Mr. COBURN. You bet.

Mr. REID. Mr. President, the matter before the Senate is the nomination of Judge Hurwitz; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I yield back all time on this nomination.

The PRESIDING OFFICER. If there is no further debate, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit.

The nomination was confirmed.

Mr. ALEXANDER. I wonder if the majority leader would permit me to make a brief statement.

Mr. REID. I will in one second.

ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that immediately upon the adoption of the motion to proceed to S. 3240, there be a period of debate only on the bill until 4 p.m. today and that the majority leader be recognized at that time.

The PRESIDING OFFICER. Is there objection?

There being no objection, it is so ordered.

LEGISLATIVE SESSION

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session and will resume consideration of the motion to proceed to S. 3240, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 415, S. 3240, a bill to reauthorize the agriculture programs through 2017, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the motion to proceed is agreed to.

The Senator from Tennessee.

VOTE ON HURWITZ CONFIRMATION

Mr. ALEXANDER. Mr. President, I thank the majority leader. I simply wanted to say I did not object to a voice vote on Mr. Hurwitz's confirmation, but I wished to make this statement.

Last night, I voted for cloture because when I became a Senator, Democrats were blocking an up-or-down vote on President Bush's judicial nominees. I said then that I would not do that and did not like doing that. I have held to that in almost every case since then. I believe nominees for circuit judges, in all but extraordinary cases, and district judges in every case ought to have an up-or-down vote by the Senate.

So while I voted for cloture last night, if we had a vote today, I would have voted no against confirmation because of my concerns about Mr. Hurwitz's record on right-to-life issues.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I just want to have it noted for the record that I would have voted no on this nominee had we had a recorded vote.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I associate myself with those last two remarks. I would have also voted no. I wish we had had a recorded vote.

I wasn't able to understand even what the majority leader was saying, it was spoken so softly, but had we had a recorded vote, I would have been listed as no.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I was shocked and disappointed to learn that the majority leader came to the floor to yield back all time and move immediately to a voice vote on the nomination of Andrew David Hurwitz to be U.S. Circuit Judge for the ninth circuit. I find this to be quite irregular and outside the recent precedents of this Senate. Typically, Members are informed of such actions in advance. I was not so informed, and I am the ranking member of the Judiciary Committee. I certainly did not intend to yield my time and, in fact, I intended to speak further on the nominee, particularly to make clear some corrections that I think needed to be made after I debated this yesterday.

Regardless of yielding time or further debate, I expected a rollcall vote on this nominee. This has been Senate precedent recently. Before today, cloture was invoked on 22 different judicial nominees. Only 1 of those 22 was confirmed without a rollcall vote—Lavenski Smith to the eighth circuit. Cloture was invoked 94 to 3 on July 15, 2002, and he was confirmed by unanimous consent later that day. Even Barbara Keenan, fourth circuit, had a confirmation rollcall after cloture was invoked 99 to 0.

Furthermore, it has been our general understanding around here for some time that circuit votes would be by rollcall vote. So I am extremely disappointed that there has been a breach of comity around here.

Yesterday I outlined my primary concerns regarding the nomination of Andrew David Hurwitz to be U.S. Circuit Judge for the ninth circuit. I continue to oppose the nomination and will vote no on his confirmation.

I want to supplement and correct the RECORD on a few issues that arose during yesterday's debate. One of the biggest misunderstandings is that opposition to Justice Hurwitz is based on a 40 year-old decision made by a Judge other than Justice Hurwitz. I do not oppose his nomination because of what somebody else did, or because Justice Hurwitz was a law clerk. My opposition, on this issue, is based on what Mr. Hurwitz himself takes credit for.

He authored the article in question, not as a young law clerk, but when he was well established and seasoned lawyer, shortly before joining the Arizona Supreme Court. In that article Justice Hurwitz praised Judge Newman's opinion for its ''careful and meticulous analysis of the competing constitutional issues.'' He called the opinion ''striking, even in hindsight.'' Let me remind you, the constitutional issues and analysis he praises is Newman's influence on the Supreme Court's expansion of the ''right'' to abortion beyond the first trimester of pregnancy. This, Hurwitz wrote, ''effectively doubled the period of time in which states were barred from absolutely prohibiting abortions.''

Hurwitz's article was clearly an attempt to attribute great significance to decisions in which the judge for whom he had clerked had participated. I think by any fair measure, it is impossible to read Justice Hurwitz's article and not conclude that he wholeheartedly embraces Roe, and importantly, the constitutional arguments that supposedly support it.

Now it would not be surprising to learn that Justice Hurwitz might not be a pro-life judge. The question is not his personal views, but his judicial philosophy. He defends the legal reasoning of Roe, despite near universal agreement, among both liberal and conservative legal scholars, that Roe is one of the worst examples of judicial activism in our Nation's history.

I have also raised my concern that Justice Hurwitz's personal views do seep into his decisions as a judge. Yesterday, I discussed his troubling record on the death penalty and how he appears to be pro-defendant in his judicial rulings. Some of my colleagues came to the floor and stated they were unaware of even one case where his personal views influenced his judicial decision making. So I will review a bit of the record.

While in private practice, Justice Hurwitz successfully challenged Arizona's death penalty sentencing scheme in Ring v. Arizona, even though the law previously had been upheld by the Supreme Court of the United States in Walton v. Arizona.

After the Ring decision, Hurwitz, attempted to expand the ruling by asking the Arizona Supreme Court to either throw out each man's death sentence and order a new trial or to resentence each to life imprisonment with the possibility of parole, saying that allowing the previous death sentence to stand would be a ''dangerous precedent.'' The Arizona Supreme Court refused to overturn the convictions and death sentences on a blanket basis, ruling that the trials were fundamentally fair and that the U.S. Supreme Court's ruling didn't require throwing out all the death sentences.

Justice Hurwitz didn't stop there. While on the Arizona Supreme Court,

Justice Hurwitz continued to attempt to expand the scope of the Ring case. His personal opposition to the death penalty appears to have influenced his decisions on the Arizona Supreme Court.

Justice Hurwitz was the lone dissenter in the case of State of Arizona v. Styers. In that case, a jury found James Lynn Styers guilty of the 1989 murder, conspiracy to commit first degree murder, kidnapping, and child abuse of four-year-old Christopher Milke.

Four-year old Christopher was told he was being taken to see Santa Claus, but instead he was taken to the desert and brutally shot in the back of the head.

After years of appeals, the case found itself in federal court, making its way to the Ninth Circuit. In 2008, nearly 19 years after the heart wrenching crime took place, the Ninth Circuit sent the Styers case back to Arizona. In June 2011, some 22 years after this horrific event occurred, the Arizona Supreme Court, in a 4–1 decision, upheld Styers' death sentence. Justice Hurwitz, attempting to cite Ring as authority—the case he argued in while in private practice—was the sole Justice on the Arizona Supreme Court who thought that Christopher's murderer should be given another trial, likely resulting in another round of delays.

If he had his way, the victims in this crime would still be awaiting justice, Arizona taxpayers would be facing unnecessary expenses and society at large would still be waiting for a resolution of the case.

In another death penalty case, State of Arizona v. Donald Edward Beaty, Justice Hurwitz was again the lone dissenter. Donald Beaty was convicted of the May 9, 1984 murder in Tempe of 13-year-old Christy Ann Fornoff. Thirteen-year-old-Christy was abducted, sexually assaulted and suffocated to death by Beaty while collecting newspaper subscription payments.

Beaty, who has been on death row since July, 1985, was scheduled to die by lethal injection at an Arizona Department of Corrections prison in Florence at 10 a.m. on May 25, 2011, more than 27 years after the crime occurred. Beaty's execution was delayed for most of the day as his defense team tried to challenge the Arizona Department of Corrections' decision to substitute one approved drug for another in the state's execution-drug formula. The Arizona Supreme Court ruled 4–1 to lift the stay, with the majority saying Beaty's lawyers hadn't proved he was likely to be harmed by the change. Once again, Justice Hurwitz was the sole dissenter.

If Justice Hurwitz had his way, the State would have had to start over with the death warrant process, leading to additional delays and pain to the victim's family.

So there are two examples of where his death penalty views seeped into his judicial decision making.

As a sitting Justice on the Arizona Supreme Court, Justice Hurwitz tends to be pro-defendant. A study by court watcher and Albany Law School Professor Vincent Bonventre validated the pro-defendant posture of Justice Hurwitz. In a 2008 study, Professor Bonventre examined the criminal decisions in which the Arizona Supreme Court was divided over the previous five years. His study found that Justice Hurwitz was the most pro-defendant member of the Court, siding with the pro-defendant position 83 percent of the time. This is well outside the mainstream for the other members of the Court during the five-year period. As reported by the study, he took a pro-prosecution posture during that five year period only once since he joined the court.

Mr. President, my opposition to Justice Hurwitz is not because of any misbehavior in his youth, silly antics as a college freshman or immature writings in college. I am not suggesting anything like that is in his record, but such examples were raised in the debate yesterday. It is unfortunate that such arguments would have been raised in this serious debate.

I oppose the confirmation of Justice Hurwitz based on his record as a Justice on the Arizona Supreme Court and because of his published views which reflect a judicial ideology that is outside the mainstream.

Madam President, it seems to me that all the business of the Senate is based upon trust between one Senator and another. When the ranking member of the Judiciary Committee isn't notified of this action—or any other Senator—it seems to me that trust has been violated. I won't be satisfied that that trust has been restored unless there is some action taken to have a rollcall vote on this nomination.

I yield the floor.

Mr. ISAKSON. Mr. President, today the Senate confirmed Executive Calendar No. 607, Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit on a voice vote. I request that the RECORD reflect my opposition to the nominee and that I would have voted ''nay.''

OBJECTION TO FURTHER PROCEEDINGS ON THE NOMINATION OF ANDREW HURWITZ

Mr. GRASSLEY. Mr. President, earlier today, the nomination of Andrew Hurwitz, to be United States Circuit Judge for the Ninth Circuit was agreed to by voice vote. It is unclear whether or not a motion to reconsider was made, whether or not a motion to table a motion to reconsider was offered, and whether or not a request was made to notify the President was part of the order.

I object to any further proceedings, including those listed above, based on the fact that a rollcall vote was expected on this nomination.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, for the record, I want to be recorded as an affirmative on the previous nomination.

The PRESIDING OFFICER. The Senator's vote will so be noted.

Mr. DURBIN. Mr. President, I come to the floor now with my friend and colleague from the State of Oklahoma, Senator COBURN, to discuss an amendment we hope to offer to the farm bill, which I believe is the pending matter before the Senate. I will make a brief statement and then yield to my colleague from Oklahoma.

As I said, I come to the floor to speak about an amendment I intend to offer with Senator COBURN. Our amendment would reduce the level of premium support for crop insurance policies by 15 percentage points for farmers with an adjusted gross income over $750,000 a year.

According to a recent GAO report, the Federal Government pays, on average, 62 percent of crop insurance premiums for farmers. Let me put that in perspective. These farmers are buying insurance so they can protect themselves against the risk of low prices or bad weather, and the premiums that are charged to them are collected to pay to those farmers who collect. At the end of the day, 62 percent of the value of the premiums for the crop insurance are paid by the taxpayers. In other words, there is a 62-percent Federal subsidy on these premium support payments for crop insurance across America.

The amendment which I will offer with Senator COBURN would change that. The reason came out very clearly in the GAO report on crop insurance. Last year the Federal Government—the taxpayers—spent $7.4 billion to cover that 62 percent of crop insurance premiums—$7.4 billion in subsidies for crop insurance for farmers, and the amount spent by taxpayers each year has been growing dramatically. To cover roughly the same amount of acres, the Federal Government paid nearly $2 billion more in 2011 than in 2009 because the value of the crops—the price for the crops—had gone up during that period of time.

A point we would like to make and hope our colleagues would note is that 4 percent of the most profitable farmers in America or farming entities accounted for nearly one-third of all the premium support provided by the Federal Government. This is an indication on this chart of what we are talking about. The premium subsidies for 3.9 percent of farmers across America accounted for a little over 32 percent, almost 33 percent of all the Federal premium support subsidies. These are pretty expensive farmers when it comes to the Federal subsidy. Facing stark realities, we can't justify continuing to provide this level of premium support to the wealthiest farmers.

