many other times. It passed one time with 81 votes, another time, I think, 37-plus of my colleagues on the other side of the aisle used the same funding we are using to pay for this, but now all of a sudden it is not appropriate.

We have six cosponsors on the Democratic side. We need a couple more to make it go forward. The people want us to work together in a bipartisan manner, and this is a way to send that message that we have turned the corner.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1726, a bill to repeal the imposition of the withholding of certain payments made to vendors by government entities, shall be brought to a close?

The yeas and nays are mandatory under the rules.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 57, nays 43, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—57

| | | |
|---|---|---|
| Alexander | Graham | McConnell |
| Ayotte | Grassley | Menendez |
| Barrasso | Hagan | Moran |
| Bennet | Hatch | Murkowski |
| Blunt | Heller | Nelson (NE) |
| Boozman | Hoeven | Nelson (FL) |
| Brown (MA) | Hutchison | Paul |
| Burr | Inhofe | Portman |
| Chambliss | Isakson | Risch |
| Coats | Johanns | Roberts |
| Coburn | Johnson (WI) | Rubio |
| Cochran | Kirk | Sessions |
| Collins | Klobuchar | Shelby |
| Corker | Kyl | Snowe |
| Cornyn | Lee | Tester |
| Crapo | Lugar | Thune |
| DeMint | Manchin | Toomey |
| Enzi | McCain | Vitter |
| Franken | McCaskill | Wicker |

NAYS—43

| | | |
|---|---|---|
| Akaka | Gillibrand | Reed |
| Baucus | Harkin | Reid |
| Begich | Inouye | Rockefeller |
| Bingaman | Johnson (SD) | Sanders |
| Blumenthal | Kerry | Schumer |
| Boxer | Kohl | Shaheen |
| Brown (OH) | Landrieu | Stabenow |
| Cantwell | Lautenberg | Udall (CO) |
| Cardin | Leahy | Udall (NM) |
| Carper | Levin | Warner |
| Casey | Lieberman | Webb |
| Conrad | Merkley | Whitehouse |
| Coons | Mikulski | Wyden |
| Durbin | Murray | |
| Feinstein | Pryor | |

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

## AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

AMENDMENT NO. 781, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes, equally divided, prior to a vote in relation to amendment No. 781, as modified, authored by the Senator from Louisiana.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I will do my best to start the pace around here. I am going to ask for a voice vote, and I would hope people would give a shout out for a ''yea'' vote for a narrow exception to a wetlands project for nonprofits with a permit to build. That is what this amendment does. There is no opposition.

I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator wish to modify her amendment?

Ms. LANDRIEU. Yes.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. 7____. For fiscal year 2012, section 363 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006e) shall not apply to a project funded under the community facilities programs authorized under such Act.

The PRESIDING OFFICER. All time is yielded back.

The question on agreeing to the amendment, as modified.

The amendment (No. 781), as modified, was agreed to.

AMENDMENT NO. 755

The PRESIDING OFFICER. There will now be 2 minutes, equally divided, on amendment No. 755.

Who yields time?

The Senator from Wisconsin.

Mr. KOHL. I accept a voice vote.

The PRESIDING OFFICER. Is there any further debate?

All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 755) was agreed to.

AMENDMENT NO. 917 TO AMENDMENT NO. 857

The PRESIDING OFFICER. The question is on amendment No. 917, the Vitter second-degree amendment.

Mr. VITTER. Mr. President, I call up the Vitter second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 917 to amendment No. 857.

Mr. VITTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To reestablish the maximum aggregate amount permitted to be provided by the taxpayers to Fannie Mae and Freddie Mac)

On page 5, strike line 14 and insert the following:

2011'' and inserting ''December 31, 2013''.

**SEC. ____. REESTABLISHMENT OF MAXIMUM AGGREGATE AMOUNT PERMITTED TO BE PROVIDED BY THE TAXPAYERS TO FANNIE MAE AND FREDDIE MAC.**

(a) MAXIMUM AGGREGATE AMOUNT OF COMMITMENT.—No funds may be provided by the Department of the Treasury or any other agency or entity of the Federal Government to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, as part of the Amended and Restated Senior Preferred Stock Purchase Agreement, dated September 26, 2008, amended May 6, 2009, and further amended December 24, 2009 (as such agreement may be further amended), between the Department of the Treasury and the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, as applicable, under any other agreement between the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation and the Department of the Treasury, or otherwise, that exceed a maximum aggregate amount of $200,000,000,000.

(b) PAYMENTS TO TREASURY.—Any dividend or interest payment made by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation to the Department of the Treasury pursuant to any applicable contract, agreement, or provision of law shall not be included in the calculation of the aggregate amount of a commitment under subsection (a).

(c) ENFORCEMENT.—The Director of the Federal Housing Finance Agency shall take such actions as the Administrator determines are necessary to prevent the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation from requesting or receiving any funds that exceed the limit provided in subsection (a).

(d) DEFINITIONS.—For purposes of this section, the terms ''deficiency amount'' and ''surplus amount'' have the meanings provided such terms in the applicable Senior Preferred Stock Purchase Agreement described in subsection (a), as amended through December 24, 2009.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, this is a second-degree amendment to the Menendez amendment. The Menendez amendment would actually expand the already dominant role of Fannie Mae and Freddie Mac in the mortgage marketplace when there is an unlimited taxpayer bailout liability toward that.

My amendment would simply say, particularly if there is going to be this expansion, we should limit taxpayer liability to $200 billion, and the taxpayer should definitely be paid the dividend they were promised. I think that is a very reasonable taxpayer protection.

I reserve the remainder of my time for the ranking member of Banking.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that I be allowed to speak for 45 seconds on this amendment.

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

Mr. SHELBY. Mr. President, I urge my colleagues to support the Vitter amendment. The amendment will limit the taxpayers' exposure to the bailout of Fannie and Freddie. No more blank checks. We have already spent $169 billion in taxpayer dollars; $200 billion is more than enough. Think about it.

The PRESIDING OFFICER. Who yields time?

The Senator from South Dakota.

Mr. JOHNSON of South Dakota. Mr. President, this amendment would essentially force the wind-down of

Fannie Mae and Freddie Mac prematurely without any structure to take their place. The Banking Committee has heard from witnesses, including Dwight Jaffee and Mark Zandi, that taking over Fannie Mae and Freddie Mac were the only options the government would have to avoid a complete market collapse. This amendment could plunge us back into the panic of 2008, when credit was unavailable and the economy was on the verge of collapse. Mortgages would not be finalized, home sales could not go through, and the home owners would be unable to refinance.

The Vitter amendment would eliminate any stability we have achieved in the housing market. The Vitter amendment is an irresponsible response to the housing crisis, and I urge my colleagues to oppose this amendment.

I ask unanimous consent to have printed in the RECORD a letter from the National Association of Realtors, and a letter from the Mortgage Bankers Association.

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

MORTGAGE BANKERS ASSOCIATION,
*Washington, DC, October 20, 2011.*

Hon. HARRY REID,
*Majority Leader, US Senate,*
*Washington, DC.*
Hon. MITCH MCCONNELL,
*Minority Leader, US Senate,*
*Washington, DC.*

DEAR SENATORS REID AND MCCONNELL: I am writing to express the Mortgage Bankers Association's strong opposition to an amendment being offered by Senator Vitter to the Menendez/Isakson amendment #857 to the Transportation, Housing and Urban Development Appropriations Bill currently being considered by the Senate. The Vitter amendment would reestablish the cap on the amount of capital Treasury could provide to Fannie Mae and Freddie Mac. If adopted, this amendment would severely undermine investor and market certainty in our nation's housing markets.

Private capital has yet to return to the secondary market at volumes that would sustain a sufficient level of liquidity. Establishing an arbitrary cap on the amount necessary to preserve the GSEs' presence in the market would unnecessarily constrain some of the only sources of liquidity during this volatile period in the nation's economy. MBA urges a no vote on the Vitter second degree amendment to the Menendez amendment.

Sincerely,

DAVID H. STEVENS,
*President and Chief Executive Officer,*
*Mortgage Bankers Association.*

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NATIONAL ASSOCIATION OF HOMEBUILDERS AND NATIONAL ASSOCIATION OF REALTORS,
*October 20, 2011.*

U.S. SENATE,
*Washington, DC.*

DEAR SENATOR: It has come to our attention that Senator Vitter is asking for a second degree amendment to Menendez/Isakson #857 that will cap the lending authority for Fannie Mae and Freddie Mac from the US Treasury. Please be aware that the National Association of Homebuilders and the National Association of REALTORS adamantly oppose the Vitter Amendment.

Housing markets remain fragile. Despite record low interest rates, existing home sales for September were down and contract failures are more than double last year's rates. The Vitter amendment would devastate any housing recovery. The amendment would shut down Fannie Mae and Freddie Mac at the very time that they are providing valuable support to a struggling housing market.

At their current rate, including the punitive ten percent dividend they are required to pay, they may reach this cap in short order, ending their ability to provide liquidity to mortgage markets. Private entities simply do not have the capacity to fill the void. Passage of this amendment would be catastrophic to housing markets and would most likely cause a relapse recession.

Please vote NO on the Vitter Amendment.

Sincerely,

NATIONAL ASSOCIATION OF HOMEBUILDERS,
NATIONAL ASSOCIATION OF REALTORS.

The PRESIDING OFFICER. Who yields time?

Mr. VITTER. Mr. President, I yield back the time, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to Amendment No. 917.

Under the previous order, the Senate amendment requires 60 votes for adoption.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BURR (when his name was called). ''Present.''

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB) is necessarily absent.

