

program under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), shall not require a permit for the discharge of a pesticide, including pesticide residue, that is lawfully registered for sale, distribution, or use.

SA 920. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table as follows:

At the end, add the following:

DIVISION D—INTERNATIONAL RELIGIOUS FREEDOM

SEC. 4001. SHORT TITLE.

This division may be cited as the “United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011”.

SEC. 4002. ESTABLISHMENT AND COMPOSITION.

(a) **MEMBERSHIP.**—Section 201(b)(1)(B) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(b)(1)(B)) is amended—

(1) in the matter preceding clause (i), by striking “Nine” and inserting “five”;

(2) in clause (i), by striking “Three members” and inserting “One member”;

(3) in clause (ii)—

(A) by striking “Three members” and inserting “Two members”;

(B) by striking “two of the members” and inserting “one member”;

(C) by striking “one of the members” and inserting “the other member”;

(4) in clause (iii)—

(A) by striking “Three members” and inserting “Two members”;

(B) by striking “two of the members” and inserting “one member”;

(C) by striking “one of the members” and inserting “the other member”.

(b) **TERMS.**—Section 201(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(c)) is amended—

(1) in paragraph (1), by striking the last sentence and inserting the following: “An individual is not eligible to serve more than two consecutive terms as a member of the Commission. Each member serving on the Commission on the date of enactment of the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011 may be reappointed to not more than one additional consecutive term.”;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “May 15, 2003, through May 14, 2005” and inserting “May 15, 2012, through May 14, 2014”;

(B) in subparagraph (B) to read as follows: “(B) **PRESIDENTIAL APPOINTMENTS.**—The member of the Commission appointed by the President under subsection (b)(1)(B)(i) shall be appointed to a 1-year term.”;

(C) in subparagraph (C)—

(i) by striking “three members” and inserting “two members”;

(ii) by striking “the other two appointments” and inserting “the other appointment”;

(iii) by striking “2-year terms” and inserting “to a 2-year term”;

(D) in subparagraph (D)—

(i) by striking “three members” and inserting “two members”;

(ii) by striking “the other two appointments” and inserting “the other appointment”;

(iii) by striking “2-year terms” and inserting “to a 2-year term”;

(E) in subparagraph (E), by striking “May 15, 2003, and shall end on May 14, 2004” and

inserting “May 15, 2012, and shall end on May 14, 2013”;

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

“(3) **INELIGIBILITY FOR REAPPOINTMENT.**—If a member of the Commission attends, by being physically present or by conference call, less than 75 percent of the meetings of the Commission during one of that member’s terms on the Commission, the member shall not be eligible for reappointment to the Commission.”.

(c) **ELECTION OF CHAIR.**—Section 201(d) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(d)) is amended by inserting at the end the following: “No member of the Commission is eligible to be elected as Chair of the Commission for a second, consecutive term.”.

(d) **QUORUM.**—Section 201(e) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(e)) is amended by striking “Six” and inserting “Four”.

(e) **APPLICABILITY.**—A member of the United States Commission on International Religious Freedom who is serving on the Commission on the date of enactment of this Act shall continue to serve on the Commission until the expiration of the current term of the member under the terms and conditions for membership on the Commission as in effect on the day before the date of the enactment of this Act.

SEC. 4003. APPLICATION OF ANTIDISCRIMINATION LAWS.

Section 204 of the International Religious Freedom Act of 1998 (22 U.S.C. 6432b) is amended by inserting after subsection (f) the following new subsection:

“(g) **APPLICATION OF ANTIDISCRIMINATION LAWS.**—For purposes of providing remedies and procedures to address alleged violations of rights and protections that pertain to employment discrimination, family and medical leave, fair labor standards, employee polygraph protection, worker adjustment and retraining, veterans’ employment and reemployment, intimidation or reprisal, protections under the Americans with Disabilities Act of 1990, occupational safety and health, labor-management relations, and rights and protections that apply to employees whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, all employees of the Commission shall be treated as employees whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives.”.

SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.

Section 207(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6435(a)) is amended by striking “for the fiscal year 2003” and inserting “for each of the fiscal years 2012 and 2013”.

SEC. 4005. STANDARDS OF CONDUCT AND DISCLOSURE.

Section 208 of the International Religious Freedom Act of 1998 (22 U.S.C. 6435a) is amended—

(1) in subsection (c)(1), by striking “\$100,000” and inserting “\$250,000”;

(2) in subsection (e), by striking “International Relations” and inserting “Foreign Affairs”.

SEC. 4006. TERMINATION.

Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) is amended by striking “September 30, 2011” and inserting “September 30, 2013”.

SEC. 4007. REPORT ON EFFECTIVENESS OF PROGRAMS TO PROMOTE RELIGIOUS FREEDOM.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act,

the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the implementation of this division and the amendments made by this division.

(b) **CONSULTATION.**—The Comptroller General shall consult with the appropriate congressional committees and nongovernmental organizations for purposes of preparing the report.

(c) **MATTERS TO BE INCLUDED.**—The report shall include the following:

(1) A review of the effectiveness of all United States Government programs to promote international religious freedom, including their goals and objectives.

