The House was not in session today. Its next meeting will be held on Friday, June 15, 2012, at 10 a.m.

**Senate**

THURSDAY, JUNE 14, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable Tom Udall, a Senator from the State of New Mexico.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God, You are our God. Eagerly we seek You, longing to see Your strength and glory. Today, assure the Members of this body of Your love and give them unshakeable confidence in Your providential leading. Lord, teach them what they should think and do, as You illuminate their path so that they will not stumble. As You have led this Nation through troubled times in the past, be now to us our source of life and light and wisdom. Inspire us all so that we may know and do Your will.

We pray in Your sovereign Name.

Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable Tom Udall led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Inouye).

The assistant legislative clerk read the following letter:


To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Tom Udall, a Senator from the State of New Mexico, to perform the duties of the Chair.

Daniel K. Inouye, President pro tempore.

Mr. Udall of New Mexico thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED—RESUMED**

Mr. Reid. I now move to proceed to Calendar No. 250, S. 1940.

The acting PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant 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.

**SCHEDULE**

Mr. Reid. Mr. President, following my remarks and those of Senator McConnell, if any, the next hour will be divided and controlled between the two leaders. It will be equally divided.
controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. REID. I note the absence of a quorum.

The ACTING PRESIDENT pro tem. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tem. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, last December, the Environmental Protection Agency finalized a rule called the Mercury Air Toxics Standard for powerplants. This rule is important, and it saves lives.

Many Americans might not realize that before last December, there were no Federal standards for mercury or the other toxic air pollution pouring out of our Nation's powerplants. Thirty-two years ago, Congress directed EPA to limit direct pollution from all big polluting industries. In response, EPA set standards for nearly 100 industries across our Nation. However, until December, there were no such standards for the utility industry—among the largest sources of arsenic, and other toxic air pollution in the country.

Now there are standards in place, estimated to provide $3 to $9 of health and economic benefits for every $1 invested in pollution controls. We should be celebrating this sensible yet significant public health achievement. Yet from the other side of the aisle we only hear about the $1 that the polluters have to spend to clean up. We never hear about the $3 to $9 the rest of the public saves as a result of the pollution being cleaned up.

We hear about the cost to the polluter all the time. We never hear about the cost, for example, of an asthma attack caused by soot and ozone. We never hear about the public health cost to all of us of the child having to go to the emergency room for an asthma attack. We never hear about the cost to the business of the mom who is not at work the day because she is off on a sick day taking care of that child in the emergency room or, if she is working on a regular wage, maybe it is on her. Maybe she does not get paid for that day because she is in the emergency room with her child. We never hear about the cost to the person who is in the emergency room with their child.

How about the simple cost of a mother stuck in an emergency room with a child having a pollution-provoked asthma attack, waiting anxiously—waiting for the nebulizer to kick in, waiting for that little oxygen meter on the child's finger to show that the oxygen levels are back where they should be? That is not even counted—the worry of a mom for her child having a pollution-caused asthma incident. We never hear about that. We never hear about the dollar side. All they talk about, all we hear about from them is the $1 the polluter has to pay to clean up their pollution—never, in $3 to $9; in other cases it is $35 to $1, over $100 to $1.

Instead, we have colleagues on the other side who want to halt this progress—withstanding the savings for virtually every American—with a resolution we are facing now that would void these new standards—standards that have just emerged after 32 years for the first time regulating toxic pollution out of utility plants. This resolution would not only void the new standard, but it would bar EPA from ever setting similar limits on powerplants in the future.

In speeches against these public health standards, one of my colleagues appears somewhat confused about the industrial standards. I wish to set the record straight on two points.

First, once is more efficient for the utilities than tackling each pollutant separately. Frankly, if we are going at mercury air toxic standards. I wish to make it clear that the technology assuredly exists, demonstrably exists. What EPA is doing is leveling the field so that utilities do not get a competitive advantage by running dirtier powerplants than their fellow utilities. The reason we have the phrase "mad as a hatter" is because hatters used mercury in their work and it affected their brains. It is a neurotoxin. Exposure to mercury in utero, or as a child, can permanently reduce a person’s ability to think and learn. For this reason, women of childbearing age, infants, and children must avoid mercury exposure.

What does this mean for Rhode Island? Many of you have heard me talk about the out-of-State air pollution that plagues my State. Most air pollution is generated from within our borders. It is sent from sources hundreds, even thousands of miles away. It is sent by powerplants out of State in significant measure.

On a clear summer day in Rhode Island, we would look out the window and see kids should be out playing. But if they have asthma, if they have a respiratory ailment, no, they are condemned to stay indoors—not because of anything that happened in Rhode Island but because of the pollution from powerplants in other States.

So the same sources that create those bad air days for Rhode Island—that force seniors and infants and children, people with respiratory difficulties to stay indoors on an otherwise fine summer day—also send us mercury pollution, which is why, although Rhode Island does not have a single coal-fired generating unit within its borders, our health department has to issue fish advisories.

If there is one emblematic image of American families doing something in the out-of-doors, it is the parent or grandparent taking their child—their son or their daughter—or their grandchild fishing. Norman Rockwell has captured this image. Many of us have similar images stored away in our childhood memories.

Yet today if a child goes fishing with her grandfather in Rhode Island, she cannot eat the fish she caught. The Rhode Island Department of Health warns that pregnant women, women thinking of becoming pregnant, and small children should not eat any
Mrs. BOXER. Mr. President, will the Senator yield at this point for a question?

Mr. WHITEHOUSE. Of course.

Mrs. BOXER. First, I want to thank the Senator so much—so much—for taking the time to be here today and explaining to everyone within the sound of his voice that we face a very important vote, because we have a colleague on the other side of the aisle who wants to say to the Environmental Protection Agency: Stop your work and allow pollutants to continue to poison this atmosphere and those of us who live in it. You are talking about mercury. There is arsenic, there is lead, there is formaldehyde. We have to say to the utilities: Clean up your act. We are giving them enough time to do it.

I want to ask my friend a question, and then I will yield altogether to him. The question is, is my friend aware that the cost-benefit ratio of this rule that Senator INHOFE wants to now repeal is 9 to 1? In other words, for every $1 that we put in to make sure this pollution goes away or is controlled, there is $9 of benefits in health? Is my colleague aware of that?

Mr. WHITEHOUSE. First of all, let me thank my wonderful chairman of the Environment and Public Works Committee for joining me on the floor and asking me this question. The figures I have used—I have been more conservative—is in a range between $3 and $9. But there is a very significant payback. As I was pointing out, that payback actually counts in hard dollars to the public. It does not count things such as, as I mentioned in my speech, the worry of a mom spending the day in the emergency room waiting for her child to recover. It does not take into account her or her employer’s economic loss. It does not take into account her worry. It does not take into account the grandfather not being able to take the fish home from Yawgoog Pond because it is now poisonous because out-of-State pollutants have dumped mercury into the atmosphere and into the pond for so long.

These are real costs if you have a traditional American kind of family and people go fishing together and do things such as that. You cannot do that any longer. That does not even count in the equation. The polluters get to take that away from America for free with this.

But, as I said, what is interesting is that our friends on the other side only seem to think about, only seem to notice, only seem to talk about the $1 that the polluters have to pay to clean up their act. They do not talk about the folks who get the jobs repairing the pollution, building the scrubbers—the American jobs that creates. They just talk about their cost, and they do not talk at all about the cost on the other side: Workers’ care costs, the job losses, the loss of education, the long-term health damage that people undertake.

Mrs. BOXER. Mr. President, will the Senator yield at this point for a question?

Mr. UDALL of Colorado. Mr. President, I rise again to continue the fight for our effort to extend the production tax credit for wind and continue to return to the floor every morning until we get the PTC extended. It has a positive economic effect on each and every one of our States and we ought to immediately extend it. If we do not, there are tremendous risks because there will be uncertainty. There will be 37,000 jobs at risk, per the estimate of the American Wind Energy Association, in 2013, if we let this important, crucial tax credit expire.

On the other hand, looking at this prohibitively, a recent study by Navigant concludes that a stable tax policy would allow the wind industry to create and save 54,000 jobs. That is a clear choice. Do we want to lose 37,000 jobs or do we want to create and save 54,000 more?

Over the last number of years in tough economic times, the wind industry has been a bright spot. We have seen growth in the wind industry on the manufacturing side, and these are good-paying jobs. But we are at a make-or-break moment for wind energy. If we let the wind PTC expire, we will lose thousands of jobs and billions of dollars in investment. We also run the risk of losing our position in the global economic race for clean energy technology. Other countries are taking note. While we are dithering in the Congress, our foreign competitors are literally eating our lunch.

I am about to attend a hearing in the Energy Committee on our competitiveness in the clean energy sector. We are going to be discussing how China is outpacing us in the clean energy economy. The witnesses, I know, will emphasize because I have seen their testimonies—that we have to improve and maximize domestic manufacturing capacity or we risk losing these jobs to overseas competitors.

Mrs. BOXER. Right.

Mr. WHITEHOUSE. They get the benefit of knocking down jobs in the runup to the election, which I think is a disgraceful way to go about the Nation’s business. But we cannot move them. The irony and the tragedy here is, if Speaker BOEHNER would call up this bipartisan Senate transportation bill, it would pass.

Mrs. BOXER. That is right.

Mr. WHITEHOUSE. It would pass with Republican votes and Democratic votes, and we could put people back to work across this country right now, doing the work that every American knows our highway system needs. This is not bridges to nowhere. This is bridges that people drive across to get to work. This is potholes and highways that we used to be able to travel through Providence on a viaduct. It is falling in so much that they have put planks underneath it to keep the pieces that fall through landing on the Amtrak trains and the car traffic underneath.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

WIND PTC

Mr. UDALL of Colorado. Mr. President, I rise again to continue the fight for our effort to extend the production tax credit for wind and continue to return to the floor every morning until we get the PTC extended.

There are 2.9 million jobs at stake. Everybody gets that our roads and highways need repair. Yet a group of Republicans in the House of Representatives will go forward. And time is running out on this summer’s construction season.

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I wish to give an example this morning. In North Carolina, there is a company, PPG Industries. It is a fiberglass company, hundreds of employees. They have been threatened by foreign competition in the last few years. Fiberglass is a primary component of wind turbine blades. The company has found new buyers in the wind industry.

I wish to quote the manager, Cheryl Richards, of this factory. She has urged us to act. She said:

That’s investment in the U.S. That’s investment in jobs, technology, in the future, in clean energy. If we’re not doing it, there are people across the ocean who will. And they’ll be happy to sell their products here.

So while we cannot get our act together in Congress to pass the wind PTC, our economic competitors in Europe and Asia have moved ahead. They have developed robust manufacturing capacity to serve both their domestic demands, and now they are beginning to sell all over the world.

To emphasize how real this threat is, I wish to turn to the chairman and the head of the view and my colleagues what has happened in the past when the PTC has expired. Look back in 2000. There was a 93-percent drop. There was a 73-percent drop from 2001 to 2002. It does not make sense. I hear this from Coloradans. I hear this from Americans.

Wind project developers in the United States and American manufacturers are not receiving orders. We could see another boom-and-bust cycle, where we get a 93-percent drop in installations. Our economy does not need that, especially right now. So there is a time for leadership. It is time to show the American people we can bridge partisan divides in the Congress, we can act, and we can take urgent action.

Let’s get the wind PTC reauthorized as soon as possible. It is within our power to stop sending jobs overseas, to prevent falling behind major economies such as China, Germany, India, and to stop harming domestic industries and manufacturing.

Again, look at this chart. This tells the story. We have to stand and do the right thing. Let’s start by passing the wind PTC extension now. We can do it today. I am going to continue coming back to the floor of the Senate until we get the wind PTC extended.

Tribute to Tejal Shah

As my time begins to expire, I wish to take this opportunity to pay tribute to personal privilege and note that Tejal Shah, who has been working in my office as a fellow from the State Department, is leaving my office this week. She is returning to the State Department to continue doing her work there.

I wish to thank her for the phenomenal support she has given me, for the knowledge and skill she has brought to my office. I wish her well in her efforts at the State Department.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. Udall of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Udall of Colorado). Without objection, it is so ordered.

Mr. Udall of New Mexico. Mr. President, I also, as my colleague Senator W Burrage did, wish to thank the chairman, Barbara Boxer, for her hard work and her leadership to protect our air and our public health on this crucial vote that is going to come up later this month.

I rise in opposition to the resolution of disapproval that we expect Senator Inhofe to offer. This resolution would permanently block the EPA from reducing mercury and toxic pollution from powerplants in the United States. The standard is called the Maximum Achievable Control Technology standard or Utility MACT.

By blocking this standard, this resolution is bad for public health. This resolution is also bad for America’s natural gas producers. This resolution is especially bad for electric utilities that did the right thing and followed the law. Environmental protection should be a bipartisan issue. Republicans and Democrats both passed the Clean Air Act, the Clean Water Act, and other environmental laws by wide margins.

I urge both parties not to support this resolution. Here are some key points on the public health issues that we have been discussing. The standard comes to the floor: The Environmental Protection Agency estimates this standard will save 4,000 to 11,000 lives per year by reducing toxic pollution. The EPA also estimates this standard will prevent nearly 5,000 heart attacks and 130,000 childhood asthma attacks.

Mercury is a powerful neurotoxin. It is mostly a threat to pregnant women and young children. We took lead out of gasoline, we can also take mercury out of smokestacks. Similar to many westerners, I know from my experience as the Resident Officer and I both enjoy fly fishing. In too many areas in America, we have mercury advisories for fish from American lakes and rivers.

In New Mexico, most of our streams are under mercury advisories, which means pregnant women and children cannot eat the fish from those streams. We cannot put a price on healthy children. But if we try, this rule produces tens of billions of health benefits each year.

This resolution of disapproval could permanently block these benefits. I would also like to talk about the impact of this resolution on natural gas. Natural gas has much lower toxic emissions than coal. It has no mercury. It has no soot, known as particulate matter. Recent discoveries of U.S. natural gas have led to a 100-year supply. Natural gas prices are low. While that is actually bad for New Mexico’s economy in some places, it is good for consumers.

Natural gas has increased its market share in the power sector from 20 to 29 percent recently because it is a lower cost and cleaner fuel. EPA standards do not ban coal, but they do call on coal to compete on a level playing field and reduce its pollution. If we pass this resolution, we will inject further uncertainty into the utility sector, which is balancing its portfolio to more equal shares of coal and gas as opposed to being overly reliant on coal.

I support research in defining ways to clean up coal. If we put our minds to it, we may be able to take out the toxic pollutants.

I see the Senator from Arizona is on the floor. I first wish to thank him for allowing me a couple minutes to get my statement in.

I yield the floor.

Mr. McCain. Mr. President, I ask unanimous consent that the Senator from New Mexico desires a few extra minutes, I would be more than happy to yield.

Mr. Udall of New Mexico. I thank the Senator. I will take 1 more minute to finish.

Finally, I would like to note that this resolution is a bailout of companies that would rather spend money on lobbying than on pollution controls. The EPA standard does not harm responsible coal companies. It is achievable with current technology. It is my understanding that most or all of the coal plants in New Mexico already have the technology to meet these standards. The Public Service Company of New Mexico has invested in mercury controls to reduce pollution in our State. Across the Nation, many other utilities have as well.

A variety of business groups support EPA’s mercury standard, including the Clean Energy Group of utilities, the American Sustainable Business Council, and the Main Street Alliance. Those standards are required by the Clean Air Act. If we block them, we will punish the law abiders and bail out the procrastinators. I urge my colleagues to oppose the resolution of disapproval.

Once again, I thank Senator McCain.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCain. Mr. President, I note the President Officer was paying close attention to the Senator from New Mexico. I think that is entirely appropriate for that to happen. I am sure it certainly has nothing to do with family allegiance.

The Senate is considering the farm bill, which we do every 5 years. During
this debate, Americans will hear speeches about spending reductions and cuts to farm subsidies. I concede that there is some of that in this bill.

Unfortunately, so far we have failed to have an open and fair amendment process that should be the case in the Senate. I have several amendments I would like to have considered. Similar to my colleagues, we have been prevented from doing so. I have been in this body for some years during the consideration of previous farm bills. I have been unable to have a complete understanding of the amendments considered and voted on.

Unfortunately, that does not seem to be the case in the consideration of this farm bill.

It is very regrettable and unfortunate that we cannot just start voting on amendments and then see where we are. Instead, we have the filling of the tree and other language, and most Americans have no idea what we are talking about. But it does prevent this body from considering the amendments of Members on both sides of the aisle.

Unfortunately, the facts remain that the programs authorized under this farm bill consume a colossal sum of taxpayer dollars. It costs farm bills $40 billion, and is estimated to cost $969 billion over 10 years. Again, that is $969 billion over 10 years. That is about $1 billion per page. It is a 60-percent increase from the previous farm bill, which was passed in 2008. We are spending it is necessary to assist low-income families with nutrition programs, we should keep farmers out of the red when a natural disaster strikes.

I am also mindful of the taxpayers who are saddled with a $1.5 trillion deficit and a ballooning $15 trillion national debt. The farm bill is certainly ripe for spending cuts. Some have taken place—not nearly as much as are necessary. At usual, the farm bill, being 1,000 pages long, is filled with special deals for special interests.

I acknowledge that the Senate bill generates $23 billion in savings, and that is a notable accomplishment. We have finally done away with Depres- sion-era farm subsidies such as “direct payments” and the “countercyclical program,” which encourages overproduction, thereby triggering more farm subsidies to compensate for depressed prices. Unfortunately, it seems that the solution of farm bill reform is to eliminate one subsidy program only to invent a new one to take its place. Cutting direct and countercyclical payments actually saved the taxpayers about $50 billion, but rather than plug that money into deficit reduction this farm bill blows $35 billion of its own savings on several new subsidy programs.

For example, we have a new agricultural risk coverage subsidy program, or ARC, which works by locking in to- day’s record-high crop prices and guaranteeing farmers up to an 89-percent return on their crop. ARC could cost taxpayers anywhere from $3 billion to $14 billion each year, depending on market conditions. We also create a new $3 billion cotton subsidy program called STAX, which the Brazilian Trade Representative has signaled will escalate their WTO antidumping complaint against the United States. I wonder if taxpayers know that we already pay Brazil $150 million a year to keep our cotton pro- grams. Why would we make things worse?

This bill authorizes the creation of a new marginal loss subsidy program for catfish. This bill maintains a $95 billion federally backed crop insurance program, which also subsidizes crop in- surance premiums. We then pile on a new $4 billion program called supplemental coverage option, or SCO, that subsidizes crop insurance deductibles. Subsidized insurance, subsidized pre- miums, and subsidized deductibles—I am hard pressed to think of any other industry that is at risk than the expense of the American taxpayer.

This is all part of farm bill politics. In order to pass the farm bill, Congress must find a way to appease every special interest of every commodity associa- tion, from asparagus farmers to wheat growers. If you cut somebody’s subsidy, you give them a grant. If you kill their grant, then you cover their insurance programs.

Let’s look at several other handouts that special interests have reaped in this year’s farm bill, which may account for the size of the bill.

The bill authorizes $15 million to es- tablish a new USDA—Department of Agriculture—program to eradicate feral pigs. I have always been against pork spending, but now we are going to spend $10 million to establish a new USDA program to eradicate feral pigs. The bill authorizes $1 million to study the health benefits of peas, lentils, and garbanzo beans—$25 million to study the health benefits of peas, lentils, and garbanzo beans. I know moth- ers all over America who have advocated for their children to eat their peas will be pleased to know there is a study that will cost them $25 million as to the health benefits of peas, lentils, and garbanzo beans.

It authorizes $30 million for the Value Added Grant Program, which gives grants to novelty producers such as small wineries and—I am not kidding—the occasional cheesemaker.

There is $40 million in grants from the U.S. Department of Agriculture to encourage private landowners to use their land for bird-watching or hunting. We are looking at a $1.5 trillion deficit this year, and we are going to spend $40 million to encourage private landowners to use their land for bird- watching or hunting. I am all for bird- watching, and I support hunters—not to the tune of $40 million.

The bill authorizes $700 million for the Agriculture and Food Research Initiative—$700 million. That funds a vari- ety of research grants, such as testing pine tree growth in Florida or studying moth pheromones. I have no clue what a moth pheromone is. When did it be- come an international priority to study moth pheromones?

There is $250 million for the U.S. De- partment of Agriculture’s Urban For- est Assistance Program, which spends Federal funds to plant trees in urban parks and city streets. There is a new program that spends $125 million to promote healthy food choices in schools. There are already at least four other healthy eating educational pro- grams in this bill. There are already four, but we are going to add another $125 million program for another healthy eating educational program.

There is $200 million for one of my all-time favorites, the Market Access Program, which has been there for years, but they wanted to ensure a domes- tic supply of wool for military uni- forms by paying farmers to raise, among other things, angora goats for mohair. This may have held merit then, but nobody can dispute that mohair, which comes from sheep, is a syn- thetic fiber.

Today we use mohair in custom socks, fashionable scarves, and trendy throw rugs. Some of my colleagues may recall that Congress killed off mohair subsidies in the 1990s. Unfor- tunately, goats are reputed to eat just about anything, and our hard-earned tax dollars are no exception.

By the time Congress passed the 2002 farm bill, mohair subsidies had been re- stored. The mohair program, which pays taxpayers to pamper a sheep a year, may not be particularly expen- sive compared to most farm programs. I suppose where some of my colleagues see a minor government pittance for wool socks I see a disgraceful example of how special interests can embed themselves in a farm bill for genera- tions.

As if field corn and ethanol subsidies weren’t nefarious enough, this farm bill includes a new carve-out for pop- corn, which subsidies I am against. This is a perfect example of farm bill politics. Thanks to a provision snuck into a 2003 appropriations bill, popcorn started receiving millions of dollars in “direct payment” subsidies. However, because the new farm bill eliminates direct payments, the popcorn industry is scrambling to be added to the newly created ARC Program. Under this farm bill, popcorn will be subsidized to the tune of $91 million over 10 years, ac- cording to CBO.

A popcorn bill that movie theaters use to heat popcorn is already sub- sidized, as well as the butter they put on top. So popcorn is doing fine is the
Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRESERVING WATERS OF THE USA ACT

Mr. HELLER. Mr. President, I rise today to discuss one of the biggest threats to economic growth in this country, and that is this administration’s job-killing regulatory agenda.

My goal in the Senate is to promote policies that create jobs. With my home State of Nevada leading the Nation in unemployment, I do not believe the private sector is doing just fine, and I support common sense policies that give our job creators the necessary tools to provide for long-term economic growth.

Under the current administration, they seem bent upon issuing regulation after regulation that threatens existing jobs and preventing new ones from being created. As I have stated before, you cannot be pro-jobs and antibusiness at the same time.

With unemployment at 11.7 percent in Nevada—and it continues to lead the Nation in unemployment—the only things as scarce as jobs in Nevada are private property and water. Roughly 87 percent of Nevada is controlled by the Federal Government also. Nevada is also one of the driest States in the Nation. Because of this, water is a very precious commodity.

I support the farm bill. I am proud to join with some of my colleagues in their efforts to provide some much needed regulatory relief for American farmers in rural America. However, the latest attempt by this administration go well beyond the agricultural sector.

For years there has been a concerted effort to expand the regulatory reach over water in this country. After years of failed attempts to legislatively change the scope of regulatory authority over water, the EPA is now trying to overturn both congressional intent and multiple Supreme Court decisions to further their goal of overregulation. To pursue this effort in context, if this regulation were enacted, it would give the EPA and the Army Corps of Engineers the ability to regulate irrigation ditches, large mud puddles, or anything that contains standing water, regardless of whether it is natural, sea- sonal, or manmade. Never before under the Clean Water Act have Federal regulations extended this far. This was not the intent of Congress when writing the Clean Water Act, and Congress has repeatedly rejected any legislative effort to alter the existing law.

More disturbing, the administration has bypassed public outreach and has...
neglected to consider the economic impact of their proposed action. This is in addition to ignoring the fact that the Supreme Court twice affirmed the limits of the Federal authority under the Clean Water Act. But apparently the EPA believes it does not have to adhere to laws of the land.

Expanding the Federal regulatory overreach into water also infringes on private property rights. It stops investments and development and infrastructure projects including housing, schools, hospitals, roads, highways, agriculture, and energy. In my home State, this regulation will hurt farming, ranching, mining, and construction—the same middle-class, blue-collar jobs this administration claims to care about.

In an already struggling economy, we cannot afford to create additional regulatory barriers that will cost jobs and prevent future economic growth. That is why Senators Barasso, Inhofe, Sessions, and I offered an amendment to the farm bill, as well as a stand-alone piece of legislation that would preserve the current definition of waters of the United States. The Preserve the Waters of the United States Act specifically straight forwardly, is: We stand with job creators. And I am opposed to this amendment. The ACTING PRESIDENT pro tem. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I will be speaking about two amendments that I intend to offer as part of the farm bill. I think both amendments are extremely important, and both amendments have the support of the vast majority of the people of our country. They may not have the support of powerful special interests, but I think that from Maine to California, people will be supporting these amendments.

The first one is amendment No. 2310, which is cosponsored by Senator BARBARA BOXER of California. All across our country, people are becoming more and more conscious about the foods they are eating and the foods they are serving to their kids, and this is certainly true for genetically engineered foods. This is a major concern in my State of Vermont, I know it is a major concern in Senator Boxer's State of California, and it is a major concern all over our country.

This year in my State of Vermont, our legislature tried to pass a bill that would have required foods that contain genetically engineered ingredients to have that information on their labels. That information would simply give consumers in the State of Vermont the knowledge about the ingredients that are common in the food industry—not, I believe, a terrible radical idea.

I personally believe, and I think most Americans believe, that when a mother goes to the store and purchases food for her child, she has the right to know what she is feeding her child, what is in the food she is giving to her kids and her family. This concern about genetically engineered labeling brought out a huge turnout to the Vermont State legislature of people who were supportive of the act. In fact, it was one of the most hotly debated and discussed issues in our legislature this year. Over 100 Vermonters testified at a committee meeting—the Committee on Agriculture meeting of the State of Vermont—in favor of this legislation. We are a small State. Hundreds more crowded in the statehouse to show their support.

What people in Vermont, and I believe all over this country, are saying, simply and straightforwardly, is: We want to know what we are eating and whether that food is genetically engineered. Clearly, this is not just a Vermont issue. Almost 1 million people in the State of California signed a petition to get labeling of genetically engineered food on the November ballot. In California, a big State, 1 million people is a lot of people. In other words, what we are seeing from Vermont and California and all over this country is people want to know what is in the food they are eating and they want to know whether that food is genetically engineered. I thank Senator Boxer of California for presenting the people of her State in cosponsoring this legislation.

This is not just a Vermont issue. It is not just a California issue. According to an MSNBC poll in February of 2011, 95 percent of Americans agree that labeling of food with genetically engineered ingredients should be allowed. Those polling numbers have been consistently over 90 percent dating back to 2008.

What we are seeing in polling, year after year, is people want to know what is in the food they are eating. Not everybody agrees. Monsanto, one of the world's largest producers of genetically engineered food, does not agree. Monsanto is also the world's largest producer of the herbicide Roundup, as well as so-called Roundup Ready seeds that have been genetically engineered to resist the pesticide. It is no mystery why Monsanto wants to deny people's right to know. Business is booming for this huge chemical company. It raked in over $11 billion in revenues and cleared $1.6 billion in profits in 2011. This year is going pretty well for Monsanto.

Once it seemed possible that Vermont could pass the bill. That is because the people of the State of Vermont want to see that legislation passed. But our friends at Monsanto threatened to sue the State if that bill was passed. Sadly—and this is what goes on in politics, not just on this issue but on so many issues—despite passing out of the House Committee on Agriculture by a vote of 30 to 20, the bill did not make it any further because of the fear of a lawsuit from this huge, multinational corporation.

Today, we have an opportunity, with the Sanders-Boxer amendment, amendment No. 2310, to affirm States rights to label food that contains genetically engineered ingredients. This amendment recognizes that the 10th amendment to the U.S. Constitution clearly reserves powers in our system of federalism to the States and to the people. In other words, that is what federalism is about.

This amendment acknowledges that States have the right to require the labeling of foods produced through genetic engineering or derived from organisms that have been genetically engineered. Simply put, this amendment gives people the right to know. It says that a State, if its legislature so chooses, may require that any food or beverage containing a genetically engineered seed be labeled for sale in that State have a label that makes that information public and clear.
It also requires that the Commissioner of the FDA, with the Secretary of Agriculture, shall report to Congress within 2 years on the percentage of food and beverages in the United States that contain genetically engineered crops.

There are strong precedents for labeling. The FDA, as everybody knows, already requires the labeling of over 3,000 ingredients, additives, and processes. If we want to know if our food contains gluten-free products, organic tritium, high-fructose corn syrup, trans fats or MSG, we simply read the ingredients label. Similarly, the FDA requires labeling for major food allergens such as peanuts, wheat, shellfish, and others. But Americans, for some reason, are not afforded that same information when it comes to genetically engineered foods.

Here is a very important point to make. What I am asking now, for the people of America, is something that exists right now all over the world. Genetically engineered foods are already required to be labeled in 49 countries around the world, including Russia, the United Kingdom, Australia, South Korea, Japan, Brazil, China, New Zealand, and others, and the entire European Union allows its countries to require such labels, which is essentially what this amendment is about. It is not telling, but it is allowing States the right to go forward, if that is what the people of those States want.

If this is good for 49 or more countries around the world, why is it not acceptable in the United States of America? The answer is pretty simple. We have a large, powerful, multinational corporation that is more concerned about their own profits than anything else. They are not allowing the American people to know what is in the food they are eating.

Let me clarify just a few pieces of information regarding genetically engineered crops, which is nothing to be concerned about with genetically engineered foods. In the 1990s, there was a consensus among scientists and doctors at the FDA that GE foods could have new and different risks, such as hidden allergens, increased costs to shoppers. Everybody knows companies change their labels all the time. They market their products differently and adding a label does not change this. In fact, many products already require labeling for major food allergens, which now infest 10 million acres in 22 States, with predictions of 40 million acres or more by mid-decade. Resistance weeds increase the use of herbicides, and the use of older and more toxic herbicides.

Further, there are no international agreements that prohibit the mandatory identification of foods produced through genetic engineering. But as I mentioned, 49 other countries already require it.

The Sanders-Boxer amendment is about allowing the American people to know what is in their food. It is about requiring that the FDA require labeling for long-term testing on animals and that following the use or its environment. For example, the use of Monsanto Roundup Ready soybeans engineered to be resistant to the herbicide Roundup has caused the spread of Roundup-resistant weeds which now infest 10 million acres in 22 States, with predictions of 40 million acres or more by mid-decade. Resistant weeds increase the use of herbicides and the use of older and more toxic herbicides.

I yield the floor.
this point. The distinguished Presiding Officer, Senator BROWN, has helped with major reforms in this bill. He has put forward a bipartisan proposal that relates to moving a risk-based system to support our farmers. I appreciate very much the Senator’s leadership on that as well as a number of other things.

But this is about growing things. Almost one out of four people in Michigan has a job because we grow things. We have more diversity of crops than any other county except the exception of California, and so that means every page of the farm bill matters to Michigan, which is why over the years I have paid attention to every single page of the farm bill.

Overall in our country 16 million people work because of agriculture. They may be involved in production, they may be involved in packaging, they may be involved in processing, they may make the farm equipment, or they may even be involved in a variety of things, but they work because we grow things in America. Our one area of huge trade surplus, and where we have grown in the last 2 years by 270 percent, is agriculture. We are creating jobs here and continuing to grow is this a jobs bill.

I want to talk specifically about a very important piece where we bring together making things and growing things in our economy, and that is the energy title of the farm bill. The energy title reflects the important work being done by America’s farmers, ranchers, forest managers, and rural small businesses to help improve our energy security.

Since we added this title in the 2002 farm bill—I was pleased to be a strong supporter in doing that—the Rural Energy for America Program has helped put in place nearly 8,000 projects and jobs that have helped farmers lower their energy bills and actually produce electricity that gets back to the electric grid. In the last 10 years, we have seen incredible advances in advanced biofuels and biobased manufacturing, which is the ultimate way to bring together making things and growing things, both of which are supported and strengthened in this bill.

The farm bill is also an energy bill and it is a jobs bill. There are more than 3,000 companies doing innovative, biobased manufacturing, and using agricultural products instead of petroleum to manufacture finished products. Those companies have already created over 100,000 jobs and are growing every day. Many of these businesses are in rural communities, and supporting those businesses is one of the best ways we can create jobs and economic growth in small towns all across our country.

This kind of manufacturing is also a win-win for the farmers. They get new markets for their products and, in some cases, markets for their waste products.

We have also seen tremendous growth in biofuels. This farm bill shifts our focus to the next generation of advanced biofuels, such as cellulosic ethanol, to continue lowering prices for families at the pump. According to a study by the University of Wisconsin and the University of Iowa, ethanol has already helped keep gas prices more than 47 cents per gallon lower than they otherwise would be. It is the only competition we have at the moment at the pump. As a consumer, what we need is more choice and more competition so that depending on foreign oil is not the only choice.

Many of our colleagues have different feelings about our energy policies, and the great thing about the farm bill is that it doesn’t matter what we believe or where we come from, it is a winner because it creates choices. If we want to reduce greenhouse gas pollution, this bill is a winner. If we want to make America more energy independent so we are not relying so much on foreign oil, this bill is a winner. If we want to keep energy bills so they have more money to hire workers and improve their business, this bill is a winner. And if we want Americans to pay lower prices at the gas pump, as we all do, this bill is a winner for the consumer, what we need is more choice.

I especially want to thank Senators CONRAD, LUGAR, HARKIN, BEN NELSON, BENNET, BROWN, KLOBuchar, THUNE, CASEY, and HOEVEN, who worked very hard at putting together the energy title and the necessary funding to continue supporting these innovative farmers and businesses all across our country. I appreciate their leadership in working with us and being able to get this done.

I want to talk about some of the specific areas we have in the energy title. There is something called the Rural Energy for America Program, also known as REAP. It is one of the most successful programs in the energy title, and one we hear about most often from farmers and ranchers across the country.

This program helps farmers with loan guarantees and grants to purchase and install renewable energy systems and make energy efficiency upgrades. Farmers have been able to put solar panels, wind turbines, as well as biomass energy and geothermal and hydroelectric and other forms of renewable energy technology on the farm. Since 2003, 7,997 different energy-efficient projects that have generated or saved 6.5 million megawatt hours, which is enough power to meet the annual needs of nearly 600,000 households.

