

Covered by Clean Air Act Permitting Programs' published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning 'EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program' (Dec. 18, 2008).

“(D) ‘Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule’, published at 75 Fed. Reg. 31514 (June 3, 2010).

“(E) ‘Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call’, published at 75 Fed. Reg. 77698 (December 13, 2010).

“(F) ‘Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revisions Required for Greenhouse Gases’, published at 75 Fed. Reg. 81874 (December 29, 2010).

“(G) ‘Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan’, published at 75 Fed. Reg. 82246 (December 30, 2010).

“(H) ‘Action To Ensure Authority To Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule’, published at 75 Fed. Reg. 82254 (December 30, 2010).

“(I) ‘Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program’, published at 75 Fed. Reg. 82430 (December 30, 2010).

“(J) ‘Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule’, published at 75 Fed. Reg. 82536 (December 30, 2010).

“(K) ‘Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule’, published at 75 Fed. Reg. 82365 (December 30, 2010).

“(L) Except for action listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

“(5) STATE ACTION.—

“(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

“(B) EXCEPTION.—

“(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

“(I) is not federally enforceable;

“(II) is not deemed to be a part of Federal law; and

“(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

“(ii) PROVISIONS DEFINED.—For purposes of clause (i), the term ‘provision’ means any provision that—

“(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit

requirement for, the emission of a greenhouse gas to address climate change; or

“(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

“(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).”

SEC. 4503. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

“(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year for new motor vehicles and new motor vehicle engines—

“(A) the Administrator may not waive application of subsection (a); and

“(B) no waiver granted prior to the date of enactment of this paragraph may be considered to waive the application of subsection (a).”

TITLE VI—REPEAL RESTRICTIONS ON GOVERNMENT USE OF DOMESTIC ALTERNATIVE FUELS

SEC. 4601. REPEAL OF UNNECESSARY BARRIER TO DOMESTIC FUEL PRODUCTION.

Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is repealed.

TITLE VII—PUBLIC LANDS JOB CREATION ACT

SEC. 4701. SHORT TITLE.

This title may be cited as the “Public Lands Job Creation Act”.

SEC. 4702. REVIEW OF CERTAIN FEDERAL REGISTER NOTICES.

If, by the date that is 45 days after the date on which a State Bureau of Land Management office has submitted a Federal Register notice to the Washington, DC, office of the Bureau of Land Management for Department of Interior review, the review has not been completed—

(1) the notice shall consider to be approved; and

(2) the State Bureau of Land Management office shall immediately forward the notice to the Federal Register for publication.

DIVISION E—EXPORT PROMOTION

SEC. 5001. SHORT TITLE.

This division may be cited as the “Creating American Jobs through Exports Act of 2011”.

SEC. 5002. RENEWAL OF TRADE PROMOTION AUTHORITY.

(a) IN GENERAL.—Section 2103 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803) is amended—

(1) in subsection (a)(1), by striking subparagraph (A) and inserting the following:

“(A) may enter into trade agreements with foreign countries—

“(i) on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013; or

“(ii) on and after June 1, 2013, and before December 31, 2013, if trade authorities procedures are extended under subsection (c); and”;

(2) in subsection (b)(1), by striking subparagraph (C) and inserting the following:

“(C) The President may enter into a trade agreement under this paragraph—

“(i) on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013; or

“(ii) on and after June 1, 2013, and before December 31, 2013, if trade authorities procedures are extended under subsection (c).”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “before July 1, 2005” and inserting “on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013”; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking “after June 30, 2005, and before July 1, 2007” and inserting “on or after June 1, 2013, and before December 31, 2013”; and

(II) in clause (ii), by striking “July 1, 2005” and inserting “June 1, 2013”;

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking “April 1, 2005” and inserting “March 1, 2013”;

(C) in paragraph (3)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking “June 1, 2005” and inserting “May 1, 2013”; and

(ii) in subparagraph (B)—

(I) by striking “June 1, 2005” and inserting “May 1, 2013”; and

(II) by striking “the date of enactment of this Act” and inserting “the date of the enactment of the Creating American Jobs through Exports Act of 2011”; and

(D) in paragraph (5), by striking “June 30, 2005” each place it appears and inserting “May 31, 2013”.

