, That” and all that follows through “retaining membership”;

(B) in subsection (b)—  
(i) in paragraph (2), by striking “or to discriminate” and all that follows through “retaining membership”; and  
(ii) in paragraph (5), by striking “covered by an agreement authorized under subsection (a)(3) of this section”; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

**SA 763.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to implement the final rule entitled “Use of Ozone-Depleting Substances; Removal of Essential-Use Designation (Epinephrine)” (73 Fed. Reg. 69532 (November 19, 2008)).

**SA 764.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 7 \_\_\_\_ . Section 101(a)(2) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 120; 124 Stat. 2394; 124 Stat. 3265) is amended by striking “after October 31, 2013” and inserting “on the date of enactment of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012”.

**SA 765.** Mr. DEMINT submitted an amendment intended to be proposed by

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

At the appropriate place, insert the following:

SEC. \_\_\_\_ . None of the funds appropriated or otherwise made available by this title shall be used to pay the salaries and expenses of personnel to enforce the provisions of section 3(a)(2) of the Lacey Act Amendments of 1981 (16 U.S.C. 3372(a)(2)) with respect to a plant taken, possessed, transported, or sold in violation of a foreign law unless the applicable foreign government has initiated proceedings against the company or individual under the foreign law.

**SA 766.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . LIGHTING ENERGY EFFICIENCY.**

(a) IN GENERAL.—Subtitle B of title III of the Energy Independence and Security Act of 2007 (Public Law 110-140) is repealed.

(b) APPLICATION.—The Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) shall be applied and administered as if subtitle B of title III of the Energy Independence and Security Act of 2007 (and the amendments made by that subtitle) had not been enacted.

**SA 767.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 388, after line 17, add the following:

**DIVISION D—LOAN GUARANTEES**

**SEC. 101. LOAN GUARANTEES.**

Notwithstanding any other provision of this Act, none of the funds made available by this Act (including divisions A, B, and C) or an amendment made by this Act may be used to make a loan guarantee.

**SA 768.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

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

**SA 769.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural De-

velopment, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_ . None of the funds made available in this Act for the Food and Drug Administration shall be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act.

**SA 770.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

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

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

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

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

**SA 771.** Mr. BINGAMAN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, between lines 2 and 3, insert the following:

SEC. 542. (a) The matter under the heading “SALARIES AND EXPENSES” under the heading “OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE” in title IV of this division is amended by striking “\$46,775,000” and inserting “\$51,251,000”.

(b) Section 529(c)(2) of this title is amended by striking “\$620,000,000” and inserting “\$624,476,000”.

**SA 772.** Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. 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:

Strike section 128 of division C.

**SA 773.** Mr. DEMINT submitted an amendment intended to be proposed by

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

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REPEAL OF THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.**

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203) is repealed, and the provisions of law amended by such Act are revived or restored as if such Act had not been enacted.

**SA 774.** Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . OPPOSITION TO FUNDING BY THE INTERNATIONAL MONETARY FUND FOR THE EUROPEAN FINANCIAL STABILITY FACILITY.**

The United States Executive Director of the International Monetary Fund shall use the voice and vote of the United States to oppose—

(1) the use of any funds that include any contributions from the United States to the Fund for the European Financial Stability Facility;

(2) any additional funding provided by the Fund for any program related to the Facility; and

(3) any increase in the authority of the Fund that may be used to provide support for the Facility or any such program.

**SA 775.** Mr. CORNYN proposed an amendment to amendment SA 738 proposed by Mr. 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:

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

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

**SA 776.** Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. 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. \_\_\_\_ . Not later than 3 days after the date of enactment of this Act, the Commis-

sioner of Food and Drugs shall provide a response to the Independent Turtle Farmers of Louisiana regarding the submission to the Food and Drug Administration by such Independent Turtle Farmers of Louisiana dated March 31, 2011, relating to the regulation that bans the sale of small turtles.

**SA 777.** Mr. PAUL (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to implement the FDA Food Safety Modernization Act (Public Law 111-353) (or any amendment made by such Act).

**SA 778.** Mr. PAUL (for himself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. 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 to the Food and Drug Administration may be used for the purchase of weapons or ammunition to be used in enforcement activities, including raids.

**SA 779.** Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. 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 287, line 8, strike “\$549,499,000” and insert “\$542,939,000”.

On page 333, line 9, strike “\$35,940,000” and insert “\$42,500,000”.

**SA 780.** Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. 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 289, line 8, strike “\$101,076,000” and insert “\$97,076,000”.

On page 289, line 11, strike “\$392,796,000” and insert “\$382,296,000”.

On page 326, line 18, strike “\$60,000,000” and insert “\$87,500,000”.

