Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—

(1) the continued progress of the recovery of bald eagles; and

(2) that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 20, 2011, as ''American Eagle Day'';

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to generate critical funds for the protection of bald eagles; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 416. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table.

SA 417. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 418. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 419. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 420. Mr. CARDIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 421. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 422. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 423. Mrs. HUTCHISON (for herself, Mr. BARRASSO, Mr. BURR, Mr. INHOFE, Mr. PORTMAN, Mr. RISCH, Mr. HATCH, Mr. ALEXANDER, Mr. KYL, and Mr. MORAN) submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 424. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 425. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 426. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 427. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 428. Mr. MERKLEY (for himself and Ms. SNOWE) proposed an amendment to the bill S. 782, supra.

SA 429. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 430. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 431. Mr. MORAN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 432. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 433. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 416. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 22. STABILITY OVERSIGHT COUNCIL AUTHORITY.

(a) REPEAL OF ENHANCED SUPERVISION AUTHORITY.—The Financial Stability Act of 2010 (15 U.S.C. 5311 et seq.) is amended by striking sections 113 (12 U.S.C. 5323), 114 (12 U.S.C. 5324), 115 (12 U.S.C. 5325), and 165 (12 U.S.C. 5365).

(b) CONFORMING AMENDMENTS TO THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.—The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203) is amended—

(1) in section 2 (12 U.S.C. 5301), by striking paragraph (13);

(2) in section 102 (12 U.S.C. 5311)

(A) in subsection (a)(4), by striking subparagraph (D); and

(B) in subsection (c), by striking ''(other than section 113(b))'';

(3) in section 112(a)(2) (12 U.S.C. 5322(a)(2))—

(A) in subparagraph (H), by striking '', or because of their activities pursuant to section 113''; and

(B) in subparagraph (N)(iv), by striking ''section 113 or'';

(4) in section 117 (12 U.S.C. 5327)—

(A) in subsection (b), by striking '', as if the Council had made a determination under section 113 with respect to that entity''; and

(B) in subsection (c), by striking ''whether the company meets the standards under section 113(a) or 113(b), as applicable, and'';

(5) in section 120(a) (12 U.S.C. 5330(a)), by striking '', including standards enumerated in section 115,'';

(6) in section 121—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c);

(7) in section 155(d) (12 U.S.C. 5345(d)), by striking ''based on the considerations for establishing the prudential standards under section 115,'';

(8) in section 166 (12 U.S.C. 5366), by striking ''or a bank holding company described in section 165(a)'' each place that term appears;

(9) in section 170 (12 U.S.C. 5370)—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively;

(10) in section 211(f) (12 U.S.C. 5391(f)), by striking '' or the Board of Governors under section 165''; and

(11) in section 716(i) (15 U.S.C. 8305(i)), by striking ''as regulated under section 113'' each place that term appears.

(c) CONFORMING AMENDMENTS TO THE FEDERAL RESERVE ACT.—Section 11(s)(2)(B) of the Federal Reserve Act (12 U.S.C. 248(s)(2)(B)), as added by section 318 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by striking ''; and'' and all that follows through the end of subparagraph (C) and inserting a period.

(d) CONFORMING AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 10(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)(3)) is amended—

(1) by striking ''or a bank holding company described in section 165(a) of the Financial Stability Act of 2010'' each place that term appears; and

(2) by striking ''in accordance with section 165(d) of that Act''.

SEC. 23. REESTABLISHING THE FEDERAL RESERVE LENDER OF LAST RESORT FUNCTION.

(a) RULEMAKING REQUIRED.—Notwithstanding any other provision of law, the Board of Governors of the Federal Reserve System (in this Act referred to as the ''Board''), in consultation with the Secretary of the Treasury (in this Act referred to as the ''Secretary''), shall, not later than 12 months after the date of enactment of this Act, issue rules that shall govern the creation of any emergency stabilization actions by the Board.

(b) REQUIREMENTS.—At a minimum, rules required under this Act shall, with respect to emergency stabilization actions described in subsection (a), including with respect to debt guarantee actions by and lender of last resort functions of the Board, and any action of the Board under section 13(3) of the Federal Reserve Act (other than discount window lending)—

(1) prescribe under what circumstances the program may and may not be used in the future;

(2) prescribe how the program shall ensure that it will only be used by solvent companies and will not be used to prevent failure of otherwise failing firms;

(3) prohibit the use of equity as collateral, and determine what type of collateral the Board will accept against emergency lending to ensure that all lending is done against collateral adequate to prevent the Federal Reserve System from incurring losses on the loan;

(4) establish how the Board of Governors and the Secretary shall ensure that the program does not allocate credit involving significant amounts of funding to specific segments of the financial system through decisions based on criteria other than the values of collateral posted or artificially prop up certain segments of the economy;

(5) establish procedures by which the Board would promulgate initial rules, and modify and amend such rules, to ensure a proper notice and comment period, including publicly documenting the need for the rule change; and

(6) include any other factors that the Board, in consultation with the Secretary, deems appropriate.