(b) TREATMENT OF THE TRANS-PACIFIC PARTNERSHIP AGREEMENT AND CERTAIN OTHER AGREEMENTS.—Section 2106 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3806) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking the comma at the end and inserting “, or”;

(B) by striking paragraphs (2), (3), and (4) and inserting the following:

“(2) establishes a Trans-Pacific Partnership;” and

(C) in the flush text at the end, by striking “the date of the enactment of this Act” and inserting “the date of the enactment of the Creating American Jobs through Exports Act of 2011”; and

(2) in subsection (b)(2), in the matter preceding subparagraph (A), by striking “the enactment of this Act” and inserting “the date of the enactment of the Creating American Jobs through Exports Act of 2011”.

SEC. 5003. MODIFICATION OF STANDARD FOR PROVISIONS THAT MAY BE INCLUDED IN IMPLEMENTING BILLS.

Section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b)), as amended by section 5002(a), is further amended in paragraph (3)(B) by striking clause (ii) and inserting the following:

“(ii) provisions that are necessary to the implementation and enforcement of such trade agreement.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 8, 2011, at 9:30 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on November 8, 2011, at 10:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 8, 2011, at 10 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Beyond NCLB: Veivs on the Elementary and Secondary Education Reauthorization Act" on November 8, 2011, at 10 a.m. in room 106 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mr. PRYOR. 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 November 8, 2011, at 2 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 8, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Oversight of the U.S. Department of Justice."

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 5, 2011, at 2:30 p.m.

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

RECOGNIZING AND HONORING THE
ZOOS AND AQUARIUMS OF THE
UNITED STATES

Mr. REID. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. Res. 132 and the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 132) recognizing and honoring the zoos and aquariums of the United States.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be

agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the matter be printed in the RECORD.

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

The resolution (S. Res. 132) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 132

Whereas the 223 zoos and aquariums accredited by the Association of Zoos and Aquariums support more than 142,000 jobs nationwide, making such zoos and aquariums a valuable part of local and national economies;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums generate more than \$15,000,000,000 in economic activity in the United States annually;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums attract more than 165,000,000 visitors each year and are a valuable part of regional, State, and local tourist economies;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums have formally trained more than 400,000 teachers, and such zoos and aquariums support science curricula with effective teaching materials and hands-on opportunities and host more than 12,000,000 students annually on school field trips;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums provide a unique opportunity for the public to engage in conservation and education efforts, and more than 60,000 people invest more than 3,000,000 hours per year as volunteers at such zoos and aquariums;

Whereas public investment in accredited zoos and aquariums has dual benefits, including immediate job creation and environmental education for children in the United States;

Whereas accredited zoos and aquariums focus on connecting people and animals, and such zoos and aquariums provide a critical link to helping animals in their native habitats;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums have provided more than \$90,000,000 per year over the past 5 years to support more than 4,000 field conservation and research projects in more than 100 countries; and

Whereas many Federal agencies have recognized accredited zoos and aquariums as critical partners in rescue, rehabilitation, confiscation, and reintroduction efforts for distressed, threatened, and endangered species: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the zoos and aquariums of the United States;

(2) commends the employees and volunteers at each zoo and aquarium for their hard work and dedication;

(3) recommends that people in the United States visit their local accredited zoo and aquarium and take advantage of the educational opportunities that such zoos and aquariums offer; and

(4) urges continued support for accredited zoos and aquariums and the important conservation, education, and recreation programs of such zoos and aquariums.

UNANIMOUS CONSENT
AGREEMENT—S. 1280

Mr. REID. Mr. President, I ask unanimous consent that the amendment to the title of S. 1280 be engrossed, set out in the heading of amendment No. 668, be considered to have been proposed and adopted as such.

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

Mr. REID. Mr. President, the amendment to the title of S. 1280, as engrossed by the Senate was set out only in the heading of amendment No. 668, the substitute for the bill, and not in the text of amendment No. 668. It was not properly drafted as an amendment to the title of the bill. Unlike properly drafted title amendments, amendment headings are not printed in the CONGRESSIONAL RECORD, nor are they contained in online computer records. Therefore, this title amendment is first present in the engrossed Senate bill and is not otherwise reproduced as part of the legislative history of the bill. To clarify the Senate's intention to amend this title, the Senate agreed to this unanimous consent request.

ORDERS FOR WEDNESDAY,
NOVEMBER 9, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, November 9, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 70 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 40 minutes and the majority controlling the final 30 minutes; that following morning business, the Senate proceed to the consideration of S.J. Res. 6, under the previous order.

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

PROGRAM

Mr. REID. Mr. President, tomorrow we will debate S.J. Res. 6 regarding net neutrality and continue debate on H.R. 674, the 3% Withholding Repeal and Jobs Act, with the Veterans jobs amendment.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:12 p.m., adjourned until Wednesday, November 9, 2011, at 9:30 a.m.