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

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—41

| | | |
|---|---|---|
| Alexander | Grassley | Murkowski |
| Ayotte | Hatch | Paul |
| Barrasso | Hoeven | Portman |
| Boozman | Hutchison | Risch |
| Coats | Inhofe | Roberts |
| Coburn | Johanns | Rubio |
| Cochran | Johnson (WI) | Sessions |
| Collins | Kirk | Shelby |
| Corker | Kyl | Snowe |
| Cornyn | Lee | Thune |
| Crapo | Lugar | Toomey |
| DeMint | McCain | Vitter |
| Enzi | McConnell | Wicker |
| Graham | Moran | |

NAYS—57

| | | |
|---|---|---|
| Akaka | Feinstein | McCaskill |
| Baucus | Franken | Menendez |
| Begich | Gillibrand | Merkley |
| Bennet | Hagan | Mikulski |
| Bingaman | Harkin | Murray |
| Blumenthal | Heller | Nelson (NE) |
| Blunt | Inouye | Nelson (FL) |
| Boxer | Isakson | Pryor |
| Brown (MA) | Johnson (SD) | Reed |
| Brown (OH) | Kerry | Reid |
| Cantwell | Klobuchar | Rockefeller |
| Cardin | Kohl | Sanders |
| Carper | Landrieu | Schumer |
| Casey | Lautenberg | Shaheen |
| Chambliss | Leahy | Stabenow |
| Conrad | Levin | |
| Coons | Lieberman | |
| Durbin | Manchin | |
| Tester | Udall (NM) | Whitehouse |
| Udall (CO) | Warner | Wyden |

ANSWERED ''PRESENT''—1

Burr

NOT VOTING—1

Webb

The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 57. One Senator responded ''present.''

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 857

The question is on the underlying Menendez amendment. There is 2 minutes, evenly divided. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask the Chair to advise me when 30 seconds has passed by.

The Menendez-Isakson amendment would temporarily restore conforming loan limits to the level that existed under the law as of September 30 but expired. The drop in loan limits has reduced consumer credit in 669 counties across 42 States. The amendment as we have drafted it will save taxpayers $11 million over 10 years, including $2 million in fiscal year 2012, according to the CBO, by creating a premium that borrowers have to pay as a result of getting the loan, therefore putting the risk on the borrower, not the taxpayer. If we want to get our economy moving, the housing market has to be part of it.

I yield to my distinguished colleague from Georgia, Senator ISAKSON.

Mr. ISAKSON. Mr. President, how much time remains?

The PRESIDING OFFICER. Ninety seconds.

Mr. ISAKSON. It is going to be tough, but let me say there is a 15-basis point fee on every loan that closes on this that goes into the credit that is issued by Fannie, Freddie or FHA; it makes the taxpayer whole, plus $11 million. It is right for the housing market. It takes us back to where we were. It doesn't add any additional liability.

The PRESIDING OFFICER. Who yields time? The Senator from Alabama.

Mr. SHELBY. Mr. President, I yield myself 1 minute. I urge my colleagues to vote against the Menendez amendment. If this amendment becomes law, taxpayers will be forced to subsidize individuals who make upward of $200,000 a year so they may buy homes worth nearly $1 million. That is what this is about. Increasing the loan limits will only benefit those who do not need Federal subsidies.

This is simply not a good use of scarce taxpayer dollars. Even the administration does not support higher loan limits here. It is a bad amendment.

I yield my time.

The PRESIDING OFFICER. Under the previous order, 60 votes are required for the adoption of the amendment.

Mr. MENENDEZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BURR (when his name was called). ''Present.''

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB) is necessarily absent.

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

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—60

| | | |
|---|---|---|
| Akaka | Gillibrand | Mikulski |
| Baucus | Graham | Murkowski |
| Begich | Hagan | Murray |
| Bennet | Harkin | Nelson (NE) |
| Bingaman | Heller | Nelson (FL) |
| Blumenthal | Inouye | Pryor |
| Blunt | Isakson | Reed |
| Boxer | Johnson (SD) | Reid |
| Brown (MA) | Kerry | Rockefeller |
| Brown (OH) | Klobuchar | Sanders |
| Cantwell | Kohl | Schumer |
| Cardin | Landrieu | Shaheen |
| Carper | Lautenberg | Snowe |
| Casey | Leahy | Stabenow |
| Chambliss | Levin | Tester |
| Conrad | Lieberman | Udall (CO) |
| Coons | Manchin | Udall (NM) |
| Durbin | McCaskill | Warner |
| Feinstein | Menendez | Whitehouse |
| Franken | Merkley | Wyden |

NAYS—38

| | | |
|---|---|---|
| Alexander | Grassley | Moran |
| Ayotte | Hatch | Paul |
| Barrasso | Hoeven | Portman |
| Boozman | Hutchison | Risch |
| Coats | Inhofe | Roberts |
| Coburn | Johanns | Rubio |
| Cochran | Johnson (WI) | Sessions |
| Collins | Kirk | Shelby |
| Corker | Kyl | Thune |
| Cornyn | Lee | Toomey |
| Crapo | Lugar | Vitter |
| DeMint | McCain | Wicker |
| Enzi | McConnell | |

ANSWERED ''PRESENT''—1

Burr

NOT VOTING—1

Webb

The PRESIDING OFFICER. On this vote, the ayes are 60, the nays are 38, 1 Senator voting ''present.''

The amendment is agreed to.

Mr. MENENDEZ. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, this is a point of personal privilege or a parliamentary inquiry. Due to the rate at which we are voting on amendments that are pending, can the Parliamentarian or the leadership share with us, after, say, 1 hour and 45 minutes on four votes, what it might look like for the rest of the night?

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I know how frustrating it is for everyone. This is not a question for the Parliamentarian. We are doing our best to work through these votes. They are 10-minute votes. We are doing our utmost to maintain that time and will continue to do that. We are sorry that close votes, as everyone knows, sometimes take a little bit longer. So I apologize to my friend from Louisiana and everyone else. We will move through the votes as quickly as we can.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. May I respectfully make one suggestion. Three options: Stick to 10 minutes, we can voice vote, or we can withdraw, all of which would rapidly speed up the process.

Mr. REID. Mr. President, I wish I had thought of saying that.

AMENDMENT NO. 869

The PRESIDING OFFICER. The next amendment is the Gillibrand amendment No. 869.

The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I urge my colleagues to support this amendment because we have all seen how these storms have destroyed crops, farmland. There have been enormous economic losses in State after State.

Texas: 98 percent of the State is experiencing drought.

Mississippi: Farmers wade through acres of murky water; timber, catfish farms inundated.

New York State: Crops destroyed, cows destroyed.

Tennessee: Unprecedented levels of rainfall.

This money is literally the difference between life and death for these farmers.

I urge my colleagues to support this amendment, and I request a voice vote.

Would Senator BLUNT like to address the Chamber?

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the Gillibrand amendment.

All those in favor, say aye.

Mr. SESSIONS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At this moment, there is not a sufficient second.

Mr. SESSIONS. Mr. President, I note the absence of a quorum.

Ms. MIKULSKI. Mr. President, would the clerk please call the roll and see if a quorum is present. I believe a quorum is present.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Point of personal privilege. Could we call the roll faster?

Mr. REID. Mr. President, I ask unanimous consent that the call of the quorum be terminated.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB) is necessarily absent.

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

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—58

| | | |
|---|---|---|
| Akaka | Franken | Nelson (NE) |
| Alexander | Gillibrand | Nelson (FL) |
| Baucus | Hagan | Pryor |
| Begich | Harkin | Reed |
| Bennet | Inouye | Reid |
| Bingaman | Johnson (SD) | Rockefeller |
| Blumenthal | Kerry | Sanders |
| Blunt | Klobuchar | Schumer |
| Boxer | Kohl | Shaheen |
| Brown (MA) | Landrieu | Snowe |
| Brown (OH) | Lautenberg | Stabenow |
| Cantwell | Leahy | Tester |
| Cardin | Levin | Udall (CO) |
| Casey | Lieberman | Udall (NM) |
| Cochran | Manchin | Warner |
| Collins | McCaskill | Whitehouse |
| Conrad | Menendez | Wicker |
| Coons | Merkley | Wyden |
| Durbin | Mikulski | |
| Feinstein | Murray | |

NAYS—41

| | | |
|---|---|---|
| Ayotte | Grassley | McConnell |
| Barrasso | Hatch | Moran |
| Boozman | Heller | Murkowski |
| Burr | Hoeven | Paul |
| Carper | Hutchison | Portman |
| Chambliss | Inhofe | Risch |
| Coats | Isakson | Roberts |
| Coburn | Johanns | Rubio |
| Corker | Johnson (WI) | Sessions |
| Cornyn | Kirk | Shelby |
| Crapo | Kyl | Thune |
| DeMint | Lee | Toomey |
| Enzi | Lugar | Vitter |
| Graham | McCain | |

NOT VOTING—1

Webb

The amendment (No. 869) was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, we would be much more efficient here if we have 10-minute votes. It is very difficult for those who are doing the work for us to determine who is voting which way, to hear us. People are moving around. I think it will be to everyone's advantage if we all sit down and make sure these are really 10-minute votes. It would make it so much easier for the tally clerks and for everyone concerned. So I would ask that we all be ladies and gentlemen, take our seats. This will move much more efficiently.

AMENDMENT NO. 836

The PRESIDING OFFICER. The question is on the Lautenberg amendment No. 836. There is now 2 minutes of debate evenly divided.

The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, this amendment increases funding for disaster relief grants at the Economic Development Administration. Forty-eight States have received a Federal disaster declaration this year and may be eligible for this relief. EDA funds rebuild sewers and drinking

water systems, coordinate response and recovery plans, and help businesses to recover. This year alone, we have experienced a record 10 natural disasters costing more than $1 billion each. Hurricane Irene caused more than $7 billion in damage alone.