Net farm income has gone up dramatically—in 2011 reaching a record high of $98.1 billion. The USDA forecasts that income will continue to grow at a slightly higher rate than costs over the life of this farm bill

which is before us. And the net income—much like government payments, agricultural payments are concentrated in our largest farms. Farm size has a direct impact on the profit margin of the farm.

We have many large farms in Illinois, certainly across the country, but we have many smaller farmers too. What is the difference? On a smaller farm with lower income, there is less return, less profit, higher risk. According to the USDA, farms with sales ranging from $100,000 to $175,000 have an average profit margin of 1.2 percent. You can see they are close to the edge. They need crop insurance. In a bad year, they are wiped out. But take a look at the larger farms. With more than $1 million in sales each year, their average profit margin is 26.8 percent. There is an economy of scale. There is money to be made. And that is the basis for Senator COBURN and me drawing the line and saying there will be a reduction in the Federal subsidy for crop insurance premiums for the most profitable farms. These larger and wealthier farms can afford to cover more of their own risk, and they should cover more of their own risk.

The single largest recipient of crop insurance premium support last year received $2.2 million to cover the Federal Government's share of the policy to insure nursery crops across three counties in Florida, at a value of $57.7 million.

In another example, an individual received over $1.6 million in premium subsidies to insure corn, potatoes, sugar beets, and wheat across 24 counties in 6 States. The total value of the crops insured: $23.5 million.

Back home in Illinois, a limited liability corporation received nearly $1 million in premium subsidies from the Federal Government to insure corn and soybeans grown in 17 counties across my State. The total value of the crop: $28.4 million.

We are not describing small farms by definition. Are you telling me that a producer insuring a crop valued at $57.7 million will stop participating in the Crop Insurance Program if the Federal Government only pays on average about 50 percent of the premiums instead of the current 62 percent? I don't think so.

Our amendment is simple and straightforward. If you have an adjusted gross income on your farm at or above $750,000, your premium support will be reduced by 15 percentage points. A provision in the underlying bill increasing premium support for beginning farmers—taking care of the new farmers and those with smaller farms—sets a precedent for differentiating premium support based on need. So it isn't a radical notion by any means. Our amendment takes the same technical approach already accepted in the underlying bill. Further, the agriculture community is already very familiar with the use of adjusted income, as it is already applied to title I programs. We have to draw the line somewhere. Our amendment is a commonsense reform that limits the future cost of crop insurance programs.

Let me reassure producers across America and in my home State of Illinois that this is not an attack on crop insurance. We need crop insurance. Everywhere I go, producers tell me crop insurance is the most important tool the Federal Government offers farmers to manage risk. I hear them, and I recognize the role crop insurance has played in managing the Federal role of providing disaster assistance. So I will be very clear. This amendment does not exclude anyone from participating in crop insurance. The vast majority of farmers will see absolutely no change in the level of premium support provided by the Federal Government. This amendment only impacts farmers' largest farms with the highest income—those most able to cover more of their own risk.

Why are we doing this? Because we have a deficit, and we need to deal with it in an honest fashion. The underlying farm bill saves money in direct payments and other means over a number of years, and I commend Senators STABENOW and ROBERTS for that effort.

What Senator COBURN and I will do over the next 10 years is reduce the deficit by another $1.2 billion with this simple change limiting the Federal subsidy and crop insurance to those wealthiest, largest farmers in America. How can we ask Americans to share in any sacrifice, to cut spending, or reduce the debt if we cannot summon the political will to ask the wealthiest farm operations to take such a modest cut in the Federal subsidy for crop insurance?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 3240) to reauthorize agriculture programs through 2017, and for other purposes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wish to comment very clearly on what this amendment does.

Farm and agricultural production in this country is vital both to the country and to our export markets. We have through the years tried many different approaches to make sure we have the stability and the production power in this country for our needs and also to many beneficial aspects of our foreign policy where we use agricultural products for that.

Imagine if you are a business other than agriculture and you have decided that regardless of the mistakes you might make or the uncontrolled variables that might impact your business or the downturn in the economy, that with 62 percent of government funding you can buy an insurance policy that guarantees you a profit. That is what this new farm bill has moved to. That is going to be our agricultural program as far as the Senate is looking at it. There is a real differential there between the rest of business and commerce in America and our farm program. I understand the need for that, but this bill actually increases our costs for the Crop Insurance Program by $5.2 billion as it is written.

What the Senator from Illinois and I have proposed is a commonsense earnings limit that is associated with every other program in title I that would say: We are going to help you, but we are just not going to help you as much because you therefore, and by your own success, have the means to help yourself.

We are going to spend a lot of money on insurance over the next 10 years in this farm bill. It is $94.6 billion. What Senator DURBIN and I are proposing is $1.2 billion in savings.

A lot of people don't realize the advances that our farmers and the industries that supply them have made. As Senator DURBIN pointed out, farm income has been up the last 5 years and is projected to continue to increase. Input costs for fertilizer are going down. Input costs for seed and other chemicals are going up. We want a viable farm program, but what we don't want is the next generation paying for additional wealth for those who, in fact, can afford to insure themselves.

This is a very modest proposal. We could have had an amendment that said: If you make over $750,000, we shouldn't be subsidizing any of your crop insurance. We would still have a crop insurance program for this very well-off 4 percent had we done that. What we said is that now is the time to start looking at that. We will look at it again with the next farm bill, but certainly those who are so well-positioned to maximize profits from agriculture don't need a 62-percent subsidy to their crop insurance.

This is a controversial amendment. We understand that. We know a lot of people are going to disagree with us. But the point is this: At how much income should the average, hard-working American still be paying taxes to supplement your income? And that is really the question. Should a factory worker making $45,000 a year continue to supplement somebody who is making $10 or $12 or $15 million a year through a crop insurance program?

So we are not taking it away. All we are saying is that this needs to be moderated, and moderated in a manner that won't impact anybody except this top 4 percent. If we do that, what we will do is, as the Senator from Illinois said, start solving some of our budget. It is not a lot compared to what our problems are, but the way you get out of trillion-dollar deficits is a billion dollars at a time.

What we are asking and what all of us are going to be asking over the next 2 to 3 years of anybody in this country is to sacrifice some. So what Senator DURBIN and I are doing is saying to the best, to the most efficient, to those

who make the most money, we want you to start sacrificing now by limiting by 15 percent the subsidy that comes to you for this bill. I think it is common sense. It is also fair. I would have gone further in a lot of areas, but I think we have an agreement that this is something we should do, we can do, and it will have no negative impact in terms of our production of agriculture, in terms of quantity or quality.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, over the last several years, first as Governor of Tennessee and later as a U.S. Senator, I have learned that healthier air also means better jobs for Tennesseans. That is why I intend to vote to uphold a clean air rule that requires utilities in other States to install the same pollution control equipment the Tennessee Valley Authority is already installing on coal-fired power plants in the TVA region.

TVA alone can't clean up our air. Tennessee is bordered by more States than any other State. We are literally surrounded by our neighbors' smokestacks. If we in Tennessee want more Nissan and Volkswagen plants, we will have to stop dirty air from blowing into Tennessee, and here is why. Back in 1980, I was Governor and Nissan came to Tennessee. The first thing the Nissan executives did was to go down to the State air quality board and apply for an air quality permit for their paint emissions plant. If the air in the Nashville area had been so dirty that Nissan couldn't have gotten an air quality permit for additional emissions, Nissan would have gone to Georgia and we would not be able to say today that one-third of our manufacturing jobs in Tennessee are auto jobs.

Every one of Tennessee's major metropolitan areas is struggling today to meet the standards that govern whether industries can acquire the air quality permits they need to locate in our State.

I once asked the Sevierville Chamber of Commerce leaders to name their top priority. They said to me: Clean air. Now, Sevierville is not necessarily a hotbed of leftwing radicals. Sevier County is the most Republican county in the State. It is nestled right up against the Great Smoky Mountains National Park. It is where Dolly Parton was born. I live in the next county, right up next to Great Smoky Mountains National Park.

East Tennesseans know that 9 million visitors come each year to see the Great Smoky Mountains, not to see the Great Smoggy Mountains, and we want those tourist dollars and the jobs they bring to keep coming. Despite a lot of progress, the Great Smokies is still one of the most polluted national parks in America. Standing on Clingman's Dome—our highest peak, about 6,643 feet—you should be able to see about 100 miles through the natural blue haze about which the Cherokees used to sing. Yet today, on a smoggy day you can see only 24 miles.

There are 546 Tennesseans who work today in coal mining in our State, according to the Energy Information Administration. Every single one of those jobs is important. This has been an important tradition in a few counties in East Tennessee. At the same time, there are 1,200 Tennesseans who work at the Alstom plants in Knoxville and Chattanooga that will supply the country with most of the pollution-control equipment required by this rule. Every one of those Tennesseans' jobs is important too. Of the top five worst cities for asthma in the United States, according to the Asthma and Allergy Foundation of America, three are in Tennessee. They are Memphis, Chattanooga, and Knoxville. Only last year Nashville dropped out of the top 10 worst U.S. cities for asthma. Because of the high levels of mercury, health advisories warn against eating fish caught in many of Tennessee's streams.

According to the Mount Sinai School of Medicine, nationally mercury causes brain damage in more than 315,000 children each year. It also contributes to mental retardation. Half of the man-made mercury in the United States comes from coal-fired power plants. This new rule requires removing 90 percent of this mercury. The rule also controls 186 other hazardous pollutants, including arsenic, acid gases, and toxic metals.

Utilities have known this was coming since 1990 because these 187 pollutants, including mercury, are specifically identified in the 1990 amendments to the Clean Air Act as air pollutants that need to be controlled by utilities. Now the Federal courts have added their weight and ordered the Environmental Protection Agency to control these pollutants.

An added benefit of the rule is that the equipment installed to control these hazardous pollutants will also capture fine particles, a major source of respiratory disease that is primarily regulated under another part of the Clean Air Act. This new equipment will add a few dollars a month to residential electric bills. The EPA estimates a 3-percent increase nationwide. But because the Tennessee Valley Authority has already made a commitment to install these pollution controls, the customers of TVA will pay this rate increase anyway—with the rule or without the rule. To reduce the costs, the Senator from Arkansas, Senator PRYOR, and I will introduce legislation to allow utilities 6 years to comply with the rule, which is a timeline many utilities have requested. Earlier today the Senator from Oklahoma, who is sponsoring a resolution to overturn the rule, referred to the legislation Senator PRYOR and I offered as a cover amendment and suggested in some way that it wasn't a sincere effort. I greatly respect the Senator from Oklahoma. Sometimes we have different points of view, but I have different points of view with the Senator from Minnesota, the Senator from Arkansas, not to mention Senators from almost everyplace in the country. But I respect those different points of view just as I respect Senator INHOFE's different point of view, and I hope he will respect mine. Here is my point of view: Ever since I have been in the Senate, I have introduced legislation to clean up the air in Tennessee. Why have I done that? Because we don't want the Great Smoggy Mountains, we want the Great Smoky Mountains. We don't want to perpetually have three of the top five asthma cities in the country. We don't like health advisory warnings on our streams so we can't eat our fish.

We especially don't want the Memphis Chamber of Commerce to recruit another big auto plant to the big Memphis megasite and then learn that they can't come here because the Memphis area has dirty air and the auto manufacturer can't get a necessary air permit. It would be even worse if that dirty air is blowing in from another State.

So what this rule is about is requiring our neighbors, and the rest of the country, to do the same thing we are already doing. If they don't do it, we have no chance in the world to ever have clean air in Tennessee. Also, if we don't, we will have worse health and fewer jobs.

Now as far as the 6 years goes, the law gives States the right to add a fourth year to the 3 years the utilities have to comply with the law. Today Federal law gives the President of the United States the right to add 2 more years to that, so that is 6 years. In the law today the President and the States could make sure utilities have 6 years to comply with this rule. I believe that makes sense.

If I were the king and could wave a magic wand, that is what I would do. Why would I do that? Because we will be getting environmental benefits over the 6 years. So what will happen is utilities will assess their coal plants, decide which ones are too old or too expensive to operate, decide within 3 years to close those they will not continue to operate, and then they will have 6 years to spread the costs of implementing the expensive pollution-control equipment—most of it is called SCRs and scrubbers—on their coal-fired powerplants.