SEC. 24. DISCLOSURES OF USE OF EMERGENCY LENDING AUTHORITY.

The Board shall promptly, not later than 1 year after the date of any determination by the Board on whether to exercise its emergency lending authority, including with respect to debt guarantee actions by and lender of last resort functions of the Board, and any action of the Board under section 13(3) of

the Federal Reserve Act (other than discount window lending), make available to the public on its website, information on each such exercise of the emergency lending authority of the Board, including—

(1) all terms of the loan;

(2) collateral pledged;

(3) the method of valuation of collateral;

(4) repayment information;

(5) such other information as is relevant to the program;

(6) the identity of all of the companies that were granted a loan; and

(7) the identity of all companies that were denied a loan and the reasons for such denial.

SA 417. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INCLUSION OF APPLICATION TO INDEPENDENT REGULATORY AGENCIES.

(a) IN GENERAL.—Section 421(1) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658(1)) is amended by striking '', but does not include independent regulatory agencies''.

(b) EXEMPTION FOR MONETARY POLICY.—The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) is amended by inserting after section 5 the following:

''SEC. 6. EXEMPTION FOR MONETARY POLICY.

''Nothing in title II, III, or IV shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.''.

SA 418. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. UNFUNDED MANDATES REFORM.

(a) REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.—

(1) REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.—Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) is amended—

(A) by striking the section heading and inserting the following:

''SEC. 202. REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.'';

(B) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(C) by striking subsection (a) and inserting the following:

''(a) DEFINITION.—In this section, the term 'cost' means the cost of compliance and any reasonably foreseeable indirect costs, including revenues lost as a result of an agency rule subject to this section.

''(b) IN GENERAL.—Before promulgating any proposed or final rule that may have an annual effect on the economy of $100,000,000 or more (adjusted for inflation), or that may result in the expenditure by State, local, and tribal governments, in the aggregate, of $100,000,000 or more (adjusted for inflation) in any 1 year, each agency shall prepare and publish in the Federal Register an initial and final regulatory impact analysis. The initial regulatory impact analysis shall accompany the agency's notice of proposed rulemaking and shall be open to public comment. The final regulatory impact analysis shall accompany the final rule.

''(c) CONTENT.—The initial and final regulatory impact analysis under subsection (b) shall include—

''(1)(A) an analysis of the anticipated benefits and costs of the rule, which shall be quantified to the extent feasible;

''(B) an analysis of the benefits and costs of a reasonable number of regulatory alternatives within the range of the agency's discretion under the statute authorizing the rule, including alternatives that—

''(i) require no action by the Federal Government; and

''(ii) use incentives and market-based means to encourage the desired behavior, provide information upon which choices can be made by the public, or employ other flexible regulatory options that permit the greatest flexibility in achieving the objectives of the statutory provision authorizing the rule; and

''(C) an explanation that the rule meets the requirements of section 205;

''(2) an assessment of the extent to which—

''(A) the costs to State, local and tribal governments may be paid with Federal financial assistance (or otherwise paid for by the Federal Government); and

''(B) there are available Federal resources to carry out the rule;

''(3) estimates of—

''(A) any disproportionate budgetary effects of the rule upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities, or particular segments of the private sector; and

''(B) the effect of the rule on job creation or job loss, which shall be quantified to the extent feasible; and

''(4)(A) a description of the extent of the agency's prior consultation with elected representatives (under section 204) of the affected State, local, and tribal governments;

''(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency; and

''(C) a summary of the agency's evaluation of those comments and concerns.'';

(D) in subsection (d) (as redesignated by paragraph (2) of this subsection), by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(E) in subsection (e) (as redesignated by paragraph (2) of this subsection), by striking ''subsection (a)'' each place that term appears and inserting ''subsection (b)''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for the Unfunded Mandates Reform Act of 1995 is amended by striking the item relating to section 202 and inserting the following:

''Sec. 202. Regulatory impact analyses for certain rules.''.

(b) LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.—Section 205 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1535) is amended by striking section 205 and inserting the following:

''SEC. 205. LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.

''Before promulgating any proposed or final rule for which a regulatory impact analysis is required under section 202, the agency shall—

''(1) identify and consider a reasonable number of regulatory alternatives within the range of the agency's discretion under the statute authorizing the rule, including alternatives required under section 202(b)(1)(B); and

''(2) from the alternatives described under paragraph (1), select the least costly or least burdensome alternative that achieves the objectives of the statute.''.

SA 419. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

SEC. 22. PERMANENT REAUTHORIZATION OF EB–5 REGIONAL CENTER PROGRAM.

Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking ''pilot'' each place such term appears; and

(2) in subsection (b), by striking ''until September 30, 2012''.