As a caveat, I also want to say that when we talk about all of these alternatives, I also see this from the standpoint of making things. When we look at a big wind turbine, a lot of folks see energy use. I see 8,000 parts. We can make every one of them in Michigan and a lot of them in Ohio. So when we talk about creating energy efficiency opportunities, we are also talking about creating manufacturing jobs in the process. REAP is a big success story, which is why we continued the program and streamlined the application process for farmers and small businesses applying for small and medium-sized projects.

One project funded by REAP can make a significant impact, as I said, on utility costs incurred by the businesses. For example, one company in Georgia created an on-farm solar system that will produce about 60,000 kilowatt-hours per year. This company’s power bills. Another Kentucky company used an energy efficiency grant to improve lighting and support a refrigeration/freezer project that would give them 62 percent energy savings and $63 per month. This is a big deal when we are paying the bills.

The next part I want to talk about is something called biobased markets and part of a larger biobased manufacturing effort that I am very enthused about. Biobased manufacturing is rapidly becoming a critical component of our new economy. According to USDA, there are 3,118 registered biobased companies in the United States that have been created about 15 years ago and growing. With customers demanding more choices, oil prices rising, these innovative companies are taking new approaches, turning agricultural products into manufactured products. So as we can see, all across the country there are 3,000 companies. This is a huge area that is growing, the innovation process, where we are literally taking agricultural products and replacing chemicals, replacing petroleum and plastics, and doing a variety of things that allow us to create new markets for farmers, get us off of foreign oil, and create jobs. I would argue that in the next 5 years we will see many, many, many more dots on this map as a result of the farm bill and private sector efforts that are going on across the country.

In the 2008 farm bill, we created the biobased program to develop and expand markets for biobased products. Here are a few examples: Papermate makes a biodegradable, retractive grip pen manufactured by Sanford Newell Rubbermaid in Georgia. This pen is made from biodegradable components that include an exclusive corn-based material to produce less waste and more compost.

Purell Advanced Green Certified Instant Hand Sanitizer is a green-certified product made by a company in Ohio containing ingredients from renewable resources. It kills more than 99.9 percent of germs. It is a product that is biodegradable.

Greenwave Cold Portion Cups made by ComA-Kal Corporation in Michigan are made from materials such as plant-based and post-consumer recycled resins. My colleagues will note that this looks familiar because it is the same kind of cup we use in the Senate. This is something we are using and thereby supporting the biobased economy.

By including biobased manufacturing in the Biorefinery Assistance Program...
within the energy title, we are expanding economic opportunities for farmers by giving them new markets for crops to grow and we are supporting cutting-edge manufacturing businesses that are making these products and creating these jobs.

We also have done other pieces that will strengthen this effort. I might mention, though we don’t have a picture of it with us on a chart, one of the exciting things I am seeing in Michigan, as I travel around, is the renewable energy initiatives. Things like the Green Bank that is coming online is the example of a program that is starting to create renewable energy, get us off of foreign oil. In addition, another 430 products from 150 companies have been certified to carry the USDA Certified Biobased Product label. And there are new efforts happening. The President, the Secretary of Agriculture, and I have come together to urge, in fact, that we increase the amount of biobased labeling that is going on and make sure that consumers are looking for this label.

We then have the Bioenergy Assistance Program which is a very important piece of all of this. The Bioenergy Assistance Program was originally created in the 2002 farm bill to support the development and construction of demonstration-scale biorefineries to determine the commercial viability of some of the processes that are involved in converting renewable bio- mass to advanced biofuels. It also guarantees loans for companies that are developing, constructing, or retrofitting commercial-scale biorefineries using these new technologies. In the last 2 years, companies participating in this program have leveraged almost $1 billion in private dollars to be able to have these companies move forward into full commercialization. Then they can create jobs, create renewable energy, get us off of foreign oil, and create other kinds of products—all kinds of opportunities for us around products.

That leads me to another important piece, which is R&D, which is always a very important part of what needs to be done as we are looking at these new ideas. Entrepreneurs, companies large and small, many small businesses—in fact, most of them start as small businesses with a great idea, and they are looking for how to turn that into a great business, and hiring people, and so on. The Biomass Research and Development Initiative is an integral component to bridging the gap between technology development and commercialization. As I said, this is often cited as the valley of death. Entrepreneurs are coming forward, with support from the USDA to be able to get them through what is often called the valley of death, as they have a great idea but are trying to get it to commercialization. As they are leveraging private dollars and public dollars to be able to have these companies move forward into full commercialization. Then they can create jobs, create renewable energy, get us off of foreign oil or create other kinds of products. That is all kinds of opportunities for us around products.

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seed money to develop their technology with the University of Wisconsin. Viren now has over 120 employees and plans to expand again after receiving a contract from Coca-Cola to develop a 100-percent plant-based bottle for its carbonated beverages. Viren’s technology is feedstock-neutral and produces drop-in jet fuel and renewable chemicals. Their corporate partners include Carryll, Coca-Cola, and Shell.

We also have the Biomass Crop Assistance Program, which helps farmers and ranchers who want to plant energy crops for biomass that would be converted to biofuels or bioenergy. In 2011, this program supported between 3,000 and 4,000 jobs.

Our investment in the BCAP could result in companies hiring—in this farm bill, we are told—between 2,000 and 2,600 additional new employees. We have also addressed issues around collectively private and public land, and transport to address problems that had occurred in the last farm bill.

This program provides financial assistance to owners and operators of agricultural and nonindustrial private forests. I have not talked a lot about forest land, but certainly biomass efforts—what has been done around forest by-products—are very important as well.

Steve Flick of Show Me Energy received the first BCAP project area, covering approximately 50,000 acres in 38 counties in Missouri and Kansas. Individual farmers within the boundaries of the project area can now sign contracts with a third party to grow dedicated energy crops. This is another provision we have in the bill. Show Me’s plant in Centerview currently pelletizes crops into biomass fuel for space heat and electric power. This technology will eventually provide liquid fuels that can replace gasoline and diesel. Steve Flick also testified at our hearing in February.

I could go on and on with examples. We have a very exciting project I visited early this year, Alpena, MI. We are working in the northeastern part of the State, which is a plant working with a paneling company that makes decorative panels, doing beautiful paneling work with 100-percent wood paneling. They are now taking what used to be waste that they sent to a waste treatment facility and pumping it right next door to a new company that is creating cellulosic ethanol. And they are now looking for other products. One of them will be a new green biodegradable effort to help runners. So there are all kinds of possibilities.

What I am excited about is that this farm bill is focused on small business—farms and ranchers, working with the forestry industry. How do we grow the economy by taking the two great strengths that have created the middle class of this country—growing things and making things? That is what this title is about; that is what this bill is about.

I am anxious to get us through this process so we can complete this bill and get on to the next generation of jobs.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent to speak as an opening business.

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

Mr. BLUMENTHAL. Mr. President, first let me thank my distinguished colleague from Michigan for her extraordinary leadership on a milestone bill. I am so proud to be supporting this bill and to be in this Chamber speaking with her on issues that affect every American, not just farmers or those in States that may be recognized as farm States. The kind of leadership that has just been heard, I think, is a model for all of us, and I thank her.

Mr. President, I want to talk today about two issues that directly affect the health and safety of Americans of all ages, but particularly our seniors, and begin by associating myself with the remarks made earlier by Senators WHITEHOUSE and BOXER with respect to S.J. Res. 37.

I strongly oppose efforts underway to roll back Clean Air Act provisions that are critical to the health and safety and well-being of every man, woman, and child in this country.

Last December, the EPA finalized a rule aimed at reducing mercury and other toxic emissions from electric-generating units by about 90 percent. This rule affects the most toxic emissions in the United States—mercury, acid gas, nickel, selenium, cyanide. These rules are more important than ever.

The effort to roll them back should be resisted and rejected, and I hope my colleagues will join with me in opposing the Senate resolution that would not only stymie but stop efforts to protect Americans against the most toxic emissions.

I fought for these kinds of protections as attorney general. In fact, I took a sworn as attorney general to compel these kinds of rules, and I believe the EPA is acting responsibly now in promulgating them.

WORLD ELDER ABUSE AWARENESS DAY

Mr. President, I want to thank my colleagues, on behalf of myself and Senator KIRK, for introducing Tuesday, a resolution designating tomorrow, June 15, as “World Elder Abuse Awareness Day.”

The resolution Senator KIRK and I submitted, and that this body agreed to, recognizes the scourge that elder abuse represents here in America and around the world. I thank my colleagues for supporting it overwhelmingly, and I thank the President of the United States for proclaiming tomorrow, June 15, as “World Elder Abuse Awareness Day”.

The resolution designates the Secretary of Health and Human Services to announce for June 15 that $5.5 million in funding for States and tribes will be available to test ways to prevent elder abuse, neglect, and exploitation.

This initiative helps to implement the Elder Justice Act which was enacted as part of the Affordable Care Act. I believe this kind of initiative brings together the local, State, and Federal authorities and private groups to combat this epidemic.

The abuse of elders is a spreading epidemic. We have statistics that indicate how it is, in fact, spreading. Elder abuse incidents have increased by 150 percent in the last 10 years alone. A recent study of the GAO shows that every year 14 percent of all noninstitutionalized adults are victims of abuse or neglect or exploitation, whether it is physical or financial or even sexual. So the statistics show that trend that is undeniable—not only in the 2 million adults who are maltreated every year but in the $2.9 billion taken from older adults each year as a result of financial abuse and exploitation. That is $2.9 billion every year taken from older Americans.

But the statistics only tell a fraction of the story because the fact is only 1 out of every 44 incidents of financial abuse is reported. Mr. President, 43 out of 44 incidents are not reported. In fact, 15,000 of all incidents of abuse, 22 out of 23 are unreported. And the reasons are diverse. They may be because of shame, embarrassment. In fact, one of the most common reasons for underreporting is that the victim is related to the perpetrator.

Sadly, shamefully, tragically, all too many victims of elder abuse suffer at the hands of relatives. It may be a daughter or son. It may be a brother or sister. All too often they are victims at the hands of caregivers who are entrusted with their care, literally in positions of trust for people who may suffer physically from debilitating illnesses or from dementia or other kinds of afflictions. So this is among our most vulnerable, and we must take stronger steps to protect them.

As attorney general, I sought to lead such efforts. In fact, Connecticut now has stronger measures against elder abuse, such as more thorough background checks as a result of these initiatives.

As a member of the Committee on Aging, I held a hearing in Hartford very recently to document this spreading epidemic, and this is all of us—all of our relatives, all of our friends. It cuts across all lines of geography, race, gender, even income group. So this epidemic must be stopped.

That is why this resolution is important in calling attention to the problem. The President’s proclamation enhances awareness, and I thank my colleagues for their continued effort and their involvement in this cause.

The fact is required at the end of the day is more resources—more resources for law enforcement authorities who have such a critical role in protecting...
those who suffer from it, and deterring those who would commit it, and having partnerships among State, local, and Federal authorities. Those partnerships must seek out and encourage greater reporting so that efforts can be taken to stop and deter it.

I will continue this battle. I thank my colleagues for joining me and for agreeing to this resolution and for demonstrating that we care. We care as a body and as an institution. It is not a Republican or Democratic issue. It is truly bipartisan because this generation has worked hard, accumulated savings, counted on security, and is depending on us, trusting us for their safety. We know the number in this age group will only grow—in fact, double—within the next years. That is why we must address it. I thank, again, my colleagues for doing so.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

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

EXECUTIVE SESSION

NOMINATION OF MARI CARMEN APONTE TO BE AMBASSADOR EXTRAORDINARY AND PLeni-POTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session.

The motion to proceed to the motion to reconsider the vote by which cloture was not invoked on Executive Calendar No. 501 is agreed to, the motion to reconsider is agreed to, and there will now be 30 minutes of debate equally divided in the usual form.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I have come to the floor to address and advocate for the nomination of an extraordinary woman, a qualified, talented Latina, Mari Carmen Aponte, to be the U.S. Ambassador to El Salvador.

Over 2 years ago I first chaired the nomination hearing for Ambassador Aponte to serve as President Obama’s Ambassador to El Salvador, to San Salvador. The reality is that as a member of the Senate Foreign Relations Committee, I found her to be an exceptional candidate. Last November I chaired yet another hearing for Ambassador Aponte, and then last December this Chamber met to vote on her confirmation. In addition to last year’s vote, the Senate Foreign Relations Committee held a series of meetings to consider her nomination. Frankly, I have not seen any nominee forced to go through such an arduous and drawn-out confirmation process as Ms. Aponte.

Let me talk about her record. Mari Carmen Aponte is a respected American diplomat who has been on the job and has served this Nation with distraction. Her nomination for the Ambassador to El Salvador was sworn in as the U.S. Ambassador to El Salvador, she impressed the diplomatic establishment with her professionalism and won the respect of parties both on the right and the left in El Salvador. She has won the respect of civilian and military forces. She has won the respect of the public and private sectors. She has won everyone’s support and fostered a strong U.S.-Salvadorian bilateral relation that culminated with President Obama announcing El Salvador as one of only four countries in the world and the only country in Latin America that chose to participate in the Partnership for Growth Initiative.

Most importantly, Ambassador Aponte has been an advocate for American national security and democratic values. As a result of her advocacy, El Salvador is again a key ally in Central America. Its troops were the only ones from a Latin American country fighting alongside American troops in both Iraq and Afghanistan.

As a result of her negotiating skills, the United States and El Salvador will open a new jointly funded electronic monitoring center that will be an invaluable tool in fighting transnational crime.

Before that period of time in which she had a recess appointment, Ambassador Aponte had been the Executive Director of the Puerto Rican Federal Affairs Administration. In 2001 she had served as a director at the National Council of La Raza, the Puerto Rican Legal Defense and Education Fund. She presided over the Hispanic Bar Association of the District of Columbia and the Hispanic National Bar Association.

This is a record of success. It is a record of honor. It is a record of diplomatic and political distinction. It is a record of a dedicated, qualified, experienced, and engaged American diplomat, a 15-month record that brought our nations together. What more could we ask? What more should we ask?

Finally, I will simply say that I believe the statements that have been made by some against Ambassador Aponte are baseless. As someone who personally reviewed her record, as someone who personally looked at all of the files, I believe there is absolutely nothing to prevent Ambassador Aponte from being confirmed by the Senate. It is my hope, with having had the whole history of her tremendous service and all of the issues vetted, that today the Senate will take a vote that will confirm an incredibly qualified person who has a long history of service and success in the Hispanic community in this country, to our Nation, and who did an exceptional job in the 15 months she was appointed by President Obama during a recess appointment as the Ambassador to El Salvador. She served the national interests and security of the United States very well.

We have had an incredible period of time in which we have had the Ambassador confirmed there. That sends the wrong message to a country that is willing to embrace its relationship with the United States in Central America, in the midst of other countries that are not as friendly to the United States. We need to confirm an Ambassador, send her there, and have her continue the work she was doing.

I ask unanimous consent that any time in which there is a quorum call be equally divided against both sides.

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

Mr. KERRY. Madam President, I rise to speak about Mari Carmen Aponte, the President’s nominee to be Ambassador to El Salvador.

Those of us who have had the privilege of being here for some period of time—Senator INOUYE has been here almost 50 years; I have been here for 27; Senators LEAHY, LUGAR, BAUCUS, and others have also served for a significant period of time. Brief as my stay has been, never have I seen this institution behaving as it does today.

Certainly, ideology isn’t new to the American political arena and ideology isn’t unhealthy. But in a Senate where the extraordinary measure of a filibuster has become an ordinary expedience, where Senate procedure is used as a political tool to undermine almost every proposal by the President and his Democratic colleagues, I think we all need to take a long, hard look at our priorities.

One priority that is staring us in the face is to work for the swift confirmation of Ms. Aponte. El Salvador has been without a U.S. Ambassador for 5 months. And I would ask colleagues how does this serve our national security or economic interests? El Salvador is the only Latin American country to send troops to Afghanistan. It is an increasingly important partner on counternarcotics and trade. Right now, more than 300 U.S. companies are operating on its soil. Bottom line: We are long overdue in bringing Ms. Aponte’s nomination to a vote on the floor.

I have said before—and I repeat today—that the Senate must hold Ms. Aponte hostage to the partisan in-fighting that has consumed our politics. It should allow her the right to a full appointment as Ambassador, given the commendable job she has already done in that capacity.

Let’s review the facts because I think there has been some confusion here. Ms. Aponte has already received three high-level security clearances from national security experts in our government. Let me repeat. After three separate thorough reviews, our national security experts gave Ms. Aponte the green light to represent our country.
We have been down this road many times. Senators have reviewed Ms. Aponte’s FBI file for themselves. Along with the administration, I have sought repeatedly and in good faith to address the concerns of some of my colleagues. The administration even offered high-level briefings, but their offers were repeatedly and in good faith to address the concerns of some of my colleagues. Prior to serving as Ambassador, she was a practicing attorney for over 30 years. She has been a proud champion of Hispanics in the United States and is a highly respected leader within the Puerto Rican community on the mainland.

Ms. Aponte served a recess appointment as Ambassador to El Salvador until the end of the last congressional session. During her approximately 16-month tenure, Ms. Aponte served our country with distinction. She did a tremendous job negotiating an agreement with the Salvadoran Government to open a new bilateral initiative to fight transnational crime. She aggressively promoted initiatives to remove constraints on economic growth in El Salvador to build consensus not only between the United States and El Salvador, but will also continue to collaborate towards the strengthening of our institutions and will support the ongoing development process of our country.

But you don’t need to take my word for it. Just ask the eight former Foreign Ministers from El Salvador who wrote to the Foreign Relations Committee in support of her nomination. Their position on Ms. Aponte is crystal clear:

Her endeavors are very valued in all segments of political, social, and economic centers. There is no doubt that Ambassador Aponte has done a lot of heavy lifting to get her nomination. She reached an agreement with the Salvadoran Government to deploy troops to Afghanistan. El Salvador.

I couldn’t agree more.

Mr. President: Thomas Jefferson used to say that he could “never fear that things will go far wrong where common sense has fair play.” Ms. Aponte has already demonstrated that she was a superb Ambassador to El Salvador. She deserves to be sent back, where she will represent our country with distinction. All we need to do now is allow our narrow interests to yield to the national interest and give common sense fair play.

I ask unanimous consent to have the letter to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SAN SALVADOR, November 11, 2011.

Hon. RICHARD LUGAR, U.S. Senator, Senate Foreign Relations Committee, Washington, DC.

Hon. JOHN KERRY, U.S. Senator, Senate Foreign Relations Committee, Washington, DC.

His Excellency Tomás Regalado, undersigned are all former Ministers of Foreign Relations of the Republic of El Salvador, covering various Administrations lead by different political parties until 2009. We write this letter in support of the confirmation of Mari Carmen Aponte as United States Ambassador to El Salvador. As experienced diplomats, we have closely watched Ambassador Aponte’s work since her arrival. She came to El Salvador at a critical, delicate and politically complicated time. With the first FMLN government in power after the armed conflict, there was uncertainty as to which direction the country would take. Ambassador Aponte immediately commenced an even-handed and balanced approach, reaching out to all sides of the political spectrum. Systematically, she gained key players’ trust and since then, has consistently brought the government, private sector and civil society to the table on a myriad of issues, and has worked to cement respect and confidence Ambassador Aponte enjoys in our country. Her endeavors are very valued in all segments of political, social, and economic centers. There is no doubt that Ambassador Aponte has done a lot of heavy lifting to get her nomination. She reached an agreement with the Salvadoran Government to deploy troops to Afghanistan. El Salvador.

I wish to express my appreciation to my Republican colleagues who dropped their unwarranted opposition and will help us confirm this well-qualified nominee. I am sorry for her and the country that El Salvador has been without someone doing advocacy for our country within El Salvador. That will not happen anymore. She will be able to go to work tomorrow.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MENENDEZ. 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. MENENDEZ. Madam President, I ask unanimous consent to speak in the remaining time before the vote.

Mr. MENENDEZ. Madam President, we are about to vote—what I hope will be a positive vote—to send a message to the people of El Salvador that we appreciate their positive engagement with the United States, at a time in which many Central and Latin American countries have taken a different view.

This is a country that has been engaged with us on the whole issue of narcotic trafficking and has sent their sons and daughters to fight alongside us, and they have shown a willingness to engage in democracy and the rule of law.

We have an incredibly qualified American of Latina descent, Mari Carmen Aponte. She is someone who has served with distinction for 15 months. I
assume the absence of voices to the contrary in the Chamber up to this time speaks volumes of the process we have had and the opportunity in which we are about to engage.

It is my hope that we will see a strong bipartisan vote on behalf of Ambassador Aponte and send her back to El Salvador to get back to work for the United States and our collective interests.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The bill clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

All time has expired.

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Mari Carmen Aponte, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador, hereby move to bring to a close debate on the nomination of Mari Carmen Aponte, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Harry Reid, John F. Kerry, Barbara Boxer, Patrick J. Leahy, Patty Murray, John D. Rockefeller IV, Jeff Bingaman, Harry Reid, John F. Kerry, Barbara Boxer, Patrick J. Leahy, Patty Murray, John D. Rockefeller IV, Jeff Bingaman, Tim Johnson, Robert Menendez, Daniel K. Inouye, Max Baucus, Charles E. Schumer, Mark Udall, Michael F. Bennet, Al Franken.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Upon reconsideration, is it the sense of the Senate that the order on the nomination of Mari Carmen Aponte, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador, be recommittal to the Committee on Foreign Relations?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. Kirk).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 62, nays 37, as follows:

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The result was announced—yeas 62, nays 37, as follows:

[Rollcall Vote No. 121 Ex.]

YEAS—62

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CONGRESSIONAL RECORD — SENATE
June 14, 2012

passengers with me, I was going by the controllers. This is what you do not have to do but I always do for safety purposes. I went through the Corpus Christi approach control. He handed me off to the Valley approach control. I was going into a field that was uncontaminated. So in the case of the Valley approach control. They are watching on a screen, and they have all the information they need to direct you and authorize you to do things. They are looking for traffic and you are squawking, so they have to decide exactly where you are, how high you are, and all the things that are happening. Again, you don't have to do that. On this day in October, a year ago October, I did not have to do it, but I did it anyway.

As I approached—the wind is always out of the south down there. The runway is 1–3—that coordinates with 130 degrees. When I was on about—I would have to go back and listen again to the recording. At 2–3 mile final to runway 1–3, the controller said: Twin Cessna 115 echo alpha, you are cleared to land runway 1–3.

When you do this, you dirty up your plane so you can land. This happens to be a pretty simple twin-engine airplane; you have to let the flaps down and gears down and all that stuff. You get to the point, if you have a full plane, beyond which you cannot go around. When I came in to make a landing, I did not come down the runway because it was not very prominent, but nevertheless there was one there. But there were some workers on the far east side of the runway. This was a 8,000- or 9,000-foot runway. I only needed 2,000 or 3,000 feet. So I went over the workers and I landed. Immediately they got upset that I landed.

A lot of people, because I am a Member of the U.S. Senate, started calling the New York Times and the Washington Post. They had a wonderful time with this. I started looking at it and talking to the people who do the enforcement action. I have to say they were good, and they were responding to a lot of hysterical people, frankly, who did not like me. So they came with an enforcement action against me which merely was to go around the pattern with a CFI, a flight instructor. So I did this. I am also a flight instructor. I had given him his license, as a matter of fact. I went through this procedure, and everything was fine. However, the problem was this: I was denied access to the information they were going to use against me. When I told them that I was cleared to land by the controller, it took me, a U.S. Senator, 4 months to get the voice recording to prove I was right.

Second, there is a thing called Notices to Airmen, NOTAMS are supposed to be published every time there is work on a runway. People are supposed to see those NOTAMS. You look through your resources, as I always do, to see if there are NOTAMS on the runways where I land. When I go back on
weekends, normally I will fly—gosh, I will be at five or six different towns, but I look up the NOTAMS on all the towns. I had done that. There were no NOTAMS on Cameron County Airport. We checked afterward. We could never find out; they say there were NOTAMS now. So, No. 1. I was clear to land, and No. 2, there were no NOTAMS that were published.

What they could have done—they could have very well done is taken my license. It doesn't mean there were people who are listening to me right now because you are not pilots, but it means a lot to the 400,000 members of the AOPA who are watching us right now and to the 175,000 general aviation pilots with the EAA, Experimental Aircraft Association, who are watching us right now. They know that they, at the whim of one bureaucrat, could lose their licenses.

Anyway, come back and drafted legislation. I have to say this was way back a year ago now—July 6 of 2011. I introduced a bill with 25 cosponsors that would do three things:

No. 1, it would let the accused have access to all relevant evidence within 30 days prior to a decision to proceed with an enforcement action.

No. 2, it would allow the accused to have access to the Federal courts. As it is right now, the National Transportation Safety Board, it goes to them, and they rubberstamp whatever the FAA does. In fiscal year 2010, there were 61 appeals, and of those only 5 were reversed. Of the 24 petitions in 2010 for emergency terminations, only 1 was granted and 23 were denied. It is a rubberstamp. Everybody knows it. Ask any pilot you can find, and they will tell you that is what it is.

This way, they would have access to the Federal courts. It is not going to happen because I can assure you, that inspector in the field, the enforcement officer in the field is not going to put his reputation on the line knowing that it is going to be looking at it with a sense of fairness. The district court doesn't have to know anything about piloting an airplane, it is just a fairness issue.

In my case, they would have looked at this and said: Wait, you are cleared to land by the FAA, and there are no NOTAMS published. What did you do wrong?

I did nothing wrong.

There would make sure flight station communications are available to all airmen. They are supposed to be. But if it took me 4 months—and I am a U.S. Senator—to get a voice recording to show I was cleared to land at this airport, about somebody who is not a Senator? What about somebody who would be intimidated to the point he would lose his license?

The second thing this does is it forces the NOTAMS—Notices to Airmen—to be put in a place where they are visible, a central location.

The third thing. If you talk to the aircraft owners and the pilots association, of all the problems that they get called to their attention, 28 percent of all the requests for assistance received by them relate to the medical certification process. In other words, some- one might lose his medical and then find himself at a loss of physical problem and wants to get it back, and he gets it back. However, if he happens to live in a different town and there are hundreds of doctors around to do this, there is no uniformity to it.

So it seems helps facilitate setting up a process by having general aviation, having the FAA, having the NTSB, having anyone who is relevant and interested in this to look at and coordinate the medical certification process.

That is essentially it. I am prepared to go into a lot of detail. I know I now have 66 cosponsors in this body. I could have had a lot more; we quit after we got two. This is based on everyone knows that is normally what you do. I do know we may have one objection to this unanimous consent request, but I am going to make it now.

As in legislative session, I ask unanimous consent to proceed to the immediate consideration of Calendar No. 422, S. 3268, that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Is there objection? The Senator from West Virginia.

MR. ROCKEFELLER. Madam President, reserving the right to object, first of all, I know this bill is very important to the Senator who is offering it. I understand that, and I respect the Senator. He is a good Senator. But my objection is not based so much on what he said, but I think in the whole concept of public safety.

This is about public safety. We should not have to worry that poten- tially unqualified pilots are in the air. We have so many tens of thousands of airplanes in the air every hour of every day. This bill would create a process which would be new which could result in the Federal Government being un- able to pursue enforcement action be- cause of the limited resources. It is a fact of life these days. FAA has to cut way back. We are having to address other mandated priorities which are perhaps more important than this one. That could very well mean that the FAA would rubberstamp the National Transportation Safety Board, which are ultimately responsible for making decisions about whether pilots have violated aviation regulations, could be barred from taking actions to prevent this dangerous situation from occurring. That is heavy water. That could have very serious safety consequences.

According to the FAA, in some cases which would typically warrant revoca- tion of a pilot's license, some unquali- fied pilots would be able to avoid losing their certificates by avoiding FAA prosecution of the matter before the NTSB.

This bill, in closing, would stand the FAA's enforcement structure on its head. As a result, I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

Mr. INHOFE. Let me respond. This in no way has anything to do with safety because we are talking about an arbitrator is the FAA. That is not what this is about at all. When we have had a chance to talk, as we have to almost all the Senators in this body, we have talked about safety. We bounced that off many people. We are looking at Oshkosh about safety. I had the air traffic controllers support me on this. They are the ones concerned with safe- ty.

I would say I don't agree with the argument, but I respect the Senator from West Virginia.

The PRESIDING OFFICER (Mrs. McCaskill). The Senator from Texas?

Mrs. HUTCHISON. Madam President, I too object, along with Senator ROCKEFELLER. I have been on the National Transportation Safety Board, and I have seen all the kinds of cases that are pilots' license revocations and the NTSB process for appeals of those. I understand Senator INHOFE's expla- nation for what happened with him and that he is in somewhat of a disagree- ment with some of the reporting of that incident.

I also understand the Senator from Oklahoma's long-time record of being a pilot, and I respect that very much, but I am afraid that what he is not taking into consideration is most certainly a safety issue.

We have tasked the FAA with air safety, and we have given them the re- sponsibility for revoking pilots' li- censes when there is a need to do that in their opinion, whether it be for a violation of landing on a runway that has an X, which pilots know means that runway cannot be used at that time.

As happened with Senator INHOFE's case, he is saying that he had a clear- ance, but the X was there and the FAA cited him for that. They did not revoke his pilot's license at all, yet he is coming forward with a bill that not only addresses some of his legitimate con- cerns, which I agree with. The FAA's expertise and its mission, which is given to it by Congress, is to provide for safety and to revoke a private pi- lot's license or commercial pilot's li- cense or aviation mechanic's license. Senator INHOFE's bill that would allow pilots to not have to go through the ap- pellate process with the National Transportation Safety Board, which is the appellate authority, which also has the expertise and experience to know when a revocation would be question- able or if the FAA was right. They have the pilots, they have the expertise to determine. After the NTSB appeal, they then have the right to go to Federal court if they so choose.
What Senator INHOFE’s bill does is take away the NTSB portion of the appeals process. Let me say that I have offered to Senator INHOFE—because he knew I objected to this bill—to do everything in his bill that he has addressed, including the openness, the requirements for fairness, and that the FAA would grant the pilot all the relevant evidence in 30 days prior to a decision, that it would clarify the statutory deference as it relates to NTSB. NTSB is not a rubberstamp at all. It has been very fair with their expertise. The FAA has the responsibility for aviation safety. Requiring the FAA to undertake a notice to the Airmen Improvement Program, I think, is certainly legitimate. Making flight service station communications available to all airmen is a legitimate piece of this legislation.

What I object to and have asked Senator INHOFE to let us work together to do is not to bypass NTSB, but to let the appeals process go forward. And then at the end, if there is still a feeling of unfairness on the part of the pilot, that they would have access to the Federal courts. They can do that now.

So I think Senator INHOFE insisting on bypassing NTSB is holding up the good parts of his bill because it is very important, in my opinion, that we keep the expertise for safety in the skies where it is, in the FAA, the NTSB, and then at the Federal courts if rights are violated.

In 2011, the NTSB had 350 appeal cases for administrative law judges and the number was similar in 2010. Cases are typically disposed of in 90 to 120 days, so there is not a long lag time in which the pilot does not have the access to his or her license. The NTSB held 62 appeals hearings in 2011 and 36 cases went to the full board. The breakdown of the cases was private pilots, 48 percent; commercial pilots, 20 percent; mechanics or avionics technicians, 13 percent; professional pilots, 6 percent; air carriers, 8 percent; and medical with 25 percent.

Senator ROCKETT and I, as the relevant chairman and ranking member on the Commerce Committee, have agreed to have a hearing on Senator INHOFE’s bill so that this can be fully vetted, and most certainly I have on many occasions offered to work with Senator INHOFE to get the notification requirements in place, the openness requirements—every part of his bill that would require reforms of the process for fairness to the pilots—I would agree with and work to help him pass. But I think taking out the NTSB and going directly to Federal courts is not necessary, and I think it will hurt aviation safety.

I also believe that a different, extraneous issue is that our Federal courts are pretty clogged already and the Federal courts do not have enough active pilots’ licenses, or their staff clerkship rolls, to a great extent. Maybe they happen to be. But they don’t have the familiarity with the requirements of FAA and the issues that FAA looks at, and they do have access to Federal courts in the end anyway. But I think the NTSB part is important so that the experienced pilots in the NTSB have the appellate authority, as they do now, to decipher what happened with the FAA. NTSB is not accused of to the district court to land and you have a sophisticated plane that is full of passengers, there is a point beyond which you can’t go in procedural terms, when needed to mak-ing a go-around. Obviously it wasn’t necessary because I had 7,000 empty feet to come around, but that is not important because that is not the issue.

I recognize and respect Senator HUTCHISON in the fact that she was on the NTSB, and I know that obviously is meaningful to her, as it is to Senator ROCKETT. What we are dealing with here is we have a committee—and I have a lot of respect for the committee for which Senator ROCKETT is the chairman and Senator HUTCHISON is the ranking member, and this committee is the committee of jurisdiction. Now, what did I do? I introduced this bill a year ago. I talked about it. We had 25 cosponsors at that time. We had endorsements from all over the country. We had the National Air Traffic Controllers Association come in. We wanted to talk to people. Again, we sent a letter to the Commerce Committee that Senator HUTCHISON was on at that time requesting a hearing. We had 32 cosponsors signing that letter, requesting a hearing, some of which were in the Commerce Committee that thing happened.

On September 20, as the months go by, we made more requests. We talked about this, and every time they said we are going to be doing this. You finally get to the point where you have to go ahead and do it. And that is why we have a rule XIV. I am not a Parlia-mentarian, and I don’t know exactly how things work.

I remember I had experience with this when I worked in the House of Representatives, that when something is bogged up in a committee we had what is called the discharge petition reform of 1994. It was considered by the Wall Street Journal, or perhaps Business Daily, as the single greatest reform in the history of the U.S. House of Representatives. It addressed this same thing. It is a way of bottlenecking bills in committees so they could never have hearings and never be able to get on the floor for a vote. This petition reform became a reality, and now the light is shining and everything is great.