Most of the utilities have suggested this 6-year timeline as the single best way to clean the air and to do it in a way that has the least impact on electric bills.

So we will introduce our legislation to give utility executives 6 years to implement the rule, but we will also write President Obama a letter and urge him to grant the 6 years so utility executives can have that certainty. Some are saying this rule is anticoal. I say it is pro-coal in this sense because it guarantees coal a future in our clean energy mix. As I have said, the Tennessee Valley Authority has decided to

put the pollution control equipment it needs to make coal clean on all of the coal plants it continues to operate. That doesn't count carbon; that counts all of the hazardous pollution. It counts sulfur, nitrogen, sulfur, mercury, and those sorts of things.

That means, long term, the TVA will be able to produce more than one-third of its electricity from clean coal. That guarantees its future for the foreseeable future in our region, and this is the largest public utility in the world. The rest of our electricity in the Tennessee Valley will come from even cleaner natural gas and from pollution-free nuclear power and hydropower.

Ever since Tennesseans elected me to the Senate, which was about 10 years ago, I have worked hard to clean up our air. Tennesseans know that. Most of them agree with me. They thank me for it when I go home on weekends. They do that because they know if I do not help clean up our air in Tennessee, and if I don't stop dirty air from blowing into our State from other States who don't have pollution controls on their coal plants, that it jeopardizes our health and it jeopardizes our opportunity to continue to be one of the Nation's leading States in attracting auto jobs and in attracting tourists.

I notice on the Senate floor the Senator from Arkansas, Mr. PRYOR, and I thank him for his leadership on the issue and for his practical attitude. I believe we have the same goals, which are, No. 1, clean the air but keep the electric bills down at the lowest possible cost, and we believe we have the most constructive proposal to do that. We hope President Obama will agree with us.

First, we hope the Senate will agree with us and uphold the rule; second, that the President will agree with us and grant 6 years; and, third, if he does not, that the Congress will agree with us and pass a law giving utilities 6 years to spread out the costs.

I thank the President.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Arkansas.

Mr. PRYOR. Mr. President, I ask that I be given 10 minutes to speak as in morning business.

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

Mr. PRYOR. Mr. President, I would like to commend my colleague from Tennessee and his leadership when it comes to clean air. He has a long history for fighting for clean air in Tennessee in this country, and we share the common goal of maintaining a safe and reliable source of electricity, but also one that is safe for human health.

Cleaner air means better health for Arkansans, for Tennesseans, and for everyone in the entire country. This all started back in 1990 with some Clean Air Act amendments signed by President George H.W. Bush authorizing EPA to regulate air pollutant emissions from powerplants. These regulations have been two decades in the making.

As I said, it started back in 1990, and a lot has changed since then. But one thing that has improved greatly since then is technology. These clean air rules try to make these coal-fired powerplants 90 percent cleaner. They can now achieve that 90 percent reduction from uncontrolled emissions of mercury and other pollutants because of technology. We have the ability to make this achievable today. I don't know if that was true 20 years ago, but it is certainly true today.

I would like to visit with my colleagues for the next few minutes about the plan Senator ALEXANDER has put forward in which I heartily join him. It is a three-step plan:

First, vote no on Senator INHOFE's resolution that we understand will come up sometime in the next several days.

Second, consider voting for the legislation that we are proposing and that we would like to move to the Senate floor within a reasonable amount of time that would basically say all the utility companies get 6 years to comply with these new rules. Again, these new rules that are now on the books and have been on the books since February have been 20 years in the making.

The third step we are proposing is a letter to the President of the United States to urge him in the interim to give the additional 2 years, which he has the authority to do under the law. He can do 2 years with an Executive order.

Let me just walk through those very quickly. Some of the reasons I am going to vote no on Senator INHOFE's resolution of disapproval is because although I believe the EPA is wrong in their timetable, I think 3 years is too short. I don't think that is enough time. As Senator ALEXANDER said a few moments ago, we can do the math that is in the statute and in the regulations, and it probably adds up to 6 years. Let's go ahead and be up front and give them the 6 years. Six years will do it, and that creates certainty. That means people can plan, that means people can schedule equipment, and skilled laborers can come from the United States and not outsourced from overseas, and most of the equipment will be made in the United States. That gives our utility companies time to do all of this.

I think the EPA is wrong in the sense that they are trying to force this over a 3-year period. I think 4 years is a minimum and 6 years is what we really need. I think that just makes the most sense under the circumstances.

With all due respect to Senator INHOFE, for whom I have a lot of respect, his resolution of disapproval is wrong. I think it is the wrong approach. I think it is over the top. It reverses course and, basically, if I understand it, it allows the utility companies to pollute at will. It actually creates a legal problem that I am not sure we adequately discussed on the Senate floor. I am sure we will as we go through this process and as Senator INHOFE's resolution actually comes to the Senate floor, but it creates a legal problem.

If it were to pass, what does the future hold? The law says if a resolution of disapproval passes, then the agency cannot put forward a substantially similar regulation.

What does that mean in this circumstance? There is no legal precedent for that. Some argue if the resolution of disapproval passes, that is it, Katey bar the door; that this is no holds barred, so to speak, when it comes to oil and coal plants and what they can produce.

I certainly hope that is not the case. I don't know if that is the case, but legal experts disagree, and I don't think that is a chance we should take. There is no doubt that sending plumes of mercury and particulate matters and things such as sulfur dioxide, et cetera, creates serious health hazards for children and adults. One can look at the statistics when it comes to heart attacks or premature deaths, asthma, and all kinds of different ailments that human beings suffer. There is no doubt that these coal-fired plants contribute to that.

As we have seen, when we grandfather these plants, they don't, out of the goodness of their hearts, do the things necessary to stop the polluting. What they do is they keep running them because they are grandfathered. That needs to stop at some point in the future as well. I think our approach helps in that way as well.

I talked about the EPA being wrong and I talked about Senator INHOFE having the wrong approach. The third thing I would say is let's extend it, not end it. I think that by making clear we want the full 6 years—the 3 years in the statute, the 1 year in the State, the 2 years that the President has discretion on—I think that 6 years gives everybody ample time to plan, take care of business as they should, and make sure we have electricity capacity in this country.

I would say we need to stop the scare tactics about job loss and the sky is falling and this is the end of the coal industry in America. I completely disagree with that. I think the United States would be very smart to continue to use coal because we have something like 400 years worth of coal usage. We are kind of like the Saudi Arabia of coal. So I am not trying to hurt the coal industry. I am not trying to kill jobs or do anything like that. But I think if we look at the small cost—we have to understand that these plants are worth billions and billions of dollars and we are talking about adding some costs to that. One estimate I saw is it is going to add about 3 percent. But if we look at the balancing of costs of what we are trying to accomplish here versus the health costs in savings we get, there is really no comparison. I think it is fair to say that what the Alexander approach does is it actually

saves kids' lives. It is good for business. It is good for our environment. It is good for our people.

I think what we see here is a false choice that some people are trying to present. Some people say we have to be either pro coal or pro health. That is a false choice. We can be both. We can be pro coal and have a good, robust coal industry. If we were to open a magazine here in Washington or the Washington Post, oftentimes we will see a full-page ad that talks about clean coal. We turn on the television and watch some of the news shows and the coal industry is advertising clean coal. What are they talking about? This is what they are talking about. They are talking about cleaning up these coal plants so we can still use this precious American resource, but we do it in such a way that we eliminate 90 percent of the pollution and the harmful particulates that are in coal—90 percent. That is clean coal. That is what they are talking about.

So let's do this, but let's do it over a 6-year period, not over a 3- or 4-year period. Let's not force ourselves into a false choice. Let's do the right thing for this generation and the generations to come.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I wish to congratulate the Senator from Arkansas for his very clear explanation of what we are about here. The United States produces 25 percent of all the wealth in the world every year. In order to do that, we use about 20 to 25 percent of all of the electricity in the world. We need low-cost, reliable, large amounts of clean electricity and we need for coal to have a secure part of the future of our clean energy mix.

I have said for years, we know what to do about sulfur, nitrogen, mercury, and the hazardous pollutants. We have the pollution control equipment to capture all of those. We can make the coal clean, except for carbon, so let's put that over here on the side for a minute. We can make the coal clean and we should do it. We should have done it in a law over the last few years. We have had 15 Senators equally divided on both sides of the aisle trying to pass a law. We couldn't get it done so we defaulted to the EPA, so now they have had to do the rule. But the Congress amended the Clean Air Act in 1990 we told EPA to write this rule. In the law, it listed the pollutants that have to be controlled. In 2005, President Bush tried to write this rule but a Federal Court threw it out and in 2008 said to the EPA, you have to do it, the way the law says to do it. So Congress has told them to do it, the courts have told them to do it, and now they have done it according to the law. If we don't like the rule, we have to change the law, which we are not doing with the resolution of disapproval.

The constructive thing we can do is let the rule go forward. Let's have clean coal be a part of our clean energy mix, and then let's allow utilities what they many of them have asked for, 6 years to implement the rule. Hopefully, our legislation will pass. Hopefully, just the mere introduction of it, particularly by those of us who support the rule, will persuade President Obama that it would be a reasonable Executive Order for him to make, to assure people across the country that we will have no interruption in the reliability of our electricity and that we will have no great increase in costs in most parts of the country.

I agree with the Senator from Arkansas when he said that coal needs to be a very important part of our future. This regulation will make coal in our region an important part of our electricity production. If the TVA is the biggest public utility in the country, and it is going to produce a third of its electricity from coal with pollution-control equipment on the plants. That is clean coal.

But the real holy grail of energy for me is the scientist who discovers the way to turn carbon from existing coal plants into something commercially useful. It will probably be in energy. In the Department of Energy right now they have an interesting experiment where they are applying a biologic process—really, bugs—to electrodes, turning it into oil. Imagine what would happen if all the coal plants in our country could turn the carbon they produce into other kinds of energy. Then, suddenly, we would have this 400-year supply of coal, and the carbon, as well as all the other parts, would be clean and we could use even more coal than the one-third it is likely to represent.

I appreciate very much the leadership of the Senator from Arkansas, his advocacy, and his clear statement of opinion. I wish to say to both our Republican and Democratic colleagues, if you are looking for a way to have clean coal, clean air, and do it at the lowest possible cost to the taxpayer, let's do what most of the utilities have asked for and give them a timeline of 6 years to implement the rule. The easiest way to do it would be for the President to introduce the Executive Order, and each State to give the utility one more year, because that authority is already a part of the Federal law.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I see the Senator from Texas is waiting so let me conclude in the next couple of minutes.

We talked about clean coal and why that is important. Let me tell my colleagues what else is important. Based on the statistics, the health benefits are between $37 billion and $90 billion. That is an estimate for 2016. For every dollar we put in, we get up to $9 back in health benefits. The new rules could prevent up to 11,000 premature deaths, 4,700 heart attacks, 130,000 asthma attacks, 140,000 cases of respiratory symptoms, over 9,000 cases of bronchitis, 5,700 hospital emergency room visits, 540,000 missed work or sick days, and 3.2 million days when people must restrict their activities. Mercury, they say, causes brain damage in more than 315,000 children each year. Half of the U.S. manmade mercury comes from coal-fired powerplants. The new rules require removing 90 percent of that mercury.

So back to the point of Senator ALEXANDER. This approach provides certainty. It ensures grid reliability. It allows sufficient time for utilities to comply under this bad economy. It gives manufacturing and skilled labor jobs to U.S. companies and U.S. workers, and it also reduces health problems and costs associated with the coal industry right now.

With that, I ask my colleagues to consider looking at the Alexander and Pryor approach. I would love to visit with any of my colleagues who are so inclined.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, this morning during a hearing in front of the Senate Judiciary Committee, the Attorney General appeared, and in an exchange I had with him, it culminated with my call upon him to resign his position as Attorney General. That is a very serious matter. I wish to take a few minutes to explain why, after long deliberation, I have come to this conclusion. I do believe it is the right decision and it is long overdue.

I served as an attorney general of my State—an elected attorney general, not an appointed attorney general. I believe strongly the American people deserve a chief law enforcement officer who will be independent of political influence, who will be accountable to the law, and who will be transparent, particularly in his dealings with the Congress. Unfortunately, Attorney General Holder has failed on all of these counts.