SA 420. Mr. CARDIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. MATCHING FUNDS FOR APPALACHIAN DEVELOPMENT HIGHWAY PROJECTS.

Section 120(j)(1)(A) of title 23, United States Code, is amended by striking ''and the Appalachian development highway system program under section 14501 of title 40''.

SA 421. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

SEC. 22. BORDER FENCE COMPLETION.

(a) MINIMUM REQUIREMENTS.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: ''Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) not later than 1 year after the date of the enactment of the Economic Development Revitalization Act of 2011, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).''; and

(3) in subparagraph (C), by adding at the end the following:

''(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).''.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section

102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by subsection (a); and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

SA 422. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY.

(a) SHORT TITLE.—This section may be cited as the ''Regulations From the Executive in Need of Scrutiny Act of 2011'' or the ''REINS Act''.

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) Section 1 of article I of the United States Constitution grants all legislative powers to Congress.

(B) Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes.

(C) By requiring a vote in Congress, this Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the people of the United States for the laws imposed upon them.

(2) PURPOSE.—The purpose of this Act is to increase accountability for and transparency in the Federal regulatory process.

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—Chapter 8 of title 5, United States Code, is amended to read as follows:

''CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

''§ 801. Congressional review

''(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

''(i) a copy of the rule;

''(ii) a concise general statement relating to the rule;

''(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within sections 804(2)(A), 804(2)(B), and 804(2)(C);

''(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

''(v) the proposed effective date of the rule.

''(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

''(i) a complete copy of the cost-benefit analysis of the rule, if any;

''(ii) the agency's actions under title 5 of the United States Code, sections 603, 604, 605, 607, and 609;

''(iii) the agency's actions under sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532, 1533, 1534, and 1535); and

''(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

''(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

''(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B).

''(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

''(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

''(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

''(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

''(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

''(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

''(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

''(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

''(A) necessary because of an imminent threat to health or safety or other emergency;

''(B) necessary for the enforcement of criminal laws;

''(C) necessary for national security; or

''(D) issued pursuant to any statute implementing an international trade agreement.

''(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

''(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

''(A) in the case of the Senate, 60 session days, or

''(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

''(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

''(i) such rule were published in the Federal Register on—

''(I) in the case of the Senate, the 15th session day, or

''(II) in the case of the House of Representatives, the 15th legislative day,

after the succeeding session of Congress first convenes; and

''(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

''(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

''§ 802. Congressional approval procedure for major rules

''(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced on or after the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress approves the rule submitted by the __ __ relating to __ __.' (The blank spaces being appropriately filled in).

''(1) In the House, the majority leader of the House of Representatives (or his designee) and the minority leader of the House of Representatives (or his designee) shall introduce such joint resolution described in subsection (a) (by request), within 3 legislative days after Congress receives the report referred to in section 801(a)(1)(A).

''(2) In the Senate, the majority leader of the Senate (or his designee) and the minority leader of the Senate (or his designee) shall introduce such joint resolution described in subsection (a) (by request), within 3 session days after Congress receives the report referred to in section 801(a)(1)(A).

''(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

''(2) For purposes of this section, the term 'submission date' means the date on which the Congress receives the report submitted under section 801(a)(1).

''(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

''(d)(1) In the Senate, when the committee or committees to which a joint resolution is

referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e)(1) In the House of Representatives, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 legislative days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the appropriate calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th legislative day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

''(2)(A) A motion in the House of Representatives to proceed to the consideration of a resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) Debate in the House of Representatives on a resolution shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion to further limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order. It shall not be in order to reconsider the vote by which a resolution is agreed to or disagreed to.

''(C) Motions to postpone, made in the House of Representatives with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

''(D) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a resolution shall be decided without debate.

''(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply with respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(1) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(2) the vote on final passage shall be on the joint resolution of the other House.

''(g) The enactment of a resolution of approval does not serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, does not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule.

''(h) This section and section 803 are enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''§ 803. Congressional disapproval procedure for nonmajor rules

''(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the nonmajor rule submitted by the __ __ relating to __ __, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in).

''(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

''(2) For purposes of this section, the term 'submission or publication date' means the later of the date on which—

''(A) the Congress receives the report submitted under section 801(a)(1); or

''(B) the nonmajor rule is published in the Federal Register, if so published.

''(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

''(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

''(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

''(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

''(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

''(1) The joint resolution of the other House shall not be referred to a committee.

''(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(B) the vote on final passage shall be on the joint resolution of the other House.

''§ 804. Definitions

''For purposes of this chapter—

''(1) the term 'Federal agency' means any agency as that term is defined in section 551(1);

''(2) the term 'major rule' means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

''(A) an annual effect on the economy of $100,000,000 or more;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets;

''(3) the term 'nonmajor rule' means any rule that is not a major rule; and

''(4) the term 'rule' has the meaning given such term in section 551, except that such term does not include—

''(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

''(B) any rule relating to agency management or personnel; or

''(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of nonagency parties.