But when you have been trying to get a hearing before a committee for a year and you have 66 cosponsors, you have to resort to whatever is out there available to you for a remedy. That remedy happens to be rule XIV. Rule XIV will allow me to do this, and with the two people holding the bill up, Senator ROCKETT and Senator HUTCHISON, I will have no choice but to file cloture and to go ahead and get a vote on this bill, recognizing it takes a supermajority when you file cloture. So I would do that.

I didn’t think I would get into this or need to enter it into the RECORD. I have an article which I will find here and will submit for the RECORD. I think it is very important. It goes into detailed documentary cases where they have been unable to get fairness through this system.

How many cases would ultimately go to the district court? I think very few. The idea that there is going to be an opportunity for a pilot to take what he is accused of to the district court to see it in a sense of fairness has nothing to do with how many pilots are sitting out on this district court. It is a sense of fairness, and that is what they deal with. The people in the district court system don’t have expertise in all of these areas, but they can look at fairness. And I can tell you in my case, if they had looked at that and said, wait a minute, the FAA has cleared him to land and there are no NOTAMs published, he didn’t do anything wrong. It finally gets to the point—and I have been very patient. I have waited a whole year for this and finally I have come to the point where I have flat given up, so I decided that we are going to have to do it this way since it is clearly the will of the Senate to pass this legislation.

So, with that, I have some things I want to have printed in the RECORD. First of all, I have the sequence of events, the request that we made of the Commerce Committee to hear this legis-lation.

I have an article that was in Pilot magazine by John Yodice, who is counsel, as the single foremost legal authority in this area.

Madam President, I ask unanimous consent to have both items printed in the RECORD.
The Pilot's Bill of Rights does three

The pilot's defense that the security
procedure is unique, complex, and ambigu-
ous. Apparently the board could not bring
itself to acknowledge that there could be
something wrong with a rule that is uninten-
tionally violated by thousands of otherwise
law-abiding and safety-conscious pilots.

The pilot timely filed a report with NASA
under ASRP that should have entitled him
to a waiver of the 30-day suspension. Most pi-
lots that have been granted waivers have
been granted waivers. The board, al-
though conceding that the pilot raised this
issue in his reply to the FAA's motion for
summary judgment, denied the waiver.

The NTSB has written out of the rule the
phrase "entitled to a waiver under ASRP.

Mr. INHOFE. He talks about the de-
cision of the current NTSB calls into
question its fairness and impartiality in
pilot appeals. He talks about all the
notices that have gone out and the
problems they have had with this.

Mr. INHOFE. He talks about the de-
cision of the current NTSB calls into
question its fairness and impartiality in
pilot appeals. He talks about all the
notices that have gone out and the
problems they have had with this.
I would love to have a hearing and have all the witnesses he would put forward to get an objective look at what this would do to taking the expertise and the mission from FAA and allow it to be bypassed at the NTSB level and go to the courts where there is not the experience and the aviation safety mission that is well protected today.

I hope we can work together on this. I understand the Senator’s frustration, but I don’t think this is the right solution to what happened to him with one incident.

Mr. INHOFE. First of all, I am not aware that I was offered a hearing. But let me make sure I have in the RECORD, and I ask unanimous consent to have printed in the RECORD a letter dated September 15, 2011, which was 9 months ago, signed by 32 Members of this Senate, including the occupier of the chair right now, the Senator from West Virginia.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U. S. Senate.
Washington, D. C., September 15, 2011.

John D. Rockefeller,
Chairman, Senate Committee on Commerce, Science, and Transportation, Dirksen Senate Office Building, Washington, DC.

Dear Chairman Rockefeller and Ranking Member Hatch;

I have grave concerns about the FAA’s proposed changes in the Notice to Airmen System, the process by which Notices to Airmen are provided by the FAA to alert air traffic controllers to potential hazards. This system is the primary means through which non-profit general aviation groups, aviation medical examiners, and other qualified medical experts will make up an advisory panel to advise the Administrator again giving the right people a voice in the committee pigeonholes to get a hearing. I just flat gave up. That is why we have this rule.

I will be looking forward to taking the next steps. I know there are a lot of people out there who want to have this type of conversation, to get the facts out to the United States of America, the same as every other citizen enjoys.

With that, I appreciate the patience of my colleagues, because I know we have other business, and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts.

I rise to speak as in morning business. The PREFERRING PETITIONER. Without objection, it is so ordered.

ENDING VETERAN HOUSING DISCRIMINATION

Mr. BROWN of Massachusetts. Mr. President, I rise to discuss a terrible shortcoming in our housing discrimination laws and legislation which I have introduced and which I encourage the Presiding Officer to sign on to.

Last week, the Boston Herald reported that a veteran of Iraq and Afghanistan had been forced to file suit in Massachusetts because a political activist had denied him housing, alleging his military background, claiming the situation would be “uncomfortable.”

This brave veteran brought his fight to the press and to the courts of Massachusetts, where State law makes it illegal to discriminate against veterans who are seeking housing. In Massachusetts, that is, in fact, the law. It is illegal. When I read this, I was angry, as I know the kind of person I would be angry if it happened in his State. That this could happen today is mind-boggling. So my staff and I started working to see what we could do to right this wrong and see if it was something that was systemic and went beyond the Massachusetts law. We started digging into this issue and found that when it comes to housing, it is apparently not illegal—let me repeat that, it is apparently not illegal—under Federal law to discriminate against a veteran or a member of our Armed Forces on the basis of their brave service to our Nation.

Back when I was a State senator and State representative in Massachusetts, at the statehouse, we took action, as I referenced, to ensure veterans are protected, whether it is a welcome home bonus for first-and second-time soldiers who have served, antidiscrimination reemployment or educational benefits. I could go on and on. Quite frankly, I think Massachusetts does it better than any other State in the country. So it came as a surprise to learn that fewer than one-half dozen States have similar protections. With tens of thousands of veterans returning home in the next few years, the size of our Armed Forces actually shrinking dramatically, now is clearly the time to fix the problem. I know the Presiding Officer as well does not want to hear more stories such as this one because I recognize how important that issue is for the Presiding Officer.

No one who puts on the uniform of our Nation and serves should be faced with discrimination. There is no one who should ever face that discrimination and they are not a roof over their head and the heads of their family. The idea that anyone would deny a home to someone who has put their life on the line for our freedom is, quite frankly, un-American. It should be condemned by every Member of this body.

In order to understand today’s problem, however, we must go back to 1968, when I was 9 years old, when one of my predecessors, Senator Edward Brooke, a first-term legislator from the State of Massachusetts—a gentleman whom I still speak with—helped author the Fair Housing Act which was signed into law by then-President Johnson. That civil rights legislation broke new ground by banning housing discrimination on the basis of race, color, religion or national origin. Another great Senator from Massachusetts, Senator Ted Kennedy, joined Senator Brooke in urging the bipartisan passage of that very important piece of legislation.

In 1978, the Presiding Officer, Senator Bill Brock of Tennessee amended the act to prevent housing discrimination on the basis of
gender. Then, in 1988, Senator Kennedy extended the act’s protections to those Americans with disabilities and families with children. Both of these expansions received broad bipartisan support and were actually signed into law.

As Senator Brooke said 44 years ago:

Painful as political issues are as we make it one by the nature of our debate. It is purely and simply a matter of equal justice for all Americans.

Well said by Senator Brooke 44 years ago.

Fair housing has a bipartisan history and we have a chance to do it again. We can do it by protecting two additional groups from housing discrimination. My Ending Housing Discrimination Against Servicemembers and Veterans Act, S. 3263, is needed and it is needed right now. It amends the Fair Housing Act to protect veterans and servicemembers from housing discrimination.

By passing this bill right away, the Senate can say affirmatively and immediately that veterans and servicemembers deserve the same rights to housing as anyone else. This is a no-brainer. The Commander in Chief of the Veterans of Foreign Wars of the United States has endorsed my bill, as referenced for people looking on, saying:

Senator Brown’s work to protect service members and veterans from housing discrimination is very positive. It is unscionable that members of our military and veterans should feel not being able to rent or buy a home because of their status as a veteran.

This bill will correct the issue. By passing this bill right away, we can, once again, say to those veterans and servicemembers that they have our pride and respect. We need the action right now. No veteran or servicemember should ever face the indignity of being denied housing solely on the basis of their service.

The Fair Housing Act of 1968 and Senator Kennedy’s amendments in 1988 passed with overwhelming support. We should be able to do the same. I urge all my colleagues to cosponsor this important piece of legislation and work for its immediate and unanimous passage. It is time to fix this shortcoming in our Nation’s housing laws and it is, quite frankly, the right thing to do.

I would like to also take this opportunity to wish Senator Menendez a very happy 237th birthday. I was honored to go to the cake-cutting last night and honor those who have done so much for our great country.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I yield back all postcloture time on the nomination of Mari Carmen Aponte.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador?

The nomination was confirmed.

Mr. REID. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that President Obama be immediately notified of the Senate’s action and the Senate then resume legislative session.

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

LEGISLATIVE SESSION

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

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED—Continued

Mr. REID. Mr. President, very quickly, that was the last vote today. It appears we will have no votes tomorrow. But Senator Stabenow and Senator Roberts are working very diligently to come up with an agreement on the farm bill. We are going to have a vote Monday evening. We have not decided exactly what that will be on. We have a number of different alternatives. But we hope we can have common sense prevail and be able to come up with an agreement, if for no other reason than to recognize the hard work of the two managers of this bill.

It is so important we get this done. There are issues we are going to vote on, one of which Senator Kerry will talk about. There are relevant amendments. We have a lot of them. We will agree to vote on those. We are trying to work out also the nonrelevant amendments, and we are not there yet.

The PRESIDING OFFICER. The Senator from Massachusetts, for the purpose ofinquiring into the nomination of Joan M. Aponte.

APONTE NOMINATION

Mr. KERRY. Mr. President, I am grateful we finally have been able to get the nomination of Mari Aponte confirmed. I thank Senator Menendez for managing for me.

I thank our colleagues in the Senate for finally giving our nominee in place and confirming her to be the Ambassador to El Salvador. I think it is long overdue. She will do a terrific job, and I am grateful to colleagues that we finally have, in fact, confirmed this nomination.

Mr. President, I understand I can proceed as in morning business.

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

AGRICULTURE REFORM

Mr. KERRY. Mr. President, I will do so, but I will speak with respect to an amendment on the farm bill for when we get back to that.

I wish to call to the attention of my colleagues the fact that in 2008, the farm bill’s conference inserted a provision that transfers authority of the regulation of catfish, but only catfish—it was the only particular item singled out to be transferred—from the Food and Drug Administration to the U.S. Department of Agriculture. The provision was not debated. It was one of those things that, as we all know, people have increasingly gotten incensed about in the public as well as around here, in the Congress itself.

Because it was transferred over to the U.S. Department of Agriculture, the USDA subsequently issued a proposal in order to carry out the new mandate it had been given to regulate catfish. But that proposal has remained, and properly so, stalled in the regulatory process. I say “properly so” because it serves no public interest, it is costly for taxpayers, and it is duplicative and confrontational with other entities that are engaged in that kind of oversight. As a result, it will invite trade retaliation abroad and put us on a slippery slope of sort of excessive regulatory conflict.

Senator McCain and I have joined together, along with a bipartisan group of our colleagues, to offer an amendment, amendment No. 2199, to repeal the 2008 catfish language. If we don’t repeal it, the USDA is going to try to continue to proceed forward in this regulatory train wreck.

Let me give a little background. In February of 2011, the GAO cited the proposed catfish regulatory program—cited it as part of its report on those programs that were at high risk for waste, fraud, and abuse. Then, in March of 2011, the GAO again called this program duplicative as part of a totally separate report. Then, just last month, the GAO produced an extensive and detailed analysis of why this program is not only duplicative but why it would have no food safety benefit. If it is not going to have any food safety benefit, it is costly, it is duplicative, the obvious question for all of us is: Why? What is going on here?

All of us care about jobs in our communities. Every State is always trying to find a way to try to guarantee that the jobs it has are protected and that it is creating more jobs. We all understand that. So I don’t have any animus against any particular Senator fighting to get it right. But in this case, a number of catfish producers in the South managed to get protection that takes care of them but hurts a lot of other folks in a lot of other parts of the country. So it may be good for catfish producers in a few places in the South, but it is bad for consumers in the United States generally because it raises costs, and it is very bad for seafood processors and for communities, in my State among others, but in other States in the country on the west coast and the east coast. They are employed in my State that would like to process and distribute products that come from various other places, including abroad, and they
ought to be able to do so in a free market, in an open market that is not protected and chopped up and diced and sliced in order to protect people inappropriately. Playing protectionist games with the rules and regulations and agencies is bad public policy.

It is bad economic policy, particularly, and it is an invitation to our trading partners to do the same thing. And when they do it, we complain about it, and rightfully.

As the Senator from Illinois, the chairman of the Finance Committee, has pointed out:

U.S. agricultural products, including safe, high-quality Montana beef, face unscientific trade restrictions in many important markets. If we expect other countries to follow the rules and drop these restrictions, it is critical that we play by the rules and do not block imports for arbitrary and unscientific reasons.

That is exactly what we are trying to undo with the amendment Senator McCAIN and I are bringing to the farm bill. But as we all know, this bad fish is codified in 2008 has not yet become an active program is that—get this, Mr. President—the bill did not define the word “catfish.” So as a result, for the last 4 years, lawyers, lobbyists, public relations firms, foreign governments, legislators, and multiple Cabinet officials have engaged in a definitional debate over what qualifies a fish to be called a catfish and, subsequently, fall into this new regime.

Well, it turns out that whether a fish is or is not a catfish is something that experts can actually debate for hours, believe it or not. It also turns out it does not matter because, according to the GAO, the FDA ought to retain jurisdiction over all fish, catfish and non-catfish alike, and that is the simplest solution.

As I mentioned, apparently, you can debate forever about what kind of fish it is, and that is exactly what has been going on, as to whether it constitutes being a catfish. This is very simple. The GAO put out a report in May of this year, and in the report the GAO could not have been more clear. They made it about as simple as they could in their statement, saying:

Responsibility for Inspecting Catfish Should Not Be Assigned to USDA.

A simple sentence. GAO, as we all know, gives nonpolitical assessments, is a watchdog, if you will, for the actions here in the Congress. In that report, they state:

The proposed program essentially mirrors the catfish oversight efforts already underway by FDA and the National Marine Fisheries Service. Furthermore, since FDA introduced the requirements for seafood processing facilities, including catfish facilities, in 1997, no outbreaks of illnesses caused by Salmoneila contamination of catfish have been reported. Consequently, if implemented, the catfish inspection program would likely not enhance the safety of catfish but would duplicate FDA and NMFS (National Marine Service) inspections at a cost to taxpayers.

So I think that is pretty clear-cut. We need to repeal the 2008 farm bill language related to catfish. We need to let the American consumer decide from all of the safe food options that exist, let them decide what they want to consume. And, obviously, we have nothing specifically against catfish per se in any part of this country, and particularly, jobs. We want to keep the jobs.

But they should not come at the expense of another part of the country, setting up a duplicative, completely wasteful, taxpayer-expenditure-duplication program.

Mr. President, in addition to that, I want to say a quick word about another amendment Senator MURKOWSKI and I are sponsoring—my colleague, Senator Brown, is also a sponsor of it—and that is to resolve an important inequity that exists in the current law. We need to help provide desperately needed disaster assistance to fisherman in Massachusetts and around the Nation. It is not just for Massachusetts.

I hope the managers of this legislation will let this bipartisan amendment receive a vote during the Senate consideration of this legislation. Everybody knows that in certain parts of New England and in places such as the State of Washington—I was out in Central Seattle a few weeks ago—and they have a huge fishing industry—California, San Diego, various parts of the country, Louisiana, we have a lot of fishing. But, increasingly, those fishery resources are under pressure, and increasingly, those resources are in danger of being depleted in order to try to preserve the stocks.

So fishermen who have fished for a livelihood for a lifetime are being restricted in the numbers of days they can go to sea, restricted in the amount they can catch. People have lost homes. They have lost boats. Whole lives have been turned topsy-turvy because of conditions beyond their control. Whether it is the ecosystem, Mother Nature, nobody knows, but it is to the detriment of the farmers, of the farmers, of our farmers of the sea, the farmers of the ocean, and they farm sustainably. But they need help.

Gloucester and New Bedford in Massachusetts are two of the largest fishing ports in our Nation, and the commercial fishing exports of about $3,000 jobs in the State and $4.4 billion in revenue. But it is becoming harder and harder for these fishing families and for the smaller boats to survive. These small boat fishermen, particularly, are part of the culture of our State and of our tradition, and we want to try to preserve that.

Last fall, the National Oceanographic and Atmospheric Administration announced a reversal in the most recent Gulf of Maine Cod Assessment. Within 3 years of each other, two radically different stock assessments have been issued—one saying the stocks are replenishing, another saying they are disappearing. And fishermen are whipped between these stock assessments and are told different things. In one, they think they can invest in their boats and in the future; in the next, they are being told: Sorry, folks, you are out of luck.

Well, it should not be that arbitrary, and it certainly should not just whack them and abandon them.

NOAA is now undertaking a new survey for next year because of the conflict of the surveys. So how are we going to help these people survive until next year? How are we going to help them get through those hard times and keep those boats, so if the word comes back that they can go back out to the ocean and continue their livelihoods, they are actually able to do that?

My amendment simply expands the eligibility for the Emergency Disaster Loan Program—underscore loan; it is not a grant; it is a loan program—to include commercial fishermen and aquaculturists. That is all we are asking. It would allow fishermen to be eligible for a low-interest emergency disaster loan, available through the Department of Agriculture’s Farm Service Agency. It is my understanding the amendment would have no score.

Fishermen, as we know—many people saw “The Perfect Storm.” They risked their lives to go out and put protein, food on the tables of America. All you have to do is watch one of the shows—“Deadliest Catch”—to get a sense of what is at stake. I believe they are agricultural producers, like other kinds of farmers, and they ought to be treated with the same respect.

We have put billions upon billions of dollars, often in grants, in emergency assistance, for one reason or another, to farmers across the States of the Midwest, Far West, and some in the Northeast, where we do have some farming, but usually it is in other parts of the country, and we consistently have done this, and we have voted to do that, to help people.

We are asking our colleagues to treat our farmers of the sea with the same respect that others are treated in this country. We simply end an inequity in the law that does not provide a legal mechanism for people to be able to do what they would like to do, which is being able to legally help our fishermen with these low-interest loans.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.
June 14, 2012

CONGRESSIONAL RECORD — SENATE
S4183

HYDROCODONE ABUSE

Mr. President, I rise today to speak about a very important issue that I believe will truly help each and every one of us, every Senator and every Congressman from all 50 States, accomplish something meaningful when it comes to fighting the prescription drug abuse epidemic that is plaguing communities all over this great Nation.

I have not talked to a person in my State who has not been affected by a person in their immediate family or extended family with prescription drug abuse. It is something that is of epidemic proportions that we have to fight and work together on.

Less than a month ago, I was so proud the Senate and I came together to unanimously support an amendment I offered with Senators MARK KIRK, KIRSTEN GILLIBRAND, CHUCK SCHUMER, and JAY ROCKEFELLER that would make it far more difficult to abuse addictive pain medication by reclassifying drugs containing hydrocodone as schedule II substances.

Let me explain what this means in practical terms. Moving hydrocodone to a schedule II drug means that patients would need an original prescription to get the pills refillable. Pills would be stored and transported more securely, and traffickers would be subject to increased fines and penalties.

As we speak, negotiations are ongoing between the House and the Senate on a compromise version of the Prescription Drug User Fee Act. The Senate version contains my amendment and the House version does not. So we are fighting as hard as we can to make sure this amendment is included in the final bill.

Last month I stood on the Senate floor and shared stories that I heard in communities across West Virginia about why this amendment is so urgent. They told me about the abuse epidemic that is plaguing communities all over this great Nation. It is something that is of epidemic proportions that is plaguing communities across West Virginia.

According to the White House Office of National Drug Control Policy, prescription drug abuse is the fastest growing drug problem in the United States. It is claiming the lives of thousands of Americans every year. But no statistic can illustrate the scope of this problem better than the statistics we have on the youth of America. This will affect us for generations to come. To win this war on prescription drugs it needs to happen now.

Hydrocodone is one of the most abused substances we have and the most addictive. I do not think I have talked to a person who does not recognize that each and every State is experiencing these horrible problems with this prescription drug abuse. The facts will bear this out.

According to a report issued by the Centers for Disease Control in November, the death toll from overdoses of prescription painkillers has more than tripled in the last decade. The findings show that more than 40 people die every day from overdoses involving narcotic pain relievers such as hydrocodone, methadone, oxycodone, and oxymorphone.

These prescription painkillers are responsible for more deaths than heroin and cocaine combined. Yet still we are hearing from some folks who just do not believe that rescheduling hydrocodone is a good idea. I have said to those groups: Let’s work together on a compromise that can address your legitimate concerns. If anyone has a concern with this amendment, just come to me and we will sit down with you and try to work through it in a most reasonable manner.

We have already offered a number of compromises to different groups in an effort to get this bill passed and signed into law. I want to clarify some of these concerns.

I have heard from some with concerns that making hydrocodone a schedule II drug will mean that patients with legitimate needs for those medications would face increased hurdles to obtaining them and that those patients would have to visit the doctor more often.

To them, I would say the following: Look at what the DEA did in 2007 to reduce burdens facing patients when it came to refills. They finalized a new rule allowing doctors to provide indefinite prescription for pain patients with a valid prescription for any schedule II medication by issuing three separate prescriptions: one for an immediate supply and two additional prescriptions that cannot be filled until a certain specified date. When they receive the initial supply, patients would only need to visit their doctor four times per year. If they have a chronic ailment, I would think those patients would want that type of evaluation anyway. That makes all the sense in the world to me, and I know to a lot of Americans.

If a practitioner is prescribing medication as part of a usual course of professional practice and for legitimate medical reasons, there is no numerical limitation on the quantity they can prescribe. Federal law does not limit physicians to providing only a 30-day supply of medication. The amount prescribed and length of treatment is within each doctor’s discretion.

We have also heard from those who are worried that pharmacies could face increased operating costs caused by new storage requirements as well as increased paperwork. But there is no difference in Federal storage requirements between schedule III and schedule II drugs. Federal law requires that all controlled substances be stored and securely locked in substantially constructed cabinets.

As for more paperwork, pharmacies are already doing paperwork on their current schedule II drug orders. All this amendment would require is including an additional line on the existing form that specifies how many hydrocodone combination pills they are prescribing.

The bottom line is, we have to recognize this is a very addictive drug. As a schedule III drug, hydrocodone is very available to people who might not use it for the right purposes but for elicit purposes. All we are saying is give us a chance to protect some of the most vulnerable people we have, especially our young people who are addicted to these prescription drugs.
Look at all of the people who support this amendment, the folks who are out there on the front lines trying to keep our society safe and fight the war on drugs so that we can all be in a better society and more protected. We have groups like the Fraternal Order of Police, the National District Attorney’s Association, the National Narcotics Officers’ Association, the National Troopers Coalition, the National American Society of Addictions Medicine, the National Association of Drug and Alcohol Interventionists, the West Virginia Medical Professionals Health Program, the Drug Free America Foundation, Inc., the National Coalition Against Prescription Drug Abuse, and the Prevention Partnership.

These people are on the front lines. They are saying this amendment is needed. This will help them immensely fight this war on drugs. Those are the people who are out there helping us every day in society.

We are willing to sit down and work with people if they have legitimate concerns. But if the concern is that this amendment interrupts their business, we will work with them to understand their business plan and be an American first. What we are trying to do is good for this country. It is good for each one of our States. I know it would be good for the State of West Virginia and the President’s Office of the State of Vermont for generations to come.

We will be working hard and we will be protecting them for the quality of life as Americans. I am not trying to put anyone out of business. I am a businessperson myself. I appreciate the hard work of businesses all across this country and the risks they take and the dedication they have. But when we have a problem, we have to fix it. We have a problem. This amendment is not going to solve all of our problems, we recognize that. It is not going to eliminate prescription drug abuse once and for all. But it does give us one more tool to fight the drug abuse problem we have in this country.

‘To tout this point, it is going to take the voices of the public—not just the voices in this Chamber or across the Capitol but the voices of the public, the voices of people who have seen what it has done to our families, to our children, and our communities. We need their voices saying: We cannot stand by and watch this happen any longer; voices such as those from Oceana Middle School in Wyoming County in the State of West Virginia who participated in a letter-writing campaign to their elected leaders asking for help with a drug epidemic.

One of them wrote this to me: My town, Oceana, has an issue about drugs. One of them wrote this to me: My town, Oceana, has an issue about drugs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I come to the floor of the Senate today to speak about a number, a number that has a particular significance for us here, and that number is 400. Why is 400 an important number at this point in our history? What is important about 400 is that it is the number of parts per million of carbon dioxide that has been measured this spring in the Arctic.

This is a first. We have never hit 400 before. For 8,000 centuries mankind has inhabited this planet within an atmospheric carbon dioxide range of 180 to 300 parts per million. That is the range, the bandwidth, within which we have lived.

How long is 800,000 years? It is a pretty darn long time. I don’t think there are any human remains or artifacts that go back further than 200,000 years. If we go back more than 10,000 years, we are only seeing the very beginnings of agriculture, where people are beginning to settle and plant things. For longer than our species has effectively inhabited this Earth, we have been in this happy bandwidth that has supported our lives, supported con
genial climate for human development.

We are out of that now for the first time in that period—800,000 years—and we are not just a little bit out of it. We didn’t go to 302 or to 350. We have now crossed 400, and we are still going. We are still going, and there is no end in sight.

We continue to dump gigatons of carbon dioxide into our atmosphere every single year, and we continue to subsidize the people who do the dumping. At least in this building, and probably in the boardrooms of ExxonMobil and a few other places, we studiously ignore the facts that are right before our faces.

Here are just a few stories from the past week or so: A June 4 story in the New York Times reported that ‘‘climate change threatens power output.’’ Why would a warming climate change threaten power output? It is because warmer waters, when they are pumped through powerplants, don’t provide the same cooling capacity. So if we are going to keep plants from overheating, we have to dial back the power output. For places such as the heavily developed U.S. Northeast, we are seeing greatly oscillating summer temperatures from time to time, particularly when air-conditioning loads are high in the summer, and those hot days increase the risk of power outages.

A June 5 story in the U.S. News and World Report described a recently published article in which several European public health experts wrote that climate change could alter patterns of food availability and change disease distribution, all in ways that could harm human health.

If we want an example of how the change in climate changes the way things move around on this Earth, we have to look no further than the pine beetle, which is depleting traditional western forests because the winters are no longer cold enough to kill off the larvae. As the warmth moves ever northward, so do the larvae, and we can fly over mountains and look down and see the rows and rows of trees that used to be green pine forests.

NOAA reported that the lower 48 States just experienced the warmest May on record. The national average temperature for May—March through May—was 5.2 degrees above the 20th century’s long-term average, surpassing the previous warmest spring ever, in 1910, by 2 full degrees.

Some States are warming faster than others, and Rhode Island, unfortunately for us, is at the top of the list. Climate Central, a research organization, crunched averages of the daily high and low temperatures from the National Climatic Data Center’s U.S. Historical Climatology Network of weather stations. They published a report determined that over the past 100 years, Rhode Island has actually warmed the fastest of any State. This has terrible consequences for us, from shifting our growing season to harming the cold-water fish we catch in our warming Narragansett Bay.

As an aside, when my wife was doing her graduate research out in Narragansett Bay, she was studying the interaction between winter flounder and a shrimp that lives in the bay called Crangon septemspinosa. The reason that was important then was because winter flounder was a huge cash crop for our Rhode Island fishermen. It hasn’t been that long since she did her graduate research, and winter flounder has fallen off as a cash crop for our fishermen. Narragansett Bay has warmed. The water temperature is up nearly 4 degrees, which may not seem much to terrestrial beings like us when we jump in the water and it is 64 degrees, but for winter flounder, that really makes a difference to us? No. But for the fish for whom that is their entire ecosystem, that has shifted and
has demolished the winter flounder fisheries, which are down something like 10 times.

Many people understand that there is a connection between carbon pollution in our atmosphere and these warming temperatures. But it is becoming incontrovertible that these things are happening. The science behind this is rock solid. People say there are questions about the theory. No, No, there are not. There are questions about some of the details, but not the core theory that people go through. But the theory has been clear since the time of the American Civil War. The scientist, John Tyndall, determined that increasing moisture and carbon dioxide in the atmosphere had a blanketing effect that kept heat in, trapped heat on our planet. That has been basic textbook science for a century. It has never been controverted. It is a law, essentially, of science. Yet there are special interests who try to deny that.

Set against these special interests is about as unanimous a coalition from science as has ever been assembled. Virtually every prestigious scientific and academic institution has stated that climate change is happening, and human activities—specifically our reckless release of carbon pollution—are the driving cause of this change.

In 2009, there was a very clear letter, signed by the American Association for the Advancement of Science, American Chemical Society, American Geophysical Union, American Institute of Biological Sciences, American Meteorological Society, American Society of Agronomy, American Society of Plant Biologists, American Statistical Association, Association of Ecosystem Research Centers, Botanical Society of America, and on and on. Here is what they said in pretty darn hard-hitting words for scientists:

Observations throughout the world make it clear that climate change is occurring, and rigged scientific research demonstrates that the greenhouse gases emitted by human activities are the primary drivers.

Not observations throughout the world make it “likely” that it is occurring, and not “potentially” indicates, and not the greenhouse gases emitted by human activities might be the primary driver. It is clear it has devastated that they are the primary drivers. They go on.

These conclusions are based on multiple independent lines of evidence—

Here is what we might call thesockdolager.

In a nutshell, if you are looking at the actual peer-reviewed science and being objective—if you are not putting your thumb on the scale—contrary assertions are inconsistent with that. You are basically making it up.

So that is a pretty powerful statement. The argument that the jury is still out on climate change is a false and bogus argument. The jury is not out. In fact, the verdict is in. The effects are obvious. They surround us every day, and we need to take action.

I have been on the Senate floor with Senator Inhofe where we have talked about this. He makes a wonderful point, which is that 97 percent of the climate scientists agree that this is happening, it is happening because of our carbon pollution, and we need to do something urgent about it.

Three percent question it. That is 97-to-1 odds. We are asked to avoid taking any action, not to worry about it because there is doubt and debate. Translate that to real, ordinary human life, not this peculiar political world we are in here.

Let’s say someone has a child, and the child appears to be sick. They go in to see the doctor, and he says: Yes, your child is sick, and she is going to need treatment.

They say: Yes, but treatment is expensive, and it might be unpleasant. I will tell you what, I am going to get a second opinion.

So then they go to another doctor, and he says the same thing—that their child needs treatment.

They say: Well, two opinions are kind of a lot, but let’s just be sure and get a third opinion. That doctor says the same thing too.

What we think of the parents who did that 100 times, who were told by 97 out of 100 doctors that the child was sick and needed treatment, and they said: You know what, there is doubt about this. I am not sure, so I am not going to give my child the treatment they need.

It is a preposterous example, isn’t it? It is an absolutely ridiculous point of view for the parent to hold. Yet that is exactly the point of view we are being asked to hold to deny and delay the steps we need to take to protect our children, and our country from the damage that is being done, frankly, by ourselves—the polluting interests that we don’t take adequate steps to put on the right track toward a successful and clean energy future.

The last thing I will say is on that exact point. The more we depend on fossil fuels, the more we depend on a diminishing resource that pollutes our country. It is a diminishing force that does not supply and demand, and in practice, and right now, forces us to engage with foreign oil-producing countries that do not have our best interests at heart. We send our dollars—hundreds of millions of them—into their treasuries so that money can filter out into organizations that actually wish to do us harm. That is not a great state of affairs.

The alternative is a clean energy future where American homes are more efficient. We have replaced windows and added insulation and improved boilers. We have created innumerable jobs through all that work, and we have paid for it with reduced energy costs. It pays for itself. Sometimes it pays for itself in 1 year, sometimes in 2 years, sometimes in 5 years, but it pays for itself and it creates work.

We are in a battle right now for clean energy technologies. It is an international competition. It is us against China, us against India, us against the European Union. Every single one of the other countries gets it, and they are trying to push resources onto their clean energy industries so they can lap us in this race, so they can get far ahead of us that we become the world’s biggest global consumer of clean energy, not its biggest manufacturer.

We invented the solar cell. Fifteen years ago, we made 40 percent of all the solar cells in the world. I think we are down to 7 percent now. The top 10 wind turbine companies in the world include one American company—one. And by knocking down the production tax credits, by eliminating the 1603 Program, by subsidizing Big Oil like crazy, people in this building are doing their very best not to help us in the race against foreign competition but to put windmills in the petroleum companies, to tie their shoelaces together, to interfere with their ability to compete. They do not see it yet as international competition. They are so tied to the fossil fuel industry that they may see it as competition between fossil fuels and clean energy, and in that battle they want to be with the fossil fuel energy. They do not see the future. They do not see how important these technologies are going to be in both our lives, in wind, land, and in all these areas where we can not only command our energy future by building and creating the power we use and unhinge ourselves from these foreign dictatorships that run off oil economies, but we can improve the safety of our planet by dialing down the pollution.

My State pays a particular price. We are downwind of the midwestern polluters. The big utilities, the big manufacturing companies, the ones that have built thousand-foot-high smokestacks for the specific purpose of shoving as much of their pollution as high in the atmosphere as they can so that it doesn’t rain down on their States—not on Missouri, Ohio, or Pennsylvania—but that it rains down on Rhode Island, on Massachusetts, on Vermont, and on other States.

I was here earlier this morning talking about the mercury rule. We have ponds and lakes and reservoirs in Rhode Island where it is unsafe to eat the fish you catch because of mercury poisoning. It is unsafe everywhere in Rhode Island to eat the fish you catch from the rivers and the lakes. It is unsafe everywhere in Rhode Island to eat the fish you catch from the rivers and the lakes. It is unsafe everywhere in Rhode Island to eat the fish you catch. It is unsafe everywhere in Rhode Island to eat the fish you catch from the rivers and the lakes. It is unsafe everywhere in Rhode Island to eat the fish you catch from the rivers and the lakes. It is unsafe everywhere in Rhode Island to eat the fish you catch from the rivers and the lakes.
There is a real cost to continuing down this fossil fuel path. My home State pays it all the time. And when it comes time to reap the whirlwind of storm activity, of sea level rise, coastal States such as Rhode Island will pay a particularly high price. So I am going to continue to come to the Senate floor. This is not a popular topic. The Presiding Officer, Senator Sanders of Vermont, is eloquent, articulate, and a constant ally on these subjects. There are a handful of us who are about this subject, but I think a great many of my colleagues and virtually everybody on the other side of the aisle would just as soon wash their hands of it, forget about it, pretend it is not happening, and continue to sleepwalk toward disaster. So I will keep doing this. It is important to my State. I believe it is important for our country. I appreciate the attention of the Presiding Officer and those who have the attention of the Senate.