At his confirmation hearing in 2009 in front of the Judiciary Committee, Eric Holder said his Department of Justice would ''serve justice, not the fleeting interests of any political party.'' He also said he would seek to achieve a ''full partnership with this Committee and with Congress as a whole.'' I wish he had kept his word. Regrettably, he has not.

In the past few weeks I have joined my colleagues on both sides of the aisle in our shock at news articles that have disclosed some of the most sensitive classified programs of our national security apparatus. These were reportedly covert operations aimed at thwarting terrorist attacks as well as defeating Iran's nuclear aspirations. The leaks, according to the chair of the Senate Intelligence Committee, Senator FEINSTEIN—I am paraphrasing here, but I believe she says these are some of the worst she has seen in her tenure on the Intelligence Committee. Others have suggested these are some of the most damaging potential leaks

in our history—certainly recent history.

According to the very stories that reported these programs, the sources come from the highest reaches of the executive branch of our government; namely, the White House. As Democrats and Republicans have both made clear, the unauthorized release of classified information is a crime—it is a crime—because it threatens our national security and puts the lives of those who are sworn to defend our Nation in jeopardy. As many have hastened to point out, it also jeopardizes the cooperation of our allies. Who would be motivated to be a source of classified, highly sensitive information that would be provided to our intelligence community if they knew they were likely to be on the front page of the Washington Post or The New York Times?

The news articles containing the leaked information paint the President in a flattering light. The concern is that they appear just as his reelection campaign is getting into full swing.

Let me be clear. These facts raise legitimate concerns about the motives behind what everyone agrees is criminal conduct. That is why it is so important to have an investigation of these leaks that is independent, nonpartisan, and thorough. Unfortunately, Attorney General Holder has demonstrated, at least to me, that he is incapable of delivering that kind of investigation.

Just hours before Senator MCCAIN and Senator CHAMBLISS called for a special prosecutor or, in the parlance of the statute now, a special counsel, Holder's Deputy Attorney General Jim Cole told me he didn't think an independent investigation was warranted because the leaks didn't come from the White House or this administration. Amazingly, he hadn't, apparently, done an investigation before he reached that conclusion. Attorney General Holder apparently takes the same view. He has already decided who is not to blame, and he has excluded the administration and the White House and the reported sources of the information—although not named, they were named by category—he has already written them off and suggested that they could not possibly be the source of any of these leaks.

I looked into the special counsel law which says that a special prosecutor is called for when an investigation would present a conflict of interest for the Justice Department.

I concede the Attorney General has a very tough job. He is a member of the President's Cabinet, but he has a special and independent responsibility as the chief law enforcement officer of the country and he can't be confused about those roles. There have been some reports that some of these leaks may have even emanated from the Justice Department itself. In fact, this morning, the Attorney General acknowledged that some of the Department of Justice's National Security Division had recused itself from an ongoing leak investigation. We don't know the details of that, but he did concede that his own National Security Division at the Department of Justice—some members of that division had already recused themselves.

These leaks in the New York Times—I am talking specifically about the drone program and about the cyber attacks on Iran's nuclear capability—quoted senior administration officials and quoted members of the President's national security team.

Now, that is not a large number of people to question or to identify. In fact, that is the very source given in these stories that reported the leaks—''senior administration officials'' and ''members of the president's national security team.''

This is the same story that said that on the President's so-called kill list that he personally goes over with his national security team identifying targets of drone attacks, that also David Axelrod, his chief political adviser, sat in, apparently, on at least one, maybe more meetings.

But instead of an independent prosecutor, Attorney General Holder has chosen to appoint two U.S. attorneys who are in his chain of command and who will report to him and who are directly under his personal supervision. One of those is U.S. attorney for the District of Columbia Ronald Machen, who volunteered on the Obama campaign in 2008 and who has given thousands of dollars to the President's political campaigns over the years. I do not have any issue with that. That is his right as an American citizen. But it does raise legitimate questions about his ability to be independent and conduct the kind of investigation I am talking about. Oh, by the way, Mr. Machen also got his start as a Federal prosecutor when he went to work for U.S. Attorney General Eric Holder. That is not an independent investigation—that is the point—and it helps to demonstrate why it is that Attorney General Holder has a conflict of interest himself that requires the appointment of a special counsel, not the appointment of two U.S. attorneys who are directly responsible to him and through whom he can control the flow of information to Congress and others.

Reasonable people will wonder, where does the Attorney General's loyalty lie—to the President of the United States to try to help him get reelected or his duty to enforce the laws of the U.S. Government?

This would be troubling enough to me if this were an isolated event, but what has brought me to this serious conclusion that Attorney General Holder should, in fact, resign goes back much further because this is only a symptom of the Department of Justice's complete lack of accountability, independence, and transparency.

Take the tragedy known as Operation Fast and Furious. And we know, under Attorney General Holder's watch, the Department of Justice ordered the transfer of more than 2,000 high-caliber firearms to some of the most dangerous drug cartels operating in Mexico. The Attorney General disingenuously tried to confuse this with an operation known as Wide Receiver, which was done in consultation with the Mexican Government and where the point was not to let the guns walk without surveillance but to track them. It was ended when it became very difficult to track them and thus gave rise to the operation known as Fast and Furious, which had an altogether different mode of operation.

Instead of tracking these firearms and arresting cartel agents trafficking them, under Operation Fast and Furious, Department of Justice officials ordered law enforcement agents to break off direct surveillance and to allow these guns to ''walk''—apparently under the mistaken belief that they could somehow find them at a later time and, through alternative means of surveillance, discover the nature of the organization and the distribution of these guns and help them bring down some of these cartels. Unfortunately, and quite predictably, the weapons from this flawed operation have been used to commit numerous violent crimes on both sides of the southern border, including the murder of Border Patrol Agent Brian Terry in December 2010.

Far from being apologetic, Attorney General Holder's conduct during the congressional investigation into this flawed program has been nothing short of misleading and obstructionist, having complete disregard for Congress's independent constitutional responsibility to conduct oversight and investigations of the Department of Justice and other Federal agencies.

For example, Attorney General Holder has stonewalled the investigation, turning over less than 10 percent of the documents subpoenaed by a congressional committee.

Attorney General Holder's Department misled Congress in a February 2011 letter where they claimed that Operation Fast and Furious did not even exist—there was no program to allow guns to walk into the hands of the cartels and to lose direct surveillance of them. We now know that is false but only because Lanny Breuer, 9 months later, in November 2011, came before the Senate Judiciary Committee and said: You know, that letter we wrote in February 2011 saying there was not any gun-walking program known as Fast and Furious—that was false. That was not true.

So for all that period of time, Attorney General Holder and his Department misled Congress by claiming falsely that Fast and Furious did not exist.

Then, in addition, Attorney General Holder misled Representative ISSA, who has led the investigation in the House of Representatives, by testifying that he only learned of Operation Fast

and Furious ''over the last few weeks.'' That was in May 2011. He said he only learned about it in ''the last few weeks.'' Brian Terry was murdered in December 2010, yet Eric Holder said he only learned in ''the last few weeks'' about Operation Fast and Furious, and that was in May 2011. We now know that is false.

Attorney General Holder also misled the public at a September 2011 press conference by claiming that Operation Fast and Furious did not reach into the upper levels of the Justice Department. We now know that is false. I personally reviewed some of the wiretaps that were produced as a result of a whistleblower through the House investigating committee, and it makes clear that the rationale for securing a wiretap was because they did not expect to be able to keep track of the weapons directly by direct surveillance, describing, in essence, the tactics of Operation Fast and Furious. Those required the authorization of high-level Department of Justice employees, including those in Lanny Breuer's office. Again, Attorney General Holder and his staff misled the public, claiming Operation Fast and Furious was unknown at the upper reaches of the Justice Department.

Attorney General Holder misled the Senate Judiciary Committee last November by testifying that he did not believe that these wiretap applications approved by senior deputies included detailed discussion of gunwalking. As I said, we know that to be false. I read them with my own eyes yesterday, although they remain under seal. And Attorney General Holder has refused to take any step to ask the court to modify that seal so we can then review those and compare his story with what is revealed in the affidavits. So as long as these documents remain under seal, we are left with the ''he said, she said'' that he could resolve if he would agree to go to the court and ask that they be unsealed for purposes of the congressional investigation.

Then, when there were reports of gunwalking operations in Houston, TX, at a sports dealer known as Carter's Country, I asked Attorney General Holder whether there were gunwalking operations in my State. When you had a legitimate seller of firearms say: Hey, I think there is something suspicious going on, you have people making bulk purchases of firearms, and I am worried they may be going to the cartels or other sources, they were told: Do not do anything about it. Let them go.

But when I asked Attorney General Holder to confirm or deny that there was an Operation Fast and Furious look-alike or that Fast and Furious itself was operating in my State, again, I got no reply.

I have no idea what else the Attorney General and his Department are concealing from the American people or, more importantly, the Brian Terry family, who deserve to know what happened and how this operation went terribly awry.

Perhaps worst of all has been the lack of accountability, starting at the top. In the last 16 months since Operation Fast and Furious was uncovered, Eric Holder has not fired a single person in his Department for supplying 2,000 high-caliber firearms to drug cartels in Mexico. That is really astonishing. I have to ask, if no one has been held accountable, what does it take to get fired at the Holder Justice Department?

Attorney General Holder's litany of failure does not end there, again, putting politics ahead of his job as the chief law enforcement officer of the country and, indeed, putting what appears to be a political agenda ahead of the law.

For example—another example—Attorney General Holder has targeted commonsense voter ID legislation passed by the Texas Legislature and the South Carolina Legislature, which the Supreme Court of the United States has overwhelmingly upheld the constitutionality of since 2008. So here is the Texas Legislature, the South Carolina Legislature—and others perhaps sitting in the wings—trying to take steps to protect the integrity of the vote of qualified voters in their State. And who is the chief obstructionist to that goal? It is the Attorney General and the Department of Justice. So now we find ourselves—my State, South Carolina, and others find themselves in litigation asking the courts to do what the Attorney General will not and acknowledge that the Supreme Court decision in 2008 is the law of the land.

These voter identification laws are designed to require citizens to produce a valid photo identification. If you do not have a valid photo identification, you can get one for free. In my State, you can show up without any ID and vote provisionally as long as you come back within a period of time and produce one. So it is no impediment to participation in votes. You know what. The American people are accustomed to presenting a photo ID because every time you get on an airplane, every time you want to buy a pack of cigarettes or a beer, you have to, if you are of a certain age, produce a photo ID to prove you are of a certain age. But Mr. Holder has been so outrageous as to compare these voter ID laws to Jim Crow poll taxes—it is outrageous—a charge that is defamatory and an insult to the people of my State and anyone with common sense. You know what. You have to show a photo ID to get into Eric Holder's office building in Washington, DC. Yet it is discriminatory somehow? It discourages qualified voters from casting their ballot? It is ridiculous. While Attorney General Holder is blocking State efforts to prevent voter fraud, he neglects the voting rights of the men and women in uniform who serve in our country's Armed Forces.

In 2010—actually before that—on a bipartisan basis, we introduced legislation and passed it overwhelmingly, something called the MOVE Act. It is a military voting act. But after its passage, which was designed to make it easier for troops who are deployed abroad or civilians deployed abroad to cast a ballot in U.S. elections, the Attorney General failed to adequately enforce this legislation, which was designed to guarantee our Active-Duty military and their families the right to vote. If Mr. Holder had spent as much time and effort enforcing this law as he recently spent attempting to get convicted felons and illegal aliens back on the voter rolls in Florida, thousands of military voters might have gotten their ballots on time rather than be disenfranchised in 2010.

These are not the only duly enacted laws the Attorney General has failed to enforce in order to carry out the political agenda that apparently he believes is more important.

The Attorney General has announced he will refuse to defend the bipartisan Defense of Marriage Act that was signed by President Bill Clinton, despite the fact that has been the law of the land for more than 15 years. It is, in fact, the duty of the Department of Justice to defend laws passed by Congress that are lawful and constitutional. Yet he refuses to even do so, and the litany goes on.