''§ 805. Judicial review

''(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

''(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

''§ 806. Exemption for monetary policy

''Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

''§ 807. Effective date of certain rules

''Notwithstanding section 801—

''(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

''(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency promulgating the rule determines.''.

SA 423. Mrs. HUTCHISON (for herself, Mr. BARRASSO, Mr. BURR, Mr. INHOFE, Mr. PORTMAN, Mr. RISCH, Mr. HATCH, Mr. ALEXANDER, Mr. KYL, and Mr. MORAN) submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. ___. EFFECTIVE DATE OF PPACA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the provisions of the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), including the amendments made by such Acts, that are not in effect on the date of enactment of this Act shall not be in effect until the date on which final judgment is entered in all cases challenging the constitutionality of the requirement to maintain minimum essential coverage under section 5000A of the Internal Revenue Code of 1986 that are pending before a Federal court on the date of enactment of this Act.

(b) PROMULGATION OF REGULATIONS.—Notwithstanding any other provision of law, the Federal Government shall not promulgate regulations under the Patient Protection and Affordable Care Act (Public Law 111–148) or the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), including the amendments made by such Acts, or otherwise prepare to implement such Acts (or amendments made by such Acts), until the date on which final judgment is entered in all cases challenging the constitutionality of the requirement to maintain minimum essential coverage under section 5000A of the Internal Revenue Code of 1986 that are pending before a Federal court on the date of enactment of this Act.

SA 424. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

SEC. [2__]. MARGIN RULES; SECURITIES LAWS AMENDMENTS.

(a) MARGIN RULES.—

(1) CAPITAL AND MARGIN REQUIREMENTS.—Section 4s(e) of the Commodity Exchange Act (7 U.S.C. 6s(e)) is amended by adding at the end the following:

''(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The margin requirements of this subsection shall not apply to swaps in which 1 of the counterparties is not—

''(A) a swap dealer or major swap participant;

''(B) an investment fund that—

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

''(ii) 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

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

''(C) 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

''(D) a commodity pool.

''(5) MARGIN TRANSITION RULES.—Swaps entered into before the date on which final rules are required to be promulgated under section 712(e) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8302(e)) shall be exempt from the margin requirements under this subsection.''.

(2) MAJOR SWAP PARTICIPANT.—Section 1a(33)(A) of the Commodity Exchange Act (7 U.S.C. 1a(33)(A)) is amended by striking clause (ii) and inserting the following:

''(ii) whose outstanding swaps create substantial net counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets; or''.

(b) SECURITIES LAWS AMENDMENTS.—

(1) MARGIN REQUIREMENTS.—Section 15F(e) of the Securities Exchange Act of 1934 (15 U.S.C. 780-10(e)), as added by section 764 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following:

''(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The margin requirements of this subsection shall not apply to security-based swaps in which 1 of the counterparties is not—

''(A) a security-based swap dealer or major security-based swap participant;

''(B) an investment fund that 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 section 3(c) of that Act (15 U.S.C. 80a-3(c)), that is not primarily invested in physical assets (including commercial real estate) directly or through interest in its affiliates that own such assets;

''(C) 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

''(D) a commodity pool.

''(5) MARGIN TRANSITION RULES.—Security-based swaps entered into before the date on which final rules are required to be published under section 712(a)(5) of the Wall Street Transparency and Accountability Act of 2010 (15 U.S.C. 8302(a)(5)) are exempt from the margin requirements of this subsection.''.

(2) DEFINITIONS.—Section 3(a)(67)(A)(ii)(II) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(67)(A)(ii)(II)), as amended to read as follows:

''(II) whose outstanding security-based swaps create substantial net counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets;''.

(c) EFFECTIVE DATE.—The amendments made by this section shall have the same effective date as provided in section 774 of the Wall Street Transparency and Accountability Act of 2010 (15 U.S.C. 77b note).

SA 425. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

SEC. _____. DECREASE SPENDING NOW ACT.

(a) SHORT TITLE.—This section may be cited as the ''Decrease Spending Now Act''.

(b) RESCISSION OF UNOBLIGATED DISCRETIONARY APPROPRIATIONS.—

(1) IN GENERAL.—Of the unobligated balances of discretionary appropriations on the date of enactment of this Act, $45,000,000,000 is rescinded.

(2) IMPLEMENTATION.—

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

(B) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress listing the accounts reduced by the rescission in paragraph (1) and the amounts rescinded from each such account.

(3) EXCEPTIONS.—The rescission under paragraph (1) shall not apply to the Department of Defense, the Department of Veterans Affairs, or the Social Security Administration.

SA 426. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

SEC. 22. RESCISSION OF UNOBLIGATED DISCRETIONARY APPROPRIATIONS.