On page 336, line 1, strike “\$199,035,000” and insert “\$184,035,000”.

**SA 781.** Ms. LANDRIEU submitted an amendment intended to be proposed to

amendment SA 738 proposed by Mr. 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 \_\_\_\_ . Section 363 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006e) is amended in the first sentence by striking “any loan” and inserting “any farmer program loan”.

**SA 782.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. 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 used for capitalization or recapitalization, as applicable, of revolving loan funds to support innovative, utility-administered energy efficiency lending to small businesses” before the period at the end.

**SA 783.** Mr. REID (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 275, to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation’s energy products by pipeline, and for other purposes; as follows:

On page 64, after line 18, add the following:

**SEC. 30. PAYGO COMPLIANCE.**

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

**SA 784.** Mr. REID (for Mr. PAUL) proposed an amendment to the bill S. 275, to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation’s energy products by pipeline, and for other purposes; as follows:

Beginning on page 56, strike line 12 and all that follows through page 64, line 18, and insert the following:

(1) 9 employees shall be added in fiscal year 2012;

(2) 10 employees shall be added in fiscal year 2013;

(3) 10 employees shall be added in fiscal year 2014; and

(4) 10 employees shall be added in fiscal year 2015.

(b) FUNCTIONS.—In increasing the number of employees under subsection (a), the Secretary shall focus on hiring employees—

(1) to conduct data collection, analysis, and reporting;

(2) to develop, implement, and update information technology;

(3) to conduct inspections of pipeline facilities to determine compliance with applicable regulations and standards;

(4) to provide administrative, legal, and other support for pipeline enforcement activities; and

(5) to support the overall pipeline safety mission of the Pipeline and Hazardous Materials Safety Administration, including training of pipeline enforcement personnel.

#### SEC. 26. MAINTENANCE OF EFFORT.

Section 60107(b) is amended to read as follows:

“(b) PAYMENTS.—After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program and that the total State amount spent for a safety program (excluding grants of the United States Government) will at least equal the average amount spent for gas and hazardous liquid safety programs for fiscal years 2004 through 2006, except when the Secretary waives the requirements of this subsection. The Secretary shall grant such a waiver if a State can demonstrate an inability to maintain or increase the required funding share of its pipeline safety program at or above the level required by this subsection due to economic hardship in that State.”

#### SEC. 27. MAXIMUM ALLOWABLE OPERATING PRESSURE.

(a) ESTABLISHMENT OF RECORDS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall require pipeline operators to conduct a verification of records for all interstate and intrastate gas transmission lines in class 3 and class 4 locations and class 1 and class 2 high consequence areas that accurately reflect the pipeline's physical and operational characteristics and confirm the established maximum allowable operating pressure of those pipelines.

(2) ELEMENTS.—Verification of each record under paragraph (1) shall include such elements as the Secretary considers appropriate.

(b) REPORTING.—

(1) DOCUMENTATION OF CERTAIN PIPELINES.—Not later than 18 months after the date of enactment of this Act, pipeline operators shall submit to the Secretary documentation of all interstate and intrastate gas transmission pipelines in class 3 and class 4 locations and class 1 and class 2 high consequence areas where the records required under subsection (a) are not sufficient to confirm the established maximum allowable operating pressure of those pipeline segments.

(2) EXCEEDANCES OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—All pipeline operators shall report any exceedance of the maximum allowable operating pressure for gas transmission pipelines that exceed the build-up allowed for operation of pressure-limiting or control devices to the Secretary not later than 5 working days after the exceedance occurs. Notice of exceedance by gas transmission pipelines shall be provided concurrently to appropriate State authorities.

(c) DETERMINATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

(1) IN GENERAL.—For any transmission line reported in subsection (b), the Secretary shall require the operator of the transmission line to reconfirm a maximum allow-

able operational pressure as expeditiously as economically feasible.

(2) INTERIM ACTIONS.—For cases described in paragraph (1), the Secretary will determine what actions are appropriate for a pipeline operator to take to maintain safety until a maximum allowable operating pressure is confirmed. In determining what actions an operator should take, the Secretary shall take into account consequences to public safety and the environment, impacts on pipeline system reliability and deliverability, and other factors, as appropriate.

(d) TESTING REGULATIONS.—The Secretary shall, not later than 18 months after the date of the enactment of this Act, prescribe regulations for conducting tests to confirm the material strength of previously untested natural gas transmission pipelines located in areas identified pursuant to section 60109(a) of title 49, United States Code, and operating at a pressure greater than 30 percent of specified minimum yield strength. The Secretary shall consider safety testing methodologies including, at a minimum, pressure testing or other alternative methods, including in-line inspections, determined by the Secretary to be of equal or greater effectiveness. The Secretary, in consultation with the Chairman of the Federal Energy Regulatory Commission and State regulators, as appropriate, shall establish timeframes for the completion of such testing that take into account consequences to public safety and the environment and that minimize costs and service disruptions.