In addition to using the Justice Department as a political arm of the Obama campaign, he has also moved the Department in a dangerously ideological direction in the war on terror. Attorney General Holder has failed to grasp the most important lesson of 9/11 and the 9/11 Commission, that there is a difference between criminal law enforcement for violating crimes and the laws of war that are destined to get actionable intelligence and prevent attacks against the American people, not just punish them once they have occurred, which is the function of the criminal law.

His actions have demonstrated that he believes terrorism is a traditional law enforcement problem warranting the same old traditional law enforcement solutions. But they, by definition, occur after the fact, after innocent people have been murdered, rather than designed to prevent those attacks.

For example, Attorney General Holder attempted to hold trials for master minds of the 9/11 attack, such as Khalid Sheikh Mohammed, in civilian court in Manhattan. He wanted to do so in spite of the outcry of local communities and the fact that civilian trials would give terrorists legal protections they are not entitled to under our Constitution and laws and which they do not deserve.

Attorney General Holder attempted to transfer terrorists from Guantanamo Bay Cuba to prisons in the United States over the repeated objection of local communities and the Congress.

What is more, when Federal agents detained, thankfully, the Christmas

Day Bomber in Chicago who was trying to blow up an airplane with a bomb he had smuggled and that was undetectable to law enforcement agents, he insisted that instead of being treated as a terrorist, an enemy combatant, he be read his Miranda rights. That is right. Attorney General Holder insisted this terrorist be told: You have the right to remain silent. You have the right to a lawyer. This is the sort of muddled thinking that I think has created such potential for harm, treating a war and terrorists as if they were conventional criminals who ought to be handled through our civilian courts.

While Attorney General Holder was worrying about the rights of people such as the Christmas Day Bomber, he was targeting some of the very Americans who risked their lives to keep America safe. In fact, he appointed a special prosecutor—he thought this was sufficient to appoint a special prosecutor, not to investigate these classified leaks but to investigate U.S. intelligence officials in conducting their duties—he appointed a special prosecutor to investigate CIA interrogators during the prior administration, men and perhaps women who did what they did based on legal advice from the Department of Justice and based on the belief that what they were doing was important to the safety and security of U.S. citizens, and I think they were right.

Attorney General Holder has also seen fit to release top secret memos detailing interrogation methods, information which, of course, quickly found its way into the hands of America's enemies and which they could use to train to resist our intelligence-gathering efforts.

Attorney General Holder's failure to grasp the most important lesson of the last decade, that we are at war against al-Qaida, demonstrates more than just a willingness to carry a political agenda for this administration. It is a sad result of an ideological blindness to the law. It has moved the Department of Justice, and unfortunately this country, in a dangerous direction.

I would continue on with examples of Eric Holder's litany of failure, but I believe the case is clear-cut. The American people deserve an Attorney General who is independent of politics, who is accountable to the oversight of Congress, and who is transparent. Mr. Holder has proven that he is none of these things. It is with regret, not with anger but with regret and sadness I say it is time for him to resign.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

Ms. KLOBUCHAR. Mr. President, I rise to stress the critical infrastructure needs across our Nation and to urge the House of Representatives to act quickly and to pass a meaningful transportation bill. On March 14, the Senate passed the Moving Ahead for Progress in the 21st Century Act by a strong bipartisan vote of 74 to 22.

Later that month, I came to the floor of the Senate to highlight the importance of the passage of our surface transportation bill. Since then, the American people have been waiting for the House of Representatives to act on their version of a transportation bill. Three months to the week after the Senate passed our Transportation bill on a 74-to-22 bipartisan vote, with the Nation continuing to wait for action and the June 30 deadline to renew or extend the transportation program coming closer and closer, the leaders of the House of Representatives have announced not a short-term extension but they have announced their interest in a longer term extension to the end of 2012.

I suppose the good news is that means we have some interest in moving forward with transportation. But that is not good enough for the people of this country. In Minnesota, as you know, the construction season has begun, and because of our cold winters, we do not always have a long construction season. This kind of delay, where we have a very good bipartisan bill which includes $700 million in construction projects for our State of Minnesota, this kind of delay can be crippling. We have a much smaller window of time in which we can complete much needed projects for easing congestion and improving safety.

These projects will help get commuters out of traffic and moving in the Twin Cities; projects to help ensure that farmers and food producers across greater Minnesota can transport their supplies at the right time to the right place to ensure that we continue to have a safe and reliable food supply.

Think about the projects in Minnesota that need to be completed: Highway 52 in Rochester. Highway 52, a long-time problem in terms of deaths, in terms of traffic accidents, still an area where people get killed; U.S. Highway 14 in southern Minnesota, continuing to wait for that to be completed; 101 in the western metropolitan area, a little girl was just killed walking her bike, getting on her bike going across that Highway 101—killed; Highway 94 out by Rogers, a bottleneck all the time. I have been in it several times myself; 23 in Marshall needs to get done. There is a major company out there, Schwan's, but we have a highway that is not able to carry the food and the goods to market that it should because that construction has not been done; roads from Moorhead to the Iron Range, to Duluth, all that needs to be completed.

That is why it is not good enough to hear the House of Representatives talk about a simple extension when we have a strong bipartisan transportation bill that came out of the Senate. We also need to be aware of the costs incurred by each additional day of delay. The longer it takes for the Congress to pass a transportation bill, the longer it takes projects to be completed, the more expensive they become to taxpayers. That stands to reason. Anyone who has built an addition on their house understands that—delay, delay, delay.

That is a waste of taxpayers' money. That is why we have to get this bill done. State Departments of Transportation, contractors, construction workers, engineering firms, and other industries need certainty to move forward with the bill. These are private sector jobs, private sector jobs that await the passage of this bill. They should not have to wait any longer for the House of Representatives to act.

Take, for example, Caterpillar. That might not be the first company we would think of when we think about the Transportation bill. Everyone sees the Caterpillar tractors, Caterpillar trucks throughout the rural areas. This business employs 750 people at its road-paving equipment manufacturing facility in Minnesota. I have been there. They gave me a pink Caterpillar hat. I spoke to all their employees. They are people on the frontlines of American industry helping to create the real ''Made in America'' product that keeps jobs in our country and puts dollars in our economy.

They are ready to get to work. They are ready to get to work improving our Nation's roads, our bridges, our tunnels, and our highways. I ask the House of Representatives: Why are we making these workers wait? They are ready to get these paving projects done. They are ready to help the commuters in our State to get to work faster. They want to get going. There is no reason to delay getting this bill done.

For decades, passing a transportation bill was considered one of the most basic noncontroversial duties of the Congress, and we have an opportunity to come together to find commonsense solutions to move America forward. We cannot afford to keep the engine of our economy idling by limiting our talk to yet another extension of the surface transportation program. The Senate Transportation bill is fully paid for and will allow States to move forward to make the critical infrastructure investments in our Nation's roads and our bridges and in our transit systems.

In addition, the bill makes critical reforms to transportation policy. Just last week, the Centers for Disease Control and Prevention released a report announcing that 58 percent of high school seniors had texted or e-mailed while driving in the previous month—58 percent of kids out there on the road while we are all driving—we have to remember that 58 percent—nearly 60 percent of the kids out on the road are doing a text, are doing an e-mail while they are driving. That is not acceptable.

The bipartisan Transportation bill includes provisions that I worked on to

help prevent texting while driving and implement graduated license standards. The bill gives State departments of transportation increased flexibility so they can address these unique needs. The Senate-passed surface transportation bill also reduces the number of highway programs from over 100 down to 30. By saying they are not going to pass this bill in the House, they stop us from getting rid of those kinds of duplication. It defines clear national goals for our transportation policy. It streamlines environmental permitting. Why would they want to stop that? Why would they want to stop us from streamlining environmental permitting? But that is what they are doing by saying they want a simple extension.

The bill expands the Transportation Infrastructure Finance and Innovation Program. The Minnesota Department of Transportation has successfully used the program in the past and it will continue to be a key element of our State's and other State's transportation networks in the future. The fact is, we have neglected the roads and bridges that millions of Americans rely on for too long.

No one knows that better than we know it in our State where that I–35W bridge tragically collapsed in the middle of a summer day, something no one could ever expect would have happened. It is not just a bridge. It is an eight-lane highway 6 blocks from my house. If that can happen there, it can happen anywhere in America.

We simply cannot wait and delay any longer when we have a bipartisan bill with 74 Senators who voted for it. There is absolutely no excuse for the House of Representatives not taking this up. If we want to know if there are other bridges with problems, look at this. The number from the Federal Highway Administration shows that over 25 percent of the Nation's 600,000 bridges are either structurally deficient or functionally obsolete.

For further proof, we need look no further than the 2009 Report Card for America's Infrastructure, released by the American Society of Civil Engineers. It gave our Nation's Infrastructure a near failing grade. But crumbling infrastructure does not just threaten public safety; it also weakens our economy. Congestion and inefficiencies in our transportation network limit our ability to get goods to market. They exacerbate the divide between urban and rural America, they constrain economic development and competitiveness, and they reduce productivity as workers idle in traffic.

Americans spend a collective 4.2 billion hours a year stuck in traffic—4.2 billion hours a year, at the cost to the economy of $78.2 billion or $710 per motorist. So I ask the House of Representatives: How can you look at those numbers and decide not to move forward with a bill that streamlines our programs, that actually makes some smart decisions in terms of reform, and that actually puts the money out there that we need to build our bridges and build our roads? It is simply time to act.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Florida.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the period for debate only on S. 3240 be extended until 5 p.m., and that the majority leader be recognized at that time.

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

Mr. NELSON of Florida. Madam President, as I was heading to the Capitol today, I could not help but think about the jolting news from my State that the U.S. Department of Justice will have to sue my State of Florida over its purge of the voting rolls.

Being a native Floridian whose family came to Florida 183 years ago, and having the great privilege of serving the people of my State for a number of years, it is simply hard for me to conceive that the State of Florida is trying to deliberately make it more difficult for lawful citizens to vote.

But the Governor did sign a new law that the legislature passed over a year ago to reduce early voting days, to make it more difficult to vote if you move to another county, to blunt registration drives, and to eliminate the Sunday before the Tuesday election in early voting. And then Governor Scott launched his massive purge of the voting rolls, hunting for suspected noncitizens.

In so doing, he is now defying Federal authorities, who point to Federal law and say you cannot conduct a purge of voter rolls so close to an election. We are 2 months away from a primary election in the middle of August. We are a little over 4 months away from the general election. Yet the Governor and his administration end up doing this. What they ought to do is ensure the credibility of our voter rolls, not suppress citizens from voting under the fiction of some perceived fraud.

But above all else, the State of Florida must ensure that every lawful citizen who has the right to vote can do so without hindrance and impediment.

It was quite a while ago, but something Dr. King once said about voting rights seems very appropriate again. Dr. King said:

> The denial of this sacred right is a tragic betrayal of the highest mandates of our democratic traditions. It is democracy turned upside down.

I hope the Governor of Florida will heed those words.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Massachusetts. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWN of Massachusetts. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

Mr. BROWN of Massachusetts. Madam President, I rise to speak about the Violence Against Women Act, or VAWA, which is a landmark piece of legislation, one that I believe has saved many lives and brought us together as Americans in standing up for what we believe is right. With this law, we have said that the United States takes domestic violence very seriously and we are taking a moral stance against it now.

In April of this year, I was proud to join a strong bipartisan group of Senators in passing S. 1925, the Leahy-Crapo Violence Against Women Act reauthorization. Sixty-eight Senators from this Chamber supported the bill.

Many of us were moved by the personal stories coming out of our States about the critical impact of VAWA in local communities. In Massachusetts, I was inspired by the work of organizations such as Jane Doe, Inc., the North Shore Rape Crisis Center, the YWCA of Central Massachusetts, and REACH Beyond Abuse, to name a few, and there are many more. In March of this year, I visited service providers in central Massachusetts that receive VAWA funding and learned a great deal more about how VAWA is changing lives for the better.

New problems are plaguing our communities, and as times change government must adapt as well if it is going to make a difference in people's lives. Fortunately, the Senate bill includes many improvements that have been developed over time with various nonprofits in law enforcement agencies and individuals who deal with these challenges each and every day. I am very proud to be a cosponsor of what is clearly a good, thoughtful bill.