(a) IN GENERAL.—Of the unobligated balances of discretionary appropriations on the date of enactment of this Act, $3,000,000,000 is rescinded.

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

(c) EXCEPTIONS.—The rescission under subsection (a) shall not apply to the Department of Defense, the Department of Veterans Affairs, or the Social Security Administration.

SA 427. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. IDENTIFICATION OF QUALIFIED CENSUS TRACTS BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

(a) DESIGNATION OF QUALIFIED CENSUS TRACTS.—Not later than 2 weeks after the date on which the Secretary of Housing and Urban Development receives from the Census Bureau the data obtained from each decennial census relating to census tracts, the Secretary of Housing and Urban Development shall identify census tracts that meet the requirements of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986 (determined without regard to Secretarial designation) and shall deem such census tracts to be qualified census tracts (as defined in such section) solely for purposes of determining which areas qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(b) EFFECTIVE DATE.—The Administrator of the Small Business Administration shall designate a date that is not later than 3 months after the date on which the Secretary of Housing and Urban Development identifies qualified census tracts under subsection (a) as the effective date for areas that qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect—

(1) the date on which a census tract is designated as a qualified census tract for purposes of section 42 of the Internal Revenue Code of 1986; or

(2) the method used by the Secretary of Housing and Urban Development to designate census tracts as qualified census tracts in a year in which the Secretary of Housing and Urban Development receives no data from the Census Bureau relating to census tract boundaries.

SA 428. Mr. MERKLEY (for himself and Ms. SNOWE) proposed an amendment to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—REGULATION OF MORTGAGE SERVICING

SEC. ____1. SHORT TITLE.

This title may be cited as the ''Regulation of Mortgage Servicing Act of 2011''.

SEC. ____2. DEFINITIONS.

In this title, the following definitions shall apply:

(1) ALTERNATIVE TO FORECLOSURE.—The term ''alternative to foreclosure''—

(A) means a course of action with respect to a mortgage offered by a servicer to a borrower as an alternative to a covered foreclosure action; and

(B) includes a short sale and a deed in lieu of foreclosure.

(2) BORROWER.—The term ''borrower'' means a mortgagor under a mortgage who is in default or at risk of imminent default, as determined by the Director, by rule.

(3) COVERED FORECLOSURE ACTION.—The term ''covered foreclosure action'' means a judicial or nonjudicial foreclosure.

(4) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Consumer Financial Protection.

(5) INDEPENDENT REVIEWER.—The term ''independent reviewer''—

(A) means an entity that has the expertise and capacity to determine whether a borrower is eligible to participate in a loan modification program; and

(B) includes—

(i) an entity that is not a servicer; and

(ii) a division within a servicer that is independent of, and not under the same immediate supervision as, any division that makes determinations with respect to applications for loan modifications or alternatives to foreclosure.

(6) LOAN MODIFICATION PROGRAM.—The term ''loan modification program''—

(A) means a program or procedure designed to change the terms of a mortgage in the case of the default, delinquency, or imminent default or delinquency of a mortgagor; and

(B) includes—

(i) a loan modification program established by the Federal Government, including the Home Affordable Modification Program of the Department of the Treasury; and

(ii) a loan modification program established by a servicer.

(7) MORTGAGE.—The term ''mortgage'' means a federally related mortgage loan, as defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602), that is secured by a first or subordinate lien on residential real property.

(8) SERVICER.—The term ''servicer''—

(A) has the same meaning as in section 6(i) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)); and

(B) includes a person responsible for servicing a pool of mortgages.

SEC. ____3. SINGLE POINT OF CONTACT.

(a) CASE MANAGER REQUIRED.—A servicer shall assign 1 case manager to each borrower that seeks a loan modification or an alternative to foreclosure.

(b) DUTIES OF CASE MANAGER.—The case manager assigned under subsection (a) shall be an individual who—

(1) manages the communications between the servicer and the borrower;

(2) has the authority to make decisions about the eligibility of the borrower for a loan modification or an alternative to foreclosure;

(3) is available to communicate with the borrower by telephone and email during business hours; and

(4) remains assigned to the borrower until the earliest of—

(A) the date on which the borrower accepts a loan modification or an alternative to foreclosure;

(B) the date on which the servicer forecloses on the mortgage of the borrower; and

(C) the date on which a release of the mortgage of the borrower is recorded in the appropriate land records office, as determined by the Director, by rule.

(c) ASSISTANCE FOR CASE MANAGERS.—A servicer may assign an employee to assist a case manager assigned under subsection (a), if the case manager remains available to communicate with the borrower by telephone and email.

SEC. ____4. DETERMINATION OF ELIGIBILITY FOR LOAN MODIFICATION PROGRAM OR ALTERNATIVE TO FORECLOSURE REQUIRED BEFORE FORECLOSURE.