In 2008, we gave EDA $500 million to respond to disasters in the South and the Midwest. This amendment would give EDA the same amount this year. The amendment complies with the disaster relief provision in the Budget Control Act and is not offset with cuts from other programs.

Senators SANDERS, MENENDEZ, GILLIBRAND, BLUMENTHAL, and LEAHY are cosponsors, and Chairman MIKULSKI supports it as well.

The PRESIDING OFFICER. The Senator has used 1 minute.

Mr. LAUTENBERG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

If all time is yielded back, the question is on agreeing to the amendment.

The amendment (No. 836) was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 771, AS MODIFIED

Mr. BINGAMAN. Madam President, the next amendment is amendment No. 771; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. Madam President, this amendment will increase funding for the U.S. Trade Representative's Office to the level the President requested, also to the level the House appropriators have proposed. It adds nearly $4.5 million to the budget for the U.S. Trade Representative's Office. This is funding that is needed to enforce our trade agreements. We just entered into three new free-trade agreements. They need the personnel in order to try to enforce these. We have a great many trade disputes with China—all of us are aware of that—and other major industrial countries as well.

This amendment has the support of the U.S. Chamber of Commerce, the Farm Bureau, and the National Pork Producers Council.

This is good legislation which I hope all Senators will support.

I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

If all time is yielded back, the question is on agreeing to the amendment, as modified.

The amendment (No. 771), as modified, was agreed to.

AMENDMENT NO. 810

The PRESIDING OFFICER. The next amendment is the Sessions amendment No. 810.

The Senator from Alabama.

Mr. SESSIONS. Madam President, the fastest growing large program we have by far is the Food Stamp Program. It has gone from $20 billion to $80 billion since 2001, grown four times. It has doubled since 2008. This year proposes another $10 billion increase—14 percent. One of the big reasons is that we have a growing utilization of categorical eligibility where if one qualifies for LIHEAP, TANF, counseling programs, and any number of other governmental relationships, one also qualifies for food stamps. CBO scores this as costing as much as $10 billion over 10 years.

This is a good-government amendment. You can get food stamps. Nobody would be eliminated. You simply have to go to the office and fill out the form and show that you meet the food stamp qualifications and not get by having met other qualifications that are less stringent. I really believe it is a good amendment and would help us save some money and make this program more effective.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Ms. STABENOW. Madam President, first of all, I completely agree with Senator SESSIONS. We need to eliminate waste, fraud, and abuse in the supplemental food program, as in every Federal program.

I wish to commend the USDA now for having less than a 4-percent error rate, and we are going to continue to push them to go down even further. Why? Because right now we have people who have paid taxes all their lives, who had never in their wildest dreams thought they would ever need help putting food on their table, and they do. We cannot afford to waste even one dollar.

My colleague mentioned on the floor several times a lottery winner in Michigan who got food assistance. He is right, it was outrageous. The State changed it, and we are changing it in the upcoming farm bill. But the reality is that this amendment, the Sessions amendment, completely changes the structure of the food assistance program, putting up barriers to hard-working, honest men, women, and children who need help, most of them for the first time in their entire lives.

I urge my colleagues to vote no.

Mr. LEAHY. Madam President, I am disappointed that with so many Americans struggling in difficult economic times, we are considering amendments that will greatly reduce the ability of the neediest among us to put food on the table for their families. The amendment numbered 810 filed by Senator SESSIONS would eliminate the ability of States to align the Supplemental Nutrition Assistance Program, SNAP, eligibility rules with the temporary assistance to needy families to reduce administrative costs and simply enrollment.

Since 2008, Vermont has used categorical eligibility to reach more households and more needy individuals by simplifying enrollment. Reducing administrative costs and simplifying paperwork should be a goal we all share for Federal programs. But by adopting this amendment, about 1 million low-income Americans would lose their benefits and many more families that are newly eligible during these difficult economic times would have their benefits delayed because of the increased complexity of the additional processing time for applications.

Low-income working families with children are the majority of those who would be affected by the elimination of categorical eligibility. Additionally, roughly 200,000 children in these families would lose access to free school meals.

Improving the error rate even further in the SNAP program is an issue that the Agriculture Committee is committed to addressing in the upcoming farm bill negotiations, and one that we have already heard to chairwoman of the Senate Agriculture Committee speak about this week. Eliminating State flexibility through categorical eligibility programs does not address error rates in any meaningful way. Supporters of this amendment cite limited examples as proof that categorical eligibility is at the root of erroneous enrollments in SNAP. But allowing millions to go hungry because of a few anecdotal stories is shortsighted at best.

The Senate Agriculture Committee, which I am proud to be a senior member of, will be looking for additional ways to improve SNAP in the coming months, but eliminating categorical eligibility as this amendment does is not the answer. I urge all Senators to oppose this amendment.

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the question is on agreeing to the amendment.

Mr. SESSIONS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB) is necessarily absent.

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

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—41

| | | |
|---|---|---|
| Alexander | Grassley | McConnell |
| Ayotte | Hatch | Moran |
| Barrasso | Heller | Murkowski |
| Blunt | Hoeven | Paul |
| Boozman | Hutchison | Portman |
| Burr | Inhofe | Risch |
| Chambliss | Isakson | Roberts |
| Coburn | Johanns | Sessions |
| Corker | Johnson (WI) | Shelby |
| Cornyn | Kirk | Thune |
| Crapo | Kyl | Toomey |
| DeMint | Lee | Vitter |
| Enzi | McCain | Wicker |
| Graham | McCaskill | |

NAYS—58

| | | |
|---|---|---|
| Akaka | Franken | Nelson (NE) |
| Baucus | Gillibrand | Nelson (FL) |
| Begich | Hagan | Pryor |
| Bennet | Harkin | Reed |
| Bingaman | Inouye | Reid |
| Blumenthal | Johnson (SD) | Rockefeller |
| Boxer | Kerry | Rubio |
| Brown (MA) | Klobuchar | Sanders |
| Brown (OH) | Kohl | Schumer |
| Cantwell | Landrieu | Shaheen |
| Cardin | Lautenberg | Snowe |
| Carper | Leahy | Stabenow |
| Casey | Levin | Tester |
| Coats | Lieberman | Udall (CO) |
| Cochran | Lugar | Udall (NM) |
| Collins | Manchin | Warner |
| Conrad | Menendez | Whitehouse |
| Coons | Merkley | Wyden |
| Durbin | Mikulski | |
| Feinstein | Murray | |

NOT VOTING—1

Webb

The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 88. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 791

The PRESIDING OFFICER. The next amendment is the Coburn amendment No. 791.

Mr. COBURN. Mr. President, we have 2,705 people in this country who had adjusted gross incomes in excess of $2.5 million last year who got farm payments—direct farm payments. This is an amendment that will limit adjusted gross incomes above $1 million from receiving direct payments.

We hear we are going to change that system. We may change that system. But that has not happened yet. All this amendment says, if you make more than $1 million, you should not be eligible to receive a direct farm payment from this government. Rather than taxing the millionaires, the first thing we ought to do is quit giving them subsidies.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Ms. STABENOW. Mr. President, let me just indicate that the House and Senate Agriculture Committee leaders have come together in a bipartisan, bicameral basis to recommend reforms in our farm commodity programs that will, frankly, make this amendment a moot point. I would ask my colleagues to vote no and to give us the next 10 days to come forward with the new approach we will be offering.

I will now yield to my friend and colleague on the Agriculture Committee, Senator ROBERTS.

Mr. ROBERTS. I thank the chairwoman for yielding. The Senator from Oklahoma has a good intent, but he is adding in a payment limit on top of two others. It is going to be difficult to implement and administrate from the Department of Agriculture's standpoint. The Senator from Michigan is exactly right. He is limiting programs for which there probably will not be any programs. I suggest we do this during the reauthorization of the farm bill, and then I would encourage the Senator to come at that particular time and figure out what is in the farm bill and what is not, what payment limitation is appropriate and what is not.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COBURN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 16 seconds remaining.

Mr. COBURN. Mr. President, $1 million a year and we are giving them money. We have a $1.3 trillion deficit, and we continue to hear the defense of that. It would be great if we do a new farm program. But the fact is, that is not a given. If we pass this amendment and we do a new farm bill, this amendment has no effect.

The PRESIDING OFFICER. The proponent's time has expired.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB) is necessarily absent.

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

The result was announced—yeas 84, nays 15, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—84

| | | |
|---|---|---|
| Akaka | Gillibrand | Merkley |
| Ayotte | Graham | Mikulski |
| Barrasso | Grassley | Murkowski |
| Begich | Hagan | Murray |
| Bennet | Harkin | Nelson (NE) |
| Bingaman | Hatch | Nelson (FL) |
| Blumenthal | Heller | Paul |
| Boxer | Hutchison | Portman |
| Brown (MA) | Inouye | Reed |
| Brown (OH) | Johanns | Reid |
| Burr | Johnson (SD) | Risch |
| Cantwell | Johnson (WI) | Rockefeller |
| Cardin | Kerry | Rubio |
| Carper | Kirk | Sanders |
| Casey | Klobuchar | Schumer |
| Coats | Kohl | Sessions |
| Coburn | Kyl | Shaheen |
| Collins | Landrieu | Shelby |
| Conrad | Lautenberg | Snowe |
| Coons | Lee | Tester |
| Corker | Levin | Thune |
| Cornyn | Lieberman | Toomey |
| Crapo | Lugar | Udall (CO) |
| DeMint | Manchin | Udall (NM) |
| Durbin | McCain | Vitter |
| Enzi | McCaskill | Warner |
| Feinstein | McConnell | Whitehouse |
| Franken | Menendez | Wyden |

NAYS—15

| | | |
|---|---|---|
| Alexander | Cochran | Moran |
| Baucus | Hoeven | Pryor |
| Blunt | Inhofe | Roberts |
| Boozman | Isakson | Stabenow |
| Chambliss | Leahy | Wicker |

NOT VOTING—1

Webb

The amendment (No. 791) was agreed to.