Unfortunately, following the bipartisan Senate action, the House passed a dramatically scaled-back version of the VAWA legislation that did not include core provisions that would improve the law. It seems that rather than work through some of these problems, the House was content to pass a bill that didn't address a number of growing problems facing individuals today. That is not how we legislate or how we should be legislating. We need to pass a bipartisan, bicameral bill that the President will sign.

Because the House took up a bill that didn't go far enough, the House bill passed largely along party lines, as compared to the bipartisan Senate bill we passed a short time ago. Now, once again, the House and Senate are at an impasse.

As someone who has personally experienced domestic violence up close and seen its effect on families, including mine, this is completely unacceptable.

The vast majority of the bill is broadly supported by both sides of the aisle. It is beyond frustrating that the House has become distracted by a tiny percentage of the bill that has caused gridlock. Even worse, it seems that some are willing to allow procedural technicalities to block the way forward. I have to tell you that this makes no sense to me, at a time when people's lives are potentially at stake. This bill should be done already. Women in Massachusetts and throughout the country—survivors of violence—deserve better, and we should provide that leadership immediately.

Today I am calling on the House and Senate leadership and the committees of jurisdiction to listen to the calls from millions of Americans and come together and pass a bill that addresses critical needs in our communities and the citizens of those communities. All sides need to come together and work through the small amount of difference they have. As I have said before, in my experience, when people of good will work together and do one good deed, it begets other good deeds, and so on. We can get together in a room and work through these challenges and come up with solutions. I frequently hear from many colleagues that this is the way things used to be done around here. I yearn and work every single day I am here to get back to that way of bipartisanship and spirit of working together. I hope we can get some of that bipartisan, bicameral spirit back and pass the Violence Against Women Act reauthorization.

In closing, we need to start to look out for the people's interests, not our political and personal interests or the parties' interests but the interests of the people. We need bridge builders in this Chamber to get this bill across the finish line and on the President's desk. The challenges we face in reauthorizing the Violence Against Women Act are not insurmountable; far from it. We know that. I am confident if the House and Senate leadership come together and work out our differences, we can pass a bill we can all be proud of and send it to the President's desk and save lives.

Let's put politics aside and focus on solving problems. Remember, we are not just Democrats, Republicans, or Independents, we are Americans first. We need to start to work in that vein to get things done.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BLUNT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BLUNT. Madam President, I know this week we are talking about, among other things, the Agriculture bill, and I am supportive of moving forward with that bill.

Like so many other things in our economy, the more certainty we can create for farming families, for agribusinesses, the more likely they are to make decisions now and to make decisions that create good results. The more things we know in advance, normally, in decisionmaking, the more things there are to know.

There is plenty people don't know in agriculture. My mom and dad were dairy farmers, and there is a lot that can go wrong on the farm. People don't know how many things there might be—weather and lots of other things that they can't count on. It would be nice to have a farm bill that people could count on.

I know the bill we pass here will only be half of the work of getting that bill passed, but we need to do that and we need to get our economy going again. Like so many others, I disagree with the President's sense that the private sector is fine because the private sector is not fine. The economy is not fine. As I have said on this floor many times in the last 2 years, private sector job creation should be the No. 1 priority domestically of the government today: What can we do to create more private sector jobs.

Two years ago, the administration and the White House kicked off the Recovery Summer. They said the success of the $831 billion stimulus plan had done its job. Secretary Geithner penned an op-ed in the New York Times that said: Welcome to the Recovery. But today we still see unemployment higher than it should be, the unemployment rate at 8.2 percent.

If we were looking at the same workforce we had 30 years ago—and we know the population has gotten bigger, so logically the workforce has gotten bigger too. If we were looking at a workforce that was reflective of the workforce in January 2009, unemployment would be 11.1 percent today. It is 8.2 percent because we are considering a workforce that is smaller. The number of people who are actively out there considering themselves either in the workforce or wanting to be in the workforce is lower than any time in the last 30 years.

Certainly, the Recovery Summer didn't work. The rhetoric was high, but the economy didn't grow as we would have hoped it would. The creation of jobs didn't occur. GDP, the gross domestic product, grew at 1.7 percent in 2011, and it is still below 2 percent—1.9 percent—in 2012. Only 77,000 jobs were created in April, and only 69,000 jobs were created in May.

We are just not doing the job here. The stimulus didn't work. Part of the stimulus was to try to help States offset the shortages they had. But to some extent all that did was postpone for another year or maybe even 2 years States having to make decisions that only States should make. The Federal Government has enough things to run without trying to run everything. The Federal Government shouldn't be responsible for the things States are responsible for, and we should do the things we do at the Federal level the best they can possibly be done, starting with defending the country.

We are looking at some reduction in defense spending that, if it happens, will not only negatively impact our ability to defend the country, if we don't do those reductions exactly right, it will also have real impact on the economy.

The stimulus didn't create the jobs. The labor force participation rates are at a 30-year low. Middle-class incomes have dropped $4,350 in the last 3 years. The private sector is not doing well, nor is the economy doing well. The number of long-term unemployed has doubled to 5.5 million since the President took office. Housing prices continue to decline.

Many of the economic forecasters, including the Congressional Budget Office, project that economic growth downgrades and skepticism toward the recovery will continue. The Congressional Budget Office recently released a dismal long-term budget outlook showing that the country's Federal debt per person is on track to triple in a generation. That track has to stop. We can make the decision: Do we want to be Europe? Do we want to be Greece? Do we want to be Italy? Do we want to be Ireland or Portugal or Spain? All we have to do is pick up a paper any day of the week now to know surely that is not who we want to be. Or do we want to get our government rightsized for our economy? Do we want to get back to where we don't let our economy be overwhelmed by the government?

What has happened in so many of the countries I just mentioned and others in Europe is that they have let the government get bigger than the economy can support.

The CBO talked about what would happen if we don't take this action between now and early next year: If we let taxes go back up, if we let defense spending go in the direction that it appears to be heading, what happens then?

Even President Clinton and former domestic adviser to then-Secretary of the Treasury Summers said we need to continue current tax policies for some time in the future. I remember at the end of 2010, the President said: Now is not the time to discourage jobs. Well, exactly when would be the time to discourage jobs?

The job of the Federal Government domestically should be to figure out what we can do to encourage jobs because with only the rarest of rare occasions the Federal Government, with few exceptions, doesn't create jobs. The Federal Government, however, has a lot to say about the environment in which people make that decision as to whether they are going to create a job. With constant discussion of energy policies that don't make sense and too much regulation and raising taxes and

health care costs that are unknown for every job that is added, people just don't add those jobs.

So whether it is the agriculture economy—which, again, I will say, even though the unemployment there is twice as high as government sector unemployment, the agriculture economy is almost twice as high as the 4.2 percent of government sector unemployment. It is still a bright spot in the current economy. But that economy will be better if we give people more of a chance to plan.

The Recovery Summer didn't work. We will soon know what the court has to say about the affordable health care act. But we only have to talk to a few job creators, and not for very long, to know that the affordable health care act is standing in the way of job creation just as are regulations. The EPA keeps regulating.

The shortest path to more American jobs would be more American energy. We have energy resources in greater abundance than we believe we had just a few years ago, oil shale and gas shale. We should produce more of our own energy that would allow us to make things again. And what we can't produce, if we can buy it from our closest neighbors and our dependable friends, we should do that. There is nothing wrong with buying from people who don't like us. But it is crazy to have to buy from people who don't like us, particularly if we can buy from people who like us.

When we send $1 to our neighbors in Canada, they send almost $1 back every single time. The likelihood that Canadians will decide they don't want to sell us oil or gas is virtually zero. We can't say that about every country we have gotten too dependent on in recent years.

So let's do the right thing. Let's have a true path to recovery. Let's have good energy policy. Let's have good tax policy. Let's have good regulatory policy. And let's see if we can't get the private sector the kind of priority in job creation it needs. Of course, that includes one of the brightest lights in the private sector, which is farming families and the agriculture economy and our ability to compete in a world because of the great job we do in agriculture.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. INHOFE. Madam President, I ask unanimous consent that I be recognized out of turn, and I will cease when Senator BLUMENTHAL shows up.

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

Mr. INHOFE. Madam President, I come from the farm State of Oklahoma. The biggest threat to the future of farmers is burdensome and costly regulations.

I have three amendments. The amendments I am proposing will provide significant regulatory relief for farmers struggling in a tough economy.

There is virtually no history of oil-spills from agricultural operations, and farms simply do not pose the risk of the spills other sectors do. Starting next year, farmers who have oil and gas tanks—that is all of them. They all have oil and gas tanks on their farms. They are located in different areas, but if they have a certain aggregate amount, they will be required to hire a certified professional engineer to design a spill prevention control and countermeasure plan just like major oil refineries. They may also be required to purchase new capital equipment to comply with the rule, including dual containment tanks on farm trucks and fuel storage units that will necessarily raise the cost.

My amendment would exempt farmers from these regulations for aboveground oil storage tanks that have an aggregate storage capacity of less than 12,000 gallons.

I know a small wheat farmer in northwest Oklahoma by the name of Keith Kisling. He is one of the only farmers who took the time to actually comply with the SPCC regulation. Those are spill regulations. Most people didn't even try to comply.

First, he had to fill out over 80 pages of paperwork he did not understand. He hired an online service to help him comply, which cost him money and didn't make his job much easier. He must keep a copy of this plan on his property at all times in case he is inspected. If he had older tanks, the rules would require him to purchase new double-walled tanks that are incredibly expensive. In addition, he now has to build a berm around his tanks to hold 18,000 gallons of fuel in case it does leak. This will be very expensive and time consuming. He also must install a liner underneath the tanks and at the bottom of the berm to contain any leaks. He reports that the rules are extremely confusing and the regulations just don't make any sense, given the fact that farmers would not let leaks go unnoticed because diesel fuel is too expensive.

In addition to providing this exemption, it will also allow farmers who are regulated to self-certify instead of going to the expense of hiring engineers to do that for them. I am hoping my colleagues will look at this as a regulation that is not needed and accept my amendment.

I have a second amendment having to do with storm water. One of the biggest threats is the overburdensome and costly regulation. But one of the best ways to stop these rules is to ensure that when an agency states they will collect the best available information before imposing a new regulation, that they do that.

This amendment will ensure that the EPA keeps its word and fully evaluates a current storm water regulatory situation—what practices work and what don't work, what the costs are and what the benefits are—before barreling ahead with new uncertain regulations.

In EPA's current storm water regulations, they committed to complete an evaluation of the current rule. This amendment simply stops the EPA from issuing any new regulations until they comply with the rules. In other words, they have said they would do this. This stops them from invoking a regulation and completing it until they have completed what they have already agreed to.

Rest assured this is nothing new to the EPA. In fact, in the EPA guidance that accompanies the current regulations, they recommended the same thing: that until the evaluation of the current program is completed, no new requirements be imposed, especially for small communities.

So all my amendment does is force the EPA to do what they have already agreed they would do, and that should be a fairly easy one to pass.

Madam President, I see the Senator from Connecticut has arrived, and so I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I am here today to speak about a bipartisan amendment I have offered to the farm bill. It is an amendment that incorporates a bill I offered, the Animal Fighting Spectator Prohibition Act, and is cosponsored by Senators KIRK, CANTWELL, BROWN of Massachusetts, WYDEN, and LANDRIEU. I ask unanimous consent that Senator KERRY be added as a cosponsor.

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

Mr. BLUMENTHAL. Madam President, commonly in advocating or introducing bills, Senators will have photographs or digital aids, and I thought about doing that today, but then realized that the photographs appropriate for this bill are of mangled, cruelly torn animals that have died in the midst of torture from a blood sport that has no place in any of our American towns or cities or countrysides. This blood sport involves animal fighting. This activity is not only cruel and inhumane, it is also a sport that fosters, promotes, and encourages illegal activity, including drug dealing, gangs, and gambling. It is a source of the worst instincts. It encourages the worst in the human condition and the worst in the individuals who participate and come to watch it.

Congress has recognized this fact in the past, as recently as 2007, by upgrading the Federal law against animal fighting. It is prohibited, and the act of 2007 made the interstate transport of fighting animals, or cockfighting tools, a Federal felony.