(a) INITIATION OF COVERED FORECLOSURE ACTIONS.—A servicer may not initiate a covered foreclosure action against a borrower unless the servicer has—

(1) completed a full review of the file of the borrower to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure;

(2) made a reasonable effort to obtain the information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure, as described in subsection (c); and

(3) offered the borrower a loan modification or an alternative to foreclosure, if the borrower is eligible for the loan modification or alternative to foreclosure.

(b) SUSPENSION OF COVERED FORECLOSURE ACTIONS.—

(1) IN GENERAL.—A servicer shall suspend a covered foreclosure action that was initiated before the date of enactment of this title until the servicer—

(A) completes a full review of the file of the borrower to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure;

(B) notifies the borrower of the determination under subparagraph (A); and

(C) offers the borrower a loan modification or an alternative to foreclosure, if the borrower is eligible for a loan modification or an alternative to foreclosure.

(2) SUSPENSION.—During the period of the suspension under paragraph (1), a servicer may not—

(A) send a notice of foreclosure to a borrower;

(B) conduct or schedule a sale of the real property securing the mortgage of the borrower; or

(C) cause final judgment to be entered against the borrower.

(3) REASONABLE EFFORTS.—A servicer is not required to suspend a covered foreclosure action under paragraph (1) if the servicer—

(A) makes a reasonable effort to obtain information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure, as described in subsection (c); and

(B) has not received information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure before the end of the applicable period under subsection (c).

(4) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require a servicer to delay a foreclosure that results from—

(A) a borrower abandoning the residential real property securing a mortgage; or

(B) the failure of the borrower to qualify for or meet the requirements of a loan modification program.

(c) REASONABLE EFFORT TO OBTAIN NECESSARY INFORMATION.—A servicer shall be deemed to have made a reasonable effort to obtain information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure if—

(1) during the 30-day period beginning on the date of delinquency of the borrower, the servicer attempts to establish contact with the borrower by—

(A) making not fewer than 4 telephone calls to the telephone number on record for the borrower, at different times of the day; and

(B) sending not fewer than 2 written notices to the borrower at the address on record for the borrower, at least 1 of which shall be delivered by certified mail, requesting that the borrower contact the servicer;

(2) in the case that the borrower responds in writing or by telephone to an attempt to establish contact under paragraph (1), the servicer—

(A) notifies the borrower, in writing, that the servicer lacks information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure; and

(B) sends the borrower a written request that the borrower transmit to the servicer all information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure, not later than 30 days after the date on which the servicer sends the request;

(3) in the case that the servicer receives from the borrower some, but not all, of the information requested under paragraph (2)(B) on or before the date that is 30 days after the date on which the servicer sends the notice under paragraph (2), the servicer sends the borrower a written request that the borrower transmit to the servicer all information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure, not later than 15 days after the date on which the servicer sends the request; and

(4) in the case that the servicer does not receive from the borrower all information requested under paragraph (3) on or before the date that is 15 days after the date on which the servicer sends the request under paragraph (3), the servicer notifies the borrower that the servicer intends to initiate or continue a covered foreclosure action.

SEC. _____5. THIRD PARTY REVIEW.

Before a servicer notifies a borrower that the borrower is not eligible for a loan modification or an alternative to foreclosure, the servicer shall obtain the services of an independent reviewer to—

(1) review the file of the borrower; and

(2) determine whether the borrower is eligible for a loan modification or an alternative to foreclosure.

SEC. _____6. BAR TO FORECLOSURE ACTIONS.

(a) IN GENERAL.—Subject to subsection (b), a violation of this title shall be a bar to a covered foreclosure action.

(b) EFFECT OF SUBSEQUENT COMPLIANCE.—If a servicer is in compliance with this title, the servicer may bring or proceed with a covered foreclosure action, without regard to a prior violation of this title by the servicer.

SEC. _____7. REGULATIONS.

Not later than 90 days after the date of enactment of this Act, the Director, in consultation with the Secretary of Housing and Urban Development and the Secretary of the Treasury, shall issue regulations to carry out this title.

SEC. _____8. REPORT.

Not later than 1 year after the date of enactment of this Act, the Director shall submit to Congress a report that contains—

(1) an evaluation of the effect of this title on—

(A) State law; and

(B) communication between servicers and borrowers; and

(2) a description of any problems concerning the implementation of this title.

SA 429. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

SEC. [2__]. EXEMPTION OF LESSER PRAIRIE CHICKEN FROM ENDANGERED SPECIES ACT OF 1973.

Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) is amended by adding at the end the following:

''(j) EXEMPTION OF LESSER PRAIRIE CHICKEN.—This Act shall not apply to the lesser prairie chicken.''.

SA 430. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, line 6, strike ''$500,000,000'' and insert ''$300,000,000''.