AMENDMENT NO. 792

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, on the Coburn amendment No. 792.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, there are 4,000 properties in the United States that get money from HUD for housing to help people whom we want to help. There are 450 owners who are chronically on the list of slumlords, who put the people who live in these houses in danger; they are at high risk for losing their lives in that property.

This amendment only says that if you are going to continue to put these people at risk of losing their lives, then we are not going to pay you anymore. We are not going to send you money if you continue to be in this group of slumlords who are not spending any of their money bringing their properties up to date and you are leaving people at risk of significant harm. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank Senator COBURN for his passion on this issue. He has raised valid concerns about the bad actors who are part of the Federal program.

The problem is, the way this is drafted, it goes too far. This amendment puts the tenants at risk. It will put the tenants out of a place to live.

Earlier, I offered to work with the Senator to address the issue in a way that would make sure we protect residents. We were not able to get to a resolution. I hope we can continue to work on this. This amendment, as drafted, will put the tenants at risk and out. If once in 5 years a HUD property falls under the troubled category, the tenants will be at risk.

I ask my colleagues to reject this amendment. I offer to work with the Senator to address this in a way that gets after the problem he has defined.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, they did offer, but they told us they didn't have the time to work it out.

The fact is, these are life-threatening emergencies. If one person dies because we don't do this, it is on our hands.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. There is a 60-vote threshold on this vote.

The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB) is necessarily absent.

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

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—59

| | | |
|---|---|---|
| Alexander | Blunt | Casey |
| Ayotte | Boozman | Chambliss |
| Barrasso | Brown (MA) | Coats |
| Baucus | Brown (OH) | Coburn |
| Begich | Burr | Cochran |

Corker
Cornyn
Crapo
DeMint
Enzi
Graham
Grassley
Hagan
Hatch
Heller
Hoeven
Hutchison
Inhofe
Isakson
Johanns
Johnson (WI)
Kirk
Kohl
Kyl
Lee
Lieberman
Lugar
Manchin
McCain
McCaskill
McConnell
Moran
Murkowski
Nelson (NE)
Nelson (FL)
Paul
Portman
Risch
Roberts
Rubio
Sessions
Shelby
Snowe
Tester
Thune
Toomey
Vitter
Warner
Wicker

NAYS—40

Akaka
Bennet
Bingaman
Blumenthal
Boxer
Cantwell
Cardin
Carper
Collins
Conrad
Coons
Durbin
Feinstein
Franken
Gillibrand
Harkin
Inouye
Johnson (SD)
Kerry
Klobuchar
Landrieu
Lautenberg
Leahy
Levin
Menendez
Merkley
Mikulski
Murray
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Stabenow
Udall (CO)
Udall (NM)
Whitehouse
Wyden

NOT VOTING—1

Webb

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 40. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Oklahoma.

AMENDMENT NO. 796

Mr. COBURN. Mr. President, is the next ordered amendment No. 796?

The PRESIDING OFFICER. That is correct.

Mr. COBURN. Might I be recognized?

The PRESIDING OFFICER. The Senator is recognized.

Mr. COBURN. This is an amendment that addresses something that is going on that I think we should not allow. We have a lot of great programs that help a lot of cities and States out by creating loans that allow the cities and States to do something. What is happening is, when the project we gave the loan for fails, they turn around and take Federal grants to repay the loan.

All this amendment does is to prohibit us from allowing grants to be used to repay Federal loans on local or city or State projects.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I have concerns about the way this amendment is worded. It may have serious consequences on disaster funding. I am prepared to have a voice vote on this issue.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 796.

Under the previous order, the amendment requires 60 votes for adoption.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB) is necessarily absent.

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

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—73

Alexander
Ayotte
Barrasso
Begich
Bennet
Bingaman
Blumenthal
Blunt
Boozman
Boxer
Brown (MA)
Brown (OH)
Burr
Cardin
Carper
Casey
Chambliss
Coats
Coburn
Cochran
Collins
Coons
Corker
Cornyn
Crapo
DeMint
Enzi
Feinstein
Graham
Grassley
Hagan
Harkin
Hatch
Heller
Hoeven
Hutchison
Inhofe
Isakson
Johanns
Johnson (WI)
Kerry
Kirk
Klobuchar
Kyl
Landrieu
Lee
Lieberman
Lugar
Manchin
McCain
McCaskill
McConnell
Moran
Murkowski
Nelson (NE)
Nelson (FL)
Paul
Portman
Risch
Roberts
Rubio
Schumer
Sessions
Shelby
Snowe
Thune
Toomey
Udall (CO)
Udall (NM)
Vitter
Warner
Wicker
Wyden

NAYS—26

Akaka
Baucus
Cantwell
Conrad
Durbin
Franken
Gillibrand
Inouye
Johnson (SD)
Kohl
Lautenberg
Leahy
Levin
Menendez
Merkley
Mikulski
Murray
Pryor
Reed
Reid
Rockefeller
Sanders
Shaheen
Stabenow
Tester
Whitehouse

NOT VOTING—1

Webb

The PRESIDING OFFICER. On this vote, the yeas are 73 and the nays are 26. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

AMENDMENT NO. 753

Mr. REID. Mr. President, I ask unanimous consent notwithstanding the previous order the Senate now proceed to vote in relation to the Ayotte amendment No. 753, and all other provisions of the previous order remain in effect.

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

The majority leader.

Mr. REID. Mr. President, the Republican leader and I had a meeting here a few minutes ago. Following this vote we will have more information for the body.

AMENDMENT NO. 753

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, our country continues to be at war with members of al-Qaida, enemy combatants who want to kill Americans and that is why Congress authorized the use of military force to combat these individuals. My amendment applies to the worst of the worst. It would prohibit the use of funds for fiscal year 2012 for the prosecution of enemy combatants in civilian article III courts. This prohibition would extend to members of al-Qaida or affiliated entities, and who have participated or carried out an attack against our country or our coalition partners. It does not apply to American citizens.

These individuals, enemy combatants, are not common criminals who just robbed a liquor store. When we detain a member of al-Qaida who is planning an attack on our country, the priority has to be on gathering information to protect Americans. I have great respect for our civilian court system, but it was not set up to allow the time to interrogate members of al-Qaida. We should not be trying these individuals in our civilian system but in military commissions. We should not be providing these terrorists Miranda rights and speedy presentment rights that come with our civilian system.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I oppose the amendment. This is a very different amendment from the one we adopted in our Armed Services Committee relative to detention. This amendment was rejected on a strong bipartisan vote in the Armed Services Committee. The reasons are set forth in a letter from the Secretary of Defense, Mr. Panetta, who wrote us:

> If we are to safeguard the American people, we must be in a position to employ every lawful instrument of national power—including both courts and military commissions—to ensure that terrorists are brought to justice and can no longer threaten American lives. By depriving us of one of our most potent weapons in the fight against terrorism, the Ayotte amendment would make it more likely that terrorists would escape justice and innocent lives would be put at risk.

They have been successfully prosecuted. Recently in Detroit a terrorist was successfully prosecuted in an article III court. We should not deny the prosecutors this tool.

I yield the remainder of my time to the Senator from Illinois, Mr. DURBIN.

Mr. DURBIN. Mr. President, there have been over 300 successful prosecutions of accused terrorists since 9/11; 200 under President Bush, 100 under President Obama, all in article III courts; only 3 prosecutions in military commissions. Give the President the power he needs to keep America safe.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The time of the Senator has expired.

The question is on agreeing to the amendment.

Ms. AYOTTE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

This is a 60-vote threshold.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB) is necessarily absent.

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

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—47

Alexander
Ayotte
Barrasso
Blunt
Boozman
Brown (MA)
Burr
Chambliss
Coats
Coburn
Cochran
Collins

Corker
Cornyn
Crapo
DeMint
Enzi
Graham
Grassley
Hatch
Heller
Hoeven
Hutchison
Inhofe
Isakson
Johanns
Johnson (WI)
Kyl
Lee
Lieberman
Lugar
McCain
McConnell
Moran
Murkowski
Nelson (NE)
Portman
Risch
Roberts
Rubio
Sessions
Shelby
Snowe
Thune
Toomey
Vitter
Wicker

NAYS—52

Akaka
Baucus
Begich
Bennet
Bingaman
Blumenthal
Boxer
Brown (OH)
Cantwell
Cardin
Carper
Casey
Conrad
Coons
Durbin
Feinstein
Franken
Gillibrand
Hagan
Harkin
Inouye
Johnson (SD)
Kerry
Kirk
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Manchin
McCaskill
Menendez
Merkley
Mikulski
Murray
Nelson (FL)
Paul
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Whitehouse
Wyden

NOT VOTING—1

Webb

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 52. Under the previous order requiring 60 votes for the adoption of the amendment, it is rejected.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, as I indicated, the Republican leader and I met prior to the last vote. We understand there has been tremendous progress made. This is something for those of us who have been in the Senate a while that brings back a lot of memories. This is the way we did things in the past. It is difficult, but it moves legislation. It has been inconvenient for everyone.

Before moving to this consent agreement, the most difficult time is for our staffs. They have worked the last two days as hard as people can work, led by Gary Myrick on my side, David Schiappa on the other side. Other staff has worked very hard, but they have been exemplary people to help us move it.

Here is the consent agreement. I hope everyone will agree with this.