In 2008, in the wake of the Michael Vick case, Congress again improved the

law, making possession and training of fighting animals a felony and enhancing the upper limits of jail time for anyone engaged and convicted of it, so the Federal law now is very comprehensive and very powerful. It prohibits exhibiting, buying, possessing, training, and transporting an animal for participation in a fighting activity. It is comprehensive and powerful except for one loophole, and that is the one I propose to cover through this amendment to the farm bill.

This legislation would prohibit knowingly attending an animal fight by setting penalties that include a fine or imprisonment of up to 1 year or both. It would also extend stricter penalties for any individual who knowingly brings a child to an animal fight, and the penalty for engaging in that activity would be a fine and prison sentence of up to 3 years or both. So the loophole here is that spectators are not covered and bringing children to these events is not covered, and that is why this legislation is absolutely essential.

Why spectators? Well, spectators are commonly participants. In fact, the sport would not exist without spectators. They are the ones who gamble, engage in other criminal activity, and who go there simply to engage in that activity. They are there not only to watch but to bring their own animals to fight or to gamble illegally or for drug dealing illegally or gang activity illegally. Spectators are the source of financing, and they make it profitable. They must be subject to Federal law and Federal prohibitions in the same way as anyone who actually engages in already prohibited activity. This type of criminal element—gathering of dogfights or cockfights—ought to be subject to the same kinds of prohibition.

Why children? Well, without stating the obvious, coming to a cockfight or a dogfight, which is a blood sport, leads to other kinds of violence. I don't need to cite the scientific evidence for anyone who is a parent and a Member of this body. Right now there is no law that applies to bringing children to such an event, and we need to close that loophole.

Again, if I had photographs here, one would be of a small girl literally crying at the sight of one of these animals mangled and cruelly torn apart before death.

This bill would in no way apply to innocent bystanders because it would require proof that the person is aware they are at such an animal fight. It would not intrude on States rights. In fact, 49 States already have similar laws. We need a Federal law because many of these activities are in interstate commerce and the power of the Federal Government as an enforcer is irreplaceable. The Federal Government ought to be on record against the crimes involved that are committed by spectators and against bringing children to this kind of event.

When animal fighting involves players from a number of different States, a county sheriff or a local law enforcer simply lacks the power to deal with it and to root out the entire operation—not just to make arrests at the site but to root out the whole operation so that the penalties are more comprehensive and the organized criminal activity is ended. These crimes are a Federal matter and the Federal response ought to be overwhelming. In the Michael Vick case, as an example, the local Commonwealth attorney refused to take action and Federal authorities had to prosecute this case.

This measure has law enforcement endorsements not only from sheriffs but from others who care about this problem, such as the Federal Law Enforcement Officers Association and the Fraternal Order of Police. It is supported as well by the American Veterinary Medical Association and the Humane Society of the United States, which has been a strong partner in this effort and does so much great work to protect animals in this country and around the world. My thanks to the Humane Society for its courageous leadership in this area.

It would be no cost to the Federal Government, to answer a question that is always raised. The Congressional Budget Office has scored this legislation and found it has zero cost to the Federal Government. So let me say the legislation is bipartisan, it is commonsense, it is humane, it is right, and it will cost zero dollars to close this last remaining loophole, this last remaining refuge for a blood sport that has no place in a civilized society. It gives Federal law enforcers the tools they badly need to stop it, and I urge its adoption.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. I ask unanimous consent that the quorum call be rescinded.

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

Mr. BLUMENTHAL. Madam President, I ask unanimous consent that the period for debate only on S. 3240 be extended until 5:30 p.m., and that the majority leader be recognized at that time.

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

Mr. BLUMENTHAL. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that a Stabenow-Roberts perfecting amendment, which is at the desk, be agreed to; the bill, as amended, be considered original text for the purpose of further amendment; that the following Lee motion to recommit and four amendments be the first amendments and motion to recommit in order to the bill with no other first-degree amendments or motions to recommit in order until these amendments and motion are disposed of: Paul No. 2182, Shaheen No. 2160, Coburn No. 2353, Cantwell No. 2370, and Lee motion to recommit; that there be up to 60 minutes of debate equally divided between the two leaders or their designees on each of these amendments and the Lee motion; that upon the use or yielding back of time on all four amendments and the Lee motion, the Senate proceed to votes in relation to the amendments and motion in the order listed; that there be no amendments or motions in order to the amendments or the Lee motion—which is the motion to recommit—prior to the votes other than motions to waive points of order and motions to table; that upon disposition of these amendments and the Lee motion, I be recognized.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Madam President, reserving the right to object, I am very concerned about Dr. Shakil Afridi. He is a doctor in Pakistan who got information that helped us and led to the capture of bin Laden. He is now being held in prison. He has been put in prison in Pakistan for 33 years. I don't think we should continue to send U.S. taxpayer money in the form of foreign aid to Pakistan when they are holding in prison a doctor who simply helped us to get bin Laden.

This issue is of the utmost urgency. His case will be heard for an appeal. It is a political case. It can be influenced by U.S. actions. I think the U.S. taxpayers should not send money to Pakistan when Pakistan is holding this innocent man who helped us get one of the world's most dangerous men, a mass murderer who killed 3,000 Americans. We captured him with help from Dr. Shakil Afridi, and Dr. Afridi deserves our help now.

I have an amendment that is very important. It is not germane. But that does not mean it is not important. It is very important that we send Pakistan a signal that we will not continue to send them a welfare check when they are holding in prison a political prisoner who helped us get bin Laden. This amendment is of the utmost urgency and would only require 15 minutes of the Senate's time. I am not asking for all day. I am asking for 15 minutes to vote on ending aid to Pakistan until they release Dr. Afridi.

I do not think this is too much to ask. The Senate has historically been a body that allowed debate, that allowed amendments, pertinent or not pertinent. This one is very important. Time

is of the essence for Dr. Afridi. It is the least we can do for someone who helped us to get bin Laden. I ask that we allow time for this amendment to occur. I object to the unanimous consent.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I appreciate the good intentions of my friend from Kentucky because they are good intentions. But we are on a bill now that just simply does not allow something like that to come forward. I would like to work with him in the future—I am sure a number of other Senators would—to focus on our relations with Pakistan.

It is not only the problem he outlined, but there are other things—the ability of our vehicles to drive to Afghanistan and lots of other things. It is an issue on which the Foreign Relations Committee has held hearings. It is something on which we need to focus, and I would also indicate to my friend that Senator LEAHY, who has been a protector of human rights for his entire career, is the chairman of the State-Foreign Operations Subcommittee. He is also concerned about this.

So I would say to my friend that he does not stand alone in his concern. But there has to be a time and place for everything. Hopefully, we can have a full debate on our relations with Pakistan in the near future.

AMENDMENT NO. 2389

Mr. REID. Madam President, on behalf of the managers, I call up amendment No. 2389, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Ms. STABENOW and Mr. ROBERTS proposes an amendment numbered 2389.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Madam President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2390 TO AMENDMENT NO. 2389

Mr. REID. Madam President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2390 to amendment No. 2389.

The amendment is as follows:

At the end, add the following:

SEC. _____. EFFECTIVE DATE.

This Act shall become effective 5 days after enactment.

MOTION TO RECOMMIT WITH AMENDMENT NO. 2391

Mr. REID. Madam President, I have a motion to recommit the bill with instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to recommit S. 3240 to the Senate Committee on Agriculture, Nutrition and Forestry with instructions to report back forthwith with an amendment numbered 2391.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Madam President, I ask for the yeas and nays on this motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2392

Mr. REID. Madam President, I now call up amendment No. 2392.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2392 to the instructions of the motion to recommit S. 3240.

The amendment is as follows:

(Purpose: To empower States with programmatic flexibility and predictability to administer a supplemental nutrition assistance block grant program under which, at the request of a State agency, eligible households within the State may receive an adequate, or more nutritious, diet)

Beginning on page 1, strike line 2 and all that follows through page 31, line 10, and insert the following:

Subtitle A—Supplemental Nutrition Assistance Block Grant Program

SEC. 4001. PURPOSE.

The purpose of this subtitle is to empower States with programmatic flexibility and financial predictability in designing and operating State programs—

(1) to raise the levels of nutrition among low-income households;

(2) to provide supplemental nutrition assistance benefits to households with income and resources that are insufficient to meet the costs of providing adequate nutrition; and

(3) to provide States the flexibility to provide new and innovative means to accomplish paragraphs (1) and (2) based on the population and particular needs of each State.

SEC. 4002. STATE PLANS.

(a) IN GENERAL.—To receive a grant under section 4003, a State shall submit to the Secretary a written plan that describes the manner in which the State intends to conduct a supplemental nutrition assistance program that—

(1) is designed to serve all political subdivisions in the State;

(2) provides supplemental nutrition assistance benefits to low-income households for the sole purpose of purchasing food, as defined by the applicable State agency in the plan; and

(3) limits participation in the supplemental nutrition assistance program to those households the incomes and other financial resources of which, held singly or in joint ownership, are determined by the State to be a substantial limiting factor in permitting the members of the household to obtain a more nutritious diet.

(b) REQUIREMENTS.—Each plan shall include—

(1) specific objective criteria for—

(A) the determination of eligibility for nutritional assistance for low-income households, which may be based on standards relating to income, assets, family composition, beneficiary population, age, work, current participation in other Federal government means-tested programs, and work, student enrollment, or training requirements; and

(B) fair and equitable treatment of recipients and provision of supplemental nutrition assistance benefits to all low-income households in the State; and

(2) a description of—

(A) benefits provided based on the aggregate grant amount; and

(B) the manner in which supplemental nutrition assistance benefits will be provided under the State plan, including the use of State administration organizations, private contractors, or consultants.

(c) CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM.—

(1) IN GENERAL.—The Governor of each State that receives a grant under section 4003 shall issue a certification to the Secretary in accordance with this subsection.

(2) ADMINISTRATION.—The certification shall specify which 1 or more State agencies will administer and supervise the State plan under this section.

(3) PROVISION OF BENEFITS ONLY TO LOW-INCOME INDIVIDUALS AND HOUSEHOLDS.—

(A) IN GENERAL.—The certification shall certify that the State will—

(i) only provide supplemental nutrition assistance to low-income individuals and households in the State; and

(ii) take such action as is necessary to prohibit any household or member of a household that does not meet the criteria described in subparagraph (B) from receiving supplemental nutrition assistance benefits.

(B) CRITERIA.—A household shall meet the criteria described in this subparagraph if the household is—

(i) a household in which each member receives benefits under the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

(ii) a low-income household that does not exceed 100 percentage of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by such section)) for a family of the size involved as the State shall establish; or

(iii) a household in which each member receives benefits under a State or Federal general assistance program that complies with income criteria standards comparable to or more restrictive than the standards established under clause (ii).

(4) PROVISION OF BENEFITS ONLY TO CITIZENS AND LAWFUL PERMANENT RESIDENTS OF THE UNITED STATES.—The certification shall certify that the State will—

(A) only provide supplemental nutrition assistance to citizens and lawful permanent residents of the United States; and

(B) take such action as is necessary to prohibit supplemental nutrition assistance benefits from being provided to any individual or household a member of which is not a citizen or lawful permanent resident of the United States.

(5) CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD, WASTE AND ABUSE.—The certification shall certify that the State—

(A) has established and will continue to enforce standards and procedures to ensure against program fraud, waste, and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage; and

(B) will prohibit from further receipt of benefits under the program any recipient

who attempts to receive benefits fraudulently.

(6) LIMITATION ON SECRETARIAL AUTHORITY.—The Secretary—

(A) may only review a State plan submitted under this section for the purpose of confirming that a State has submitted the required documentation; and

(B) shall not have the authority to approve or deny a State plan submitted under this section or to otherwise inhibit or control the expenditure of grants paid to a State under section 4003, unless a State plan does not comply with the requirements of this section.

SEC. 4003. GRANTS TO STATES.

(a) IN GENERAL.—Beginning 120 days after the date of enactment of this Act, and annually thereafter, each State that has submitted a plan that meets the requirements of section 4002 shall receive from the Secretary a grant in an amount determined under subsection (b).