SA 431. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PRESCRIBED FIRES IN FLINT HILLS REGION.

(a) FINDINGS.—Congress finds that—

(1) the Flint Hills Region of Kansas and Oklahoma contains the world's largest share of the remaining tallgrass prairie, and is the only place in which that habitat occurs in landscape proportions;

(2) only 4 percent of the presettlement tallgrass prairie in North America survives to this day, and 80 percent of that prairie is located in Kansas;

(3) the Flint Hills Region is also home to certain declining avian species, such as the greater prairie chicken and Henslow's sparrow, that cannot continue to exist without large expanses of native tallgrass prairie in an original state;

(4) the Flint Hills Region is a significant corridor for migrating shorebirds, such as the American golden plover, the buff-breasted sand-piper, and the upland sandpiper;

(5) beginning in the mid-19th century, cattlemen understood that the richness of the Flint Hills grasses depended on a good spring burn—something they learned from the Native Americans;

(6) fire still thrives in the Flint Hills because the ranchers, and others using the land, understand that the natural ecosystem depends on fire;

(7) ranchers, landowners, and conservation groups use prescribed burns to mimic the seasonal fires that have shaped the tallgrass prairie for thousands of years;

(8) areas not burned for several years develop mature grasses and thicker, thatch-like vegetation, a habitat that is preferred by invasive species;

(9) the Flint Hills Region is a place in the United States that is an example of the prevailing agricultural system working essentially in tandem with an ancestral native ecosystem, preserving most of the complexity and the dynamic processes that helped shape the area; and

(10) due to the uniqueness of the Flint Hills tallgrass prairie and the historic manner in which the tallgrass prairie has been managed by fire—

(A) prescribed burn practices used as of the date of enactment of this Act to manage the Flint Hills tallgrass prairie should be allowed to continue; and

(B) ambient air data resulting from fires used for that management should be not be included in determinations of compliance with the Clean Air Act (42 U.S.C. 7401 et seq.).

(b) PRESCRIBED FIRES.—The Clean Air Act is amended by inserting after section 329 (42 U.S.C. 7628) the following:

''SEC. 330. PRESCRIBED FIRES IN FLINT HILLS REGION.

''(a) DEFINITIONS.—In this section:

''(1) FLINT HILLS REGION.—

''(A) IN GENERAL.—The term 'Flint Hills Region' means the band of hills located in eastern Kansas and north-central Oklahoma.

''(B) INCLUSIONS.—The term 'Flint Hills Region' includes—

''(i) Butler, Chase, Chautauqua, Clay, Cowley, Dickinson, Elk, Geary, Greenwood, Harvey, Jackson, Lyon, Marion, Marshall, Morris, Ottawa, Pottawatomie, Riley, Saline, Shawnee, Wabaunsee, Washington, and Woodson Counties in the State of Kansas; and

''(ii) Osage, Tulsa, and Washington counties in the State of Oklahoma.

''(2) PRESCRIBED FIRE.—The term 'prescribed fire' means a fire that is set or managed by a person with the goal of enhancing a fire-dependent ecosystem or enhancing the productivity of agricultural grazing land, irrespective of the frequency with which the burn occurs.

''(b) EXCLUSION OF DATA.—In determining whether, with respect to a specific air pollutant, an exceedance or violation of a national ambient air quality standard has occurred, or for any other purpose under this Act, a State and the Administrator shall exclude data from a particular air quality monitoring location if emissions from 1 or more prescribed fires in the Flint Hills Region cause a concentration of the air pollutant at the location to be in excess of the standard.

''(c) SPECIFIC LIMITATIONS.—If emission data is excluded under subsection (b) from a particular air quality monitoring station because of emissions from 1 or more prescribed fires in the Flint Hills Region—

''(1) the Administrator shall not, as a result of the emissions, find under section 113 that a State has failed to enforce, or that a person has violated, a State implementation plan (for national primary or secondary ambient air quality standards) under section 110; and

''(2) a State shall not, as a result of the emissions, find that a person has violated, or bring an enforcement action for violation of, a State implementation plan (for national primary or secondary ambient air quality standards) under section 110.

''(d) PROHIBITION AGAINST SMOKE MANAGEMENT PLANS.—The Administrator shall not require, and a State shall not adopt, a smoke management plan under this Act in connection with any prescribed fire in the Flint Hills Region.

''(e) NOT A STATIONARY SOURCE.—No building, structure, facility, or installation may be treated as a stationary source under this Act as a result of 1 or more prescribed fires in the Flint Hills Region.

''(f) NO TITLE V PERMIT REQUIRED.—No person shall be required to obtain or modify a permit under title V in connection with a prescribed fire in the Flint Hills Region.''.

SA 432. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

SEC. 22. MINORITY BUSINESS DEVELOPMENT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) HISTORICALLY DISADVANTAGED INDIVIDUAL.—The term ''historically disadvantaged individual'' means any individual who is a member of a group that is designated as eligible to receive assistance under section 1400.1 of title 15, Code of Federal Regulations, as in effect on January 1, 2009.