I ask consent that the next vote on our sequence be the cloture vote with respect to the substitute amendment No. 738; that if cloture is invoked, the substitute amendment be agreed to and it be considered original text for the purposes of further amendment; that the remaining amendments which were scheduled for votes under the previous order remain in order notwithstanding cloture having been invoked; that when the Senate resumes consideration of H.R. 2112 on Tuesday, November 1, the Senate proceed to votes on the remaining amendments; and that all other provisions of the previous order remain in effect.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. An inquiry. I will not object. Does that mean 60 votes are required under the current order and continue to be required?

Mr. REID. All elements of the previous order are in effect.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. 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 the debate on amendment No. 738 to H.R. 2112, an Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

Harry Reid, Herb Kohl, Daniel Inouye, Sheldon Whitehouse, Jack Reed, Robert Menendez, Jeff Bingaman, Barbara Mikulski, Patty Murray, Debbie Stabenow, Richard Durbin, Sherrod Brown, Richard Blumenthal, Bernard Sanders, Robert Casey, Jr., Jeff Merkley, Patrick Leahy, Tom Harkin.

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

The question is, Is it the sense of the Senate that the debate on amendment No. 738 offered by the Senator from Nevada, Mr. REID, to H.R. 2112, an act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the role.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB), is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. PAUL).

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

The yeas and nays resulted—yeas 82, nays 16, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—82

Akaka
Alexander
Ayotte
Barrasso
Baucus
Begich
Bennet
Bingaman
Blumenthal
Blunt
Boozman
Boxer
Brown (MA)
Brown (OH)
Burr
Cantwell
Cardin
Carper
Casey
Coats
Cochran
Collins
Conrad
Coons
Durbin
Enzi
Feinstein
Franken
Gillibrand
Graham
Grassley
Hagan
Harkin
Hoeven
Hutchison
Inhofe
Inouye
Isakson
Johanns
Johnson (SD)
Kerry
Kirk
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Manchin
McCaskill
McConnell
Menendez
Merkley
Mikulski
Moran
Murkowski
Murray
Nelson (NE)
Nelson (FL)
Portman
Pryor
Reed
Reid
Roberts
Rockefeller
Sanders
Schumer
Shaheen
Shelby
Snowe
Stabenow
Tester
Thune
Udall (CO)
Udall (NM)
Warner
Whitehouse
Wicker
Wyden

NAYS—16

Chambliss
Coburn
Corker
Cornyn
Crapo
DeMint
Hatch
Heller
Johnson (WI)
Lee
McCain
Risch
Rubio
Sessions
Toomey
Vitter

NOT VOTING—2

Paul
Webb

The PRESIDING OFFICER. On this vote, the yeas are 82, the nays are 16. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the substitute amendment (No. 738) is agreed to.

The Republican leader.

TRIBUTE TO CARL H. LINDNER, JR.

Mr. MCCONNELL. Madam President, I rise to mourn the passing of a great American and a man who did much to benefit the people of Kentucky as well as Ohio. Carl Henry Lindner, Jr., was Greater Cincinnati's most successful entrepreneur and a self-made man. He passed away this October 17. He was 92 years old.

Carl Lindner was born in Dayton, OH, in 1919, the son of a dairyman. He quit high school to help out in his father's dairy. That store grew into United Dairy Farmers, a chain of dairy and convenience stores that many northern Kentuckians frequent to this day to buy their famous ice cream.

Mr. Lindner made much of his living in the banking and insurance business. His name became famous across northern Kentucky and Ohio and nationwide as the owner of the Cincinnati Reds from 1999 to 2005. Carl also ran an amusement park and his hometown newspaper, the Cincinnati Enquirer.

Always the optimist, Carl was famous for carrying cards with him that he would hand out to anyone he met with motivational sayings printed on them. One frequent version of the card would read: ''Only in America! Gee, am I lucky!''

Carl spent much of his time working for his community, bringing thousands of high-paying jobs to Cincinnati and northern Kentucky. He has been called a ''one-man Chamber of Commerce.'' He also was renowned for his philanthropic efforts. He gave generously of his time and resources to charities, churches, universities, museums, organizations serving the underprivileged, and even children in Sri Lanka orphaned by the 2005 tsunami.

I had the benefit of knowing Carl for a long time very well. He was an amazing man, and his loss will be deeply felt by many. Elaine and I send our condolences to his wife Edyth; his sons, Carl III, Craig, and Keith; his 12 grandchildren, 5 great grandchildren, and many other beloved family members and friends.

The passing of Carl Lindner is a true loss for the people of northern Kentucky, Ohio, and the Nation. I know my Senate colleagues join me in remembering and honoring Carl for his very American success story, his service to his community, and the example he leaves behind for others of a full life well lived.

Madam President, the Cincinnati Enquirer recently published an obituary of Carl Lindner. I ask unanimous consent that it be printed in full in the RECORD.

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

[From the Cincinnati Enquirer, Oct. 18, 2011]

CARL HENRY LINDNER: 1919–2011

BILLIONAIRE INVESTOR, DEAD AT 92, WAS CINCINNATI'S BIGGEST BENEFACTOR

(By Cliff Peale)

From humble beginnings running his father's dairy store in Norwood, Carl Henry Lindner Jr. grew into a billionaire, a friend of U.S. presidents and Greater Cincinnati's most successful entrepreneur.

For nearly a century until he died late Monday at age 92, the former Reds owner never shed the fierce competitiveness and loyalty that made him a hometown icon.

His influence ran to every corner of Greater Cincinnati. The high-school dropout bought and sold Kings Island, the Reds, Provident Bank and the Enquirer. His name is on buildings from the University of Cincinnati's business school to the tennis center at Lunken Playfield.

But it was the banking and insurance business that made him a billionaire. At his death, his American Financial Group Inc. controlled assets of nearly $32 billion and he was routinely listed as one of the richest men in America.

Ever the optimist, Lindner often carried an inch-thick stack of cards with motivational sayings—one was ''Only in America! Gee, am I lucky!''—that he handed out to anyone he would meet.

He was a teetotaler, physically unimposing yet with a prominent shock of white hair and a penchant for wearing flashy neckties.

Even to his closest friends and colleagues, he was soft-spoken and rarely confrontational. Yet some business partners complained about unfair treatment and he flashed a harsh temper when confronting reporters who wrote what he perceived as unfriendly stories or criticism of his business dealings.

A devout Baptist and a longtime member of Kenwood Baptist Church, Lindner used his wealth and influence behind the scenes to become Greater Cincinnati's largest benefactor and economic development force. At the height of his personal giving he contributed millions of dollars a year to charitable causes, and brought thousands of high-paying jobs to downtown Cincinnati.

His companies brought thousands of employees to the region, and the annual Christmas party that he threw at Music Hall attracted some of the nation's biggest acts, including Bill Cosby and Frank Sinatra.

CONSIDERED HIMSELF OUTSIDER

At the same time, Lindner thought of himself as an outsider, building his business career outside of Cincinnati's old-money elite. He was never a member of many of the most exclusive business and country clubs and his bar-the-doors business style, starting with a hostile takeover of Provident Bank in the mid-1960s, was out of place in always polite Cincinnati.

Perhaps the most public role of his career was his ownership of the Cincinnati Reds from 1999 to 2005. Lindner owned a minority stake both before and after that period but was the Reds' CEO for six seasons, and each of those years the team lost more games than it won.

He approved the trade for Ken Griffey Jr. in 2000, even sending his private jet to bring Griffey to Cincinnati and then personally driving the hometown star back to Cinergy Field from Lunken Airport in his Rolls-Royce.

But as the Reds' losses mounted, Lindner never spoke publicly to fans and privately bristled at talk-radio criticism.

That period ended in late 2005 when Lindner sold a controlling stake in the Reds to a group headed by Bob Castellini.

Shy and scornful of reporters, Lindner nevertheless became a focus of media attention because of his substantial wealth and his far-flung business dealings.

The controversies included millions of dollars in political contributions as his Chiquita Brands International Inc. was waging a trade war with European countries, a bevy of lawsuits and federal charges over business deals that benefited Lindner and his company more than other shareholders, and a high-profile battle with the Enquirer in 1998 over a series of critical stories on Chiquita.

Lindner built a national reputation in the 1980s as a high-risk trader, becoming a business partner of symbols of the decade's excess such as junk-bond king Michael Milken and Cincinnati's own Charles Keating.

He was the classic ''value investor,'' buying properties few other investors wanted and waiting years, or even decades, to reap the benefits.

That gave him a portfolio including the old Penn Central railroad, Circle K convenience stores and New York City landmark Grand Central Station.

But Lindner spent the two decades before his death shedding assets that didn't deal with insurance and transferring others to his three sons. That left American Financial as mostly an insurance and financial services company.

He lost his stake in Chiquita in 2002 when that company emerged from Chapter 11 bankruptcy. In 2004, Lindner, his family and American Financial reaped nearly $1 billion in stock when they sold Cincinnati's Provident Financial Group Inc. to Cleveland-based National City Corp.

The moves consolidated the business around safer insurance businesses. Lindner also transferred tens of millions of dollars to his three sons and their families, solidifying for generations a wealth that he never enjoyed growing up.

STARTING FROM SCRATCH

Born April 22, 1919, in Dayton, Ohio, Carl Henry Lindner Jr. was the firstborn of a modest dairyman and his wife, Clara.

Lindner quit high school to help in his father's Norwood dairy store. Along with his father, he and his brothers Robert and Richard, and sister Dorothy, built it into United Dairy Farmers, a chain of dairy and convenience stores.

When the family founded what now is UDF on Montgomery Road in Norwood in 1940, the first day's sales amounted to $8.28.

