

“(D) ENFORCEMENT.—

“(i) IN GENERAL.—This subsection, and the regulations promulgated under this subsection, shall be enforced exclusively by the Federal functional regulators and the Federal Trade Commission under applicable law in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)).

“(ii) FACTORS TO BE CONSIDERED.—In considering any enforcement action under this subsection against a payment system or person described in paragraph (2)(B), the Federal functional regulators and the Federal Trade Commission shall consider the following factors:

“(I) The extent to which the payment system or person knowingly permits restricted transactions.

“(II) The history of the payment system or person in connection with permitting restricted transactions.

“(III) The extent to which the payment system or person has established and is maintaining policies and procedures in compliance with regulations prescribed under this subsection.

“(8) TRANSACTIONS PERMITTED.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, is authorized to engage in transactions with foreign pharmacies in connection with investigating violations or potential violations of any rule or requirement adopted by the payment system or person in connection with complying with paragraph (7). A payment system, or such a person, and its agents and employees shall not be found to be in violation of, or liable under, any Federal, State or other law by virtue of engaging in any such transaction.

“(9) RELATION TO STATE LAWS.—No requirement, prohibition, or liability may be imposed on a payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, under the laws of any state with respect to any payment transaction by an individual because the payment transaction involves a payment to a foreign pharmacy.

“(10) TIMING OF REQUIREMENTS.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, must adopt policies and procedures reasonably designed to comply with any regulations required under paragraph (7) within 60 days after such regulations are issued in final form.

“(11) COMPLIANCE.—A payment system, and any person described in paragraph (2)(B), shall not be deemed to be in violation of paragraph (1)—

“(A)(i) if an alleged violation of paragraph (1) occurs prior to the mandatory compliance date of the regulations issued under paragraph (7); and

“(ii) such entity has adopted or relied on policies and procedures that are reasonably designed to prevent the introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system; or

“(B)(i) if an alleged violation of paragraph (1) occurs after the mandatory compliance date of such regulations; and

“(ii) such entity is in compliance with such regulations.”

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the day that is 90 days after the date of enactment of this Act.

(c) IMPLEMENTATION.—The Board of Governors of the Federal Reserve System shall promulgate regulations as required by subsection (h)(7) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333), as added by subsection (a), not later than 90 days after the date of enactment of this Act.

SEC. 1209. IMPORTATION EXEMPTION UNDER CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

Section 1006(a)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 956(a)(2)) is amended by striking “not import the controlled substance into the United States in an amount that exceeds 50 dosage units of the controlled substance.” and inserting “import into the United States not more than 10 dosage units combined of all such controlled substances.”

SEC. 1210. SEVERABILITY.

If any provision of this title, an amendment by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 2151. Mr. MANCHIN (for himself, Mr. KIRK, Mrs. GILLIBRAND, Mr. SCHUMER, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; as follows:

At the end of subtitle C of title XI, add the following:

SEC. 1132. HYDROCODONE AMENDMENT.

Schedule III(d) in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by—

- (1) striking paragraphs (3) and (4); and
- (2) redesignating paragraphs (5), (6), (7), and (8) as paragraphs (3), (4), (5), and (6), respectively.

SA 2152. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11 ____ . RECOMMENDATIONS ON INTEROPERABILITY STANDARDS.

(a) IN GENERAL.—The Attorney General and the Secretary of Health and Human Services may collaborate to facilitate the development of recommendations on interoperability standards to inform and facilitate the exchange of prescription information across State lines by making grants to States under—

(1) the Harold Rogers Prescription Drug Monitoring Program established under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107-77; 115 Stat. 748); and

(2) the Controlled Substance Monitoring Program established under section 3990 of the Public Health Service Act (42 U.S.C. 280g-3).

(b) REQUIREMENTS.—The Attorney General and the Secretary of Health and Human Services shall consider the following in facilitating the development of recommendations on interoperability of prescription drug monitoring programs under subsection (a)—

- (1) open standards that are freely available, without cost and without restriction, in order to promote broad implementation;

(2) the use of exchange intermediaries, or hubs, as necessary to facilitate interstate interoperability by accommodating State-to-hub and direct State-to-State communication;

(3) the support of transmissions that are fully secured as required, using industry standard methods of encryption, to ensure that Protected Health Information and Personally Identifiable Information are not compromised at any point during such transmission; and

(4) access control methodologies to share protected information solely in accordance with State laws and regulations.

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 May 24, 2012, in room SD-628 of the Dirksen Senate Office Building, at 12:45 p.m., to conduct a hearing entitled “Programs and Services for Native Veterans.”