(2) PRINCIPAL.—The term ''principal'' means any person that the National Director determines exercises significant control over the regular operations of a business entity.

(3) PROGRAM.—The term ''Program'' means the Minority Business Development Program established under subsection (b).

(b) PROGRAM REQUIRED.—The National Director of the Minority Business Development Agency shall establish the Minority Business Development Program to provide contract procurement assistance to qualified minority businesses.

(c) QUALIFIED MINORITY BUSINESS.—

(1) CERTIFICATION.—For purposes of the Program, the National Director may certify as a qualified minority business any entity that satisfies each of the following:

(A) Not less than 51 percent of the entity is directly and unconditionally owned or controlled by historically disadvantaged individuals.

(B) Each officer or other individual who exercises control over the regular operations of the entity is a historically disadvantaged individual.

(C) The net worth of each principal of the entity is not greater than $2,000,000. (The equity of a disadvantaged owner in a primary personal residence shall be considered in this calculation.)

(D) The principal place of business of the entity is in the United States.

(E) Each principal of the entity maintains good character in the determination of the National Director.

(F) The entity engages in competitive and bona fide commercial business operations in not less than one sector of industry that has a North American Industry Classification System code.

(G) The entity submits reports to the National Director at such time, in such form, and containing such information as the National Director may require.

(H) Such other requirements as the National Director considers appropriate for purposes of the Program.

(2) TERM OF CERTIFICATION.—A certification under this subsection shall be for a term of 5 years and may not be renewed.

(d) SET-ASIDE CONTRACTING OPPORTUNITIES.—

(1) IN GENERAL.—The National Director may enter into agreements with the United States Government and any department, agency, or officer thereof having procurement powers for purposes of providing for the fulfillment of procurement contracts and providing opportunities for qualified minority businesses with regard to such contracts.

(2) QUALIFICATIONS ON PARTICIPATION.—The National Director shall by rule establish requirements for participation under this subsection by a qualified minority business in a contract.

(3) ANNUAL LIMIT ON NUMBER OF CONTRACTS PER QUALIFIED MINORITY BUSINESS.—A qualified minority business may not participate under this section in contracts in an amount that exceeds $10,000,000 for goods and services each fiscal year.

(4) LIMITS ON CONTRACT AMOUNTS.—

(A) GOODS AND SERVICES.—Except as provided in subparagraph (B), a contract for goods and services under this subsection may not exceed $6,000,000.

(B) MANUFACTURING AND CONSTRUCTION.—A contract for manufacturing and construction services under this subsection may not exceed $10,000,000.

(e) TERMINATION FROM THE PROGRAM.—The National Director may terminate a qualified minority business from the Program for any violation of a requirement of subsections (c) and (d) by that qualified minority business, including the following:

(1) Conduct by a principal of the qualified minority business that indicates a lack of business integrity.

(2) Willful failure to comply with applicable labor standards and obligations.

(3) Consistent failure to tender adequate performance with regard to contracts under the Program.

(4) Failure to obtain and maintain relevant certifications.

(5) Failure to pay outstanding obligations owed to the Federal Government.

SA 433. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REPORT ON INVESTMENTS.

Not later than 180 days after the date of enactment of this Act, the Economic Development Administration shall submit to Congress a report that—

(1) describes the programs and investments carried out under the authority of the Economic Development Administration in areas that have been impacted by 3 or more natural or manmade disasters since January 1, 2005, including—

(A) the quantity of jobs created by the programs;

(B) the quantity of small businesses assisted by the programs; and

(C) any additional information the Economic Development Administration determines to be necessary; and

(2) includes any recommendations of the Economic Development Administration on additional methods to assist economic recovery in the areas described in paragraph (1).

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 16, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing entitled ''Finding Our Way Home: Achieving the Policy Goals of NAGPRA.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 8, 2011, at 10 a.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 8, 2011, at 9:30 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 8, 2011, at 2:30 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 8, 2011, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The President's Request to Extend the Service of Director Robert Mueller of the FBI Until 2013.''

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

COMMITTEE ON THE JUDICIARY

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 8, 2011, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on June 8, 2011, in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY AND SUBCOMMITTEE ON CHILDREN'S HEALTH AND ENVIRONMENTAL RESPONSIBILITY

Mr. TESTER. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety and the Subcommittee on Children's Health and Environmental Responsibility of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 8, 2011, at 10 a.m., in Dirksen 406 to conduct a hearing entitled, ''Air Quality and Children's Health.''

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

PRIVILEGES OF THE FLOOR

Mr. REED. Madam President, I ask unanimous consent that Robert Peak, a fellow in my office, be granted the privilege of the floor for the remainder of the 112th Congress.