Lindner often talked about the modest surroundings of his childhood, noting more than once that he picked up dates in an ice-cream truck.

Robert Lindner's family eventually took control of UDF, and Richard Lindner became sole owner of the Thriftway supermarket chain before selling it to Winn-Dixie Stores.

Lindner married the former Ruth Wiggeringloh of Norwood in 1942. They divorced seven years later with no children. He then married the former Edyth Bailey in 1951, and they have three sons who all went into the family business: Carl III, Craig and Keith.

Lindner cautiously entered the savings-and-loan and insurance business, founding his flagship company American Financial Corp. in 1959. In the early 1970s the company gained control of Great American Insurance, which would become its chief operating business.

Throughout the 1970s and 1980s the company bought and sold companies in a variety of industries. Lindner took the company private in 1981 and released little financial information to the public, but in 1995 the company sold stock to public shareholders under the new umbrella of American Financial Group Inc.

In 2003, Keith Lindner left American Financial to concentrate on the family's charitable pursuits. In 2004 Carl and Craig Lindner were named co-CEOs of the company while Carl Lindner Jr. remained chairman.

Lindner was a conservative icon, lobbying against Robert Mapplethorpe's 1990 exhibit at the Contemporary Arts Center here and funding the Cincinnati Hills Christian Academy.

But he was pragmatic as well, contributing more than $1 million to Democratic President Bill Clinton during Chiquita Brands' battle over European banana quotas. He was well known as one of the biggest givers in the country to both political parties.

THE GOOD LIFE

Lindner developed a taste for the good life, including a sprawling home in Indian Hill and nearly a dozen Rolls-Royce automobiles—with the trademark ''CHL'' license plate—that he drove himself well into his 80s.

He also owned a home in the exclusive Ocean Reef community of North Key Largo, Fla. There, he entertained lavishly, including hosting former President George Bush in the early 1990s.

Lindner traveled around the country in his own private jet. He dined often at exclusive restaurants like the Maisonette or the Waterfront—where he was an investor—and also became a regular at Trio in Kenwood.

Lindner received nearly every award Cincinnati has to offer, including induction into Junior Achievement's Greater Cincinnati Business Hall of Fame in 1992 and the Great Living Cincinnatian award in 1994.

He was also on the board of directors of Citizens for Decency through Law, an anti-pornography group headed by American Financial co-founder and one-time Executive Vice President Charles Keating.

Among numerous awards and honors throughout his career, Lindner was named Man of the Year of the United Jewish Appeal in 1978 and received the Friars Club Centennial Award in 1985. He was awarded an honorary doctorate by UC in 1985 and by Xavier University in 1991.

SERVICES NOT SCHEDULED YET

Lindner's family has not yet scheduled memorial or funeral services.

American Financial Group, where Lindner was chairman, said Tuesday that the family had requested memorial gifts be made to Kenwood Baptist Church.

Lindner is survived by wife Edyth, sons Carl III, Craig and Keith, 12 grandchildren and five great-grandchildren.

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENTS NOS. 859, 892, 893, AS MODIFIED; 805, AS MODIFIED; 890, 918, AND 912, AS MODIFIED, EN BLOC

Mr. DURBIN. I ask unanimous consent that the following amendments be

called up, reported by number, and considered en bloc: Senator PORTMAN, No. 859; Senator MCCAIN, No. 892; Senator CANTWELL, No. 893, as modified, with the changes that are at the desk; Senator COCHRAN, No. 805, as modified, with the changes at the desk; Senator BURR, No. 890; Senator INOUYE, No. 918; and Senator KYL, No. 912, as modified.

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

The clerk will report the amendments by number.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mr. PORTMAN, proposes an amendment numbered 859.

The Senator from Illinois [Mr. DURBIN], for Mr. MCCAIN, proposes an amendment numbered 892.

The Senator from Illinois [Mr. DURBIN], for Ms. CANTWELL, proposes an amendment numbered 893, as modified.

The Senator from Illinois [Mr. DURBIN], for Mr. COCHRAN, proposes an amendment numbered 805, as modified.

The Senator from Illinois [Mr. DURBIN], for Mr. BURR, proposes an amendment numbered 890.

The Senator from Illinois [Mr. DURBIN], for Mr. INOUYE, proposes an amendment numbered 918.

The Senator from Illinois [Mr. DURBIN], for Mr. KYL, proposes an amendment numbered 912, as modified.

The amendments are as follows:

AMENDMENT NO. 859

(Purpose: To strike a section relating to the approval of projects that include beam rail elements and terminal sections)

Strike section 125 of title I of division C.

AMENDMENT NO. 892

(Purpose: To provide additional flexibility for the closing or relocation of Rural Development offices)

On page 70, line 7, insert ''or that the closing or relocation would result in cost savings'' after ''delivery''.

AMENDMENT NO. 893, AS MODIFIED

(Purpose: To direct the National Aquatic Animal Health Task Force to assess the risk Infectious Salmon Anemia poses to wild Pacific salmon and the coastal economies which rely on them)

On page 108, between lines 22 and 23, insert the following:

SEC. 114. (a) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the National Aquatic Animal Health Task Force shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report of the findings of the research objectives described in subsection (b).

(b) RESEARCH AND SURVEILLANCE.—The National Aquatic Animal Health Task Force shall establish Infectious Salmon Anemia research objectives, in collaboration the with the Government of Canada, and Federal, State, and tribal governments, including the Department of Fish and Wildlife of Washington and the Department of Fish and Game of Alaska, to assess—

(1) the prevalence of Infectious Salmon Anemia in both wild and aquaculture salmonid populations throughout Alaska, Washington, Oregon, California, and Idaho;

(2) genetic susceptibility by population and species;

(3) susceptibility of populations to Infectious Salmon Anemia from geographic and oceanographic factors;

(4) potential transmission pathways between infectious Canadian sockeye and uninfected salmonid populations in United States waters;

(5) management strategies to rapidly respond to potential Infectious Salmon Anemia outbreaks in both wild and aquaculture populations, including securing the water supplies at conservation hatcheries to protect hatchery fish from exposure to the Infectious Salmon Anemia virus present in incoming surface water;

(6) potential economic impacts of Infectious Salmon Anemia;

(7) any role foreign salmon farms may have in spreading Infectious Salmon Anemia to wild populations;

(8) the identity of any potential Federal, State, tribal, and international research partners;

(9) available baseline data, including baseline data available from a collaborating entity; and

(10) other Infectious Salmon Anemia research priorities, as determined by the Task Force.

AMENDMENT NO. 805, AS MODIFIED

(Purpose: To set aside certain funding for the construction, acquisition, or improvement of fossil-fueled electric generating plants that utilize carbon sequestration systems)

On page 49, line 15, before the period at the end insert '': *Provided*, That up to $2,000,000,000 may be used for the construction, acquisition, or improvement of fossil-fueled electric generating plants (whether new or existing) that utilize carbon sequestration systems''.

AMENDMENT NO. 890

(Purpose: To improve the transparency and accountability of the FDA in order to encourage regulatory certainty and innovation on behalf of America's patients)

On page 62, line 17, strike the period and insert the following: '': *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that discloses, with respect to all drugs, devices, and biological products approved, cleared, or licensed under the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act during calendar year 2011, including such drugs, devices, and biological products so approved, cleared, or licensed using funds made available under this Act: (1) the average number of calendar days that elapsed from the date that drug applications (including any supplements) were submitted to such Secretary under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) until the date that the drugs were approved under such section 505; (2) the average number of calendar days that elapsed from the date that applications for device clearance (including any supplements) under section 510(k) of such Act (21 U.S.C. 360(k)) or for premarket approval (including any supplements) under section 515 of such Act (21 U.S.C. 360e) were submitted to such Secretary until the date that the devices were cleared under such section 510(k) or approved under such section 515; and (3) the average number of calendar days that elapsed from the date that biological license applications (including any supplements) were submitted to such Secretary under section 351 of the Public Health Service Act (42 U.S.C. 262) until the date that the biological products were licensed under such section 351.''.

AMENDMENT NO. 918

(Purpose: To strike provisions related to the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent)

Beginning on page 197, strike line 9 and all that follows through page 209, line 2, and insert the following:

SEC. 541. The amount appropriated or otherwise made available by title IV under the heading ''COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT'' is hereby reduced by $1,700,000.

AMENDMENT NO. 912, AS MODIFIED

(Purpose: To increase funding for the southwest border enforcement)

On page 117, line 16, strike ''$1,101,041,000'' and insert ''$1,111,041,000; of which not to exceed $10,000,000 shall be available for necessary expenses for increased deputy marshals and staff related to Southwest border enforcement until September 30, 2012;''.

On page 117, line 23, strike ''$12,000,000'' and insert ''$20,250,000, of which $8,250,000 shall be available for detention upgrades at Federal courthouses located in the Southwest border region''.

On page 191, line 20, after the semicolon, insert ''and an additional $25,000,000 shall be permanently rescinded;''.

Mr. DURBIN. I believe the Senate is ready to act on these amendments.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendments, en bloc.

The amendments were agreed to en bloc.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 893, AS MODIFIED

Ms. CANTWELL. Madam President, in that en bloc group of amendments was an important amendment, amendment No. 893, as modified, that was sponsored by my colleagues from the Northwest—obviously myself, Senator MURRAY, Senator WYDEN, Senator MERKLEY, Senator BOXER, and Senator FEINSTEIN. We thought it was very important that this amendment pass tonight because scientists are calling it a disease emergency; that is, that the Pacific Northwest wild salmon might be threatened by a virus that has already decimated fish farm salmon from around the world.

So we want to see, first of all, important scientific questions answered about the impacts of this virus, and the threat they pose to Pacific Northwest salmon. Second, we want to make sure there is an aggressive management plan and an effective rapid response plan to deal with the threat of this virus. And, third, we want to make sure we are protecting the wild salmon and the important economy that goes with it.