(2) An assessment of the roles and functions of the Office on International Religious Freedom established in section 101(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6411(a)) and the relationship of the Office to other offices in the Department of State.

(3) A review of the role of the Ambassador at Large for International Religious Freedom appointed under section 101(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6411(b)) and the placement of such position within the Department of State.

(4) A review and assessment of the goals and objectives of the United States Commission on International Religious Freedom established under section 201(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(a)).

(5) A comparative analysis of the structure of the United States Commission on International Religious Freedom as an independent non-partisan entity in relation to other United States advisory commissions, whether or not such commissions are under the direct authority of Congress.

(6) A review of the relationship between the Ambassador at Large for International Religious Freedom and the United States Commission on International Religious Freedom, and possible reforms that would improve the ability of both to reach their goals and objectives.

(d) **DEFINITION.**—In this section, the term “appropriate congressional committees” has the meaning given the term in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402).

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, November 8, 2011, at 10:00 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider market developments for U.S. natural gas, including the approval process and potential for liquefied natural gas exports.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Allison Seyferth@energy.senate.gov

For further information, please contact Deborah Estes at (202) 224-5360 or

Tara Billingsley at (202) 224-4756 or Alison Seyferth at (202) 224-4905.

PRIVILEGES OF THE CHAIR

Mt. REID. Mr. President, I ask unanimous consent that Richard Culatta, a fellow in Senator MURRAY's office, be granted floor privileges for the duration of today's session of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 103, 416, and 420; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

Eric L. Hirschhorn, of Maryland, to be Under Secretary of Commerce for Export Administration.

DEPARTMENT OF THE TREASURY

Cyrus Amir-Mokri, of New York, to be an Assistant Secretary of the Treasury.

UNITED STATES INTERNATIONAL TRADE COMMISSION

David S. Johanson, of Texas, to be a Member of the United States International Trade Commission for a term expiring December 16, 2018.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

APPEAL TIME CLARIFICATION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 196, S. 1637.

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

The legislative clerk read as follows:

A bill (S. 1637) to clarify appeal time limits in civil actions to which United States officers or employees are parties.

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

Mr. REID. Mr. President, I ask unanimous consent that 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 that any statements relating to the measure be printed in the RECORD.

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

The bill (S. 1637) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:
S. 1637

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 "Appeal Time Clarification Act of 2011".

SEC. 2. FINDINGS.

Congress finds that—

(1) section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure provide that the time to appeal for most civil actions is 30 days, but that the appeal time for all parties is 60 days when the parties in the civil action include the United States, a United States officer, or a United States agency;

(2) the 60-day period should apply if one of the parties is—

- (A) the United States;
- (B) a United States agency;
- (C) a United States officer or employee sued in an official capacity; or
- (D) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on behalf of the United States;

(3) section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure (as amended to take effect on December 1, 2011, in accordance with section 2074 of that title) should uniformly apply the 60-day period to those civil actions relating to a Federal officer or employee sued in an individual capacity for an act or omission occurring in connection with Federal duties;

(4) the civil actions to which the 60-day periods should apply include all civil actions in which a legal officer of the United States represents the relevant officer or employee when the judgment or order is entered or in which the United States files the appeal for that officer or employee; and

(5) the application of the 60-day period in section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure—

(A) is not limited to civil actions in which representation of the United States is provided by the Department of Justice; and

(B) includes all civil actions in which the representation of the United States is provided by a Federal legal officer acting in an official capacity, such as civil actions in which a Member, officer, or employee of the Senate or the House of Representatives is represented by the Office of Senate Legal Counsel or the Office of General Counsel of the House of Representatives.

SEC. 3. TIME FOR APPEALS TO COURT OF APPEALS.

Section 2107 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) In any such action, suit, or proceeding, the time as to all parties shall be 60 days from such entry if one of the parties is—

- "(1) the United States;
- "(2) a United States agency;
- "(3) a United States officer or employee sued in an official capacity; or
- "(4) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on behalf of

the United States, including all instances in which the United States represents that officer or employee when the judgment, order, or decree is entered or files the appeal for that officer or employee."

SEC. 4. EFFECTIVE DATE.

The amendment made by this Act shall take effect on December 1, 2011.

REMOVAL CLARIFICATION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 197, H.R. 368.

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

The legislative clerk read as follows:

A bill (H.R. 368) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that 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 that any statements relating to the measure be printed in the RECORD.

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

The bill (H.R. 368) was ordered to a third reading, was read the third time, and passed.

FEDERAL COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to Calendar No. 200, H.R. 394.

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

The legislative clerk read as follows:

A bill (H.R. 394) to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

H.R. 394

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Federal Courts Jurisdiction and Venue Clarification Act of 2011".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—JURISDICTIONAL IMPROVEMENTS

Sec. 101. Treatment of resident aliens.

Sec. 102. Citizenship of corporations and insurance companies with foreign contacts.

Sec. 103. Removal and remand procedures.

Sec. 104. Effective date.