#### SEC. 28. ADMINISTRATIVE ENFORCEMENT PROCESS.

(a) ISSUANCE OF REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall prescribe regulations—

(A) requiring hearings under sections 60112, 60117, 60118, and 60122 to be convened before a presiding official;

(B) providing the opportunity for any person requesting a hearing under sections 60112, 60117, 60118, and 60122 to arrange for a transcript of that hearing, at the expense of the requesting person; and

(C) ensuring expedited review of any order issued pursuant to section 60112(e).

(2) PRESIDING OFFICIAL.—The regulations prescribed under this subsection shall—

(A) define the term “presiding official” to mean the person who conducts any hearing relating to civil penalty assessments, compliance orders, safety orders, or corrective action orders; and

(B) require that the presiding official must be an attorney on the staff of the Deputy Chief Counsel that is not engaged in investigative or prosecutorial functions, including the preparation of notices of probable violations, orders relating to civil penalty assessments, compliance orders, or corrective action orders.

(b) STANDARDS OF JUDICIAL REVIEW.—Section 60119(a) is amended by adding at the end the following new paragraph:

“(3) All judicial review of agency action under this section shall apply the standards of review established in section 706 of title 5.”

#### SEC. 29. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—

(1) Section 60125(a)(1) is amended by striking subparagraphs (A) through (D) and inserting the following:

“(A) for fiscal year 2012, \$92,206,000, of which \$9,200,000 is for carrying out such section 12 and \$36,958,000 is for making grants;

“(B) for fiscal year 2013, \$96,144,000, of which \$9,600,000 is for carrying out such section 12 and \$39,611,000 is for making grants;

“(C) for fiscal year 2014, \$99,876,000, of which \$9,900,000 is for carrying out such sec-

tion 12 and \$41,148,000 is for making grants; and

“(D) for fiscal year 2015, \$102,807,000, of which \$10,200,000 is for carrying out such section 12 and \$42,356,000 is for making grants.”

(2) Section 60125(a)(2) is amended by striking subparagraphs (A) through (D) and inserting the following:

“(A) for fiscal year 2012, \$18,905,000, of which \$7,562,000 is for carrying out such section 12 and \$7,864,000 is for making grants;

“(B) for fiscal year 2013, \$19,661,000, of which \$7,864,000 is for carrying out such section 12 and \$7,864,000 is for making grants;

“(C) for fiscal year 2014, \$20,000,000, of which \$8,000,000 is for carrying out such section 12 and \$8,000,000 is for making grants; and

“(D) for fiscal year 2015, \$20,000,000, of which \$8,000,000 is for carrying out such section 12 and \$8,000,000 is for making grants.”

(b) EMERGENCY RESPONSE GRANTS.—Section 60125(b)(2) is amended by striking “2007 through 2010” and inserting “2012 through 2015”.

(c) ONE-CALL NOTIFICATION PROGRAMS.—Section 6107 is amended—

(1) by striking “2007 through 2010.” in subsection (a) and inserting “2012 through 2015.”;

(2) by striking “2007 through 2010.” in subsection (b) and inserting “2012 through 2015.”; and

(3) by striking subsection (c).

(d) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134 is amended by adding at the end the following:

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to provide grants under this section \$2,000,000 for each of fiscal years 2012 through 2015. The funds shall remain available until expended.”

(e) COMMUNITY PIPELINE SAFETY INFORMATION GRANTS.—Section 60130 is amended—

(1) by striking “\$50,000” in subsection (a)(1) and inserting “\$100,000”; and

(2) by striking “2003 through 2010.” in subsection (d) and inserting “2012 through 2015.”

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

(1) by adding at the end of subsection (d) the following:

“(3) ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program each year that funds are appropriated for carrying out the plan.”; and

(2) by striking “2003 through 2006.” in subsection (f) and inserting “2012 through 2015.”

#### NOTICE OF INTENT TO OBJECT

I, Senator CHARLES GRASSLEY, intend to object to proceeding to S. 1385, a bill to terminate the \$1 presidential coin program, dated October 17, 2001.

#### PRIVILEGES OF THE FLOOR

Mr. KOHL. Mr. President, I ask unanimous consent that the following staff be granted the privileges of the floor during consideration of H.R. 2112: Galen Fountain, Jessica Frederick, Dianne Nellor, Stacy McBride, Phil