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

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

NATIONAL SECURITY LEAKS

Mr. WICKER. Mr. President, I rise today to express my serious concern about a matter of national security. It is a matter that is increasingly more visible with the American people. It is a matter that they are more and more concerned about as they hear more. It is an issue that is not going away until it is properly investigated by the executive branch of this government. That, of course, is the recent news publications that discussed details of counterterrorism plans, programs, and operations of our government. These publications refer to specific counterterrorism military and intelligence activities that are among the most classified and highly sensitive national security operations involving our military and our intelligence community. The leaks of this information constitute a grave breach of our vital national security interests.

The President, in his press conference last Friday, attempted to distance his administration from these damaging leaks, stating: "The notion that my White House would purposefully release classified national security information is offensive."

The matter is certainly offensive and needs to be fully investigated.

I must point out that the President did not explicitly deny that members of his administration were responsible for leaking classified or sensitive information to the media. As a matter of fact, so many of the news reports, quite frankly, point to members of this administration for these damaging and criminal leaks.

Any mishandling of classified material must be taken very seriously. The authors of these publications cite unnamed senior administration officials and Presidential aides as their sources. We need to know the names of these senior administration officials, and we need to know, quite frankly, if they were engaged in criminal breaches of our espionage and intelligence statutes. Our men and women in the military and our intelligence community officials work under extremely difficult conditions. These leaks have put their lives in danger. These leaks have put their methods and their ongoing operations at risk. They need to stop, and they need to be investigated.

All indications are that the White House discussions regarding counterterrorism and intelligence operations hold security clearances at the very highest levels. Before being granted access to these classified items of information, individuals must undergo a thorough background investigation and receive extensive security training regarding proper procedures for handling classified materials. They are trained as to what they can say and what they ought not to say. They are trained as to what the law and what the law prohibits. It is clear that any potential leak of classified material was not an accidental slip of the tongue but a deliberate and brazen violation of Federal law, and we need to get to the bottom of this.

I will also add that we are not talking about an isolated instance of a leak. As the chair of the Senate Select Committee on Intelligence, Senator DIANNE FEINSTEIN, rightly observed last Wednesday, we are talking about what she described as an "avalanche" of leaks—an avalanche of leaks—on national security matters that have, in her words, put our Nation's security in jeopardy, to quote the chair of the Intelligence Committee.

Quoting from the chairman of the Foreign Relations Committee, Senator JOHN KERRY:

A number of those leaks, and others in the last months about drone activities and other activities, are clearly all against national-security interests.

He goes on to say:

I think they're dangerous, damaging, and whoever is doing that is not acting in the interest of the United States of America.

Yet, news reports say these reports come from senior intelligence officials. We need to find out who these administration officials are.

Then, further to quote Senator FEINSTEIN, whom I began quoting earlier:

When people say they don't want to work with the United States government, they can't trust us to keep a secret, that's serious. When allies become concerned when an administration is not being fully investigated or if critical information essential to national security is under threat.

All individuals privy to the White House discussions regarding counterterrorism and intelligence operations hold security clearances at the very highest levels before being granted access to these classified items of information. Individuals must undergo a thorough background investigation and receive extensive security training regarding proper procedures for handling classified materials. They are trained as to what they can say and what they ought not to say. They are trained as to what the law and what the law prohibits. It is clear that any potential leak of classified material was not an accidental slip of the tongue but a deliberate and brazen violation of Federal law, and we need to get to the bottom of this.

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American people and said: Let’s get the truth out. No more coversups. Let’s get rid of the stink and let’s find out what was going on.

Members of my party should have heeded the words of Barry Goldwater at the Republican convention in 1964. He said: "No, no, no, we have to drag the Senate kicking and screaming to the brink of default. We shut down the government. We brought our Nation to the edge of bankruptcy. We inflict on our general population. It is no matter how much pain these actions may cause, the Republican Party, the President and the Senate, his No. 1 priority is to make sure President Obama is a one-term President. I ask, what good is this journey to public service. Preventing her from doing so will only hurt the American people, people in our area, in Pennsylvania, New Jersey. It will only hurt those people seeking justice and our very system of democracy. It has often been said justice delayed is justice denied. It is a lesson people in New Jersey and all over the country are learning and it has to stop. All Americans should be made to pay the price they pay for the obstruction of the Republicans on their side of the aisle. When these confirmations are blocked, it is not just nominees who suffer, the justice system suffers under the weight of these vacancies and the American people suffer longer waits for justice in overburdened courts. It is time for Republican politicians to stop blocking votes on those well-qualified nominees and allow the Senate to confirm them without further delay.

Make no mistake: I take very seriously the Senate’s constitutional duty of advice and consent regarding Presidential nominees. I do not believe the Senate should rubberstamp judicial nominees without consideration or deliberation. However, what we see today is an unprecedented level of obstruction in confirming judges.

At this point in the term of President Obama, Bush’s Republicans in the Senate had confirmed 179 judges, 38 more than the 151 of President Obama’s nominees who have been confirmed today. President Obama’s nominees have been forced to wait approximately four times as long as President Bush’s nominees to be confirmed after being favorably reported by the Judiciary Committee. When we had the numbers favoring our majority, we didn’t permit delays like this. We would never use the Senate as a punishment for a Presidency we disagree with.

As a result, the vacancy rate is nearly twice what it was at this point in the 2003 judicial nominations.
President Bush’s first term. These delay-and-destroy tactics cannot be what our Founding Fathers had in mind when they gave us the power of advise and consent.

I am the son of immigrants who came to this country, and I got this often from my parents and my grandparents to come to America and find a better way of life than they had in Russia or Poland, their birthplace. I view our justice system as the Nation’s premier institution. It demonstrates so well. America is a nation of law and order.

I am proud that a courthouse in Newark, N.J., bears my name. It has an inscription that I authored. We spent a lot of time talking about the inscription and what it would look like. I came up with this: “The true measure of a democracy is its dispensation of justice.”

When people walk into that courtroom, they have to know that they have an equal chance at a proper decision. No more, no less. There shouldn’t be the discrimination that exists when we don’t fill vacancies that are begging to be filled with qualified candidates. All in this Chamber know when the dispensation of justice is obstructed and delayed, our democracy suffers.

I plead with our Republican colleagues: Stop the obstruction, allow the Senate to vote on Judge Patty Shwartz’s confirmation without further delay. Put off your attempt to discredit President Obama’s tenure as President. That doesn’t fit in here. If you want to do it in the political mainstream, you want those wild gestures and those ridiculous claims that they want to destroy President Obama’s tenure, don’t do that. Don’t do that to the American people. Be fair. Do your job, and let’s get on with it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

STUDENT LOANS

Mr. REED. Madam President, we are running out of time. The interest rate on subsidized student loans is set to double in just over 2 weeks. This will hit middle-class families hard at a time when they are dealing with the devastating effects of the most severe recession that we have witnessed in our lifetime.

Earlier this week the Federal Reserve reported additional sobering news. Between 2007 and 2010, median family wealth declined by nearly 40 percent. Median family income declined by nearly 8 percent, and the family wealth declined by nearly 40 percent. Median family income decreased by nearly 8 percent, and the family wealth declined by nearly 40 percent.

This is no time to increase the interest rate on need-based student loans. This is no time to increase the interest rate on need-based student loans on the more than 7,000 moderate and low-income students who rely on them to go to college. What we have seen is a middle-class family whose wealth and income has been shrinking dramatically. Ironically—perhaps not ironically—the very wealthy have seen income and wealth increase. However, for the vast majority of Americans, they have seen their economic position deteriorate.

Closely allied with economic opportunity and the idea of making your way is the necessity to go on to higher education. We have been preaching that. That is what our parents told us, go on to college. They said, when you go to college, you will be prepared to go into the workforce, increase your family income and contribute more to your country. Yet now we see a situation where not only is there a compression in middle-income wealth and income, there is also a staggering amount of student debt. It is almost $1 trillion. In fact, I heard reports suggesting it eclipsed credit card debt in terms of what households in America are holding.

There is a generation of college students who have graduated and are struggling with this debt. The worst part of it all is that the other rates now do is double the interest rate on those who need more loans to finish their school and put an even greater burden on them and their family as they go forward.

We need to pass this legislation that will prevent interest rate on student loans, and we need to do it before July 1. We are looking at a period of time when interest rates are very low. The Federal Reserve is charging financial institutions somewhere around 1 percent or less to borrow money, and yet we are going to students and saying, the interest rate used to be 3.4 percent, now it will be 6.8 percent. That seems not only incongruous but incomprehensible, that we will allow the interest rate to double, particularly in this environment.

Students’ families can’t afford this increase. They are stretched too thin already. Every statistic—forget the statistics. Talk to people back home in New Hampshire or New York or New Jersey, and they will tell you it is tough. There are children who are moving back in with their families because they are struggling to find a good job so they can pay their student debt and get by. This is not the time to double the interest rate on these loans.

It is an issue of fairness. It is an issue of the future of this country. It is an issue of avoiding innumerable personal tragedies. We were just on a conference call with a student who said she is involved with many students who have graduated in the last few years and they are literally at their wit’s end that they can’t pay their debts. They don’t have jobs that will give them the chance to move on. They have 6 percent on all of their loans, and they are saddled with debt. How will they even begin to think of starting a family and buying a home? That was something my generation sort of took for granted in their mid twenties. We have to deal with this issue. This is the first step.

According to Georgetown University Center on Education Workforce, over 60 percent of jobs will require some post-secondary education by 2018. No longer is higher education some nice thing to do, it has become a necessity to get jobs that will provide for a family. Yet in 2010 only 38.3 percent of working-age adults have a 2-year or 4-year degree. So we know there is a gap already. We need more students to go to post-secondary education, and experts are telling us we will need 60 percent by 2018, and that is just 6 years away. And we are proposing to make it harder to pay for college? Again, it does not make any sense.

That is why last January, working with my colleague JOE COURTNEY in the House of Representatives, we introduced the Student Loan Affordability Act. We saw this coming. We knew we had to prevent this increase. Initially the response from our colleagues on the other side was, no way. In fact, they voted for two budgets that assumed the interest rate would double, therefore giving more resources for tax cuts and other preferences that certainly won’t be as effective to help the middle class as giving a youngster a chance to go to college. But we continued to push. With the President and students and families and student organizations across the country. I think we have made some progress. We have seen at least a change in rhetoric.

Governor Romney said he was in favor of keeping the rates low. There has been no specifications on how to do this. This or urging on how to do this, but at least conceptually there seems to be agreement on that one point. The Republican leaders then followed suit saying, yes, we have to keep this interest rate from doubling. But we have not seen the actions to match these words.

They initially made a proposal to keep the interest rates low by going after preventive health care, and that is a nonstarter. I hope we all understand that, one, if we are going to improve the quality of care in this country, we have to emphasize preventive care. By the way, if we are going to bend that proverbial cost curve, we better start to do more prevention than treatment because it is a lot more cost effective to prevent than treat disease.

Then they proposed another offset that would take resources from low- and middle-income families through various programs, taking from one or two of the least-income families and giving it to them in the education pocket. That didn’t work.

They continued to resist a proposal we made to pay for it because we do understand in this environment we have to be fiscally responsible. We proposed to close one of the most egregious loopholes in the Tax Code. There is a provision that allows high-paid lobbyists, high-paid lawyers, high-paid consultants to avoid their payroll taxes, Medicare taxes, and other taxes by using a specific deduction. At the end of the year they give themselves a dividend, which is not wages subject to these taxes, and is actually
treated at a very preferential tax rate. This is such an outrageous loophole that it was condemned by Bob Novak, late conservative columnist. It was condemned by everyone, but it was not something they could accept.

Well, we have moved forward. We have put a new offer on the table, led by Leader HARRY REID, and that would effectively help with respect to pension liabilities. First, it would give employers more predictability in terms of their contribution by allowing them to smooth out the interest rate which they assume in their contributions to the fund. If you are trying to fund a pension liability over many years, you have to put in principal, but then you have to assume an interest rate to see if that principal will grow to an adequate amount that can pay for their workers, many of whom spent years in their employ and are depending on their pension fund. In fact, this is a provision that employers think is very important to them.

The other side is to provide an increase in premiums paid to the Pension Benefit Guaranty Corporation, the insurance fund for defined benefit pension plans. Too often today the PBGC has to step in where companies go bankrupt and their pension funds are not adequate to pay for even part of the bona fide liabilities that they owe to workers, many of whom spent years in their employ and are depending on their pension.

This is a very balanced approach. It is an approach in the past that has had bipartisan support. I hope we are reaching a point now where we can come together. This is an incredibly difficult issue for families across this country.

I have heard pleas from Rhode Island families to fix this. I received letters and calls. One of them came in and said:

"Please continue to fight for keeping the interest rate of Stafford loans down to 3.4 percent. It is difficult enough to pay for college. With unemployment so high for recent college graduates, our financial future seems bleak. My parents and I have taken loans to pay for my and my sister’s tuition. We are from a middle class family. We appreciate your support and help with this issue."

Those words are more eloquent than mine. Let’s just get this done. We have no time to waste. July 1 is almost upon us. We have 2 weeks. Let’s come together. Let’s help people across this country.

Thank you, Madam President. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wyoming?

Mr. BARRASSO. 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. BARRASSO. I ask unanimous consent to speak as in morning business.

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

THE ECONOMY

Mr. BARRASSO. Madam President, the President of the United States earlier today was in Cleveland. He spoke for 54 minutes, yet he said almost nothing—at least certainly nothing that most of us have not heard before.

It was 2 years ago this very weekend that the White House announced the start of what was supposed to be an early recovery summertime. That campaign was an effort to convince the American people that the Obama administration’s policies to create jobs were working.

David Axelrod, who was the senior adviser to the President, said at the time, talking about the summer of 2010, “This summer will be the most active Recovery Act season yet.” Again, that was the summer of 2010. Treasury Secretary Tim Geithner wrote an op-ed in the New York Times, and it was entitled “Welcome to the Recovery.” Again, that was 2010. Now here we are, 2 years later, and Americans are still waiting for a real recovery. The “recovery summer” failed to produce results because it was never more than just a cheap slogan. It was designed to hide the fact that an unaccountable administration had no real solutions.

Instead of working to create a healthier economy, President Obama has offered more excuses, more gimmicks, and more empty promises, and he continues to say the economy is about to turn the corner.

This past March President Obama said things would get better soon. “Day by day,” he promised, “we’re restoring this economy from crisis.” We have heard this all before.

In February 2009 the President said his stimulus bill was “the beginning of the first steps to giving the American economy a firmer foundation, paying the way to long-term growth and prosperity.”

In April 2010 he said, “Our economy is stronger; that economic heartbeat is growing stronger.”

In January 2011 he claimed that “the next two years, our job now, is putting our economy into overdrive.”

Now, after disappointing jobs numbers for May of this year, when just 69,000 jobs were created, the President once again said that “we will come back stronger.” It is a shame that our economy doesn’t run on the President’s rhetoric.

Saying that things will get better does not make them better.

Well, the President’s record speaks for itself. For starters, we all remember early 2009 when the incoming Obama administration told the American people that their stimulus plan would help keep unemployment below 8 percent. That is what they said—it would keep unemployment below 8 percent. Instead, we have now had 40 straight months, 40 consecutive months with unemployment over 8 percent. By now, unemployment was supposed to be much, much better because the administration had said that by mid-2012—where we are right now, today—their projections were that unemployment would be below 6 percent if the stimulus bill passed. Well, the stimulus bill passed. I voted against it. Instead, unemployment has ticked up again in May to 8.2 percent.

Last month one official at the Federal Reserve said it might take 4 to 5 more years to get unemployment down to 6 percent, which is where the President said it would be today. The latest jobs report also said that over 23 million Americans are unemployed or are working at less of a job than what they would like.

President Obama said the other day that “the private sector is doing fine.” He said that in a nationally televised press conference, that the private sector is doing fine. He went on to say that it was only government jobs that were lagging behind. Well, I think many of these 23 million-plus Americans who are unemployed or underemployed would absolutely disagree with this President.

Under the Obama economy, since early 2009 we have lost 433,000 manufacturing jobs; 79,000 real estate jobs have been lost; and 160,000 jobs in communications industries, including wireless carriers, have been lost. We have lost 932,000 construction jobs. These may sound like a lot of numbers upon numbers, but behind each one of these statistics is a person—a homebuilder, a phone salesman in the mall, a real estate agent in our communities—real people who have lost the private sector jobs their families rely on to put food on the table, a roof over their head, and to help their kids get through school.

Many Americans have gotten so discouraged by the Obama economy that they have actually given up looking for work entirely. Those Americans who have not given up are finding it more difficult to get jobs. Even if they are trying to find a job, they are finding that their job search is taking much longer than they ever imagined. Over 5 million Americans have been searching for work for more than 27 weeks. That is over 5 million Americans who have spent more than half a year looking for work. Some of the unemployed now spend an average of nearly 40 weeks looking for work—double the average when President Obama took office. That is the
equivalent of losing a job on New Year’s Day and not finding work again until October.

So why are the jobs so scarce? Well, it is because President Obama’s policies have done far too little to help our struggling economy, and in many cases he’s actually hurt the economy and made things worse. Contrary to what President Obama believes, the private sector is not doing fine, and the problem is not just that we don’t have enough bureaucrats.

Growth in America’s GDP for the first quarter of 2012 was just 1.9 percent. That is nowhere near the level we need for a healthy economy. During past recoveries from economic downturns, other Presidents have presided over much faster growth. After the recession of the early 1980s, President Reagan’s economy grew much faster.

Well, there is a simple reason why, and it has to do with the policies coming out of this President’s administration. President Obama keeps repeating that we face economic headwinds. Well, the biggest headwinds we are facing come from the President’s own economic policies. The American people understand this. They read the papers. Heard the one time repeated story in the Washington Post on Tuesday, just 2 days ago—“Families See Their Wealth Sapped.” The American people read about the bad economic data saying that durable goods orders were down 3.7 percent. People see the losses when the manufacturing sector, which is an important source of jobs, slows down dramatically, it does not bode well for job growth in other sectors of the economy.

When people hear this drumbeat of bad economic news, it explains why the Consumer Confidence Index fell again in May. When we ask people if the country is on the right course, the majority says it is not on the right path. When we ask if they think the President is doing a good job with the economy, they say no, he is not.

Confidence is down not just because the American people follow the news and know what is going on in the country. It is because they also know what is going on in their own lives—what they are seeing at home and what they are seeing with their families. For many people, they are not earning as much as they had earned in the past. The mean household income has fallen by over $4,000 since President Obama took office. Meanwhile, the actual costs of everyday living continue to rise. More and more people every day are finding that for them and for their families, they just can’t keep up.

Today, the number of Americans on food stamps is 14 million more than relied on the program in January of 2009 when President Obama was sworn into office. Sadly, the Congressional Budget Office expects the number to go even higher over the next 2 years. Well, that is obviously the wrong direction, and it is a result of bad decisions and bad policies out of the President’s administration.

Those policies have contributed to the lower wages we are seeing, to higher unemployment we are living with, and to more people living in poverty. Those policies are contributing as well to the sagging home markets that threaten to keep millions of Americans in dire financial straits for years to come.

We all know President Obama faced a difficult economic situation when he took office in 2009. His failed policies have not healed our economy. Higher taxes, more red tape, more borrowing, and more wasteful spending by Washington will continue to make things worse.

When we take a look at what is happening around the world, with Europe facing collapse and the global slowdown that threatens our economy, the President seems more concerned with his next election than with actually taking action to make things better. Alongside all the bad economic news, ABC News just reported that President Obama will continue his record-smashing fundraising schedule—record-smashing fundraising schedule that is not the kind of leadership our economy needs today.

Republicans are focused on real solutions: making our Tax Code simpler, flatter, fairer for every American; reducing the debt and the deficit; ending overregulation, the red tape that is burdensome, expensive, and time-consuming; putting patients and doctors in control of their own doctors—in control of health care and not creating more Washington bureaucracy; and, of course, reducing our dependency on foreign oil and sending so much American money overseas.

Two years ago, when the Obama administration was putting out press releases and staging photo-ops to proclaim the “recovery summer,” Republicans were proposing real solutions to create a healthy economy. When voters had a chance to compare the two approaches that November—November of 2010—Republicans earned control of the House of Representatives, and at that time they started passing a jobs agenda.

Democrats in the Senate still do not get it, and they have refused to even consider these bills passed by the House.

There are 27 jobs bills that have passed the House of Representatives on bipartisan votes. The bills are still today waiting for the action. The President of the United States remains silent on these bills that would actually get people back to work. He is offering nothing but scare tactics, excuses, and blame.

He gave another speech today—this very afternoon—in Ohio and what he did was more of that: more scare tactics, excuses, and blame. Because in his mind, it seems it is always someone else’s fault.

Imagine where our economy would be today if Democrats had been willing to accept commonsense Republican solutions 2 years ago. We would actually be in recovery today. We would have seen significant improvements to the economy. If Democrats had been willing to work with us, instead of giving speeches and pushing more wasteful stimulus spending, millions of more people would be working today across the country.

If President Obama had been focused on putting people back to work, instead of on keeping his own job, then today—in the summer of 2012, the private sector and the American people really would be doing fine.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank my colleague for his remarks. I caught part of the President’s statement this afternoon and have gotten a transcript of some of the things he said.

As ranking member on the Budget Committee, as someone who has wrestled very intensely with these numbers for 2 years, I was shocked, I say to Senator Barrasso, by some of the things he said.

I would ask the Senator, based on the world we are in, how he reacts to the summary the Presidential adviser gave to the American people before the President’s speech today, saying his plan “focuses on education, energy, innovation, and infrastructure.”

First, does that suggest to the Senate spending?

Mr. BARRASSO. Madam President, I ask unanimous consent to enter into a colloquy with my colleague.

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

Mr. BARRASSO. Just talking about those things, isn’t this the same President who lobbied this body, this Senate, to block the Keystone XL Pipeline that would have brought energy from our northern neighbor Canada to the United States, creating jobs on the ground here in terms of construction of that pipeline? So you are talking about energy, and you are talking about connectivity, and that is not government spending. Yet the President lobbied the Senate to block that.

Mr. SESSIONS. There would have been private growth and private investment—not an increase in our deficit.

But it goes on. In their summary of what the President was going to say, it said he favored a “tax code that creates American jobs and pays down our debt.”

First of all, the Senator aware that under the President’s plan that he submitted to us—his budget—the lowest single year’s deficit in the 10-year window is $488 billion—that we never come close to paying down the debt in the plan he submitted to us? And how can the President—this is an unfair question, but I will ask the Senator from Wyoming—how can the President say he has a plan that pays down our debt when the lowest single deficit he proposes is nearly $500 billion?

Mr. BARRASSO. I would say to my colleague, who is on the Budget Committee, who watches these things very
carefully, as I look at what the President proposed, it never got to balance, it never even addressed dealing with the large deficit, let alone the monumental debt. In the time we have been talking here in the last 4 or 5 minutes, we have continued to borrow money from overseas, specifically from China. We in the United States are borrowing at a rate of $2 million a minute. Nothing I have seen coming from the President or from the Democrats, as a matter of fact, in the Senate has dealt with any of those things, to the point that we have not passed a budget for the last 3 years in this Senate, which is irresponsible.

Mr. SESSIONS. It absolutely is.

Let me say this, in his speech—this is a quote from the transcript I have of it—he declared:

Both parties have laid out their policies on the table for all to see.

Isn't it a fact that the House Republicans passed a long-term budget that would change the debt course of America and three Members of the Republican Senate laid out budgets that would have balanced the budget in the United States of America, and that the Democratic leadership never laid out a plan, put out a plan, debated a law—the Congressional Budget Act—by refusing to lay out a plan? Isn't that true? Or am I missing something?

Mr. BARRASSO. Well, that is exactly the way I see it. And I voted for the plan that was submitted by the House, which actually does get to a balance of our budget, and the plans of three of our Senate colleagues from our side of the aisle whose plans also get to a balance of the budget. I voted in favor of all of those. But not one Democrat in the Senate—not one Democrat—cast one vote in favor of any one budget, whether it was a Republican budget, whether it was the President's budget. Yet the President goes to Ohio today—and gives a speech for 54 minutes—and it was supposed to be a big speech on the economy—and I heard nothing new, nothing we had not heard before, no new ideas other than to spend more money, at a time when we are $15 trillion in debt, and adding to that by the minute.

The President did make one interesting statement. He said some of the regulations that are coming out—he said that many regulations are not good. Well, who can do anything about it but the President; his regulations. And he has over 1,000 new regulations that have come out under his administration that are called economically significant regulations—regulations that have an impact to the economy of over $100 million. Those regulations, all of that red tape is putting people out of work. It provides so much uncertainty to the economy as to what is the next regulation that is coming out, where business will have the certainty to go hire people. What is going to happen with the health care law? Is it going to be found constitutional or unconstitutional? I believe it is unconstitutional. What are the costs going to be to business?

In statement after statement that the President makes, it shows there is a fundamental question as to his understanding of the economy and the economy with the world versus people who have been out in the private sector who have created jobs and have put people to work, who have written the paycheck, who have signed the front of the paycheck, who have helped the economy and built a community in a way that makes a difference and builds that community. Yet I do not see those things coming out of the President's speeches, certainly not today in Ohio.

Mr. SESSIONS. I thank my colleague for those insights because this is a bit disappointing. It is more than disappointing. The President said, again, that he has a plan, and he has a vision “of how to create strong, sustained growth,” and “how to pay down our long-term debt.” He eliminated such a plan. His plan comes nowhere close to balancing the budget. In 10 years, the lowest single deficit he would have is $488 billion, according to the Congressional Budget Office—not me, the Independent Budget Office.

His statement is not accurate. How can we have a bipartisan discussion on how to solve the sustained debt threat we have in this Nation if the President goes around saying his plan will help pay down the debt. It does not pay down the debt. It does not come close to paying down the debt.

He said that last year, and I grilled his Budget Director at a Budget Committee hearing. He could not defend that statement because it is indefensible. Nobody can defend that statement. And I say to any Member of this Congress, this Senate—a Democratic Member—I urge you to come down and tell me if the plan laid out by the President of the United States—the only plan we have seen, his budget—pays down the debt. It does not.

He goes on to say in this speech:

I've signed a law—

Forgive me if this is distressing to me, but we have been involved in the discussion a good long time. We have the U.S. Congress, including the Senate, and we have the President of the United States, and we all have a role in formulating an economic policy for America that will put our country on a sustainable course. It is not a plan. It is the unsustainable debt course we are on.

The statement cited so often from President Obama’s own debt commission—Simpson-Bowles—is: This Nation has never faced a more predictable financial crisis. Why? Because of the increasing debt, they said. The numbers are relentless. It is unsustainable. That is what it means. At some point, it means there will be a credit reaction, a financial collapse, or a reaction that will put us back into recession and distress. They pleaded with us to get off the path we are on.

So the President says:

I've signed a law that cuts spending and reduces our deficit by $2 trillion.

What does he mean by that? Well, I think most Americans can remember that last August we reached the debt ceiling. We borrowed so much money that we hit the limit. Not set by the U.S. Government can borrow. The President asked Congress to raise that debt limit so he could keep spending and keep borrowing, and basically the Republican House and Members in the Senate agreed to the extent we had influence—said: Mr. President, we will raise the debt limit, but we want you to reduce spending some. So they agreed, after much debate, in the wee hours of the morning—at the latest possible time—to cut $2.1 trillion in spending. The President went kicking and screaming to that point. The Democrats pretended it was a disaster and Americans were going to sink into the ocean. That is not what that was all about.

Here we came with this plan, and the President now claims it is his deal, that he cut $2 trillion. I remember how it went down, and that is not a fair thing to say. He signed that law because he did not want to cut enough spending would have to be cut 40 percent immediately, because that is how much, out of a $4 trillion budget, we borrow. We are borrowing a total of every dollar we spend, we borrow.

If we had not raised the debt ceiling, the U.S. Government would have had to immediately cut all expenditures by 40 percent. That is why we are on an unsustainable course. It is not a line item budget. We have to make some tough decisions, and we need executive telling the American people the truth about where we are, rather than promising some balanced budget and paying down debt when that is nowhere in his plan.

He says:

My own deficit plan would strengthen Medicare and Medicaid for the long haul by slowing the growth of health care costs.

He has steadfastly refused to reform Medicare and Medicaid. Under this $2.1 trillion, the President insisted that Medicaid not receive a dime of cuts. And it did not receive a dime of cuts. The Defense Department gets a big time hammering under the cuts and that is not the necessary cuts. It is not necessary to cut out of it. No reforms in Medicaid that would provide any benefit—anything other than to drive up the cost and increase the cost of Medicaid.

So how can he say that? And he attacked Congressman RV in the chairman of the Budget Committee in the House, for actually laying out a vision to try to put Medicare on sound
footing, where it can actually be sustain-
able over time.

Congressman Ryan has the support of Senator Wyden, a Democratic Member of the Senate. He has the support of Alice Rivlin who was President Clint-
on’s Chief Economic Advisor at OMB. Alice Rivlin basically agreed with the policy that Congressman Ryan laid out to save Medicare. What happened? The President called in Congressman Ryan and attacked him on the spot. They are still accusing him of having a radical scheme to save Medicare. Nothing could be further from the truth. It is a plan to strengthen Medicare, to save Medicare, and put it on a sound basis so that people working today can be confident that when they retire and be-
come eligible for it, it will be there.

But we cannot create something from nothing. We have to have a plan that provides the funding for it. This is not smoke and mirrors. Nothing comes from nothing, I have to tell you.

One of the largest oversights in the President’s statement was a statement that from reading the newspapers and how the negotiations went. Our big spenders resisted that dramat-
ically.

How much is $2 trillion over 10 years? We planned to spend $37 trillion over 10 years, so $1.6 trillion by 2014, $10 to $11 trillion. This would have cut it from $37 trillion being spent to $35 trillion being spent. It meant we would have increased the deficit by only $10 to $11 trillion. I guess. Not nearly enough, but at least some step toward holding in soaring spending.

So the President bragged on that just a few minutes ago. He is bragging about it. What is the real truth? The budget he submitted eviscerates that agreement. The budget he submitted in February of this year—5 months after the agreement last August—would wipe out the entire sequester, would elimi-
nate $1 trillion in cuts, and add more spending.

In fact, he would add, under that plan, $1.5 trillion more in spending than the Budget Control Act agree-
ment he is taking credit for signing would have allowed to be spent. This is not a matter of dispute. This is a fact. The biggest oversights in the President’s statement was the fact that from reading the newspapers and how the negotiations went.

I am going to pay down our debt. He was at a fundraiser in Denver and said in Denver. He repeated that again in Las Vegas who is spending the tax-
payers’ money, that they do it with re-
straint and that wasteful actions are eliminated.

That is the kind of leadership we need, and the American people need to be told, and we all need to understand, we just do not have the money we wished we did. So we will have to alter our spending levels for a few years, get this country on a sound path, and cre-
ate confidence. That will come when the world knows that we have gotten off the unsustainable debt path and gotten on a path that is sustainable, are set on a sound path, a path that leads to prosperity, not a path that leads to debt crisis and decline, but growth, prosperity and freedom. That is what it is all about.

Forgive me if it is irritating to me. But I did conclude, after today’s hearing, that the President has made a decision that he is going to run to No-

tember. He is going to run on the fact that he is reducing the debt. That is what he has apparently said. “I’m run-
ing to pay down the debt.” What he said in Denver. He repeated that again today. So that has to be confronted.

If I am wrong, I ask any Member of the Senate to come forward and show what in the President’s plan leads to the conclusion that he has laid out a plan that would pay down the debt of the United States. I do not see it. I do not think it is close.

I yield the floor and suggest the ab-


## Congressional Record

**CONGRESSIONAL RECORD — SENATE**

**June 14, 2012**

The willingness of future generations to serve in our military will be directly depend-

t upon how we have treated those we have served in the past.

Tomorrow, 95 World War II veterans will fly from Montana to Washington to see their memorial with their own eyes for the first time.

This trip is made possible by the Big Sky Honor Flight Program. Their mission is to recognize American veterans
by flying them to Washington, DC, to see their memorials at no cost.

These veterans, and the volunteers who helped send them here, say a lot about what makes the United States of America the greatest country on Earth.

Who are these veterans? Their average age is 90. They hail from all parts of our State—from Plentywood to Superior, from Miles City to Libby, and many places in between. Each veteran has a story to tell.

Shortly after the attack on Pearl Harbor, Bill Smith left his job as an accountant in Billings and volunteered to fly B-24 Liberator bombers with the 466th Bomb Group.

Bill went on to fly 30 missions over Europe from 1943 to 1945. He rose through the ranks and eventually took command of an entire crew.

On a typical day, Bill and his crew would rise at 4 a.m., eat a quick breakfast, receive a mission brief, and rise commander. Bill was responsible for seeing to it that the bomber safely navigated enemy airspace, accomplished its mission on time and on target, and returned to base safely.

Bill’s B-24 flew at 22,000 feet in subzero temperatures in nonpressurized cabins. Think about that. We are not talking about the cozy airplane cabins you and I are used to today. We are talking about open air, very loud and very cold cabins.

Imagine being downed by enemy fighters, fighting for your life, while trying to navigate enemy airspace, and then trying to bomb enemy targets. That’s what we were there for. We weren’t there for a joy ride. We were there for our country. We were there for our State—from Plentywood to Sunuma. We are forever grateful for your service and your sacrifice.

Del visits the World War II memorial, and she plans to pay her respects to those who made the ultimate sacrifice during the war. Del said she will think of her brothers, of her sister, who all served under General Eisenhower in Europe. She especially wants to honor her first and second husbands, both of whom served in the South Pacific during the war.

I met with Del and talked with her about coming to Washington, DC, on the Honor Flight. She is such a special lady.

When I talked to her, I said: Boy, Del, we have to make sure we raise enough money so you get a seat on the plane.