I know many people know the Northwest is known for a healthy salmon population, but this salmon population is also an economy for us. It is tens of thousands of jobs and hundreds of millions of dollars as it relates to our economy. So being able to detect this virus and make sure we are assessing the potential threat to the wild salmon population is something we want to see happen immediately.

This makes sure the task force, which is a joint task force already in place between NOAA and the USDA, works effectively in a very short time period to make sure we are getting this accurate assessment.

As I mentioned, this virus in the farm fish population around the world—in Chile and other places—has decimated salmon. We cannot risk having this impact the Pacific Northwest wild salmon. So we need answers quickly from the scientific community. We need an action plan immediately. And we need to make sure we are formulating a rapid response as to what to do if we do detect this virus is spreading, with the potential impact we have seen in other areas.

I thank my colleagues for making sure this amendment was adopted tonight. I know Senator MURKOWSKI had planned earlier to talk about this. I want to thank Senator HUTCHISON from Texas for helping us move this along in the process.

I hope now, as we move this legislation, we will also get the cooperation from NOAA and Secretary Lubchenco and others, and those at NMFS, to make sure we are responding very rapidly to this very serious, what people have called the scientific need to get these questions answered as soon as possible.

I thank the Presiding Officer and yield the floor.

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

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

AMENDMENTS NOS. 898, 809, AND 806

Mr. REID. Madam President, I ask unanimous consent that the following amendments, which have been cleared by the managers of both sides be agreed to: Rubio, 898; Thune, 809; and Hutchison, 806.

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

The amendments (Nos. 898, 809, and 806) were agreed to, as follows:

AMENDMENT NO. 898

(Purpose: To require an evaluation of the Gulf Coast Claims Facility)

On page 153, after line 24, add the following:

**SEC. 218. EVALUATION OF GULF COAST CLAIMS FACILITY.**

The Attorney General shall identify an independent auditor to evaluate the Gulf Coast Claims Facility.

AMENDMENT NO. 809

(Purpose: To authorize States to be reimbursed for expenditures made in reliance of a grant erroneously awarded pursuant to sections 4101(c)(4) and 4126 of Public Law 109–59)

On page 251, strike line 8 and insert ''agreement, shall not be required to repay grant amounts received in error under such sections and, in addition, shall be reimbursed for core or expanded deployment expenditures such States made before the date of the enactment of this Act in reliance on a grant awarded in error under such sections.''.

AMENDMENT NO. 806

(Purpose: To amend the requirements for the designation of Moving-To-Work agencies)

On page 365, line 8, strike ''10,000'' and insert ''20,000''.

Mr. WARNER. Mr. President, today I wish to say a few words about the bill that we are currently considering and, in particular, a very worthwhile program funded by this bill that I believe is critical to moving our Nation forward.

One very important agency funded by the fiscal year 2012 Commerce-Justice-Science bill that has not been getting much attention in the debate this week is NASA. Senators NELSON, HUTCHISON, ROCKEFELLER, and others worked incredibly hard to get a balanced reauthorization bill passed last year, and I commend them for their hard work in getting it signed into law. One aspect of that bill that I worked particularly hard on was ensuring that we are doing what we can to advance NASA's mission while also promoting the development of the commercial space sector. In negotiations on that authorization bill, Senator NELSON and I arrived at what I believe is a fair compromise that will allow us to pursue advances in the commercial cargo and commercial crew fields and harness the innovation and cost savings that the private sector can provide. In a recently released study, in fact, NASA estimated that the Falcon 9 launch vehicle being developed by the private sector company SpaceX will cost less than half what it would cost for NASA to develop the launch vehicle itself. In the current fiscal climate, it is imperative that we partner with commercial companies to pursue the cost-effective innovation that can only be achieved through the competition that exists in the private sector. Supporting development of the commercial space industry will also help create steady, well-paying jobs and spur economic growth—not only in urban tech corridors, but also in more rural areas where launch facilities are located such as the Wallops Island facility in my home State of Virginia.

By appropriating funding at the authorized level of $500 million for the commercial crew development, CCDEV, program, I believe the fiscal year 2012 Commerce-Justice-Science bill honors the commitment we made in the authorization bill to move forward in that field. I commend Senator MIKULSKI for her leadership in that regard, and I am excited by the opportunities to come. While NASA develops our next heavy lift vehicle and a host of other important research duties, the private sector has the capability to quickly and cost-effectively deliver vehicles for our astronauts to access the International Space Station, ISS, and minimize our dependence on Russia for those trips. Given what we will be paying Russia for those trips to the ISS, there is the potential that we can actually save money in the long run by investing in commercial space to develop a competitive vehicle, rather than continuing to pay the Russians for seats on their vehicles.

Moving forward with the CCDEV program will also result in additional opportunities for development at the NASA Wallops Flight Facility, the Virginia Commercial Space Flight Authority, and the Mid-Atlantic Regional Spaceport. I have supported the Wallops facilities in Virginia since my time as Governor, and from my recent visits, I can attest that they are making tremendous progress in developing their launch infrastructure. Providing funding for the CCDEV program at authorized levels, as we have done in this bill, will help us drive competition in the commercial space industry and will provide opportunities for facilities such as Wallops to further develop their launch infrastructure and provide steady, high-wage employment in areas that sorely need it.

Mrs. FEINSTEIN. Mr. President, I wish to speak about amendment No. 855, which I filed with Senators COBURN, GILLIBRAND, LAUTENBERG, and BROWN.

This amendment would require the Secretary of Agriculture to enforce adjusted gross income limits on farm subsidies that were established in the last farm bill by:

Pursuing thousands of individuals flagged by the IRS as potentially illegal recipients of farm subsidies; reclaiming subsidies from millionaires and other illegal recipients; and auditing subsidy recipients who claim they are in compliance with income limits but whose IRS tax returns suggest otherwise.

I do not intend to ask for a vote on this amendment at this time, but I would like to explain to my colleagues why I am calling upon the USDA to more vigorously enforce the adjusted gross income limits in law.

In the 2008 farm bill, Congress capped the income of farm bill subsidy payment recipients at $500,000 for non-farm income and $750,000 for farm income.

The limits were imposed because there had been increasing concerns that direct payments, countercyclical payments, and marketing loan benefits had been going to corporate agriculture and millionaires.

These subsidy programs are designed to provide a safety net to farmers whose industry suffers from dramatic swings in prices from year to year.

Congress intended to prevent individuals who could provide their own safety net from drawing funds they didn't need from taxpayers.

The final enacted limits—$500,000 for non-farm income and $750,000 for farm income—prevent payments only to farmers and absentee farm-owners who are doing extremely well financially.

Less than 2 percent of Americans make this much money in a given year.

And Congress applied the caps flexibly.

Income can be averaged over a 3-year period, standard income tax deductions apply, and farmers can deduct their expenses related to their entire farm operation.

Congress gave the U.S. Department of Agriculture clear direction to investigate and enforce the income caps.

But the USDA has been very slow to enforce this provision.

First, USDA did not thoroughly review subsidy recipients to prevent illegal payments from going out the door in 2009, 2010, or 2011, even though the farm bill instructed that ''the Secretary shall deny the issuance of applicable payments and benefits'' to farmers who fail to certify compliance.

Second, the USDA has not yet aggressively pursued thousands of payment recipients that the IRS has identified as likely violators.

Third, the USDA has not conducted a single audit of a subsidy recipient, even though the farm bill states:

> The Secretary shall establish statistically valid procedures under which the Secretary shall conduct targeted audits of such persons or legal entities as the Secretary determines are most likely to exceed the limitations . . .

Finally, USDA has made no attempt to identify those who lied about or concealed their income in order to receive subsidy payments. Such an act would constitute fraud against the U.S. government.

USDA has taken the initial step by working with the IRS to identify potentially illegal payments in 2009 and 2010, and I commend them for this action.

The preliminary results of their investigation are staggering:

The IRS ''flagged'' 13,000 individuals in USDA's database with tax returns that suggest they exceed congressionally mandated income caps.

When USDA reached out to 200 randomly selected ''flagged'' individuals, more than 15 percent returned the money—with no questions asked.

Another 30 percent of those contacted by USDA didn't bother to respond, suggesting a lack of respect among payment recipients for USDA's enforcement ability.

This preliminary effort demonstrates that enforcing this law is both fair and fiscally responsible.

Thousands of recipients could be receiving tens, even hundreds, of millions of Federal dollars each year, illegally.

Wealthy farmers—and absent farm owners—are still claiming payments from the farm bill's safety net programs, and the USDA is not doing enough to stop them.

Some of my colleagues believe we should wait for the next farm bill to address this problem. But I doubt they recognize that failing to enforce this provision wastes this much money.

Furthermore, the next farm bill is likely to include some form of payment regime, as every farm bill has for more than 50 years.

It might not be direct payments, but some form of subsidy payment regime is expected to remain.

Vigorous income limit enforcement makes the farm safety net stronger, not weaker. It assures that funding is available for those who need it, even in a time of severe cuts.

Our constituents are suffering through the longest economic downturn in a generation. And government resources to help those truly in need are dwindling.

And yet despite congressional direction to conduct audits and oversight of fraudulent payments to individuals already making hundreds of thousands of dollars per year, the Department of Agriculture has not done enough to ensure that our limited resources are being spent wisely.

I urge our colleagues to join me in speaking out about this issue. I urge them to demand that the USDA enforce the law.

We need to send a clear message that fraudulent claims and subsidies to the rich are unacceptable.

Mr. CORNYN. Mr. President, though I support the goal of sensible reform to the Federal criminal justice system, I opposed the Webb amendment, No. 750, for several reasons.