(b) AMOUNTS OF GRANTS.—

(1) IN GENERAL.—Subject to paragraph (3), a grant received under subsection (a) shall be in an amount equal to the product of—

(A) the amount made available under section 4005 for the applicable fiscal year; and

(B) the proportion that—

(i) the number of individuals residing in the State whose income does not exceed 100 percent of the poverty line described in section 4002(c)(3)(B)(ii) applicable to a family of the size involved; bears to

(ii) the number of such individuals in all States that have submitted a plan under section 4002 for the applicable fiscal year, based on data for the most recent fiscal year for which data is available.

(2) PRO RATA ADJUSTMENTS.—The Secretary shall make pro rata adjustments in the amounts determined for States under paragraph (1) for each fiscal year as necessary to ensure that—

(A) the total amount appropriated for the applicable fiscal year under section 4005 is allotted among all States that submit a plan under section 4002; and

(B) the total amount of all supplemental nutrition assistance grants for States determined for the fiscal year does not exceed the total amount appropriated for the fiscal year.

(3) ADMINISTRATIVE PROVISIONS.—

(A) QUARTERLY PAYMENTS.—The Secretary shall make each supplemental nutrition assistance grant payable to a State for a fiscal year under this section in quarterly installments.

(B) COMPUTATION AND CERTIFICATION OF PAYMENT TO STATES.—

(i) COMPUTATION.—The Secretary shall estimate the amount to be paid to each State for each quarter under this section based on a report filed by the State that shall include—

(I) an estimate by the State of the total amount to be expended by the State during the applicable quarter under the State program funded under this subtitle; and

(II) such other information as the Secretary may require.

(ii) CERTIFICATION.—The Secretary shall certify to the Secretary of the Treasury the amount estimated under clause (i) with respect to each State, adjusted to the extent of any overpayment or underpayment—

(I) that the Secretary determines was made under this subtitle to the State for any prior quarter; and

(II) with respect to which adjustment has not been made under this paragraph.

SEC. 4004. USE OF GRANTS.

(a) IN GENERAL.—Subject to subsection (b), a State that receives a grant under section 4003 may use the grant in any manner that is reasonably demonstrated to accomplish the purposes of this subtitle.

(b) LIMITATION ON USE OF GRANT FOR ADMINISTRATIVE PURPOSES.—A State may not use more than 3 percent of the amount of a grant received for a fiscal year under section 4003 for administrative purposes.

SEC. 4005. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $45,000,000,000 for fiscal year 2013 and each fiscal year thereafter.

SEC. 4006. REPEAL.

(a) IN GENERAL.—Effective 120 days after the date of enactment of this Act, the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is repealed.

(b) RELATIONSHIP TO OTHER LAW.—Any reference in this Act, an amendment made by this Act, or any other Act to the supplemental nutrition assistance program shall be considered to be a reference to the supplemental nutrition assistance block grant program under this subtitle.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2393 TO AMENDMENT NO. 2392

Mr. REID. Madam President, I call up amendment No. 2393, which is a second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2393 to amendment No. 2392.

The amendment is as follows:

(Purpose: To phase out the Federal sugar program)

At the end, add the following:

SEC. _____. SHORT TITLE.

This subtitle may be cited as the ''Stop Unfair Giveaways and Restrictions Act of 2012'' or ''SUGAR Act of 2012''.

SEC. _____. SUGAR PROGRAM.

(a) IN GENERAL.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended—

(1) in subsection (d), by striking paragraph (1) and inserting the following:

''(1) LOANS.—The Secretary shall carry out this section through the use of recourse loans.'';

(2) by redesignating subsection (i) as subsection (j);

(3) by inserting after subsection (h) the following:

''(i) PHASED REDUCTION OF LOAN RATE.—For each of the 2012, 2013, and 2014 crops of sugar beets and sugarcane, the Secretary shall lower the loan rate for each succeeding crop in a manner that progressively and uniformly lowers the loan rate for sugar beets and sugarcane to $0 for the 2015 crop.''; and

(4) in subsection (j) (as redesignated), by striking ''2012'' and inserting ''2014''.

(b) PROSPECTIVE REPEAL.—Effective beginning with the 2015 crop of sugar beets and sugarcane, section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is repealed.

SEC. _____. ELIMINATION OF SUGAR PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) a processor of any of the 2015 or subsequent crops of sugarcane or sugar beets shall not be eligible for a loan under any provision of law with respect to the crop; and

(2) the Secretary may not make price support available, whether in the form of a loan, payment, purchase, or other operation, for any of the 2015 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or other funds available to the Secretary.

(b) TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.—

(1) IN GENERAL.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 344(f)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(f)(2)) is amended by striking ''sugar cane for sugar, sugar beets for sugar,''.

(c) GENERAL POWERS.—

(1) SECTION 32 ACTIVITIES.—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended in the second sentence of the first paragraph—

(A) in paragraph (1), by inserting ''(other than sugar beets and sugarcane)'' after ''commodities''; and

(B) in paragraph (3), by inserting ''(other than sugar beets and sugarcane)'' after ''commodity''.

(2) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting '', sugar beets, and sugarcane'' after ''tobacco''.

(3) PRICE SUPPORT FOR NONBASIC AGRICULTURAL COMMODITIES.—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking ''milk, sugar beets, and sugarcane'' and inserting '', and milk''.

(4) COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.—Section 167 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7287) is repealed.

(5) SUSPENSION AND REPEAL OF PERMANENT PRICE SUPPORT AUTHORITY.—Section 171(a)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(a)(1)) is amended—

(A) by striking subparagraph (E); and

(B) by redesignating subparagraphs (F) through (I) as subparagraphs (E) through (H), respectively.

(6) STORAGE FACILITY LOANS.—Section 1402(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7971) is repealed.

(7) FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.—Effective beginning with the 2013 crop of sugar beets and sugarcane, section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

(d) TRANSITION PROVISIONS.—This section and the amendments made by this section shall not affect the liability of any person under any provision of law as in effect before the application of this section and the amendments made by this section.

SEC. _____. TARIFF-RATE QUOTAS.

(a) ESTABLISHMENT.—Except as provided in subsection (c) and notwithstanding any other provision of law, not later than October 1, 2012, the Secretary shall develop and implement a program to increase the tariff-rate quotas for raw cane sugar and refined sugars for a quota year in a manner that ensures—

(1) a robust and competitive sugar processing industry in the United States; and

(2) an adequate supply of sugar at reasonable prices in the United States.

(b) FACTORS.—In determining the tariff-rate quotas necessary to satisfy the requirements of subsection (a), the Secretary shall consider the following:

(1) The quantity and quality of sugar that will be subject to human consumption in the United States during the quota year.

(2) The quantity and quality of sugar that will be available from domestic processing of

sugarcane, sugar beets, and in-process beet sugar.

(3) The quantity of sugar that would provide for reasonable carryover stocks.

(4) The quantity of sugar that will be available from carryover stocks for human consumption in the United States during the quota year.

(5) Consistency with the obligations of the United States under international agreements.

(c) EXEMPTION.—Subsection (a) shall not include specialty sugar.

(d) DEFINITIONS.—In this section, the terms ''quota year'' and ''human consumption'' have the meaning such terms had under section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) (as in effect on the day before the date of the enactment of this Act).

SEC. _____. APPLICATION.

Except as otherwise provided in this subtitle, this subtitle and the amendments made by this subtitle shall apply beginning with the 2012 crop of sugar beets and sugarcane.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 250, S. 1940.

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

The legislative clerk read as follows:

Motion to proceed to Calendar No. 250, S. 1940, a bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

Mr. REID. Madam President, I have managed a few bills during my time here, quite a few bills. It is always so gratifying, after the work that goes into the work you have done on a committee or a subcommittee, to have that matter come to the floor. It is a terrible disappointment to not be able to move forward as you anticipated.

So I say that for Senator STABENOW and Senator ROBERTS. No one has worked harder than they have in bringing the bill to the floor. It is bipartisan. It is important not only for the State of Michigan, the State of Kansas, but it is important for the country.

I wish we could proceed in another way to have amendments heard and voted on. But even though this is something awkward, we are going to move forward with this bill. We are going to bring up some amendments. They are big amendments. They are crucial to Senators being able to issue their opinions on this legislation. One deals with sugar, one deals with food stamps, both very controversial and very important.

We are going to have those amendments, and, hopefully, we will have a good debate on those matters. We can move forward on this bill in other ways. I have not given up hope. I know Senator STABENOW and Senator ROBERTS have not given up hope to have a universal agreement so we can legislate on this bill.

As I have indicated, we do not do this very often in this manner. But it is important because we have an issue that needs to move forward. A lot of times when the tree is filled we just walk away from it. We are not going to walk away from this. This bill is far too important. It affects the lives of millions of people—about 16 million—in America.

The reforms have been made in this bill—I remember when I came from the House of Representatives 26 years ago, we wanted to make the reforms that are in this bill. So they have done remarkably good work. We hear everyone, Democrats and Republicans, talking about: Let's do something about the debt and the deficit. Here we have done it.

What they have done is bring to this body a bill that reduces our debt by $23 billion. We have a long ways we need to go beyond that. But, gee whiz, this is a big deal, $23 billion. So I commend and applaud the two managers of this bill. They are fine Senators. They have done a service to our country by getting us to the point we are now.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, first I want to thank our leader for his strong support and helping us bring this to the floor. We would not be here without the Senator from Nevada, our leader. Frankly, there are many demands, many things on his plate and our plate in the Senate. He understands 16 million jobs are affected by what happens in agriculture in this country. So I thank Senator REID for his willingness to support us and continue to support us as we move forward to get this bill done.

I also want to thank my partner and my ranking member, the Senator from Kansas, for his continued leadership as we move the bill forward. We would have liked to have begun the unanimous consent agreement to move forward on six different amendments, not the universe of amendments. Certainly, anyone could come down and say: Why isn't my amendment part of the first six?

We wanted to get started as we worked with colleagues to bring up other amendments. So we have put forward something that involves, first of all, a technical amendment we need to do for the bill, a perfecting amendment, and then two Democratic colleagues' amendments and three Republican colleagues' amendments, including the Senator from Kentucky who just entered the objection, an important debate that involves an amendment he is involved in.

So our first step was to try to do this around unanimous consent. But understanding that we do have an objection, Senator REID has offered us another path to do this by creating a way for us to at least have the debate on two of the issues we had put forward in the six amendments before us.

One involves the Sugar Program for our country, and we have a number of Members who have different amendments. We have one that will be in front of us. It is an opportunity for everyone to say their piece. I can tell you as someone who represents a lot of sugar beets that I care very deeply about this issue and certainly support the Sugar Program. But it is an important debate to have, and Members deserve to be heard on all sides.

The other relates to the Supplemental Nutrition Assistance Program. Many Members have feelings on all sides about this, and so we think it is an important debate to have to give people an opportunity to give their opinions.

I certainly, as this goes forward tomorrow, will be doing that myself and certainly feel very strongly that what we have done in the bill on accountability and transparency to make sure every dollar goes for families who need it is very important. But we want Members to have an opportunity to be able to debate what is important policy for our country.

As we are moving forward on both of these amendments tomorrow, we will also be working, our staffs and ourselves, to come together on a larger package, a universe of amendments to offer to the body of the Senate to be able to move forward so we can come up with a finite number of amendments that will allow us to complete the bill.

Many amendments have been offered. We are going to spend our time going through those just as we did in committee where we worked across the aisle. We had 100 amendments and whittled that down to a point where we could come forward with agreed-upon amendments. We are going to do the same thing. We are going to put together a universe of amendments to move forward on the bill.

But while we are doing that, we will have an opportunity—we invite Members who care particularly about either of the issues that will be voted on tomorrow—the leader will move forward with a motion to table on those, but we want everyone to have an opportunity to come to the floor and be able to be heard on both of those issues.

So we are moving forward. We would have liked to have done it with a larger group of amendments that we could have started with while we continue through. Our goal is to allow as much opportunity for discussion and debate as possible. But, frankly, I have to say, before yielding to my friend from Kansas, our goal ultimately is to pass this bill.

I mean we have 16 million people who are counting on moving forward wanting certainty. Our farmers and ranchers want to know what is coming for them as they are in the planting season, going into harvest season in the fall. They need economic certainty. We need to make sure we have a policy going forward that makes sense and is put in place before September 30 of this year when these policies run out and very serious ramifications to the budget take place.

Frankly, I think all of us have said at one time or another that we want to