She said: Oh, no, no, not me. There are others who are so much more deserving than I am. Not me.

That is exactly the kind of selfless attitude she and others who served in World War II have. But she now has a seat. She will be back here in Washington, DC. The first event is tomorrow night, with a service earlier at the memorial tonight. But Honor Flights just don’t happen automatically. It takes work—a lot of work. Kathy Shannon, Beth Bouley, Tina Vauthier, Chris Reinhard, Vicky Steven, Yellowstone County commissioner Bill Kennedy, and countless other volunteers have all been instrumental in organizing Montana’s first Honor Flight. Students, friends, neighbors, and businesses pooled together more than $150,000 to make this happen.

In today’s tough times, when families often struggle to meet, pooling together that kind of contribution is no small feat.

This will be the first Honor Flight from Montana, but I know it won’t be the last. I know because I have seen the passion and dedication of these volunteers firsthand. In March I had the incredible opportunity to pitch in by serving burgers at a fundraiser in Billings. It was a lot of fun. It was very inspiring seeing all these folks, inspiring to see our young Montanans demonstrating their spirit of service. For example, students from the Huntley Project Schools raised an amazing $2,425 to make this flight happen—just kids. In the process, they learned a valuable lesson about the sacrifices that made it possible for them to grow up strong and free in this country.

This Honor Flight visit is larger than just a thank-you to our World War II veterans. It shows the commitment we have to America’s sacred obligation to all our veterans—to those who served on the frozen battlefields of Korea, to the jungles of Vietnam, to the deserts of Iraq, and to those who on this very day are fighting in the mountains of Afghanistan. So I ask the Senate to join me in thanking these heroes to our Nation’s Capital this weekend. And a special thanks to all 18,000 World War II veterans living in Montana. We are forever grateful for your service and your sacrifice.

I might add, Mr. President, that as we honor our veterans, especially those who served during World War II, it is a good reminder to all of us here who aspire to public service. In many cases, these veterans put themselves in harm’s way, sacrificing themselves for their country, so the very least we can do here in the Senate is to remember our veterans who sacrifice so much, remember our Armed Forces today who serve us so well, and at the very least we should work together as a Senate, as a Congress, to solve the problems ahead of us and not be so partisan and so divisive, which is clearly not a public service.

Today, the Supreme Court is considering a challenge to Montana’s 1912 Corrupt Practices Act. One hundred years ago, Montanans said, in passing legislation, that elections should not be bought by the Copper Kings. Who were the Copper Kings? They were basically three very wealthy corporate titans trying to control copper production in the State of Montana, and they virtually controlled our State. Montanans said: No, elections should not be bought by copper kings or by any corporation. Today, we in Montana say the same thing.

Unfortunately, the Supreme Court’s 2010 decision in Citizens United cleared the way for unlimited out-of-State corporate contributions throughout the country. I applaud Montana’s attorney general Steve Bullock for sticking up for Montanans as the Supreme Court takes a closer look at this case. I have introduced a constitutional amendment to limit corporate campaign expenditures, and I have supported every piece of campaign reform legislation that has come before me.

As the Supreme Court looks at Montana’s 1912 Corrupt Practices Act today, my hope is that Montana can continue to lead the Nation in saying that elections belong in the hands of the people, not out-of-State foreign corporations.

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

The PRESIDING OFFICER. Without objection, it is so ordered.
But the best thing, in my view, we can do for the economy is to adopt a bipartisan, comprehensive deficit reduction deal, much like that proposed by the deficit commission led by Erskine Bowles, former Chief of Staff to Presi-
dent George W. Bush—and further in the con-
cern of the United States. Sena-
ator from Wyoming, Republican Alan Simpson—the so-called Bowles-Simpson Deficit Reduction Plan. That plan provides for $1 trillion to $5 trillion in deficit reduction over the next 10 years—on average for every $1 on the revenue side. That actually lowers both corporate and individual tax rates. It lowers the rates and bot-
toms the base of income that is taxable, eliminating half of our so-called tax exemptions, tax breaks, tax deduc-
tions, tax credits, and tax loopholes.

That is how we end up with lower rates both on the corporate and indi-
vidual sides, and also actually creating some revenue for the $3 of spending re-
duction. That is a home run. I don't know if we are going to hit that home run before the election, but sometime between the day after the election and, hopefully, by the end of the year we will start to see a bill that is similar to that and provide certainty: One, can we gov-
ern? Yes, we can. Two, can we be fis-
cially responsible? Yes, we can. Three, can we provide certainty with respect to our Tax Code? Yes, we can. I think the adoption of that kind of a plan an-
swers all those questions with, yes, we can. And we are.

But while we prepare to hit a home run, I don't think we ought to wait until the end of this year to do something. In the meantime, we need to hit a lot of singles. So rather than hitting a home run with runners on base, let's see if we can't hit some sin-
gles and maybe some doubles and score some runs for the economy.

I spend a lot of time, as my col-
leagues will tell folks, on how to create a more nurturing environment here for job creation and job preservation. How do we do that? Our friend, John Cham-
ber of Commerce West Virginia, a native of West Virginia—as am I—who now heads up Cisco, a big technology com-
pany, likes to say the jobs of the 21st cen-
tury will go to those States and those countries that do two things es-
pecially well: One, a productive work-
force—students who can read, write, think, do math and science coming out of our high schools, coming out of our colleges and universities, into the workforce; and, the States and nations that do it danovery well; that is, create a world-class infrastructure; broadly defined, roads, highways, bridges, transit, rail, port, airports, waterways, water treatment, broadband, all of the above, broadly defined infrastructure.

In addition to that, there are a num-
ber of other things we can do to pro-
vide a nurturing environment, and they include cost-effective regulations, com-
mon sense regulations, access to 
leaders like us.

Another positive development in job 
creation and job preservation is access
to capital, the ability to actually bor-
row money for businesses, large and small, at reasonable rates; the ability to export into foreign markets and to get financing for those exports if they need it; incentives to do basic research and development that actually can be turned into products that we can sell around the world. Those are some of the things that actu-
ally contribute to a nurturing environ-
ment—not all, not the only things, but some of them.

Another thing that we can do in terms of hitting singles and doubles is some things that we have done in this Chamber this year, and I want to men-
tion a few of those. They include actu-
ally doing something about our avia-
tion infrastructure.

When we passed the Federal Aviation Administration reauthorization earlier this year, we not only provided for a source of revenues—provided by the general aviation community and the civil airlines here, the source of reve-
 nues to upgrade, modernize, and improve airports—but we also provided money to bring an analogue air traffic control system into the 21st century, arguably a digital system. So that is an example in terms of a more nurturing envi-
ronment.

No. 2, I actually said the idea that in the past, if someone comes up with an idea—like this young woman who is typing down my words on the floor today, if she comes up with a good idea and goes to the Patent Office—in the past she could go to the Patent Office and say: I have a great idea—maybe for a better machine than the one she is taking down my words with here today—and she files for a patent on 
that machine. A year later, I show up at the Patent Office and say: No, that was really my idea, and I thought of it first. She just filed first, but I really had it first. I end up going and liti-
gating with her, and it may string out for months, years, and provide a lot of uncertainty. I don't have a patent, but I just want to be bought out and basi-
cally paid off. Maybe I had the idea first, but in a lot of cases I didn't, and I want to be given something of finan-
cial consequence so I will go away.

We have changed that with the law 
we passed here and the President signed that says: Whoever files first—if she files first for that new machine, it is his patent. It is something for us to do with respect to providing certainty for innovation and cre-
ativity.

Another thing we did that I think is a smart idea is we said: We are having a hard time selling our goods and serv-
ices in places such as South Korea, Panama, Colombia, and a lot of other places around the world. We negotiated in the Bush administration—with George W. Bush—and further in the Obama administration, free-trade agreements with Korea, Panama, and with Colombia. They have been approved by the Senate, agreed to by the President, and they are now the
law of our land and the lands of those free countries.

What does it mean for us and South Korea, a place where they sold to us last year 500,000 cars, trucks, and vans; a country we sold 5,000 cars, trucks, and vans to? That is going to change, and their ability to keep our vehicles out will phase out over time, and we will have the opportunity to sell our vehicles there just as they have the ability to sell their vehicles here.

We have the ability to sell poultry products. We raise a lot of poultry on the Delmarva Peninsula in Delaware. We will have the ability to sell poultry products into countries such as Panama and Colombia without impediment and tariff barriers to keep them out.

So the idea to provide better access to foreign markets, we have done that at least with respect to those three, and ours to 2,000, something I worked on. The IPO onramp will make it easier for shareholders to 2,000, something I worked on. The IPO onramp will make it easier for companies, if they want to go public, to do so.

John Carney, a Congressmen from Delaware, who has worked on that in the House and did a very nice job. But that is legislation endorsed by the President, supported by Democrats and Republicans, now the law of the land—another single, maybe a double, I don’t know—where middle-sized companies and smaller companies that want to grow either remain privately held or become publicly traded.

Other potential singles and doubles are the postal legislation that Senator Lindsey, Senator Collins, Senator Brown, and myself and others have worked on to try to save the Postal Service, which is losing $25 million a day in the 21st century. We have a pretty good idea on how to stem that hemorrhaging and how to help them create a trading partnership with countries such as Malaysia, Australia, New Zealand, Vietnam, and a couple of other countries over there.

I am told the Japanese are interested in being part of that as well. That could be an enormous new global partnership that would enhance trade between all the countries that are a part of it.

Another piece of legislation for a single that we have hit over here is something called the JOBS Act. You may recall that IPO onramp—initial public offering—for changing the shareholder threshold, raising it from 500 shareholders to 2,000, something I worked on. The IPO onramp will make it easier for companies, if they want to go public, to do so.

Another potential single or double I want to talk about, and it is the agriculture legislation. We have an agriculture bill that has been brought out of committee and is being voted on. It would enable us to do what I think we need to do in a lot of areas of our government; that is, get better results for less money. I like to say in everything we do, everything I do, I know I can do better. Only if I can do better can I justify my job to 100 of my 99 colleagues. I believe that is true of most Federal programs. One of our challenges is to figure out how to get better results for everything we do.

Today we had a very interesting hearing on the Medicaid Program and how to get better results for less money with respect to Medicaid and how we reduce improper payments—mistakes and so forth—and how we reduce fraud losses, which are about 10 percent of our Medicaid and Medicare. But a recurring theme for me and for the subcommittee I lead on Federal financial management in the Senate is how do we get better results in almost everything we do for less money or better results for the same amount of money? That is not a Democratic idea, it is not a Republican idea, it is not a liberal idea or a conservative idea. It is just a smart idea. In a day and age of these trillion-dollar deficits, they are coming down, but it is still too high. While we wait to do that big deal, hit that home run with something like the Bowles-Simpson Deficit Commission recommendation later this year, we need to continue to hit singles in terms of reducing spending taxpayers’ money in a smart and more cost-effective way.

That brings us to the legislation that has been before the Senate this week, and that is the Agriculture bill. Believe it or not, in Delaware, our little State, we have 300 million people in about an 100 miles from one end to the other, north-south, right here on the Mid-Atlantic between Washington, DC and New York City. For us, agriculture is still a big deal. We don’t have a lot of cows—we have some. We don’t have a lot of hogs—we have some. What we have a lot of is chickens. We have a lot of chickens.

Every person who lives in my State, there are 300 chickens. As you go from north to south, the chickens have us outnumbered even more than 300 to 1.

Eighty percent of our agricultural expenditures in Delaware is poultry-related. The poultry industry doesn’t need a lot or ask for a lot in terms of support or investment from the Federal Government. But we raise a lot of corn and soybeans in Delaware, and so we care about agriculture and we care about the farm bill. Other parts of the country care about it even more, maybe, than we do. But I want to talk about it for a few more minutes before I head back to my office.

I am here today to say that the farm bill that has been before us this week, when compared to the ones that have come before it in recent years, makes great strides toward reforming a process that was too often—and I think rightly—criticized as regressive and, ultimately, wasteful.

All told, the bill that has been brought to the floor—a bipartisan bill. Great kudos to the chairman of the Agriculture Committee in the Senate, Debbie Stabenow of Michigan, and the ranking Republican Senator, Pat Roberts of Kansas. They have done great work in steering this legislation through committee, again with strong bipartisan support, and bringing it to the Senate floor, saving the Federal Government almost $24 billion over the next 10 years compared to what we would otherwise be spending under current law.

The legislation eliminates wasteful spending by getting rid of the so-called direct payments program too often gave money to farmers even when farmers didn’t grow anything or even own the land. But I think the bill is also humane, and this legislation is not unfair to our farmers. I believe it embraces the Golden Rule of treating other people the way we want to be treated, and that includes farmers and farm families and taxpayers.

But instead of continuing the direct payments program that has prevailed for years, this legislation institutes a new crop insurance program, a long sought after goal by those of us wanting to make progressive changes to farm law.

Instead of giving money to farmers who, again, sometimes don’t grow even a single crop in a year, this legislation only helps farmers when they actually experience a loss on the crops they are actually growing.

For a lot of people in this country, that would just sound like common sense. But in Washington, DC, and across the country, it is an uncommon approach to farm legislation. This is a much smarter approach.
In the end, the new crop insurance program, the Agriculture bill before the Senate this week, still would give farmers the security they need to continue farming. There is a lot of uncertainty in farming. Is it going to rain? Is it going to be cold? Are we going to have a failed drought? There is a huge amount of uncertainty, and it is important for us—
to the extent that we can reasonably do that—to reduce uncertainty and lack of predictability for all kinds of businesses. It would be hard to do that. We don’t control the weather; we don’t control the temperature—well, indirectly maybe. But to the extent that we can help provide some certainty, security, and predictability for the farmers at a lower cost to the taxpayers, we ought to do that.

I think this committee has pretty well thought that through and figured out a way to do crop insurance—an old program—with a new approach, a smarter approach that is good for farmers and, I think, good for taxpayers.

Another thing this legislation focuses on is nutrition and how we can encourage farmers to grow and people to eat healthful foods as part of their daily diets.

We live in a country where, sadly, one-third of the American people are overweight or on their way to being overweight, and maybe on their way to being fat. It is not good for one-third of us. The trend is not good.

In terms of cost for health care, it is killing us; Medicaid costs, dialysis, diabetes, hospitalization, loss of limbs, loss of eyesight, and for our ability to fund Medicare, again, the same kind of challenges and hardships in the ability for us to compete with the rest of the world when we are so much heavier than they are. We know the four major cost factors in health care are, No. 1, weight; No. 2, tobacco; No. 3, high blood pressure; No. 4, high cholesterol. If we could do a better job on all those fronts, we would be off to the races on our health care costs. We are making some progress bringing health care costs down. Believe it or not, this agricultural legislation is part of the solution because it, among other things, encourages us to eat a diet that is more healthy for us. This bill doesn’t mandate what we eat, but it does encourage and provide ways to make healthier foods available, nutritious foods available in places such as health deserts. There are some communities, some cities around the country, where the only grocery store they have in their community is a convenience store. There is nothing wrong with convenience stores, but if that is the only place one can buy fruits and vegetables, and they don’t have them—maybe bananas if one is lucky—that is not good.

This effort, along with the First Lady Michelle Obama, will be reducing those food deserts. It includes support for programs that help farmers produce fruits and fresh vegetables. In our State, we raise not only corn and soybeans, we raise a lot of fruits and vegetables, most notably watermelons, but we do a few lime beans and other products as well. We grow most of those in the winter. We can take them to market in the spring, but we will be able to bring it to market in ways that benefit farmers and consumers and also support programs such as Farm to School, where we actually bring fresh fruits and vegetables to the schools to feed our students.

We also talk a lot around here, as my colleagues know, about reducing our dependence on foreign oil. As I said earlier, dependence on foreign oil in this country has dropped from about 6 years ago; a half dozen years ago, 60 percent of our oil was from foreign sources; now we are turning down toward 40 percent. We hopefully will be there in another year or two. But this legislation really helps us, actually helps us in that direction where we are lessening our dependence on foreign oil.

It includes legislation I joined Senator Stabenow in introducing earlier this year that would support the expansion of products made in country from bio-based material, such as the renewable chemicals made from plant material which can be used to displace petroleum and our plastics.

The being in the Senate, which is a major employer in our State—frankly, one of the great companies in this country for the last 200 years and around the world—does great work, exciting work not only in figuring out how to use corn, get more yield off an acre of land—as much as 300 bushels off an acre of land. Thirty years ago, a farmer was doing good if an acre was getting 50 bushels. Now DuPont has these experimental farms where they get 300 bushels an acre of land, so we can feed ourselves and fuel ourselves. Not only that, we can take the corn—the cornstalks, the leaves, the cobs—and turn that into cellulosic fuel. We can also take the by-product of some of the vegetables and some of the plants we are raising to create carpeting, as attractive as the carpeting in this Chamber, and clothing. One of the great growth businesses for DuPont, at least, is using plant life to create carpets and not to have to depend on petroleum. That is very exciting. It reduces our dependence on oil, particularly on foreign oil.

It also creates new jobs in communities across our country, including my State and I suspect including Minnesota, where our President is from.

Another key investment this bill continues, although it is at a somewhat reduced Federal level from what we saw in the 2008 farm bill, is the agricultural bill’s investment in conservation. Conservation and the preservation of agricultural lands are the key to the future of agriculture in every State but are especially important in a little State such as Delaware. These investments are also particularly critical to regions such as the Chesapeake Bay to our west, which Delawareans and Marylanders and Virginians especially are working hard to restore and to protect.

I might mention, if I could, in terms of conservation, we had a big problem in our State. People like to come to Delaware. We have great beaches, Cape Henlopen and Lewes and Dewey and Bethany and Fenwick Island. People come to our State a lot of times because they want to retire there, maybe have a beach house in the summer and then decide they want to live in Delaware. We have had a lot of demand for housing in the southern part of our State crowding out some of our agricultural land. We are concerned about what does that do for open spaces and preserving our agricultural land.

When I was privileged to be Governor, initially proposed by Mike Castle, our previous Governor, we wrote a program to preserve our agricultural land. We have invested a fair amount of tax dollars in Delaware in broad support from people who live in the suburbs and the cities as well as farmers, to preserve the farmland and we have preserved a lot of it. I am very proud of that. One of the best ways to preserve farmland and make sure farmers can make money off the land they are farming. If they are able to make a good income in good years and bad years, if they have ways to get extra sources of income from the farms—which include raising corn that can be turned to a cellulosic biofuel and help fuel our country or provide the materials that are needed to create carpeting or clothing or to be a place we can build maybe windmills or solar energy and deploy those and harness the wind and sun to supplement the income of our farmers and promote conservation. Beyond that, the bill we are looking at does focus some good attention, appropriate attention, on encouraging and nurturing conservation. I mentioned earlier, we have about 1 million people in Delaware and about 300 chickens for every person. About 60 percent of the cost, I am told, of raising a chicken is the cost of feed. In recent years, the cost of feed, including the cost of corn, has risen dramatically. Our new pages who are here for a 3-week period are anxious to know how much it costs to feed a chicken. We can actually take a chicken from the time it comes out of an egg and in about 7 weeks or so it is ready to actually go to market. But what do we feed them in the meantime? We feed them a lot of corn and we feed them a lot of soybeans. We have seen the cost of corn go from maybe a couple bucks for a bushel out to be $7 or $8 a bushel of corn. We have seen soybeans go from about $5 a bushel to as high as $12 or $13 a bushel. It is hard

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Mr. President, I rise to speak on the farm bill. I think we have a real opportunity to pass a farm bill that will not only reduce the deficit but provide strong support for our farmers and ranchers. Right now at this point, there is something like 250 amendments that have been filed on the farm bill. Some are good, others are probably not so good, and certainly many amendments have been filed by both parties. Some of them are germane, mean they actually aid the farm bill, and many of them are not. That means if we are going to get a farm bill, we have to find a way to work through these amendments and come to agreement on the amendments as far as the ones that will be voted on, and that is going to take some compromise on the part of both parties. I mean that. We have to come together in a bipartisan way and come up with an agreement so we can have a reasonable number of amendments brought forward and we can vote on those amendments and pass a farm bill. We should be able to do it. We absolutely should be able to get that done because this bill accomplishes some very important things for our farmers and ranchers and for every American. It is important for every single American. Good farm policy not only benefits farmers and ranchers, it benefits all Americans.

First, we have the highest quality, lowest cost food supply in the world, bar none. We have the highest quality, lowest cost food supply in history. Every American benefits from that.

Second, it is a jobs bill. We are talking about millions of jobs, both on a direct basis and on an indirect basis. If we talk about small businesses, we are talking about hundreds of thousands of our businesses doing very well in every State. For farmers and ranchers and all of the businesses that go with farming and ranching, it is hundreds of thousands of businesses. So it really is a jobs bill at a time when we need to get our economy going and we need to get people back to work.

It is also about national security. Think how important it is that we be
able to rely on our own farmers and ranchers across this country for our food supply. We are not beholden to other countries or relying on other countries, particularly countries that may have very different interests than we have for our food supply. It really is an issue of国家安全.

So for all of these reasons and more, we need to move forward on this farm bill. We are talking about legislation that affects every single American.

In addition, this is a cost-effective bill. It provides strong support to our farmers and ranchers, but, as I said, it also provides real savings to help with our deficit and debt. Agriculture is doing its part to help reduce the deficit. I would like to go through the numbers for just a minute to demonstrate that.

On an annual basis, the farm bill is about $100 billion out of a $3.7 trillion budget. So it is $100 billion out of a $3.7 trillion budget. The portion that goes to farm programs and really goes to agriculture to maintain this network of farms and ranches across the country is about $20 billion—actually less than $20 billion out of an annual budget of $3.7 trillion. Now, 80 percent of this farm bill, per se, is nutrition payments.

So let's go through these numbers. How does the farm bill score? How do we get what is really spent and where it is spent and the savings that we generate in this farm bill? How does the farm bill score, of course, over 10 years by the CBO. The total cost is $960 billion. Out of that 80 percent-plus is nutrition, primarily SNAP, which is the Supplemental Nutrition Assistance Program, and the School Lunch Program. So approximately $800 billion of that score is nutrition. Less than $200 billion of the score relates to the farm program portion of the farm bill. But, as we know, the farm bill is actually a 5-year legislation not a 10-year legislation. So the actual cost is half that; it is $480 billion in total. Approximately $400 billion of that goes to the nutrition programs I talked about. Less than $100 billion over 5 years or less than $20 billion a year is actually the farm program portion of the bill.

Back to the savings. There is $23.6 billion saved out of the portion that is less than—or mostly out of the portion that is about $200 billion. In fact, out of what we call the commodity title and crop insurance— we are talking about $15 billion in reductions and another $6 billion in reductions out of the conservation programs. Again, those two programs alone are $21 billion of the $25 billion, and only about $4 billion in total come out of the nutrition programs. Again, on a 5-year basis, cut that in half. We are reducing by 10 percent the funding that goes to support the farm program. That is a significant reduction.

I see an issue here to my point about all of these amendments we have. We have to get through 250 amendments, and we have to get through them and have some agreement, again on a bipartisan basis, as to the amendments that will be brought forward and voted on as part of this package.

We have the core bill that came out of the Agriculture Committee. It came out of the Agriculture Committee with strong overwhelming votes 16 to 5—and that is for the underlying legislation. We have these 250 amendments. We have to somehow get together, come to the floor, and have a reasonable vote on these amendments—some will pass and some will not—and move this legislation forward.

As I said, while many of the amendments relate to the farm program portion of the farm bill, they either seek to further reduce the cost of the bill or seek to improve the bill. Regarding the cost of the bill, as I have just explained, the farm program portion of the bill is less than $20 billion a year, and we have already saved 10 percent.

We are already reducing 10 percent. So no amount of wording for additional savings is going to make a large difference on the $3.7 trillion budget.

Further, as I said, since we already reduced the 10 percent, agriculture is doing its part to help with the deficit. For example, think if we went through the rest of the budget and were able to secure a 10-percent reduction out of all of the other portions of the budget, right? Again, my point being, of course, we have to find savings, but we are already doing it in a big way. It truly is a cost-effective measure.

There are also amendments that seek to improve the bill. Here I go back to the old saying that perfect is the enemy of good. I get that there are a lot of amendments and everybody wants their amendment passed, but no amount of amending this bill is going to make it perfect. What this bill does is it already builds on the strengths of the existing farm program and makes the program stronger.

The heart of this bill is enhanced crop insurance. That is what producers across this country told us over and over again that they want. It is what they need to continue to do the very best possible job to produce the food we rely on throughout this country and many other countries throughout the world. Enhanced crop insurance is the risk tool they want. It is a market-based approach, and it is cost-effective.

In fact, we enhanced crop insurance with what we call the supplemental coverage option. Essentially what we do in this farm bill is we say we are going to build on the core and strength of the existing farm program because that is what the farmers and ranchers of this country have told us they want. As it is now, the farmer goes out and buys his crop insurance and insures up to a level he thinks is appropriate. He tries to make the best decision he can, all conditions considered, and buys the crop insurance on a cost-effective basis. But the higher level he insures, the more costly it becomes to insure. So we add a new element to this bill, and it is called the supplemental coverage option. Essentially what it does is once the farmers purchase their crop insurance at whatever level they feel is cost-effective, then they can buy additional insurance to insures at a higher level on a cost-effective basis. It is not farm-level coverage, it is countywide coverage that makes it more cost-effective. If the farmer has a disaster, it truly makes sure the farmer can carry on this business. So they are able to buy crop insurance in a way that affords them better coverage.

In addition, the legislation provides help with shallow or repetitive losses that farmers sometimes face due to weather. That coverage is called ARC, or the Agriculture Risk Coverage Program. These are voluntary programs. These are an effort to make sure farmers and ranchers can insure like other types of businesses and continue even when weather conditions make it very hard for them to farm or ranch, not only in a given year but if they face weather difficulties over a period of time.

I’d now like some of the Senators from the Southern States think that in this bill for their farmers, particularly for peanuts and rice and to some extent cotton—although there is a STAX program for cotton—there needs to be more price protection. In fact, we are working with them to do just that. We have offered amendments that I think we are making real progress on that will help them with some of the price protection they want for the southern crops, particularly peanuts and rice. As I said, they do have a product that I think they feel works for cotton, but this would provide additional price protection for cotton as well.

Again, I believe we are reaching out and doing what we can do with southern producers. I hope we can get their support on this bill as part of getting an amendment package that we can agree to and move forward on the bill.

The other point that I think is very important to keep in mind relative to southern growers is that they will have additional opportunity in the House for some of the improvements they may feel they need in the bill even though, again, I think the underlying bill itself is very strong, and we have, I believe, come to some agreement or gotten very close to some amendments that will afford them the further price protection they feel is needed in the legislation.

So that is where we are. I want to return to where I started. We have to come together in a bipartisan way. Both sides of the aisle have to come to reasonable agreement on these amendments so we can move forward and vote on this legislation. We can do it, but I want to be very clear that it is incumbent on all of us to make it happen.
This bill is not just about our farmers and ranchers. This is a bill that affects every single American, and it is time we come together on an amendment package and find a way to move forward and get this bill done for the good of farm country and for the good of the country unless we make things and believe we have a middle class in this nation. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Michigan.

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

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

Ms. STABENOW. Mr. President, as we wrap up today and the week, I wish to take a few moments to give a status report as to moving forward in our negotiations on the farm bill. We have actually had some very good progress and overcome some obstacles and we are putting together something for the Senate for the beginning of the week that will allow us to move forward. I wish to also thank the junior Senator from North Dakota whom I heard on the floor a while ago, Mr. Hoeven, about the 250 different amendments to the bill, the great thing about the Senate is we will offer amendments whether they are relevant or not, and the challenge for someone managing a bill is that anyone can offer amendments. So we have worked our way from the 250, we are working our way down from 50 to 40 and putting together an approach that will be fair and balanced and allow us to move forward and have the input of everyone on both sides of the aisle.

So I wish to thank Senator Roberts again for being a partner with me all the way through this process and a terrific committee. We heard from one of those members, the junior Senator from North Dakota, in laying out what a positive and important bill this is for us. I wish to thank him as our newest member of the committee for all his contributions as well.

To briefly recap as we bring the discussion to a close this week, there are 16 million people who work because of agriculture. They may be packaging, processing, making machinery for agriculture. They could be doing a number of things, but 16 million people work because of agriculture. I am not sure we can say any other individual bill that has been brought to the floor of the Senate impacts that many people—16 million people.

As I have said so many times, I don't believe we have a middle class in this country unless we make things and grow things. The State of the Presiding Officer as well makes things and grows things. That is the strength of our economy.

One of the bright spots for us, even during the deepest, toughest times in the country, and certainly in Michigan, has been and continues to be agriculture, our major products, a trade that has been the trades expand 270 percent just over a short period of time, and over 8,000 jobs created for every $1 billion we do in trade exports. So there are multiple facets to this jobs bill, from production agriculture, alternative manufacturing, whether it is support for the critical needs of families through nutrition, whether it is conservation, where we have the largest investment in land and water conservation in our country on working lands, done through the farm bill.

This is important. It covers many important subjects that touch every single person in rural America and every person across this country as consumers of some of the most affordable food supply in the world. So we have an obligation to get this right and to take the time to do it, and that is exactly what we are doing.

I am so proud this bill came out of committee with a broad, bipartisan vote and that we had such a very strong vote to proceed to the bill and now we are moving through the process of bringing us down the path to a final conclusion.

As we do that, I wish to stress again a few points. We could talk a long time because this has many pieces to it, and I am not going to do that this evening. I wish to also thank the junior Senator from Michigan, about the 250 different amendments to the bill, and say yes to this bill. We are anxious to get it done.

I would just say, as we conclude a very busy week—and I have to say it has been a very productive week—we began a process. We have had some votes. We have had a number of folks come together. I thank people on both sides of the aisle for their willingness to work with this as we move forward on our path to completion of this very important 5-year bill. I wish to indicate to everyone that we will look forward to having a busy next week to present something to the body.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AGRICULTURAL REFORM

Ms. STABENOW. Mr. President, as we wrap up today and the week, I wish to take a few moments to give a status report as to moving forward in our negotiations on the farm bill. We have actually had some very good progress and overcome some obstacles and we are putting together something for the Senate for the beginning of the week that will allow us to move forward.

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The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

HURWITZ NOMINATION

Mr. BLUMENTHAL. Mr. President, I would like to express my strong support for the nomination of Andrew Hurwitz to be a member of the U.S. Court of Appeals for the Ninth Circuit. Justice Hurwitz is already an experienced judge, having served for almost 10 years as a member of the Arizona Supreme Court. He has disposed of hundreds of cases and has received the highest possible rating from the American Bar Association Standing Committee on the Federal Judiciary. “well qualified.”
Most important to my support, I have known Justice Hurwitz for literally four decades, so I am exceptionally familiar with his professional and personal background and am certain that he will be an outstanding addition to the Court of Appeals. I first met him at Yale Law School, where we worked together on the Yale Law Journal. He attended Yale after graduating from Princeton University in 1968. Our lives intersected again when I hired him as a law clerk to Judge Jon O. Newman and then as a law clerk on the U.S. Supreme Court, although in different years and for different Justices. At every step of his career as a litigator and judge, as well as student and law clerk, he has been a paragon of intellect and integrity.

Justice Hurwitz has built a distinguished record while serving on the Arizona Supreme Court. Time and again, he has demonstrated an extraordinary capacity for analysis, thoughtfulness, and insight when facing the most complex and challenging questions of law. He has the qualifications, both professionally and personally, to be a great Federal judge. His reasoning is often of such a caliber that even on highly complex and controversial issues, he has been able to build consensus on the court. Indeed, many of his most significant opinions were joined by all members of the Arizona Supreme Court.

Before his appointment to the Arizona Supreme Court, Justice Hurwitz spent 25 years in private practice in Arizona, where he represented a wide range of interests—from AT&T and the American Broadcasting Company to the city of Phoenix and the Arizona State Compensation Fund. He also developed a specialty in Native American law, representing, among others, the Salt River Pima-Maricopa Indian Community and the Hopi Tribe. Much of the work he did during his years of practice involved complex appellate litigation, including numerous arguments before the Ninth Circuit and two before the U.S. Supreme Court. This experience gives Justice Hurwitz familiarity with a broad swath of Federal law.

Equally impressive is Justice Hurwitz’s commitment to pro bono work and public service. While in private practice, Justice Hurwitz argued and won a groundbreaking death penalty case in Arizona, to vindicate the rights of death row inmates sentenced by judges rather than juries. He also took time out of his successful practice to work in Arizona government. Among other projects, Justice Hurwitz was responsible for creating the Arizona Health Care Cost Containment System, a program designed to rein in State Medicaid costs. He also worked with the Reagan administration to implement greater control over transportation and education for State agencies. He served from 1988 until 1996 on the Arizona Board of Regents, including as board president. During his tenure, he led an effort to require annual reports from universities certifying they had reached mandated educational goals. His commitment to public service work shows a dedication to the legal system that I believe should be shared by all members of the Federal bench.

Throughout my years I have known him, Justice Hurwitz has always been open about his passion for the law. From private practice to government to serving on the Arizona Supreme Court, he has shown unparalleled legal acumen and a devotion to public service. I have no doubt that his adherence to precedent, coupled with his passion and his wisdom, will serve this Nation well. President Obama has made a truly excellent nomination that will benefit the cause of justice in our Nation for many years to come.

ETHIOPIAN FREE PRESS ASSAULT

Mr. LEAHY. Mr. President, later this month, I and other Members of Congress will be watching what happens in a courtroom 7,000 miles from Washington, in Addis Ababa, Ethiopia.

That is where a journalist named Eskinder Nega faces a charge of supporting terrorism simply for refusing to remain silent about the Ethiopian government’s increasingly authoritarian drift. The trial is finished, and a verdict is expected on June 21.

Mr. President, Eskinder Nega is no stranger to jail. Since 11, the Ethiopian government has charged 10 other journalists with terrorism or threatening national security for questioning government actions and policies—activities that you and I and people around the world would regard as fundamental to any free press. Ironically, by trying to silence those who do not toe the official line, the government is only helping to underscore the concerns that many inside and outside of Ethiopia share about the deterioration of press freedom and human rights in that country.

Ethiopia is an important partner for the United States in at least two key areas: containing the real threat of terrorism in the region, and making gains against the region’s recurring famines and fostering the kind of development that can bring the cycle of poverty and hunger to an end. The United States has provided large amounts of assistance in furtherance of both goals, because a stable, democratic Ethiopia could exert a positive influence throughout the Horn of Africa and help point the way to a more peaceful and prosperous future.