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

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 23, 2012, at 2:30 p.m.

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

COMMITTEE ON FINANCE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 23, 2012, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Progress in Health Care Delivery: Innovations from the Field.”

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 23, 2012, at 10 a.m., to hold a hearing entitled, “The Law of the Sea Convention (Treaty Doc. 103-39): The U.S. National Security and Strategy Imperatives for Ratification.”

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 23, 2012, at 10:30 a.m. to conduct a hearing entitled “Secret Service on the Line: Restoring Trust and Confidence.”

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session on May 23, 2012, to conduct a hearing on "Seamless Transition: Review of the Integrated Disability Evaluation System."

The Committee will meet in room SD-562 of the Senate Dirksen Office Building, beginning at 10 a.m.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT
AND THE COURTS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, on May 23, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Protecting Our Children—The Importance of Training Child Protection Professionals."

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

SUBCOMMITTEE ON SECURITY AND
INTERNATIONAL TRADE AND FINANCE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Security and International Trade and Finance be authorized to meet during the session of the Senate on May 23, 2012, at 2 p.m., to conduct a hearing entitled "Reviewing the U.S.—China Strategic and Economic Dialogue."

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on May 23, 2012, at 9:30 a.m.

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

21ST CENTURY LANGUAGE ACT OF
2012

Mr. REID. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of S. 2367.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2367) to strike the word "lunatic" from Federal law, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent the bill be read a third

time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

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

The bill (S. 2367) was ordered to a third reading, was read the third time, and passed, as follows:

S. 2367

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "21st Century Language Act of 2012".

SEC. 2. MODERNIZATION OF LANGUAGE REFERRING TO PERSONS WHO ARE MENTALLY ILL.

(a) WORDS DENOTING NUMBER, GENDER, AND SO FORTH.—Section 1 of title 1, United States Code, is amended—

(1) by striking "and 'lunatic'"; and

(2) by striking "lunatic,".

(b) BANKING LAW PROVISIONS.—

(1) TRUST POWERS.—The first section of the Act entitled "An Act to place authority over the trust powers of national banks in the Comptroller of the Currency", approved September 28, 1962 (12 U.S.C. 92a), is amended—

(A) in subsection (a), by striking "committee of estates of lunatics,"; and

(B) in subsection (b), by striking "committee of estates of lunatics".

(2) CONSOLIDATION AND MERGERS OF BANKS.—The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended—

(A) in section 2 (12 U.S.C. 215)—

(i) in subsection (e), by striking "receiver, and committee of estates of lunatics" and inserting "and receiver"; and

(ii) in subsection (f), by striking "receiver, or committee of estates of lunatics" and inserting "or receiver"; and

(B) in section 3 (12 U.S.C. 215a)—

(i) in subsection (e), by striking "receiver, and committee of estates of lunatics" and inserting "and receiver"; and

(ii) in subsection (f), by striking "receiver, or committee of estates of lunatics" and inserting "or receiver".

JOHN F. KENNEDY CENTER
REAUTHORIZATION ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4097.

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

The legislative clerk read as follows:

A bill (H.R. 4097) to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

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

Mr. REID. Mr. President, I further ask that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

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

The bill (H.R. 4097) was ordered to a third reading, was read the third time, and passed.

APPOINTMENTS

THE PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, upon the recommendation of the Republican leader, pursuant to Public Law 105-292, as amended by Public Law 106-55, Public Law 107-228, and Public Law 112-75, appoints the following individual to the United States Commission on International Religious Freedom: Mary Ann Glendon of Massachusetts, vice Leonard Leo.

ORDERS FOR MAY 24, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow morning; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the Senate resume consideration of S. 3187, the FDA user fees legislation, under the previous order.

Before the Chair rules, we will have up to 13 rollcall votes tomorrow. Under the order, they will start at 2 p.m. There is no reason we could not start the votes earlier. If we come in at 9:30, we can start them early, as soon as debate stops. We cannot have any votes during the couple of meetings Senators have to attend from 1 to 2 o'clock. But we should dispose of some of these amendments. Thirteen votes on amendments will take a long time tomorrow. I hope that everybody will try to move these up and that we can vote sooner.

The Chair can rule now.

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

PROGRAM

Mr. REID. Mr. President, repeating, there will be up to 13 rollcall votes tomorrow starting at 2 p.m. The purpose is to complete action on the FDA user fees bill and to consider the student loan interest hike legislation.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Thursday, May 24, 2012, at 9:30 a.m.