That is why President Obama invited Prime Minister Meles Zenawi to last month’s G-8 Summit at Camp David. The subject was food security, and challenge democracy ever since. Yet he carried on, publishing articles online that highlight the government’s denial of human rights and calling for an end to political repression and corruption.

In some of those articles, Mr. Eskinder specifically criticized the Meles government for misusing a vaguely-worded 2009 antiterrorism law to jail journalists and political opponents. Now he stands accused of terrorism.

At his trial, which opened in Addis Ababa on March 6, the government reportedly offered as evidence against him a video of a town hall meeting in which Mr. Eskinder discusses the Arab spring and speculates on whether similar protests were possible in Ethiopia. If convicted, he could face the death penalty.

The trial of Eskinder Nega, the imprisonment of several of his colleagues on similar spurious charges, and the fact that Ethiopia has driven so many journalists into exile over the last decade has eroded confidence in Prime Minister Meles’s commitment to press freedom and to other individual liberties that are guaranteed by the Ethiopian constitution and fundamental to any democracy.

The United States and Ethiopia share important interests, and the administration’s fiscal year 2013 budget requests $350 million in assistance for Ethiopia. However, to the extent that any of that assistance is intended for the Ethiopian government, the importance of respecting freedom of the press cannot be overstated. What happens to Mr. Eskinder if journalists there will resonate loudly not only in Ethiopia, but also in the United States Congress.

Mr. CARDIN. Mr. President, I rise today to commemorate the 96th anniversary of Flag Day in the United States.
States and to draw attention to its heightened significance in this year, the 200th anniversary of the United States’ ‘Second War of Independence,’ the War of 1812. Since its adoption by the Second Continental Congress in 1777, the flag, with its thirteen stripes and fifty stars, has proudly stood as a beacon of liberty and justice throughout the world.

For more than 200 years our flag has stood as a tangible expression of our Nation and the lofty ideals it was created to protect. In 1916 President Woodrow Wilson sought to formally recognize the significant cultural and historical legacy that our flag embodies, proclaiming that the fourteenth of June should be known as Flag Day as a means of commemorating the Flag Resolution of 1777. While Flag Day was celebrated in many communities across the country in the years following Wilson’s proclamation, it was not until 1949 that President Truman signed an Act of Congress designating June 14 of each year as National Flag Day and the week on which it falls as National Flag Week.

My State of Maryland plays a prominent role in the rich and storied history of our national Flag, Sherman after the British sack of Washington, D.C., the Royal Navy turned its gaze north, moving in force towards the strategic port city of Baltimore, MD. Despite the lack of formally trained, commissioned soldiers, the citizens of Baltimore intelligently prepared the city’s defenses and steadfastly stood their ground against the better equipped and trained forces of the British military. Despite their manifold disadvantages, the volunteer militia fought valiantly during the Battle of North Point, holding off the British infantry long enough for reinforcements to arrive. With their ground forces stymied, the British Navy commenced its intense, 25-hour bombardment of Fort McHenry. However, the bombardment was to no avail, as the stalwart American defenders refused to yield and the British were forced to depart.

During the bombardment, American lawyer, Francis Scott Key, was being held aboard an American flag-of-truce vessel in Baltimore Harbor, beheld by the dawns early light the American flag still fluttering in the breeze atop Fort McHenry. At that moment, the American flag survived the assault and stopped the enemy advance. Deeply moved by the sight of the American flag after the devastating assault, he immortalized the event in a poem entitled ‘The Defense of Fort McHenry,’” which was later set to music and renamed ‘The Star Spangled Banner.” On March 3, 1913, President Herbert Hoover signed a Congressional resolution, formally making the “Star Spangled Banner” the national anthem of the United States.

The flag that flew over Fort McHenry during that fateful night is now a national treasure that remains on display at the Smithsonian Institution as a stirring inspiration to all Americans. Each year the National Flag Day Foundation of Baltimore sponsors a moving ceremony at the Fort McHenry National Monument and Historical Shrine which brings our community together in celebration and remembrance of our illustrious history.

America’s flag graces classrooms, statehouses, courthouses, and churches, serving as a daily reminder of this Nation’s past accomplishments and ongoing dedication to safeguarding individual rights and political freedom. Whether it is being carried into battle by the brave members of our armed forces as they fulfill their missions in defense of democracy and peace or flying over the public buildings, the flag is a badge of honor for all to see—a sign of our citizens’ common purpose.

This week and throughout the year let us do all we can to teach younger generations the significance of our flag and appreciate those who have fallen to protect it. In red, white, and blue, we see the spirit of a Nation, the resilience of our Union, and the promise of a future forged in common purpose and dedication to the principles that keep America strong. As we reflect on our heritage, let us remember that our destiny is stitched together like those 50 stars and 13 stripes, united as one, with liberty and justice for all.

TRIBUTE TO ANGELO ROPPOLO
Ms. LANDRIEU. Mr. President, today I wish to ask my colleagues to join me in honoring Mr. Angelo Roppolo and extending my appreciation for his extraordinary accomplishments and dedication to the city of Shreveport and the State of Louisiana.

Mr. Roppolo is a modest man who seldom takes credit for his achievements. He has worked throughout his community as someone who avoids the spotlight. He has an unwavering loyalty to his family and friends and has never been known to abandon his core beliefs and principles.

Mr. Roppolo stands for righteousness and justice, and he has never hesitated to support a candidate who has challenged the norm. Mr. Roppolo has played integral roles in many landmark political events in Louisiana. He was also involved in organizing and planning the campaigns of the first African American judge to be elected in Shreveport and in Caddo Parish, along with the campaigns of the first female judge in Caddo Parish and the first female judge on the 2nd Circuit Court of Appeals. Mr. Roppolo also served as the north Louisiana campaign chairman for Governor Kathleen Blanco, who was the first female to be elected as Governor of Louisiana.

Along with his love for the political process, Mr. Roppolo is also a strong supporter of entrepreneurs in Shreveport. He was a founder of the South Shreveport Business Association, an organization dedicated to the success of businesses within the rapidly growing area of his community. He has also helped many individuals gain financing for their endeavors and has seen many of these ventures grow and prosper into successful businesses.

Mr. Roppolo is a kind and caring man who has always given praise and gratitude to the men and women in the armed services who serve and protect this country. Mr. Roppolo is a source of inspiration for all who know him. He is a guiding light for our community and the city of Shreveport, where his family and friends alike respect and admire all he has done for those around him.

It is with a special measure of sincerity and heartfelt commendation for the mark he has left of the State of Louisiana that I ask my colleagues to join me along with Mr. Roppolo’s family in honoring and celebrating the life of this most extraordinary person.

ADDITIONAL STATEMENTS

RECOGNIZING ST. PIUS VEREIN

Mr. CONRAD. Mr. President, I am pleased to honor St. Pius Verein, a social and fraternal organization in North Dakota that will soon celebrate its 100th anniversary. On June 23 and 24 of this year, the community of Schefield will host a celebration to recognize St. Pius Verein’s history and founding.

The town of Schefield started with the establishment of the St. Pius Catholic Church, which was built in 1910. The town’s name is said to be derived from “schoenfeld,” the German word for beautiful field. In 1912, St. Pius Verein was founded by German settlers from Russia. The organization was first started as a way to unite the community. Members especially enjoyed singing and playing instruments together. Today, St. Pius Verein has 440 members. All members pay dues and contribute to a survivor benefit program that pays a benefit to families that experience a loss. St. Pius Verein holds monthly meetings, in addition to an annual picnic held on St. Pius Day. Schefield takes great pride in the history of St. Pius Verein, and the community is expecting an enjoyable gathering.

To celebrate the 100-year anniversary of St. Pius Verein, Schefield residents and visitors will participate in many fun-filled activities. Over the span of 2 days, the celebrants will enjoy children’s games, a town dance, a citywide mass at St. Pius Verein Hall, a parade, an antique tractor pull, and an old-time jam session. DVDs will also be sold that describe the proud history of the town. Although many St. Pius Verein members no longer live in Schefield, the town is expecting big numbers for the celebration.

Mr. President, I ask the Senate to join me in congratulating St. Pius Verein.
TRIBUTE TO IMRE HIR

Mr. ISAkSON. Mr. President, I wish to honor in the RECORD of the Senate an honorable American and a great Georgian, Mr. Imre Hir, on the occasion of his retirement after 40 years as general manager of Atlanta Country Club.

Imre is a native of Hungary where, in 1956, he was part of a youth movement in that country that helped drive the Soviets out. When the Soviets later returned to Hungary, Imre was forced to leave his country and sought refuge in Austria. While in Austria, Imre was de-briefed by the U.S. Central Intelligence Agency, which later arranged to bring him to the United States. Shortly after arriving in the United States, Imre served in the U.S. Army.

After completing his service in the military, Imre worked his way up from a dishwasher at the Red Coach Grill in Boston, MA, to becoming the general manager of Druid Hills Country Club in Atlanta in 1969. He then went on to serve as the general manager of the Atlanta Country Club, where he has held that position until this month, retiring after 40 great years.

Imre is an example of an individual who has lived the American dream, and his story is one of many among immigrants who have come to the United States—the land of opportunity—and built successful lives through hard work and perseverance.

I congratulate Imre Hir for a successful career and the contributions he has made to the United States. I wish him well in his retirement.

SEEDS OF PEACE 20TH ANNIVERSARY

Ms. SNOWE. Mr. President, today I wish to join with individuals across the world in recognizing the 20th anniversary of the founding of Seeds of Peace, an organization dedicated to the advancement of peace through understanding, reconciliation, acceptance, and coexistence among people, and established on the principle that long-term peace within or between nations can only be achieved with the emergence of a generation of leaders who choose dialogue over violence.

Seeds of Peace’s first camp session in 1993 was a labor of love for the late founder and esteemed journalist, John Wallach. That summer, under the leadership of Wallach, Bobbie Gottschalk, and Timothy Wilson, Seeds of Peace hosted 46 Arab and Israeli teenagers at its first summer camp in my hometown of Falmouth, ME. Through their steadfast commitment to preserving the past, future generations of Malners and Americans alike will be able to not only witness, but understand the richness of their heritage.

Established in 1966, the Falmouth Historical Society was founded upon the venerable goal of preserving and sharing the town’s vast and storied history. In order to accomplish that objective, members have tirelessly researched, collected, and catalogued hundreds of years of Falmouth’s sacred artifacts, while the society has sponsored several outreach and awareness events for local residents as well as visitors. Indeed, Seeds of Peace provides a fun and interactive way to engage our past. Furthermore, the museum recently completed work on a new storage and display barn, which will serve as a home to the ever-growing number of historical treasures. The grand opening of the barn coincides with the annual opening day festivities of the museum, this year being held on June 23.

Falmouth’s rich history is well preserved thanks to the efforts of the Falmouth Historical Society and the Falmouth Heritage Museum. It is through their hard work that we are able to access and learn from the past. As we look to the future of Falmouth and of Maine, we treasure the path we have already traveled. I am proud to extend my gratitude, congratulations, and praise to the Falmouth Historical Society and the Falmouth Heritage Museum for their many contributions and accomplishments. I look forward to seeing their continued growth, knowing that they will one day play a vital role in preserving the history of our present day.

RECOGNIZING FALMOUTH HERITAGE MUSEUM

Ms. SNOWE. Mr. President, today I wish to recognize the Falmouth Historical Society and the Falmouth Heritage Museum, located in my hometown of Falmouth, ME. Through their steadfast commitment to preserving the past, future generations of Malners and Americans alike will be able to not only witness, but understand the richness of their heritage.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.
EC–6516. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral John M. Bird, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–6517. A communication from the Acting Under Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled ‘‘Pathogenic Avian Influenza’’ (RIN0579-AC36) (Docket No. APHIS–2011–0012) received in the Office of the President of the Senate on June 8, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6518. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral James W. Bird, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–6519. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Charles B. Green, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6520. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Duane R. Houchins, United States Air Force, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–6521. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Dennis R. TenBrink, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6522. A communication from the Staff Director, U.S. Sentencing Commission, transmitting, pursuant to law, the 2011 Annual Report and Sourcebook of Federal Sentencing Statistics, to the Committee on the Judiciary.

EC–6523. A communication from the Acting Director of the Office of Regulatory Affairs and Chief Counsel, Bureau of Marine Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ‘‘Heating, Cooling, and Lighting Standards for Bureau-Funded Dormitory Facilities’’ (RIN1076–AF10) received in the Office of the President of the Senate on June 7, 2012, to the Committee on Appropriations.

EC–6524. A communication from the Acting Commissioner, Bureau of Indian Affairs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ‘‘Importation of Tomatoes From the Economic Community of the Caribbean States Into the Continental United States’’ (RIN0579–AD48) (Docket No. APHIS–2006–0074) received in the Office of the President of the Senate on June 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6525. A communication from the Acting Director of the Office of Regulatory Affairs and Chief Counsel, Bureau of Marine Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ‘‘Pathogenic Avian Influenza’’ (RIN0579–AC36) (Docket No. APHIS–2011–0012) received in the Office of the President of the Senate on June 8, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Appropriations, without amendment:
S. 3295. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2013, and for other purposes (Rept. No. 112–177).

By Mr. DURBIN, from the Committee on Appropriations, without amendment:
S. 3301. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2013, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. PAUL:
S. 3302. A bill to establish an air travelers’ bill of rights, to implement those rights, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PAUL:
S. 3303. A bill to require security screening of passengers at airports to be carried out by private screening companies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself and Mr. HOEVEN):
S. J. Res. 61. A joint resolution granting the consent of Congress to the State and Providence Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Mr. CHAMBLISS, Mr. CARIDN, Mr. AKAKA, and Mr. WYDEN):
S. Res. 191. A resolution recognizing that the occurrence of prostate cancer in African-American men has reached epidemic proportions and urging Federal agencies to address that health crisis by supporting education, awareness outreach, and research specifically focused on how prostate cancer affects African-American men; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN (for himself, Mr. DURBIN, Ms. AYOTTE, Mrs. GILLIBRAND, Mrs. BOXER, Mr. RISCH, and Mr. MENENDEZ):
S. Res. 194. A resolution condemning the Government of the Russian Federation for providing weapons to the regime of President Bashar al-Assad of Syria; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

At the request of Mr. INOUYE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a co-sponsor of S. 50, a bill to strengthen Federal consumer product safety programs and activities with respect to commercially marketed seafood by directing the Secretary of Commerce to
coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities.

At the request of Mr. INOUYE, the name of the Senator from Connecticut (Ms. BLUMENTHAL) was added as a cosponsor of S. 52, a bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes.

At the request of Mr. MCCAIN, the name of the Senator from Tennessee (Mr. CORRER) was added as a cosponsor of S. 192, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 250, a bill to protect crime victims’ rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 387, a bill to amend title 37, United States Code, to provide flexible spending arrangements for members of uniformed services, and for other purposes.

At the request of Mr. CASEY, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 697, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Services for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

At the request of Mr. TESTER, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 866, a bill to amend title 10, United States Code, to modify the per-diary year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHER) was added as a cosponsor of S. 1086, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1096, a bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for bone mass measurement under such program through 2013.

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1102, a bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy.

At the request of Mrs. SHAHEEN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1468, a bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHouser) was added as a cosponsor of S. 1613, a bill to improve and enhance research and programs on childhood cancer survivorship, and for other purposes.

At the request of Mr. DURBIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 1864, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

At the request of Mrs. HAGAN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1935, a bill to designate the North American bison as the national mammal of the United States.

At the request of Mr. DURBIN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 2077, a bill to amend the Older Americans Act of 1965 to authorize Federal assistance to State adult protective services programs, and for other purposes.

At the request of Mr. LIEBERMAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2103, a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes.

At the request of Mr. BLUMENTHAL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2168, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

At the request of Ms. SNOWE, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2376, a bill to recognize and clarify the authority of the States to regulate air ambulance medical standards pursuant to their authority over the regulation of health care services within their borders, and for other purposes.

At the request of Mr. BLUMENTHAL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2325, a bill to require the United States Trade Representative to provide documents relating to trade negotiations to Members of Congress and their staff upon request, and for other purposes.

At the request of Mr. BLOOMENTHAL, the name of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 2348, a bill to designate the North American bison as the national mammal of the United States.

At the request of Mrs. BOXER, the name of the Senator from Florida (Mr. CUBA) was added as a cosponsor of S. 2363, a bill to amend title 38, United States Code, to require, as a condition on the receipt by a State of certain funds for veterans employment and training, that the State ensures that training received by a veteran while on active duty is taken into consideration in granting certain State certifications or licenses, and for other purposes.

At the request of Mr. ENZI, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 2363, a bill to require the Secretary of Transportation to modify the final rule relating to flightcrew member duty and rest requirements for passenger operations of air carriers to apply to all-cargo operations of air carriers, and for other purposes.

At the request of Mr. WYDEN, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Washington (Mrs. MCCASKILL) were added as cosponsors of S. 2376, a bill to amend the Older Americans Act of 1965 to authorize Federal assistance to State adult protective services programs, and for other purposes.
Risch) and the Senator from Missouri (Mrs. McCaskill) were added as cosponsors of S. 3270, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to consider the resources of individuals applying for benefits that were recently disposed of by the individuals for less than fair market value when determining the eligibility of such individuals for such pension, and for other purposes.

S. Res. 421
At the request of Mr. Whitehouse, the name of the Senator from Massachusetts (Mr. Brown) was added as a cosponsor of S. Res. 401, a resolution expressing appreciation for Foreign Service and Civil Service professionals who represent the United States around the globe.

S. Res. 428
At the request of Mr. Blumenthal, the name of the Senator from Delaware (Mr. Carper) was added as a cosponsor of S. Res. 428, a resolution condemning the Government of Syria for crimes against humanity, and for other purposes.

S. Res. 435
At the request of Mr. Casey, the name of the Senator from Ohio (Mr. Brown) was added as a cosponsor of S. Res. 435, a resolution calling for democratic change in Syria, and for other purposes.

S. Res. 439
At the request of Mr. McCain, the names of the Senator from Idaho (Mr. Crapo) and the Senator from Tennessee (Mr. Alexander) were added as cosponsors of S. Res. 439, a resolution expressing the sense of the Senate on the appointment by the Attorney General of an outside special counsel to investigate certain recent leaks of apparently classified and highly sensitive information on United States military and intelligence plans, programs, and operations.

S. Res. 449
At the request of Mrs. Boxer, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. Res. 449, a resolution designating the week of September 16, 2012, as "Mitochondrial Disease Awareness Week", reaffirming the importance of an enhanced and coordinated research effort on mitochondrial diseases, and commending the National Institutes of Health for its efforts to improve the understanding of mitochondrial diseases.

S. Res. 492
At the request of Mr. Blumenthal, the names of the Senator from Oregon (Mr. Wyden) and the Senator from West Virginia (Mr. Rockefeller) were added as cosponsors of S. Res. 492, a resolution designating June 15, 2012, as "World Elder Abuse Awareness Day".

AMENDMENT NO. 2156
At the request of Mr. Grassley, the name of the Senator from Montana (Mr. Tester) was added as a cosponsor of amendment No. 2170 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2175
At the request of Mr. Barrasso, the name of the Senator from North Dakota (Mr. Hoeven) was added as a cosponsor of amendment No. 2175 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2187
At the request of Mr. Kerry, the names of the Senator from Alaska (Mr. Begich), the Senator from Connecticut (Mr. Lieberman), the Senator from New York (Mrs. Gillibrand) and the Senator from Rhode Island (Mr. Whitehouse) were added as cosponsors of amendment No. 2187 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2188
At the request of Mr. Kerry, the names of the Senator from Alaska (Mr. Begich), the Senator from Connecticut (Mr. Lieberman), the Senator from New York (Mrs. Gillibrand) and the Senator from Rhode Island (Mr. Whitehouse) were added as cosponsors of amendment No. 2188 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2189
At the request of Mr. McCain, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of amendment No. 2189 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2199
At the request of Mr. Wyden, the name of the Senator from Oregon (Mr. Merkley) was added as a cosponsor of amendment No. 2220 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2214
At the request of Mr. Tester, the name of the Senator from Virginia (Mr. Warner), the Senator from North Dakota (Mr. Hoeven) and the Senator from New Hampshire (Mrs. Shaheen) were added as cosponsors of amendment No. 2232 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2240
At the request of Mr. Tester, the name of the Senator from North Dakota (Mr. Hoeven) was added as a cosponsor of amendment No. 2240 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2241
At the request of Mr. Merkley, the name of the Senator from North Dakota (Mr. Hoeven) was added as a cosponsor of amendment No. 2241 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2242
At the request of Mr. Nelson of Nebraska, the name of the Senator from North Dakota (Mr. Hoeven) was added as a cosponsor of amendment No. 2242 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2243
At the request of Mr. Nelson of Nebraska, the name of the Senator from Montana (Mr. Tester) was added as a cosponsor of amendment No. 2243 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2244
At the request of Mr. Frank, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of amendment No. 2244 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2253
At the request of Mr. Sanders, the names of the Senator from Oregon (Mr. Merkley) and the Senator from Alaska (Mr. Begich) were added as cosponsors of amendment No. 2253 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2259
At the request of Mr. Enzi, the name of the Senator from Montana (Mr. Tester) was added as a cosponsor of amendment No. 2259 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2295
At the request of Mr. Udall of Colorado, the name of the Senator from Oregon (Mr. Merkley) was added as a cosponsor of amendment No. 2296 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2302
At the request of Mr. Risch, the names of the Senator from Missouri (Mr. Blunt), the Senator from South Dakota (Mr. Thune) and the Senator from North Dakota (Mr. Hoeven) were added as cosponsors of amendment No. 2302 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.
AMENDMENT NO. 2303
At the request of Mr. CHAMBLISS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a co-sponsor of amendment No. 2325 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2306
At the request of Mrs. HAGAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a co-sponsor of amendment No. 2366 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2367
At the request of Mr. CRAPTO, the name of the Senator from Wyoming (Mr. HOEVEN) was added as co-sponsor of amendment No. 2367 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2368
At the request of Mr. COTTON, the name of the Senator from Arkansas (Mr. BARRASSO) and the Senator from North Dakota (Mr. HOEVEN) were added as co-sponsors of amendment No. 2367 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2369
At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a co-sponsor of amendment No. 2396 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2399
At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a co-sponsor of amendment No. 2399 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.
as more effective biomarkers and advanced imaging. I would like to recognize the Prostate Health Education Network, PHEN, AdMeTech Foundation, and ZERO—The Project to End Prostate Cancer for their work on the development of this resolution and the ongoing advocacy to support innovative research that holds real promise in turning the tide against cancer.

I look forward to working with my colleagues in the Senate to pass this important resolution.

**SENATE RESOLUTION 494—CONDEMNING THE GOVERNMENT OF THE RUSSIAN FEDERATION FOR PROVIDING WEAPONS TO THE REGIME OF PRESIDENT BASHAR AL-ASSAD OF SYRIA**

Mr. CORNYN (for himself, Mr. DURBIN, Ms. AYOTTE, Mrs. GILLIBRAND, Mrs. BOXER, Mr. RISCH, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 494

Whereas the Government of the Russian Federation has an extensive history of providing weapons and public support to the regime of President Bashar al-Assad of Syria, a country designated by the Secretary of State as a “state sponsor of terrorism”;

Whereas, at the Port of Tartus in Syria, the Government of the Russian Federation maintains for the Russian Navy its only permanent warm-water naval port outside of the former Soviet Union, which bolsters the Assad regime;

Whereas the Assad regime responded to the widespread, peaceful, and sustained calls for political reform that began in March 2011 in a manner that has caused the deaths of more than 10,000 people in Syria, mostly civilians, as of June 2012, according to an estimate by the United Nations;

Whereas the Government of the Russian Federation remains the top supplier of weapons to the Government of Syria, reportedly providing nearly $1,000,000,000 worth of arms to the Assad regime in 2011 alone;

Whereas the Government of the Russian Federation has unabatedly continued to ship arms to the Government of Syria during the ongoing civil war;

Whereas, on October 4, 2011, the Russian Federation, together with the People’s Republic of China, vetoed a United Nations Security Council resolution that would have condemned “grave and systematic human rights violations” in Syria and would have warned the Government of Syria of the consequences for its actions, if it continued to be considered against it, if warranted;

Whereas, on January 18, 2012, Foreign Minister of the Russian Federation Sergei Lavrov stated that the shooting of so-called humanitarian convoys to Syria; and

Whereas, on January 19, 2012, Foreign Minister Lavrov stated that, with regard to the Government of Syria, “for us, the red line is fairly clearly drawn. We will not support any sanctions.”;

Whereas, on February 4, 2012, the Russian Federation, with the People’s Republic of China, vetoed a United Nations Security Council resolution calling for an end to the violence in Syria, demanding that all parties in Syria cease all violence and reprisals and implement the plan set out by the League of Arab States, expressing grave concern for the deteriorating situation in Syria, and condemning the widespread gross violations of human rights;

Whereas, on March 13, 2012, Deputy Minister of the Russian Federation Anatoly Antonov stated that the Government of the Russian Federation would not halt arms shipments to Syria, acknowledging that the Russian Federation has military instructors on the ground training the Syrian Arab Army and stating, “Russia enjoys good and strong military technical cooperation with Syria, and we see no reason to reconsider it. Russian-Syrian military cooperation is perfectly legitimate.”;

Whereas, on May 30, 2012, Permanent Representative of the United States to the United Nations Susan Rice condemned recent reports of an arms shipment that arrived in Syria from the Russian Federation on May 26, 2012, as “reprehensible,” stating that “this is obviously of the utmost concern given that the Syrian government continues to use deadly forces against civilians”;

Whereas, on May 31, 2012, Secretary of State Hillary Clinton stated that the policy of the Government of the Russian Federation toward the Government of Syria “is going to help contribute to a civil war,” maintaining that Russian officials “are just vociferous in their claims providing a stabilizing influence,” and stating, “I reject that. I think they are, in effect, propping up the regime at a time when it should be working on a political transition.”;

Whereas the Government of the Russian Federation has thus far failed to effectively use its influence and relationship with the Assad regime to halt the murder of civilians in Syria, including the massacre of over 100 people, many of them women and children, in Houla on May 26, 2012;

Whereas Russian Federation President Vladimir Putin rejected appeals by President of France François Hollande for tougher United Nations sanctions aimed at ending violence in Syria;

Whereas, on June 5, 2012, Secretary of State Clinton stated that “it’s pretty clear that we all have to intensify our efforts to speed a political transition. . . . And we invite the Russians and the Chinese to be part of the solution of what is happening in Syria”;

Whereas, on June 7, 2012, Permanent Representative of the Russian Federation to the United Nations Vitaly Churkin publicly criticized the Government of the United Arab Emirates, Saudi Arabia, and Qatar for supporting the opposition in Syria; and

Whereas, on June 12, 2012, Secretary of State Clinton stated that “there are attack helicopters on the way from Russia to Syria, which will escalate the conflict quite dramatically” and declared, “Let it be resolved, the Senate—

(1) condemns the Government of the Russian Federation for—

(A) its longstanding and ongoing support for the criminal regime of President Bashar al-Assad in Syria;

(B) continuing to transfer weapons to the Assad regime, which cannot be considered legitimate for purposes of self-defense; and

(C) its troubling opposition to resolutions from the United Nations Security Council regarding Syria, including those recently tabled by the United States;

(2) concludes that the actions of the Government of the Russian Federation—

(A) have undermined the stability and sovereignty of its own regime to maintain power and perpetrate mass atrocities against its own people; and

(B) directly undermine the core national security interests of the United States, as well as the stability of the entire Middle East; and

(3) urges the Government of the Russian Federation to—

(A) immediately end all transfers of weapons to the Assad regime;

(B) call on the Assad regime to end all violence against civilians;

(C) support international sanctions against Syria; and

(D) support a peaceful transition of leadership in the Government of Syria, starting with the early departure of Bashar al-Assad.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2423. Ms. MURKOWSKI (for herself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table.

SA 2426. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2427. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2428. Mr. BAUCUS (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2429. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2430. Mr. BROWN of Ohio (for himself, Mr. NELSON of Nebraska, Mr. HARKIN, Mr. FRANKEN, Mr. TESTER, Mr. BRIDGES, and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2431. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2432. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2433. Mr. TOOMEY (for himself, Mrs. SHAHEEN, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2434. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2435. Mr. WARNER (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2436. Mr. NELSON of Florida (for himself, Mr. MENENDEZ, Mr. CARDIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.
to the bill S. 3240, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2423. Ms. MURKOWSKI (for herself and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to be printed; as follows:

On page 6 of the amendment, between lines 18 and 19, insert the following:

SEC. 13105. HERITAGE OF RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING ON FEDERAL LAND.

(a) Definitions.—In this section:

(1) FEDERAL PUBLIC LAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "Federal public land" means any land or water that is—

(i) owned by the United States; and

(ii) managed by a Federal agency (including the Department of the Interior and the Forest Service) for purposes that include the conservation of natural resources.

(B) EXCLUSIONS.—The term "Federal public land" does not include—

(i) land or water held or managed in trust for the benefit of Indians or other Native Americans;

(ii) land managed by the Director of the National Park Service or the Director of the United States Fish and Wildlife Service;

(iii) fish hatcheries; or

(iv) conservation easements on private land.

(2) HUNTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "hunting" means the lawful—

(i) attempted catching, taking, or harvesting of

(B) USE OF VOLUNTEERS.—If hunting is prohibited by regulation, the purpose of that regulation is to protect the public health and safety, as determined by the agency.

(3) RECREATIONAL FISHING.—The term "recreational fishing" means—

(A) an activity for sport or for pleasure that involves—

(ii) the lawful attempting to catch or harvest fish; or

(iii) the lawful attempted catching, taking, or harvesting of fish;

(B) any other activity for sport or pleasure that can reasonably be expected to result in the lawful catching, taking, or harvesting of fish.

(4) RECREATIONAL SHOOTING.—The term "recreational shooting" means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, shotgun, or the use of a bow and arrow.

(b) RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING.—

(1) IN GENERAL.—Subject to valid existing rights, and in cooperation with the respective State and fish and wildlife agency, a Federal public land management official shall exercise the authority of the official under existing law (including provisions regarding land use planning) to facilitate use of and access to Federal public land for recreation, hunting, and recreational shooting except as limited by—

(A) any law that authorizes action or withholding action for reasons of national security, public safety, or conservation;

(B) any other Federal law that precludes recreational fishing, hunting, or recreational shooting on specific Federal public land or water or units of Federal public land; and

(C) discretionary limitations on recreational fishing, hunting, and recreational shooting determined necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

(2) MANAGEMENT.—Consistent with paragraph (1), the head of each Federal public land management agency shall exercise the land management discretion of the head for purposes that include the lawful—

(A) regulating fishing, hunting, and recreational shooting opportunities; and

(B) to the extent authorized under applicable State law; and

(C) in accordance with applicable Federal law.

(3) PLANNING.—

(A) EFFECTS OF PLANS AND ACTIVITIES.—

(i) EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN RECREATIONAL FISHING, HUNTING, OR RECREATIONAL SHOOTING.—Federal public land planning documents (including land resource management plans, resource management plans, travel management plans, and other development plans) shall include a specific evaluation of the effects of the plans on opportunities to engage in recreational fishing, hunting, or recreational shooting.

(ii) OTHER ACTIVITY NOT CONSIDERED.—

(I) IN GENERAL.—Federal public land management officials shall not be required to consider the effects of the plans on opportunities to engage in other activities for sport or pleasure, including—

(aa) activities that are prohibited by law;

(bb) activities that are prohibited by regulation;

(bb) activities that are prohibited by land management plans, resource management plans, travel management plans, and other development plans; or

(ii) LIMITATION ON LIABILITY.—Any designation or change of classification, or change of management status of Federal public land or water—

(A) to lease or permit use of land under the jurisdiction of the head for shooting ranges; and

(B) to designate specific land under the jurisdiction of the head for recreational shooting activities.

(II) LIMITATION ON LIABILITY.—Any designation or change of classification, or change of management status of Federal public land or water—

(A) to lease or permit use of land under the jurisdiction of the head for shooting ranges; and

(B) to designate specific land under the jurisdiction of the head for recreational shooting activities.

(II) LIMITATION ON LIABILITY.—Any designation or change of classification, or change of management status of Federal public land or water—

(A) to lease or permit use of land under the jurisdiction of the head for shooting ranges; and

(B) to designate specific land under the jurisdiction of the head for recreational shooting activities.

(II) LIMITATION ON LIABILITY.—Any designation or change of classification, or change of management status of Federal public land or water—

(A) to lease or permit use of land under the jurisdiction of the head for shooting ranges; and

(B) to designate specific land under the jurisdiction of the head for recreational shooting activities.

(II) LIMITATION ON LIABILITY.—Any designation or change of classification, or change of management status of Federal public land or water—

(A) to lease or permit use of land under the jurisdiction of the head for shooting ranges; and

(B) to designate specific land under the jurisdiction of the head for recreational shooting activities.

For all Federal public land or water—

(A) any law that authorizes action or withholding action for reasons of national security, public safety, or conservation;

(B) any other Federal law that precludes recreational fishing, hunting, or recreational shooting on specific Federal public land or water or units of Federal public land; and

(C) discretionary limitations on recreational fishing, hunting, and recreational shooting determined necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

(2) MANAGEMENT.—Consistent with paragraph (1), the head of each Federal public land management agency shall exercise the land management discretion of the head for purposes that include the lawful—

(A) regulating fishing, hunting, and recreational shooting opportunities; and

(B) to the extent authorized under applicable State law; and

(C) in accordance with applicable Federal law.

(3) PLANNING.—

(A) EFFECTS OF PLANS AND ACTIVITIES.—

(i) EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN RECREATIONAL FISHING, HUNTING, OR RECREATIONAL SHOOTING.—Federal public land planning documents (including land resource management plans, resource management plans, travel management plans, and other development plans) shall include a specific evaluation of the effects of the plans on opportunities to engage in recreational fishing, hunting, or recreational shooting.

(ii) OTHER ACTIVITY NOT CONSIDERED.—

(I) IN GENERAL.—Federal public land management officials shall not be required to consider the effects of the plans on opportunities to engage in other activities for sport or pleasure, including—

(aa) activities that are prohibited by law;

(bb) activities that are prohibited by regulation;

(bb) activities that are prohibited by land management plans, resource management plans, travel management plans, and other development plans; or

(ii) LIMITATION ON LIABILITY.—Any designation or change of classification, or change of management status of Federal public land or water—

(A) to lease or permit use of land under the jurisdiction of the head for shooting ranges; and

(B) to designate specific land under the jurisdiction of the head for recreational shooting activities.

(II) LIMITATION ON LIABILITY.—Any designation or change of classification, or change of management status of Federal public land or water—

(A) to lease or permit use of land under the jurisdiction of the head for shooting ranges; and

(B) to designate specific land under the jurisdiction of the head for recreational shooting activities.

(II) LIMITATION ON LIABILITY.—Any designation or change of classification, or change of management status of Federal public land or water—

(A) to lease or permit use of land under the jurisdiction of the head for shooting ranges; and

(B) to designate specific land under the jurisdiction of the head for recreational shooting activities.

(II) LIMITATION ON LIABILITY.—Any designation or change of classification, or change of management status of Federal public land or water—

(A) to lease or permit use of land under the jurisdiction of the head for shooting ranges; and

(B) to designate specific land under the jurisdiction of the head for recreational shooting activities.

(II) LIMITATION ON LIABILITY.—Any designation or change of classification, or change of management status of Federal public land or water—

(A) to lease or permit use of land under the jurisdiction of the head for shooting ranges; and

(B) to designate specific land under the jurisdiction of the head for recreational shooting activities.
(ii) demonstrates that coordination has occurred with a State fish and wildlife agency; and

(iii) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change, respectively.

(B) CUMULATIVE EFFECTS.—If the aggregate or cumulative effect of separate withdrawals or changes effectively closes or significantly restricts affects 1,200 or more acres of land or water, the withdrawals and changes shall be treated as a single withdrawal or change for purposes of subparagraph (A).

(C) EMERGENCY CLOSURES.—

(1) IN GENERAL.—Nothing in this section prohibits a Federal public land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area of Federal public land to provide for public safety, resource conservation, national security, or other purposes authorized by law.

(2) TERMINATION.—An emergency closure under clause (1) shall terminate after a reasonable period of time unless the temporary closure is converted to a permanent closure consistent with this subsection.

(7) NO PRIORITY.—Nothing in this section requires a Federal agency to give preference to recreational hunting over other uses of Federal public land or over land or water management priorities established by other Federal law.

(B) CONSULTATION WITH COUNCILS.—In carrying out this section, the heads of Federal public land agencies shall consult with the appropriate advisory councils established under Executive Order 12962 (16 U.S.C. 1801 note; relating to recreational fisheries) and Executive Order 14434 (16 U.S.C. 661 note; relating to facilitation of hunting heritage and wildlife conservation).

(9) AUTHORITY OF STATES.—

(A) IN GENERAL.—Nothing in this section interferes with, diminishes, or conflicts with the authority, jurisdiction, or responsibility of any State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water within the State, including on Federal public land.

(B) FEDERAL LICENSES.—

(1) IN GENERAL except as provided in clause (ii), nothing in this section authorizes the head of a Federal public land agency head to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, excluding on Federal public land in the State.

(ii) Migratory Bird Stamps.—This subparagraph shall not affect any migratory bird stamp requirement of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a et seq.).

SA 2424. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows: In section 3904 of the Consolidated Farm and Rural Development Act (as amended by section 6601), strike subsections (a) and (b).

SA 2425. Mr. CONRAD (for himself, Mr. BAUCUS, Mr. HOEVEN, and Mr. CRAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows: Strike section 1102 and insert the following:

SEC. 1102. COUNTER-CYCLICAL PROGRAM.

(a) IN GENERAL.—Section 1104 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8714) is amended—

(1) in subsection (a), by striking "2008 through 2012 crop years for each covered commodity established for the 2012 crop year" and inserting "2008 through 2017 crop years for each covered commodity (other than upland cotton)";

(2) in subsection (b), by striking "during the 12-month marketing year" and inserting "for the first 5 months of the marketing year";

(3) in subsection (c), by striking "$495 per ton" and inserting "$25.25 per hundredweight"; and

(4) by redesignating subsection (f) as subsection (g) and

(5) by inserting after subsection (e) the following:

"(f) PAYMENT AMOUNT.—

"(1) DEFINITIONS.—In this subsection:

"(A) Payment percent.—The term 'payment percent' means—

"(i) 75 percent of the acres planted or prevented from being planted to peanuts on a farm;

"(ii) not to exceed 75 percent of the total base acres for peanuts established for the 2012 crop year.

"(B) Payment yield.—The term 'payment yield' means the yield established for counter-cyclical payments for the 2012 crop year for a farm for peanuts.

"(C) Payment acres.—Counter-cyclical payments are required to be paid under this section for any of the 2013 through 2017 crop years of peanuts., the amount of the counter-cyclical payment to be paid to the producers on a farm for that crop year shall be equal to the product of the following:

"(1) The payment rate specified in subsection (d); and

"(2) The payment acres on the farm.

"(C) The payment yield for the farm.

"(D) Producer Agreement Required as Condition of Provision of Payments.—Section 1104 shall apply to counter-cyclical payments under sections 1104 and 1304 of the Food and Nutrition Act of 2008 (7 U.S.C. 8714, 8754) (as amended by this section) in the same manner as that section applies to agricultural risk coverage under section 1201.

"(e) PAYMENT LIMITATIONS.—Section 1101(b)(2) of the Food Security Act of 1985 (as amended by section 1603(a)) is amended—

"(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B) and indenting appropriately;

"(2) by striking "The total" and inserting the following:

"(1) IN GENERAL.—"The total"; and

"(3) by adding at the end the following:

"(2) LIMITATION ON COUNTER-CYCLICAL PAYMENTS.—

"(A) IN GENERAL.—The total amount of counter-cyclical payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership) for any crop year under section 1104 of the Food and Nutrition Act of 2008 (7 U.S.C. 8714) for 1 or more covered commodities (except for peanuts) may not exceed $65,000.

"(B) PEANUTS.—The total amount of counter-cyclical payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership) for any crop year under section 1304 of the Food and Nutrition Act of 2008 (7 U.S.C. 8754) for peanuts may not exceed $65,000.

"(e) Period of Effectiveness.—

"(1) IN GENERAL.—Section 1109 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8719) is amended—

"(A) by striking "This subtitle" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), this subtitle and

"(B) by adding at the end the following:

"(2) COUNTER-CYCLICAL PROGRAM.—Section 1109 shall be effective beginning with the 2013 crop year for each covered commodity (other than upland cotton) through the 2017 crop year.

"(2) ADMINISTRATION GENERALLY.—Notwithstanding any other provision of law, for the period of crop years 2013 through 2017, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out sections 1104 and 1304 of the Food and Nutrition Act of 2008 (7 U.S.C. 8714, 8754) in accordance with the amendments made by this section.

"(E) Authorization of Appropriations.—Sections 1101 and 1102, and the amendments made by those sections, shall have no force or effect.
SA 2426. Mr. COONS (for himself and Mr. CHAMILISS) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, between lines 5 and 6, insert the following:

SEC. 11019. POULTRY BUSINESS DISRUPTION INSURANCE POLICY.

Section 3220 of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as amended by sections 11016, 11017, and 11018) is amended by adding at the end the following:

"(2) Poultry business disruption insurance policy and catastrophic disease program.—

"(A) Definition of poultry.—In this paragraph, the term ‘poultry’ has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182a).

"(B) Authority.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out—

"(i) a study to determine the feasibility of insuring commercial poultry production against business disruptions caused by integra

"(ii) a study to determine the feasibility of insuring poultry producers for a catastrophic event.

"(C) Business disruption study.—The study described in subparagraph (B)(i) shall—

"(i) evaluate the market place for business disruption insurance that is available to poultry producers;

"(ii) assess the feasibility of a policy to allow producers to purchase insurance against a portion of losses from loss under contract due to business disruption from integra

"(iii) analyze the costs to the Federal government of a Federal business disruption insurance program for poultry producers.

"(D) Reports.—Not later than 1 year after the date of enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representa

"(E) Implementation.—The Corporation shall promulgate such regulations as are necessary to carry out this section.

"(F) Authorization of Appropriations.—

"(1) Grants authorized;

"(ii) for such activities, through 2017, to remain available until expended.

SA 2428. Mr. BAUCUS (for himself and Mr. Conrad) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 7, strike "clause (iii)" and insert "clauses (iii) and (iv)".

On page 25, between lines 15 and 16, insert the following:

"(iii) Minimum price.—

"(I) In general.—If the national marketing year average price calculated under clause (i)(II) for a covered commodity for any applicable crop years falls below the minimum price for the covered commodity described in subparagraph (B)(i), the Secretary shall use the national marketing year average price is below the minimum price, the Secretary shall use a price that is equal to the greater of—

"(aa) the difference between—

"(AA) the minimum price for the covered commodity described in subparagraph (B)(i); and

"(BB) 5 percent of the minimum price for the covered commodity; or

"(bb) the national marketing year average price calculated under clause (ii)(I).

"(II) Subsequent years.—For each applicable crop year after the first crop year in which the national marketing year average price is below the minimum price, the Secretary shall use a price that is equal to the greater of—

"(aa) the national marketing year average price calculated under clause (ii)(II); or

"(bb) if the minimum price was adjusted for the prior crop year under subparagraph (A)(aa), 95 percent of the adjusted minimum price used for that prior crop year.

"(III) Minimum price.—The minimum price for each covered commodity shall be as follows:

"(aa) For wheat, $5.50 per bushel.

"(bb) For corn, $2.84 per bushel.

"(cc) For barley, $2.84 per bushel.

"(dd) For large chickpeas, $13.83 per hundredweight.

"(ee) For small chickpeas, $11.19 per hundredweight.

"(ff) For oats, $1.93 per bushel.

"(gg) For feed barley, $2.84 per bushel.

"(hh) For other oilseeds, $13.69 per hundredweight.

"(ii) For dry peas, $8.99 per hundredweight.

"(jj) For lentils, $13.83 per hundredweight.

SA 2430. Mr. BROWN of Ohio (for himself, Mr. NELSON of Nebraska, Mr. HARKIN, Mr. FRANKEN, Mr. TESTER, Mr. BINDER, Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 606, between lines 4 and 5, insert the following:

"(E) Mandatory funding.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this paragraph $10,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.

"(F) Funding.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this paragraph $10,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.

SA 2427. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 1207. ACER ACCESS AND DEVELOPMENT PROGRAM.

(a) Grants Authorized; Authorized Activities.—The Secretary of Agriculture may make grants to States and tribal governments to support their efforts to promote the domestic maple syrup industry through the following activities:

(i) Promotion of research and education related to maple syrup production.

(ii) Promotion of natural resource sustainability in the maple syrup industry.

(iii) Market promotion for maple syrup and maple-sap products.

(iv) Encouragement of owners and operators of privately held land containing species of tree in which maple sap is produced.

(v) To initiate or expand maple-sugaring activities on the land; or

(b) to voluntarily make the land available, including by lease or other means, for access by the public for maple-sugaring activities.

(b) Applications.—In submitting an application for a grant under this section, a State or tribal government shall include—

(1) a description of the activities to be supported using the grant funds;

(2) a description of the benefits that the State or tribal government intends to achieve as a result of engaging in such activities; and

(3) an estimate of the increase in maple-sugaring activities or maple syrup production that the State or tribal government antici

(c) Relationship to Other Laws.—Nothing in this section preemptes a State or tribal government law, including any State or tribal
government liability law.

(d) Definition of Maple Sugaring.—In this section, the term ‘maple-sugaring’ means the collection of sap from any species of tree in the genus Acer for the purpose of boiling to produce food.

(e) Regulations.—The Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2012 through 2015.

SEC. 6203. FUNDING OF PENDING RURAL DEVELOPMENT LOAN AND GRANT APPLICATIONS.

(a) In General.—The Secretary shall use funds made available under this section—

(i) for dry peas, $8.99 per hundredweight.

(ii) for lentils, $13.83 per hundredweight.

(iii) for large chickpeas, $13.83 per hundredweight.

(iv) For small chickpeas, $11.19 per hundredweight.

(v) For oats, $1.93 per bushel.

(vi) For feed barley, $2.84 per bushel.

(vii) For barley, $2.84 per bushel.

(viii) For wheat, $5.50 per bushel.

(ix) For corn, $2.84 per bushel.

(x) For large chickpeas, $13.83 per hundredweight.

(xi) For small chickpeas, $11.19 per hundredweight.
Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 12. CIVIL RIGHTS COMPLAINTS AGAINST THE DEPARTMENT OF AGRICULTURE.

Section 14010 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 2279-2) is amended—

(1) by striking the section enumerator and heading and all that follows through “Each year” and inserting the following:

SEC. 14010. CIVIL RIGHTS COMPLAINTS AGAINST THE DEPARTMENT OF AGRICULTURE.

“(a) Required Reports and Submissions.—Each year—

(1) the Secretary for Administration shall conduct an audit to determine compliance with this section, the Secretary shall accept or deny the complaint as a formal civil rights complaint sent by mail or delivered in person for review; and

(2) in paragraph (3), by striking “and” and inserting “; and”;

(3) by adding the end following:

“(C) Required Submissions to Claimant.—

(1) the number of claims that have not been resolved during the 270-day period beginning on the date of acknowledgment of receipt of the complaint; or

(2) an explanation of the reason for delay under clause (i) shall not include confidential information relating to the claim that would interfere with potential or ongoing court proceedings.

(4) Appeal of Finding of Discrimination.—

(A) in general.—For any civil rights claim in which discrimination is found under this section, the claimant may file an appeal of the finding with the Assistant Secretary for Administration.

(B) by assistant secretary for administration.—Not later than 180 days after the date on which an appeal is filed under paragraph (A), the Assistant Secretary for Administration shall respond to the appeal by issuing an acceptance or denial of the finding.

(6) Periodic Audits Conducted by Inspector General of the Department of Agriculture.—Not later than 2 years after the date of enactment of this subsection and not less frequently than every 3 years thereafter, the Inspector General of the Department of Agriculture shall conduct an audit of each activity of the Secretary under this section for the period covered by the audit to determine compliance with this section.”.

SA 2431. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle C of title I and insert the following:

Subtitle C—Sugar

SEC. 1301. SUGAR PROGRAM.

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

(1) in paragraph (4), by striking “and” after the semicolon at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end following:

“(6) 18 cents per pound for raw cane sugar for each of the 2013 through 2017 crop years.”.

(b) Effective Period.—Section 156(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(b)(1)) is amended by striking “2012” and inserting “2017”.

SEC. 1302. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

(a) in general.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended—

(1) in subsection (a)(1)—

(A) in the matter before subparagraphs (A), by striking “2012” and inserting “2017”; and

(B) in subparagraph (B), by inserting “at reasonable prices” after “stocks”; and

(2) in subsection (b)—

(A) in subparagraph (A), by striking “but” after the semicolon at the end and inserting “and”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) appropriate to maintain adequate domestic supplies at reasonable prices, taking into account all sources of domestic supply, including imports.”; and

(3) in subsection (c)(2)(C), by striking “if the disposition of the sugar is administered by the Secretary under section 9010 of the Farm Security and Rural Investment Act of 2002.”.

(b) Establishment of Flexible Marketing Allocations.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “but” after the semicolon at the end and inserting “and”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) appropriate to maintain adequate supplies at reasonable prices, taking into account all sources of domestic supply, including imports.”; and

(B) in paragraph (2)(B), by inserting “at reasonable prices” after “market”; and

(2) in subsection (g)—

(A) by striking “ALLOTMENTS—” and all that follows through “Subject to subparagrap—” and inserting “ALLOCATIONS.—” and

(B) by striking subparagraph (B).
"(a) IN GENERAL.—Section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359k) is amended to read as follows:

"SEC. 359k. ADMINISTRATION OF TARIFF RATE QUOTAS.

'(a) ESTABLISHMENT.—Notwithstanding any other provision of law, at the beginning of the fiscal year, the Secretary shall establish the tariff-rate quotas for raw cane sugar and refined sugar at no less than the minimum level necessary to comply with obligations contained in any trade agreements that have been approved by Congress.

'(b) ADJUSTMENT.—

'(1) IN GENERAL.—Subject to subsection (a), the Secretary shall adjust the tariff-rate quotas for raw cane sugar and refined sugar to provide adequate supplies of sugar at reasonable prices in the domestic market.

'(2) ENDING STOCKS.—Subject to paragraph (1), the Secretary shall establish and adjust tariff-rate quotas in such a manner that the ratio of sugar stocks to total sugar use at the end of the quota year will be at least 15.5 percent.

'(c) MAINTENANCE OF REASONABLE PRICES AND AVOIDANCE OF FORFEITURES.—

'(A) IN GENERAL.—The Secretary may establish a different target for the ratio of ending stocks to total use if, in the judgment of the Secretary, the different target is necessary to prevent—

'(i) unsustainably high prices; or

'(ii) forfeitures of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

'(B) ANNOUNCEMENT.—The Secretary shall publicly announce any establishment of a target under this paragraph.

'(4) CONSIDERATIONS.—In establishing tariff-rate quotas under subsection (a) and making adjustments under this subsection, the Secretary shall consider—

'(A) the relative competitiveness of domestic and imported sugar, and

'(B) the impact of the tariff-rate quotas on consumers, workers, businesses, and structural producers.

'(c) TEMPORARY TRANSFER OF QUOTAS.—

'(1) IN GENERAL.—Notwithstanding any other provision of this paragraph, the Secretary may determine on a case-by-case basis that a project funded under this title is in a rural area if the project meets the criteria described in clause (ii).

'(ii) CRITERIA.—To be considered for a waiver under clause (i), a project shall, as determined by the Secretary—

'(A) demonstrate the ability to furnish, in order to meet the minimum acceptable level of broadband service established under subsection (e), or extend broadband service to all or part of an unserved rural area below the minimum acceptable level of broadband service established under subsection (e); and

'(B) demonstrate the ability to furnish, in order to meet the minimum acceptable level of broadband service established under subsection (e), or extend broadband service to all or part of an unserved rural area below the minimum acceptable level of broadband service established under subsection (e).

'(4) CONSIDERATIONS.—In making grants, loans, or loan guarantees under paragraph (1), the Secretary shall—

'(i) in subparagraph (A), by striking "loan" and inserting "grant, loan, or loan guarantee"; and

'(ii) serve regional and national purposes; and

'(B) in subparagraph (B), by striking "loan" and inserting "grant, loan, or loan guarantee."
(ii) by striking “loan or” and inserting “grant, loan, or”; and

(iii) by adding at the end the following:

“(B) PILOT PROGRAMS.—The Secretary may carry out pilot programs in conjunction with interested entities described in subparagraph (A) which may be in partnership with other entities, as determined appropriate by the Secretary, for the development of broadband service to serve areas that are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e),(i).”;

(c) by striking paragraph (2) in its entirety and inserting the following:

“(2) TERMS.—In determining the term and conditions for which the Secretary makes a grant, loan, or loan guarantee under this section, the Secretary shall use only address-level broadband buildout data for the National Broadband Map that is based on the actual level of broadband coverage within the rural area, including any requests for a correction from an elected or economic development official.

(B) INCORPORATION.—Not later than 30 days after the date on which the Administration receive any correction to the National Broadband Map, the Secretary may incorporate the correction into the National Broadband Map.

(C) Use.—If the Secretary has submitted a correction to the Administration under subparagraph (A), but the National Broadband Map has not been updated to reflect the correction by the date on which the Secretary is making a grant or loan award decision under this section, the Secretary may use the correction submitted under that subparagraph for purposes of make the grant or loan award decision.”;

(11) in paragraph (1) of subsection (l) (as redesignated by paragraph (9))—

On page 770, strike line 12 and insert the following:

“(11) in paragraph (1) of subsection (l) (as redesignated by paragraph (9))—

SA 2436. Mr. NELSON of Florida (for himself, Mr. MENENDEZ, Mr. CARDIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle D—Citrus Disease Research and Development Trust Fund

SEC. 3301. SHORT TITLE.

This subtitle may be cited as the “Citrus Disease Research and Development Trust Fund Act of 2012.”

SEC. 3302. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) duties collected on imports of citrus and citrus products have ranged from $15,000,000 to $60,000,000 annually since 2004, and are projected to increase, as United States production declines due to the effects
of huanglongbing (also known as “HLB” or “citrus greening disease”) and imports increased in response to the shortfall in the United States;

(2) an increase in the amount of duties collected on imports of citrus products to the Trust Fund under section 1001(d) of the Trade Act of 1974, as added by section 3303(a) of this Act.

(c) EFFECT ON OTHER ACTIVITIES.—Nothing in this section shall be construed to authorize the use of funds for scientific research and technical activities in the United States.

SEC. 3303. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND.

(a) IN GENERAL.—The Trade Act of 1974 (19 U.S.C. 3302 et seq.) is amended by adding at the end of the section the following:

**TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND**

**SEC. 1001. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND.**

(a) ESTABLISHMENT.—The Secretary of the Treasury shall transfer to the Trust Fund, from the general fund of the Treasury, amounts determined by the Secretary to be equivalent to amounts received in the general fund that are attributable to the duties collected on articles that are citrus or citrus products classifiable under chapters 8, 20, 21, and 22, and 33 of the Harmonized Tariff Schedule of the United States.

(2) IN GENERAL.—The amount transferred to the Trust Fund under paragraph (1) in any fiscal year may not exceed the lesser of

(A) an amount equal to 1⁄3 of the amount attributable to the duties collected on articles described in paragraph (1); or

(B) $30,000,000.

(c) AVAILABILITY OF AMOUNTS IN TRUST FUND.—

(1) AMOUNTS AVAILABLE UNTIL EXPENDED.—Amounts in the Trust Fund shall remain available until expended without further appropriation.

(2) AVAILABILITY FOR CITRUS DISEASE RESEARCH AND DEVELOPMENT EXPENDITURES.—Amounts in the Trust Fund shall be available to the Secretary of Agriculture—

(A) for expenditures relating to citrus disease research and development under section 3304 of the Citrus Disease Research and Development Trust Fund Act of 2012, including costs relating to contracts or other agreements entered into by the Secretary of Agriculture for the purposes of the Citrus Disease Research and Development Trust Fund Act of 2012, and

(B) to cover administrative costs incurred by the Secretary in carrying out the provisions of that Act.

(d) INVESTMENT OF TRUST FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the annual receipts into the Citrus Disease Research and Development Trust Fund under section 1001 of the Trade Act of 1974, as added by section 3303(a) of this Act, as the Secretary determines will provide the maximum return on investment consistent with the purposes of the trust fund.

(2) REMISSION OF SURPLUS FUNDS.—The Secretary of the Treasury shall remit to the Secretary of Agriculture a sum equal to the excess of the amount transferred to the Trust Fund under section 1001 of the Trade Act of 1974, as added by section 3303(a) of this Act, over the amount transferred to the Trust Fund under section 1001(d) of the Trade Act of 1974, as added by section 3303(a) of this Act.

(3) IN GENERAL.—The term “citrus” means edible fruit of the family Rutaceae, commonly called “oranges”.

(4) REDEMPTION OF OBLIGATIONS.—The interest and the operations of the Trust Fund for the calendar year ending June 30, 2013, and each year thereafter, shall be entered into certain trade agreements, including the Salzburg Plan on citrus products and the Citrus Disease Research and Development Trust Fund Act of 2012, such obligations may be issued to the United States or in obligations of the United States, and such obligations may be issued to the Secretary of the Treasury for the Trust Fund, without charge to the fund, for the purpose of providing the maximum return on investment consistent with the purposes of the trust fund.

(5) TRUST FUND Advisory Board.—The Trust Fund Advisory Board established under section 1001 of the Trade Act of 1974, as added by section 3303(a) of this Act, or through other research projects intended to solve problems caused by citrus production diseases and invasive pests.

(b) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Citrus Disease Research and Development Trust Fund Advisory Board established under this section.

(2) CITRUS.—The term “citrus” means edible fruit of the family Rutaceae, commonly called “oranges”.

SEC. 1002. REPORTS REQUIRED BEFORE ENTERING INTO CERTAIN TRADE AGREEMENTS.

The President shall notify the chairperson and ranking member of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than 90 days before entering into a trade agreement if the President determines that entering into the trade agreement could—

(1) in a decrease in the amount of duties collected on articles that are citrus or citrus products classifiable under chapters 8, 20, 21, and 22, and 33 of the Harmonized Tariff Schedule of the United States; and

(2) in a decrease in the amount of funds being transferred into the Citrus Disease Research and Development Trust Fund under section 1001 so that amounts available in the Trust Fund are insufficient to meet the purposes of the Citrus Disease Research and Development Trust Fund Act of 2012.

(b) CLEARIH AMENDMENT.—The table of the content for the Trade Act of 1974 is amended by adding at the end the following:

**TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND**

**Sec. 1001. Citrus Disease Research and Development Trust Fund.**

**Sec. 1002. Reports required before entering into certain trade agreements.”**

SEC. 3304. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND ADVISORY BOARD.

(a) PURPOSE.—The purpose of this section is to establish an orderly procedure and financing mechanism for the development of an effective and coordinated program of research and product development relating to—

(1) scientific research concerning diseases and pests, both domestic and invasive, affecting the citrus industry; and

(2) support for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Citrus Disease Research and Development Trust Fund established under section 1001 of the Trade Act of 1974, as added by section 3303(a) of this Act, or through other research projects intended to solve problems caused by citrus production diseases and invasive pests.

(2) PURPOSE.—The purpose of this section is to establish an orderly procedure and financing mechanism for the development of an effective and coordinated program of research and product development relating to—

(1) scientific research concerning diseases and pests, both domestic and invasive, affecting the citrus industry; and

(2) support for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Citrus Disease Research and Development Trust Fund established under section 1001 of the Trade Act of 1974, as added by section 3303(a) of this Act, or through other research projects intended to solve problems caused by citrus production diseases and invasive pests.
(B) INCLUSION.—The term “citrus” includes all citrus hybrids and products of citrus hybrids that are produced for commercial purposes in the United States.

(3) General responsibilities of the Board—The term “Department” means the Department of Agriculture.

(4) Person.—The term “person” means any individual, group of individuals, firm, partnership, joint stock company, association, cooperative, or other legal entity.

(5) Producer.—The term “producer” means any person that is engaged in the domestic production and commercial sale of citrus in the United States.

(6) Program.—The term “program” means the citrus research and development program authorized under this section.

(7) Secretary.—The term “Secretary” means the Secretary of Agriculture.

(8) Trust fund.—The term “Trust fund” means the Citrus Disease Research and Development Trust Fund established under section 1901 of the Trade Act of 1974, as added by section 3303(a) of this Act.

(c) Implementation.—

(1) Regulations.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations to carry out this section.

(2) Citrus advisory board.—

(A) Establishment and membership.—

(i) In general.—The Citrus Disease Research and Development Trust Fund Advisory Board shall consist of 9 members.

(ii) Membership.—The members of the Board shall be appointed by the Secretary.

(iii) Status.—Members of the Board represent the interests of the citrus industry and shall not be considered officers or employees of the Federal Government solely due to membership on the Board.

(B) Distribution of appointments.—The membership of the Board shall consist of—

(i) Members who are domestic producers of citrus in Florida;

(ii) 3 members who are domestic producers of citrus in Arizona or California; and

(iii) 1 member who is a domestic producer of citrus in Texas.

(C) Consultation.—Prior to making appointments to the Board, the Secretary shall solicit nominations or expressions of interest from primarily citrus producers to receive advice and recommendations regarding Board membership.

(D) Board vacancies.—

(i) In general.—The Secretary shall appoint a new Board member to serve the remainder of a term vacated by a departing Board member, but only if such person is nominated by a citrus producer.

(ii) Requirements.—When filling a vacancy on the Board, the Secretary shall—

(I) appoint a citrus producer from the same State as the Board member being replaced; and

(II) prior to making an appointment, consult with organizations in that State composed of citrus producers to receive advice and recommendations regarding the vacancy.

(E) Terms.—

(i) In general.—Except as provided in clause (ii), each term of appointment to the Board shall be for 5 years.

(ii) Initial appointments.—In making initial appointments to the Board, the Secretary shall appoint 1⁄3 of the members to terms of 1, 3, and 5 years, respectively.

(F) Disqualification from Board service.—

(1) In general.—A member or alternate of the Board who was appointed as a domestic producer ceases to be a producer in the State from which the member was appointed, or fails to fulfill the requirements of the Board, or has sexual relations with a member according to the rules established by the Board under paragraph (4)(A)(ii), the member or alternate shall be disqualified from serving on the Board.

(G) Compensation.—

(1) In general.—The members of the Board shall receive a salary no greater than travel expenses described in clause (ii).

(ii) Travel expenses.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(3) Powers.—

(A) Gifts.—The Board may accept, use, and dispose of gifts or donations of services or property.

(B) Postage and messenger services.—The Board may use the postage and messenger services of the United States mail in the same manner and under the same conditions as other agencies of the Federal Government.

(4) General responsibilities of the Board.—

(A) In general.—The regulations promulgated by the Secretary shall define the general responsibilities of the Board, which shall include the responsibilities—

(I) to meet, organize, and select from among the members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines to be appropriate;

(II) to adopt and amend rules and regulations governing the conduct of the activities of the Board and the performance of the duties of the Board;

(III) to hire such experts and consultants as the Board considers necessary to enable the Board to perform the duties of the Board;

(IV) to use the Secretary on citrus research and development needs;

(V) to propose a research and development agenda and annual budgets for the Trust Fund;

(VI) to evaluate and review ongoing research funded by Trust Fund; and

(VII) to engage in regular consultation and collaboration with the Department and other institutional, governmental, and private actors conducting scientific research into the causes, diagnosis, and treatment of citrus diseases and pests, both domestic and invasive, so as to—

(I) maximize the effectiveness of the activities; and

(II) hasten the development of useful treatments; and

(III) avoid duplicative and wasteful expenditures; and

(VI) to provide the Secretary with such information and advice as the Secretary may request.

(B) Citrus research and development agenda and budgets.—

(A) In general.—The Board shall submit annually to the Secretary a proposed research and development budget for the Trust Fund, which shall include—

(I) an evaluation of ongoing research and development efforts;

(ii) specific recommendations for new citrus research projects;

(III) a plan for the dissemination and commercialization of relevant information, technologies, and other technologies discovered pursuant to research funded through the Trust Fund; and

(VII) a justification for Trust Fund expenditures.

(B) Affirmative support required.—A research and development agenda and budget may not be submitted by the Board to the Secretary without the affirmative support of at least 7 members of the Board.

(C) Secretarial approval.—

(I) In general.—Not later than 60 days after receiving the proposed research and development agenda and budget from the Board and consulting with the Board, the Secretary shall submit the proposed research and development agenda and Trust Fund budget to Congress.

(ii) Considerations.—In finalizing the agenda and budget, the Secretary shall—

(I) due to the proximity of citrus producers to the effects of diseases such as huanglongbing and the quickly evolving nature of scientific understanding of the effect of the diseases on citrus production, give strong deference to the proposed research and development agenda and budget from the Board; and

(ii) take into account other public and private citrus-related research and development projects and funding.

(D) Report to Congress.—Each year, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture, Nutrition, and Forestry of the House of Representatives a report that includes—

(I) the most recent citrus research and development agenda and budget of the Secretaries;

(ii) an analysis of how, why, and to what extent the agenda and budget finalized by the Secretary differs from the proposal of the Board;

(iii) an examination of new developments in the spread and control of citrus diseases and pests;

(iv) a discussion of projected research needs; and

(v) a review of the effectiveness of the Trust Fund in achieving the purpose described in subsection (d).

(6) Contracts and agreements.—To ensure the efficient use of funds, the Secretary may enter into contracts or agreements with public or private entities for the implementation of a plan or project for citrus research.

(F) Administrative costs.—Each fiscal year, the Secretary may transfer up to $2,000,000 of amounts in the Trust Fund to
the Board for expenses incurred by the Board in carrying out the duties of the Board.

(6) TERMINATION OF BOARD.—The Board shall terminate on December 31 of the fifth calendar year that begins after the date of enactment of this Act.

Subtitle E—Cotton and Wool Trust Funds

SEC. 3401. RENEWAL AND MODIFICATION OF DUTY SUSPENSIONS ON COTTON SHIRTING FABRICS AND RELATED PROVISIONS.

(a) RENEWAL AND MODIFICATION OF DUTY SUSPENSIONS.—

(1) IN GENERAL.—

(A) HEADINGS—9902.52.08, 9902.52.09, 9902.52.10, 9902.52.11, 9902.52.12, 9902.52.14, 9902.52.15, 9902.52.16, 9902.52.17, 9902.52.18, and 9902.52.19 of the Harmonized Tariff Schedule of the United States (relating to woven fabrics of cotton) are each amended—

(A) in the article description—

(i) by striking “other than fabrics provided for in headings 9902.52.20 through 9902.52.31;” and

(ii) by striking “the foregoing imported” and all that follows; and

(B) by striking the date in the effective period column and inserting “12/31/2015.”

(2) CONFORMING AMENDMENTS.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule is amended—

(A) in the United States, by striking the second Note 18 and Note 19; and

(B) by striking headings 9902.52.20 through 9902.52.31.

(b) EXTENSION OF DUTY REFUNDS AND PIMA COTTON TRUST FUND; MODIFICATION OF AFFIDAVIT REQUIREMENTS.—Section 407 of title IV of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 482) is amended by striking “Bureau of Customs and Border Protection” each place it appears and inserting “U.S. Customs and Border Protection”.

(c) ALTERNATIVE FUNDING SOURCER.—Subparagraph (A) shall be applied and administered by substituting “chapter 62” for “chapter 51” for any period of time with respect to which the Secretary determines that such amounts are attributable to the Secretary to be equivalent to amounts received in the general fund of the Treasury of the United States attributable to the duty received on articles classified under chapter 51 of the Harmonized Tariff Schedule of the United States are not sufficient to make payments under paragraph (3) or grants under paragraph (4).”.

(d) FULL RESTORATION OF PAYMENT LEVELS IN CALENDAR YEARS 2010 THROUGH 2012.—

(1) TRANSFER OF AMOUNTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall transfer to the Wool Apparel Manufacturers Trust Fund, out of the general fund of the Treasury of the United States, amounts determined by the Secretary of the Treasury to be equivalent to amounts of such grants, when added to any other payments made to eligible manufacturers under section 4022(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004, subject to the limitation in subparagraph (B).

(B) LIMITATION.—The Secretary of the Treasury shall not transfer more than the amount determined by the Secretary to be necessary for—

(i) U.S. Customs and Border Protection to make payments to eligible manufacturers under section 4022(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amount of such payments, when added to any other payments made to eligible manufacturers under section 4022(c)(3) of such Act during calendar years 2010, 2011, and 2012, equals the amounts transferred to the Wool Apparel Manufacturers Trust Fund after the date of the enactment of this Act, and

(ii) the Secretary of Commerce to provide grants to eligible manufacturers under section 4022(c)(6) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amounts of such grants, when added to any other grants made to eligible manufacturers under section 4022(c)(6) of such Act during calendar years 2010, 2011, and 2012, equal the total amount of grants authorized to be provided to eligible manufacturers under section 4022(c)(6) of such Act during calendar years 2010, 2011, and 2012.

(2) PAYMENT OF DIVIDENDS.—U.S. Customs and Border Protection shall make payments described in paragraph (1) to eligible manufacturers not later than 30 days after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund. The Secretary of Commerce shall promptly provide grants described in paragraph (1) to eligible manufacturers after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund.

(e) RULE OF CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to affect the availability of amounts transferred under paragraph (3) to the Wool Apparel Manufacturers Trust Fund before the date of the enactment of this Act.

(d) CONFORMING AMENDMENTS.—Title IV of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429; 118 Stat. 2600) is amended by striking “Bureau of Customs and Border Protection” each place it appears and inserting “U.S. Customs and Border Protection”.

(e) DISCRETIONARY AUTHORITY.—

(1) IN GENERAL.—Section 4022(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004 is amended by inserting “(or at the request of the manufacturer and in the sole discretion of the U.S. Customs and Border Protection, no later than April 15 of the year of the payment)” after “March 1 of the year of the payment”.

(f) DISCRETIONARY AUTHORITY.—The amended section 4022(c)(3) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply with respect to a request made by a manufacturer after such date of enactment for an extension of time to file an affidavit pursuant to section 4022(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004, as amended by paragraph (1), with respect to a payment payable under that section during calendar year 2011 or any subsequent calendar year.

SEC. 3402. EXTENSION OF CUSTOMS USER FEES.

Section 13031(c)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 1624(c)(3)) is amended—

(1) in the case of a corporation with assets of not less than $1,000,000,000 (determined as of the end of the preceding taxable year), the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2017 shall be 100.25 percent of such amount; and

(2) the amount of the required installment after an installment referred to in paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

SEC. 3404. EXTENSION OF CUSTOMS USER FEES.

Section 506(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 11023(b)) is amended—

(1) in subparagraph (A), by striking “August 2, 2021” and inserting “October 22, 2021”;

(2) in subparagraph (B)(1), by striking “December 8, 2020” and inserting “October 22, 2021”;

(3) by striking subparagraphs (C) and (D).

SA 2437. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3405. LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.

Section 506(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 11023(b)) is amended by adding at the end the following:

“(1) DEFINITION OF AVERAGE ADJUSTED GROSS INCOME.—In this paragraph, the term ‘average adjusted gross income’ has the meaning given the term in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(a)).

(2) LIMITATION.—Notwithstanding any other provision of this subtitle and beginning with the 2014 reinsurance year, in the case of any producer that is a person or legal entity that has an average adjusted gross income in excess of $750,000 based on the most recent data available from the Farm Service
Agency as of the beginning of the reinsurance year, the total amount of premium subsidi- provided with respect to additional coverage under subsection (c), section 568B, or section 569B, shall be 15 percentage points less than the premium subsidy provided in accordance with this subsection that would otherwise be available for the applicable policy, plan of insurance, and cover- age level selected by the producer.

"(C) APPLICATION.—

"(i) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the approved insurance providers, shall carry out a study to determine the effects of the limitation described in subparagraph (B) on—

"(I) the overall operations of the Federal crop insurance program;

"(II) the number of producers participating in the Federal crop insurance program;

"(III) the amount of premiums paid by partici- pating producers;

"(IV) any potential liability for approved insurance providers;

"(V) any crops or growing regions that may be disproportionately impacted;

"(VI) the number of producers participating in Federal crop insurance programs; and

"(VII) the number of farmers participating in Federal crop insurance programs;

"(ii) Study results.—The limitation de- scribed in subparagraph (B) shall not take ef- fect unless the Secretary determines, through the study described in clause (i), that the limitation would not—

"(I) increase the premium amount paid by producers with an average adjusted gross in- come of less than $75,000;

"(II) result in a decline in the availability of crop insurance services to producers; and

"(III) increase the costs to the Federal gov- ernment to administer the Federal crop in- surance program established under this sub- title.

SA 2438. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthor- ize agricultural programs through 2017, and for other purposes; which was or- dered to lie on the table; as follows:

At the end of subtitle G of title II, add the following:

SEC. 2609. HIGHLY ERODIBLE LAND AND WET- LANDS CONSERVATION FOR CROP IN- SURANCE.

(a) Highly Erodible Land Program Ineli- gibility;

(1) in general.—Section 1211(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3811(a)(1)) is amended—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (D), by adding "or" at the end; and

(C) by adding at the end the following:

"(2) Eligibility Based on Compliance with Conservation Plan.—

"(A) in general.—If—

"(i) in the first sentence, by striking "(2) I", and inserting the following:

"(II) the premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

"(3) Exemptions.—Section 1212(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3812(a)(2)) is amended—

(A) in the first sentence, by striking "(2) I", and inserting the following:

"(2) Eligibility Based on Compliance with Conservation Plan.—

"(A) in general.—If—

"(i) in the second sentence, by striking "in carrying" and inserting the following:

"(B) Minimum Documentation.—In carrying;

"(C) Crop Insurance.—In the case of payments that are subject to section 1211 for the

first time due to the amendment made by section 2609(a) of the Agriculture Reform, Food, and Jobs Act of 2012, any person who produces an agricultural commodity on the land that is subject to the limitations of the payments shall have until January 1 of the fifth year after the date on which the payments became sub- ject to section 1211 to develop and comply with an erosion control plan.

(b) Wetland Conservation Program Ineli- gibility.—Section 1211(b) of the Food Security Act of 1985 (16 U.S.C. 3821) is amended by adding at the end the following:

"(4) Any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.)."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled be- fore the Subcommittee on National Parks and Forests to be held on Wednesday, June 27, 2012, at 3 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to re- ceive testimony on the following bills:

S. 1985, to amend Public Law 101–377, to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station;

S. 2158, a bill to establish the Fox-Wis- consin Heritage Parkway National Heritage Area;

S. 2229, a bill to authorizing the issuance of right-of-way permits for natural gas pipeline in Glacier National Park;

S. 2287, a bill to reauthorize the Hudson Valley National Heritage Area;

S. 2293, a bill to designate a mountain in the State of Alaska as Mount Denali;

S. 2273, a bill to designate the Talkeetna Ranger Station in Talkeetna, Alaska, as the Walter Harper Talkeetna Ranger Station;

S. 2236, a bill to amend the Wild and Scenic Rivers Act to designate certain segments of the French Broad River in the State of Connecticut as components of the National Wild and Scenic Rivers System;

S. 2316, a bill to designate the Salt Pond Visitor Center on Maryland’s Eastern Shore as the “Thomas P. O’Neill, Jr. Salt Pond Visitor Center”;

S. 2323, a bill to amend the Wild and Scenic Rivers Act to designate a segment of the Neches River in the State of Texas for potential addition to the National Wild and Scenic River System;

S. 2772, a bill to authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area; and

S. 3300, a bill to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Abigail_Campbell@energy.senate .gov.

For further information, please contact Deborah Estes at (202) 224–5360, or Abigail Campbell at (202) 224–1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. STABENOW. Mr. President, I ask unanimous consent that the Com- mittee on Energy and Natural Re- sources be authorized to meet during the session of the Senate on June 14, 2012, at 9:30 a.m. in room 306 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Ms. STABENOW. Mr. President, I ask unanimous consent that the Com- mittee on Finance be authorized to meet during the session of the Senate on June 14, 2012, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a roundtable enti- tled “Medicare Physician Payment Policy: Lessons from the Private Sector.”

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

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Com- mittee on Foreign Relations be author- ized to meet during the session of the Senate on June 14, 2012, at 10 a.m., to hold a hearing entitled, “The Law of the Sea Convention (Treaty Doc. 103– 39): Perspectives from the U.S. Mili- tary.”

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

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Com- mittee on Foreign Relations be author- ized to meet during the session of the Senate on June 14, 2012, at 2:30 p.m., to hold a hearing entitled, “The Law of the Sea Convention (Treaty Doc. 103–39).”
The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on June 14, 2012, in room SD–228 of the Dirksen Senate Office Building, at 2:15 p.m. to conduct a hearing entitled “New Tax Burdens on Tribal Self-Determination.”

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

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 14, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. STABENOW. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 14, 2012, at 2:30 p.m.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on June 14, 2012, at 10 a.m., to conduct a hearing entitled, “Saving Taxpayer Dollars by Curbing Waste and Fraud in Medicaid.”

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

EXECUTIVE ACTION VITIATED

Mr. FRANKEN. Mr. President, as if in executive session, I ask unanimous consent that the action of reporting the nomination of Erica Lynn Groshen be vitiated.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRANKEN. Mr. President, I ask unanimous consent that on Monday, June 18, 2012, at 5 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 612; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of the time, the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the Record; that the President be immediately notified of the Senate’s action and the Senate then resume legislative session.

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

AUTHORIZED THE USE OF EMANCIPATION HALL

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 128.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 128) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the Montford Point Marines.

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

Mr. FRANKEN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the Record.

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

The concurrent resolution (H. Con. Res. 128) was agreed to.

ORDERS FOR MONDAY, JUNE 18, 2012

Mr. FRANKEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, June 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized, and that at 5 p.m. the Senate proceed to executive session under the previous order.

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

PROGRAM

Mr. FRANKEN. Mr. President, we continue to work on an agreement on amendments to the farm bill. We hope such an agreement can be reached.

At 5:30 p.m., Monday, there will be a rolloff vote on confirmation of the Lewis nomination.

ADJOURNMENT UNTIL MONDAY, JUNE 18, 2012, AT 3 P.M.

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

There being no objection, the Senate, at 6:07 p.m., adjourned until June 18, 2012, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

MICHAEL DAVID KIRBY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SERRA.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MADE D. GIBBAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 1, 2016.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be lieutenant (junior grade)

KYLE S. SALLING

DANIEL D. SMITH

ANTHONY R. KLEIN

RICHARD J. PARK

DAVID J. BOGAN

ANDREA L. PROIE

JOSEPH T. PHILLIPS

KELL-LANN B. BLISS

LARRY V. THOMAS, JR.

LISHA FLOWERS

SHANNON K. HEEFFERAN

IN THE AIR FORCE


To be lieutenant general

MAJ. GEN. JOSEPH L. LENOVEL

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 1228:

To be major general

BRIG. GEN. LAWRENCE W. BROCK

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 31:

To be major

CHANCE J. HENDERSON

JERREY P. TAN

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR ARMY FOR-purpose under Title 10, U.S.C., SECTION 31:

To be major

PATRICK D. BUCK

JONELLE J. KNAPP

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 161 and 804:

To be lieutenant colonel

JESSICA L. WEAVER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 644:

To be lieutenant colonel

YOUNGMI CHO

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 644:

To be lieutenant colonel

RICHARD M. ZYGADLO
The following named officers for appointment to the grade indicated in the United States Army medical service corps under title 10, u.s.c., sections 641 and 644:

To be lieutenant colonel

Benedict Alford
William L. Armstrong
Wesley J. Anderson
Diondreia B. Baz
Redeker G. Barlow
Samanta E. Babcock
Jeffrey F. Conroy
Timothy J. Bryant
Shelly M. Chavez
Jane M. Christensen
Rodger S. Christy
Jeffrey Clark
Betty E. Cloudenifer
Gerda V. Coller
Jeffrey P. Conroy
Lamontana A. Crumley
Michael S. Cyra
Gllin L. Dorer
David G. Dott
Joseph B. Dusse
Jody L. Doug
Hector Erazo
Tanya M. Foster
Marc A. Fry
Lionel M. Gates
Gail D. Gauthier
Ronald B. Gay
Ronald B. Gibbsan
Kimberly M. Glassel
Jennifer J. Glidewell
Karen A. Gooden
Linda S. Green
Seana P. Harbritt
Katrinamarie M. Hartland
Imla T. Hartman
David Hernandez
Wilfredo O. Cisneros
Hayton N. Hirst
Gavin O. Hitchcock
Robert A. Holck
Karen B. Holtzclaw
Roger D. Hooven
Gregory W. Rave
Joseph A. Hulse
Bereinly L. G. Isidore
Amelia S. Jackson
Todd S. Jackson
William J. Jacobs
Paul M. Johnson
Heidi A. Kelly
Shawn D. Kelly
Donald E. Keimler, Jr.
Aga E. Kirten
Steven A. Knapp
John W. Kuhl
Paul R. Labrador
Heileen A. Laguey
Brian R. Laus
Jami M. Ledet, Jr.
Lisa M. Luithe
Yvette M. Malmquist
Ronald L. Milam, Jr.
Gienia D. Miller
Mark L. Mitchell
Patsy D. Morris
Denise A. Moutrie
Hcctor Munoz
Michael S. Nagela
David Neider
Scott A. Neuser
Carla J. Patton
Jinniri P. Polk
Patrick T. Pollman
Anthony L. Posteur
Hyon S. Quattlebaum
Anthony E. Reba
Kathleen J. Richardson
Trynthia M. Kollason
Gerard C. Ross III
Robert E. Ruscum
Christopher Sanchez
James R. Sellick
Ann C. Sims
Sandria A. Snipes
Kathleen G. Spangler
Jeffrey M. Spero
Robert J. Staggs
Michelle L. Stimson
Birgit Stokes

To be major

Birgit Stokke
Michelle D. Stewmon
Robert J. Stagg
Kathleen G. Spangler
Jeffrey M. Spero
Robert J. Staggs
Michelle L. Stimson
Birgit Stokes

The following named officers for appointment to the grade indicated in the United States Army nurse corps under title 10, u.s.c., sections 641 and 644:

To be lieutenant colonel

Christian B. Swift
Michael F. Reynimari
Roshena T. Tabakman
Lanci C. Taylor
Cornilles B. Tyler
Dale A. Vektir
Tanja L. Warding
Michael J. Watson
Stephen J. Williams
Hope M. Williamson
Mary A. Witt
Glenda S. Wrobn
Myongs W. Woo
Terei L. Young
Fai Zamora

The following named officers for appointment to the grade indicated in the United States Army medical service corps under title 10, u.s.c., sections 641 and 644:

To be lieutenant colonel

James R. Amber
Christopher C. Alger
Jennifer B. Allouche
Reeter S. Anderson
Thomas J. A. Anton
Janelle A. Armintr
Jimmy G. Baker
John E. Baker
Michael A. Ball
James W. Beach
Brian J. Bender
Tajere R. Baliez
Joseph A. Bowman
Kint A. Bracon
Tanya D. Brown
C. Perry Carby
Joseph P. Chapman
Matthew J. Corshuis
Charles C. Cook
Valerie C. Cummings
Debra L. Dankiros
Bosse A. Davenport
John W. Davis
Paul B. Duhrenburger
Ryan B. Eckemier
Brian P. Evans
John M. Evans
Marcella R. Fiddies
John E. Futa
John A. Gaoay
Craig D. Gereads
Shawn B. Ghalekins
Jeanne A. Geyser
George D. Gilbert, Jr.
Philip W. Ginder
James B. Gortchius
Matthew J. Gorski
Jason L. Grant
Thomas E. Grant
Douglas R. Gray
Timothy O. Green
Andrew R. Headmaster
Kevin C. Bamford
John W. Hammen
John H. Hanner
Mark G. Hartell
Jared J. Hayes
Jill J. Henderson
Christopher J. Henry
Bernita E. Hightower
Stacy A. Holman
Gary A. Hughes
Timothy J. Junetz
Dr. George L. Kember
Amy M. Jenks
David S. Johnston
Forest S. Kim
Dumay Kinney, Sr.
Michael C. Krammer
Sean T. Lakendorf
John N. Lavel
Stephanie Latimer
Debra J. Lynna
Joseph L. Lim
Douglas K. Looneshek
Paul W. Martzold
Mark W. Maita
Mark S. Manvel
Glenn E. Marsh
Dian L. Martin
Arthur B. Mathisen
Karen J. Moctar
Michael S. Mendrinkhall
Carter V. Meredith
Mary E. Miller
Heidi F. Minon
Joseph M. P. Minniskin
Michael J. Nacc
Woodrow Nash, Jr.
Ralph T. Nazarado
Jeffrey J. O'Neill
Mark F. Swickmore
Daniel A. Nichols
Michael T. Pracqack
Kevin A. Peck
Michael E. Prisby
Ricardo A. Reyes
Christian F. Pichard
Michael A. Pichard
Stevens J. Richter
Giri B. Roberston
Tod A. Rytensky
David A. Sartori
Anthony L. Schuster
Jeffrey J. Shaw
Shannon N. Shaw
The following named officers for appointment to the grades indicated in the United States Army Medical Corps under Title 10, U.S.C., Sections 424 and 594:

To be lieutenant colonel

BRIAN R. ABELL
GILBERT ADINIAN
AARON G. AMACHER III
ROGER A. ANDERSON
BRIAN E. ABELL
WILLIAM R. URBAN
RYAN M. PERRY
BARBARA J. MERTZ
WILLIAM M. KAFKA
JOHN E. GAY
CYNTHIA J. FIELDS

To be commander

TITUS D. HUI
BENJAMIN D. BYERS
JASON B. JACOB
ANGELITA M. CALLAHAN
BENJAMIN D. BYERS
JASON B. JACOB
ANGELITA M. CALLAHAN
BENJAMIN D. BYERS
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JASON B. JACOB
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CONGRESSIONAL RECORD — SENATE
S4221

June 14, 2012

To be lieutenant commander

KEVIN J. BRIEM
MARK B. CALLAGAN
QUINTON M. COOPER
DOUGLAS A. RYAN
CHRISTIAN D. FERREIRA P. FURLONG
DANIEL B. FULTON
TOMAS B. FUTCH
ROBERT R. GIVENS
DOUGLAS H. HAGENBUG
JUSTIN R. HARDY
BRYAN P. HART
JONATHAN T. HINES
JENSON R. HOOGS
PAUL H. PLATTSMIER
JAMES W. PITCOCK
JOHN E. OLANOWSKI
GIL V. NICDAO
EDGARDO R. NARANJO
JEROME D. MORRIS
OLIVER C. MINIMO
ROCCO F. MINGIONE, JR.
JIMMY H. MELTON
CHARLES E. LYNCH
KENNETH J. LOOKABAUGH
FRANK S. KREMER
PETER J. KLOETZKE
ATKINS JINADU
ROGER A. HAHN
MARC T. GOODE
JOSEPH G. FELTOVIC
TINA G. DOLAN
THOMAS A. DECKER
CHARLES C. COWART
CLIFFORD COLLINS
BRYAN K. CATOE
DANIEL J. CARIUS
CARVIN A. BROWN
BRUCE G. BRONK
KEVIN S. BARNET
RENE V. ABDIASCIO
ALAN D. ASHBY
KEVIN S. BARNET
BRUCE G. BROWN
CAROL A. BROWN
DANIEL J. CARUS
BEVAN K. CAYOE
CLIFFORD COLLINS
CHARLES C. COXWORTH
MICHELLE C. DEBOURGE
TIM T. A. DICKEY
JOEL A. DOANE
TINA G. DOLEAN
BRAZY D. DRENNAN
KELLY D. DERNIS
JOSHDUB ASHBY
ALLEN L. FRY
TAYLOR J. FAYE
FRANK FURSTENS III
MARC T. GOODE
BOBBER A. HAHN
JAMES L. HAMILTON
STEVEN D. INGAMS
ATKINS SINADU
PETRUS J. ELLOPOVERY
FRANK S. KREMEN
KENNETH J. LOOKABAUGH
CHARLES E. LYNCH
JIMMY H. MILTON
JACK T. MILLER
ROCCO F. MINGIONE, JR.
OLIVER C. MINIMO
DENNIS MOJICA
HERMINO R. MORO
EDGARDO R. NARANJO
GIL V. NAO
MARK A. NOWALK
JOHN W. OLANOWSKI
JAMES W. FITTSCHER
PAUL H. FLATTSMIER
TERRY J. FRATT
KEITH R. SHIPMAN

JERRY E. SMITH, JR.
WAYNE D. SMITH
ERIC J. STEIN
MARK A. STONE
REYNALDO T. TANAP
RUSSELL T. TSCHUDY
GERALD R. VEGOS
BRIAN D. WALDEN
DOUGLAS D. WASKIEWCZ
TOMAS B. WHITEHEAD
DAVIE W. WITHEAM
BRAD M. WILLIAMS
MARK W. YATES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

DAVID J. ADAMS
HENRY J. ALLEN
WALTER H. ALMAN III
BRIAN S. AMADOR
GABRIEL A. ANHEUSE
KENNETH A. ATRAN
MICHAEL L. ATTWELL
DANIEL J. AUGUST
GILBERT AYAN
THOMAS S. AVDT
TODD S. BAIER
WILLIAM S. BAKER
KURT D. BALALAG
ANDREW R. BARLOW
RAYMOND P. BARKES, JR.
JOHN S. BABA
ANDREW D. BATES
KYLE E. BEREAN
PATRICK J. BESMAN
WILLIAM D. BERRY
BRANSON S. BICKER
BRYAN J. BILLINGTON
JENNIFER M. BLASKE
EYAN J. BLASCHKE
HOWARD J. BOGAC
MATTHEW A. BOGUE
KURT H. BOHLEN
DANIEL A. BOMAN
ORLANDO S. BOWMAN
JOHN F. BRADFORD
MICHAEL P. BRENNER
FLINT J. BRADY
KENDALL J. BRIDGES
WILLIAM S. BUCHER
CARL W. BROWNST
JOSEPH BROWN
CHRISTOPHER A. BROWN
DERRICK C. BROWN
TROY A. BROWN
JOSSEPH B. BRUNSON
SAMUEL C. BRYANT
SCOTT J. BUTCHER
THOMAS A. BUCKER
CALVIN E. BUMPHUS
LORDO J. BUSHET
SEAN K. BUKA
PAUL E. BURBANK
DAVID A. BURMEISTER
JOSPEH P. BUXTON
PATRICK BURBIS
CHARLES W. BURTON
RAOUL J. BUSTAMANTE
KEVIN H. B CAYE
RUSSELL J. CALDWELL
LIEWS W. CALLAWAY
MARCOS D. CANT
KEVIN R. CARLSON
TODD D. CARR
CHRISTOPHER D. CARTER
JON C. CARASE
BRUCE D. CASEY
BRAD J. CEPATI
RICHARD D. CHEAFF
GARY M. CHASE
TONY CHAVEZ
KEVIN C. CHRISTOFERSON
JASON L. CHUDEREWICZ
THANK C. CLARK
SHANNON M. CLAYHOUSE
ADAM C. COCHRAN
EVAN D. COLLINS
BRIAN D. CONNOLLY
TIMOTHY C. CRANDICK
MARC D. CRAWFORD
RANDY C. CRUE
BRIAN J. CYE
SAMUEL J. DALE
ADAM C. DEMPSEY
MATTREW H. DELABARRE
LIBBY P. DENNIS III
MICHAEL P. DESMOND
STANLEY C. C. DICKERSON
CORBITT L. DIXON
STEVEN V. DJUARDUS
HENRIK W. DOMOT
MATTREW E. DOYLE
JAMIE S. DREW
MICHAEL E. DUROQUE
BENJAMIN P. DUELLEY
DARREN T. DUGAN
CHARLES S. EATON
JENNIFER L. EATON
CHARLES B. ECKERT
ROY A. EGGERT
DAVID C. ELLES
CHRISTOPHER S. EMBLESD
RICKIE R. ESCALANTE

RICKIE R. ESCALANTE
FORD C. EWALDSEN, JR.
RAFAEL C. FAVINO
STEVEN F. FAULK
JUSTIN T. FAYLAND
TROY A. FENDRICK
ADALISHA FIELD
DANIEL R. FILLION
BENJAMIN F. FINNEY
STANFORD R. FISHER III
ADAM L. FLEMING
JOHN K. FLEMING
PAUL N. FLORSIX
STEVEN W. FOLEY
JACOB A. FOREST
EDWARD E. FOSSATH
MATTREW T. FRAUENZIMMER
ERIK B. FRITZ
CHRISTOPHER L. FURSELL
SAMUEL D. GAGE
WILLIAM D. GALLAGHER
MARCUS B. GALMAN
WILLIAM E. GANNETT, JR.
JUAN R. GARCIA
JOE S. GARCIA
STEVEN P. GABRAZ
CHRISTOPHER L. GAVINO
JEFFREY J. GAYDASH
JASON M. GEORGIA
PETER E. GREGOR
JASON A. GREGOR
JAVIER GONZALEZCARIO
GROFFER T. GOFF
THOMAS G. GOURDHAU
AMY E. GREEBA
CHAD W. GRABAM
JOSEPH R. GREEFEN
DALE M. GREGORY, JR.
RAN S. GREENWICH
MICHAEL J. GUNN
JOHN W. HALE
MATTHEW W. HALL
CHARLES E. HAMPTON
ADAM C. HANCOCK
ERIC M. HANKS
MICHAEL R. HANSEN
ASHLEY M. HARRIS
WILLIAM D. HARRIS
TIMOTHY S. HENRY
ANDREW R. HENBELL
ERIC P. HIGGS
KATRINA L. HILL
ARTHUR P. HODGE
JUSTIN B. HOGGRO
PETE HOGRELL, JR.
KEVIN J. HOLLAND
BRIAN P. BOCAN
TODD K. BOLWER
MICHAEL C. BOLAND
STEVEN S. HOO
FAYAO A. HUSCHOS
CHRISTOPHER M. HUNTER
ASHKAIL L. ILLETTA
TOO E. HUTCHINSON
WADE A. HUSKIES
JONATHAN W. JACKSON
MARCOS A. JASSO
CREDER L. JESSUP
IVAN A. JIMENEZ
EDWARD D. JOHNSON
JEFFREY F. JOHNSON
JOSPEH B. JOHNSON
MICHAEL R. JOHNSON
BARTOLOME J. J. JUMABAS
DAVID A. IERBE
REGINA P. F. KAUFFMAN
PAUL J. KATYER
MARC A. KENNEDE
JOHN C. KIRKNER
DANIEL W. KIMBERLY
SHAWN C. KINEL
ABIJAL S. KLEIN
JASON S. KNAPP
MATTHEW M. KOSLOJSKI, JR.
JUDD A. KIER
NEIL A. KREUGER
HERBERT R. LACY
TEAGAR J. LAGUINS
BRANT T. LANDRETH
JOEL B. LANG
DOUGLAS M. LANGBRENNER
MEGAN P. LARSON
MIAMI L. LEON
JOHN C. LEPAK
MARK A. LITROVSKY
TOMMY L. LIVAO
DANIELS D. LLOOKA
RYAN J. LOGAN
DANIEL J. LOMBARDO
JUSTIN A. LONING
JOSEPH R. LOSIEVSKY
ELAINE C. LUNA
ROBERT D. LUKA
ALEX T. LUTE:
ADAM J. MACKE
WALTER C. MADISON
RONALD P. MALLOY
RONNIE P. MANGAT
NICOLAS V. MANTELLANOS
CRISTINA S. MAEZIC
JAJA J. E. MAVINESS
RICHARD D. MARSHALL
THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DEREK A. VESTAL
TODD M. SULLIVAN
BRENDA M. STENCIL
TODD M. SINCLAIR
LOREN S. REINKE
JASON T. THORP
TIMOTHY M. THOMPSON
SADYRAY M. CARINO
DERRICK E. BLACKSTON
DOMINIC R. LOVELLO
CHRISTOPHER A. WHITFIELD

The following executive nomination confirmed by the Senate June 14, 2012:

CONFIRMATION
Chamber Action

Routine Proceedings, pages S4163–S4222

Measures Introduced: Eleven bills and three resolutions were introduced, as follows: S. 3293–3303, S.J. Res. 44, and S. Res. 493–494.

Measures Reported:
- S. 3295, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2013. (S. Rept. No. 112–176)
- S. 3301, making appropriations for financial services and general government for the fiscal year ending September 30, 2013. (S. Rept. No. 112–177)

Measures Passed:

Authorizing the use of the Capitol Visitor Center: Senate agreed to H. Con. Res. 128, authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the Montford Point Marines.

Measures Considered:

Flood Insurance Reform and Modernization Act: Senate began consideration of the motion to proceed to consideration of S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund.

Groshen Nomination—Agreement: A unanimous-consent agreement was reached providing that the action of reporting the nomination of Erica Lynn Groshen, of New York, to be Commissioner of Labor Statistics, Department of Labor, was vitiated.

Lewis Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at 5 p.m., on Monday, June 18, 2012, Senate begin consideration of the nomination of Mary Geiger Lewis, of South Carolina, to be United States District Judge for the District of South Carolina, that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, Senate vote, without intervening action or debate, on confirmation of the nomination; and that no further motions be in order.

Nomination Confirmed: Senate confirmed the following nomination:
- Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador.

During consideration of this nomination today, Senate also took the following action:
- A unanimous-consent agreement was reached providing that the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on December 12, 2011, was agreed to.

By 62 yeas to 37 nays (Vote No. 121), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate upon reconsideration agreed to the motion to close further debate on the nomination.

Nominations Received: Senate received the following nominations:
- Michael David Kirby, of Virginia, to be Ambassador to the Republic of Serbia.
- Mark D. Gearan, of New York, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring December 1, 2015.
- 1 Air Force nomination in the rank of general.
- 2 Army nominations in the rank of general.

Routine lists in the Air Force, Army, National Oceanic and Atmospheric Administration, and Navy.

Executive Communications:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Notices of Hearings/Meetings:

Authorities for Committees to Meet:
Record Votes: One record vote was taken today. (Total—121)

Adjournment: Senate convened at 9:30 a.m. and adjourned at 6:07 p.m., until 3 p.m. on Monday, June 18, 2012. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S4218.)

Committee Meetings

Business Meeting

Committee on Appropriations: Committee ordered favorably reported the following business items:

An original bill (S. 3295) making appropriations for Labor, Health and Human Services, Education, and Related Agencies for the fiscal year ending September 30, 2013; and

An original bill (S. 3301) making appropriations for Financial Services and General Government for the fiscal year ending September 30, 2013.

Clean Energy in United States and China

Committee on Energy and Natural Resources: Committee concluded a hearing to examine competitiveness and collaboration between the United States and China on clean energy, after receiving testimony from Justin Wu, Bloomberg New Energy Finance, Hong Kong, People’s Republic of China; Alan Wm. Wolff, McKenna Long and Aldridge, Clyde Prestowitz, Economic Strategy Institute, and Derek Scissors, The Heritage Foundation, all of Washington, D.C.; and Dan W. Holladay, SEMATECH, Albany, New York.

Medicare Physician Payment Policy

Committee on Finance: Committee concluded a hearing to examine Medicare physician payment policy, focusing on lessons from the private sector, after receiving testimony from Dana Gelb Safran, Blue Cross Blue Shield of Massachusetts, Boston; Peter Edwards, Humana Inc., Louisville, Kentucky; Lonny Reisman, Aetna Inc., Hartford, Connecticut; Chester Burrell, CareFirst BlueCross BlueShield, Washington, D.C.; and Darryl Cardoza, Hill Physicians Medical Group, San Francisco, California.

Law of the Sea Convention

Committee on Foreign Relations: Committee concluded a hearing to examine the Law of the Sea Convention (Treaty Doc. 103–39), after receiving testimony from Donald Rumsfeld, former Secretary of Defense, The Rumsfeld Foundation, John B. Bellinger III, Arnold and Porter LLP, Steven Groves, The Heritage Foundation, and John Negroponte, former Deputy Secretary of State, all of Washington, D.C.

Medicaid Waste and Fraud

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine saving taxpayer dollars by curbing waste and fraud in Medicaid, after receiving testimony from Peter Budetti, Deputy Administrator and Director, Center for Program Integrity, Centers for Medicare and Medicaid Services, and Ann Maxwell, Regional Inspector General, Office of Evaluation and Inspections, Office of Inspector General, both of the Department of Health and Human Services; Carolyn L. Yocom, Director, Health Care, Government Accountability Office; Douglas Wilson, Texas Health and Human Services Commission Inspector General, San Antonio; and Douglas Porter, Washington State Health Care Authority Director, Seattle.

Taxes on Tribal Self-Determination

Committee on Indian Affairs: Committee concluded an oversight hearing to examine new taxes on tribal self-determination, after receiving testimony from Aaron Klein, Deputy Assistant Secretary, Office of Economic Policy, and Christie J. Jacobs, Director, Office of Indian Tribal Governments, Internal Revenue Service, both of the Department of the Treasury; John Yellow Bird Steele, Oglala Sioux Tribe, Pine Ridge, South Dakota; Athena Sanchez Yallup, Confederated Tribes and Bands of the Yakama Nation, Toppenish, Washington; Lynn Malerba, United South and Eastern Tribes, Inc., Nashville, Tennessee; and William Lomax, Native American Finance Officers Association, Washington, D.C.
INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet at 10 a.m. on Friday, June 15, 2012 in pro forma session.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D593)

S. 3261, to allow the Chief of the Forest Service to award certain contracts for large air tankers. Signed on June 13, 2012. (Public Law 112–132)

Committee Meetings for Friday, June 15, 2012

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.
Next Meeting of the SENATE
3 p.m., Monday, June 18

Senate Chamber

Program for Monday: The Majority Leader will be recognized. Senate expects to resume consideration of S. 3240, Agriculture Reform, Food, and Jobs Act.

At 5 p.m., Senate will begin consideration of the nomination of Mary Geiger Lewis, of South Carolina, to be United States District Judge for the District of South Carolina, and vote on confirmation of the nomination at approximately 5:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Friday, June 15

House Chamber

Program for Friday: The House will meet in pro forma session at 10 a.m.