First, I am concerned that the National Criminal Justice Commission created by this amendment would not be required to adopt unanimous recommendations. As a result, it is likely that this commission would fracture into partisan camps instead of working toward the types of bipartisan consensus recommendations that would truly help solve the problems facing our justice system. The experience of the 9/11 Commission is instructive. Despite the widely divergent policy views of the ten 9/11 Commission members, they came together to produce a 567-page report containing 37 recommendations—without a single voice of dissent. As a result, Congress passed nearly all of that commission's recommendations within 2 years. I am not confident that a nonunanimous National Criminal Justice Commission will have the same success.

Additionally, I believe the broad jurisdiction of the National Criminal Justice Commission could lead it to examine highly controversial policy areas better left to the elected branches of government. This would create an opportunity for certain interest groups to pressure the commission to make divisive recommendations on issues such as narcotics legalization and the repeal of mandatory minimum sentences. While these interest groups may believe that their arguments have merit, they should make these arguments to their elected representatives, rather than unelected commission members. The Congress and the House and Senate Judiciary Committees are the proper venue in which to examine controversial criminal justice policy issues.

Furthermore, I have strong federalism concerns with the commission's jurisdiction to make recommendations concerning State and local criminal justice systems. Though Congress has the legitimate authority to appropriate funds to examine the federal criminal justice system, it does not have the authority to order the same examination at the State and local level. In my home State of Texas, the State government undertook sweeping reforms to its criminal justice system that will save taxpayers billions of dollars. While I am proud of this achievement, I do not believe that the Federal Government should push other States to do the same thing. If another State looks at the success of the Texas reforms, but decides not to enact them, then that is the choice reserved to them by the United States Constitution. Federal taxpayer dollars should not be used to interfere with this decision.

Given the major concerns I have noted, it is almost certain that the money appropriated by this amendment would amount to little actual change in the criminal justice system. In fact, the proposed National Criminal Justice Commission, in its current form, would likely only lead to more partisan bickering. Given the financial state of the Nation, I believe that it would be unwise to spend $5 million on a commission whose recommendations will likely be so divisive and controversial that they will never even be acted upon by Congress.

I believe that we should have a serious discussion about the federal criminal justice system and reducing out-of-control incarceration rates. Unfortunately, this amendment would not advance that goal. For this reason, I voted against the Webb amendment No. 750.

Mr. GRASSLEY. Mr. President, earlier this afternoon we voted on a good government proposal that would have improved accountability for taxpayer dollars. That amendment focused on grants awarded by the Department of Justice. Soon we will be voting to repeal another good government measure; that is, the provision to ensure that government contractors pay their taxes by requiring that governments withhold 3 percent from payments to contractors as prepayment for their taxes. The provision was enacted in direct response to a series of Government Accountability Office, or GAO, reports about Federal contractors not paying their taxes.

I have always said that taxpayers should pay what they owe—not a penny more, and not a penny less. And several GAO reports indicate that information reporting and upfront withholding significantly improve compliance. In fact, that is why the Federal Government withholds taxes from individual paychecks.

Since the provision was enacted, I have heard repeatedly about the costs of implementation. I am disappointed by the misinformation that has been spread by the various outside groups—just like the ones that lobbied against my Justice Department grant amendment today.

Specifically, one fictitious estimate by an outside group states that the cost to implement this provision is $75 billion. There is another made-up estimate that it would cost the Department of Defense $17 billion to implement this provision.

I have a very long history, over 30 years in the Senate, of doing oversight of various Federal agencies. I cut my teeth in oversight by combating waste, fraud, and abuse at the Defense Department. I knew both the 75 billion and 17 billion numbers were bogus the first time I heard them.

The Congressional Budget Office, or the CBO, the nonpartisan, objective scorekeeper for Congress, has estimated the cost of implementation to the Federal Government, including the Defense Department, to be $85 million over 5 years.

Mr. President, I am a firm believer in reviewing laws that aren't working. This provision never even had a chance to work. However, I have heard from small business owners across Iowa about the burdens the withholding provision would impose on them, particularly with the economy still being in the dumps.

For that reason, I support repealing this provision. My preference would have been to fix the provision so that small businesses and State and local governments would be exempted. However, that would have likely created even more complexity.

Let me just say that, despite the rhetoric, large corporations would not have been impacted in the same way that small businesses would have been.

They, especially defense and Medicare contractors, are not operating on a cash flow basis or on profit margins of 3 percent. They are just riding the coattails of small businesses in pushing for repeal of this provision.

As we proceed to vote on repeal of this provision, let me remind my colleagues on both sides of the aisle that tax cheats are a very real problem. Tax delinquent contractors continue to be awarded Federal contracts, despite the administration's efforts to clamp down on awarding contracts to them. The most recent example is the award of stimulus contracts.

A GAO report from May of just this year indicated that $24 billion in Federal contracts were awarded to contractors who owed more than $750 million of back taxes. This is not chump change.

In the past year or so, Members of the House and Senate have supported measures to ensure that Federal employees pay their taxes. Well, Federal contractors should not be treated any differently. The country is in the midst of an unprecedented fiscal crisis. Tax increases are off the table so we need to ensure that we are collecting every dollar that is owed to the Federal Government.

Senator BAUCUS and I continue to work on an alternative to 3 percent withholding. This alternative would prohibit the Federal Government from awarding contracts to tax cheats.

In order to assist contracting agencies in identifying tax cheats, we would enable those agencies to check a contractor's tax status with the Internal Revenue Service. This new approach would be much narrower in focus than the 3 percent withholding provision. It should only impact the bad actors. When we have an opportunity to consider this provision, I would hope that my colleagues would support us in enacting it. Preventing tax cheating should be a bipartisan issue.

I ask unanimous consent that the CBO estimate be printed in the RECORD.

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

PRELIMINARY ESTIMATE—CHANGE IN AMOUNTS SUBJECT TO APPROPRIATION ARISING FROM SECTION 511 OF THE TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005

[In millions of dollars by fiscal year]

| | 2012 | 2013 | 2014 | 2015 | 2016 | Total |
|---|---|---|---|---|---|---|
| Federal Implementation Costs: | | | | | | |
| Nonrecurring | 35 | 0 | 0 | 0 | 0 | 35 |
| Recurring | 10 | 10 | 10 | 10 | 10 | 50 |
| Total | 45 | 10 | 10 | 10 | 10 | 85 |
| Costs to Federal Contractors: | | | | | | |
| Nonrecurring [a] | 7,500 | 400 | 400 | 400 | 400 | 9,100 |
| Recurring [b]. | | | | | | |
| Financing | 550 | 550 | 550 | 550 | 550 | 2,750 |
| Reporting | 100 | 100 | 100 | 100 | 100 | 500 |
| Total | 8,150 | 1,050 | 1,050 | 1,050 | 1,050 | 12,350 |
| Total Costs | 8,195 | 1,060 | 1,060 | 1,060 | 1,060 | 12,435 |

Sources: Congressional Budget Office, Department of Defense, Federal Procurement Data System.

a. Implementation costs of federal contractors are not directly billable to federal agencies. CBO expects that such costs will eventually be passed on to federal agencies in the form of higher prices for goods and services, although not necessarily in the same year that those costs are incurred.

b. Ongoing implementation costs arise from regular turnover of federal contractors. New vendors will need to modify their accounting systems to provide goods and services to federal agencies.

Ms. MIKULSKI. Mr. President, I wish to thank Chairman KOHL and Senator BLUNT for their hard work on this bill. They had to make tough choices because of their tight allocation. I commend them for the choices they made and agree with them. They have my full support for this bill.

I especially want to thank them for increasing the Food and Drug Administration's budget. They provided $2.5 billion which is $50 million over this year's funding level. Twenty-five cents for every dollar spent by consumers is for FDA-regulated products, over $1 trillion worth of goods bought each year.

This funding increase will strengthen our food safety infrastructure so that the FDA can meet its increased responsibilities. It gives the FDA new defense capabilities to hold imported and domestic foods to the same standards. It also will help Federal, State, and local officials prevent and more efficiently detect food safety problems. Finally, it increases the FDA and State and local workforce capacity to prevent deadly outbreaks.

Employees at the FDA are on the front lines every day to stop food safety outbreaks in their tracks and get unsafe foods off of supermarket shelves. We rely on the FDA more than ever to make sure the drugs and medical devices we depend upon are safe and effective.

I have been a longtime fighter for the FDA. I have fought for years for the right facilities and the right resources. I will continue to fight for these hard-working employees. This increase will help the FDA continue to be the gold standard in upholding drug, device, cosmetic, and food safety.

They also make nutrition assistance programs a priority, which is so important in these difficult economic times. For Women, Infants and Children, they provide $6.6 billion. This funding level will meet the needs of low-income pregnant women, infants, and children under 5 by providing nutritious foods, dietary supplements, healthy eating information, and medical referrals.

This bill is also very important to Maryland. It supports the hard-working Federal employees at FDA and the Beltsville Agricultural Research Center. Headquartered in Silver Spring, MD, FDA employs 9,400 people, while BARC, located in Beltsville, MD, employs 975 Federal employees, including 250 scientists. BARC is the flagship campus of the Agricultural Research Service. It conducts cutting-edge research to develop and transfer solutions to our Nation's most pressing agricultural problems. This research is impacting not just farmers but every American as it relates to food safety, nutrition, and obesity. They keep BARC funded at existing funding levels and protect these jobs.

They also provide $16.5 million for farmers market nutrition programs. This program gives WIC recipients vouchers to use at farmers markets and roadside stands to buy locally

grown fruits and vegetables. This program helps low-income women and children as well as our local farmers. In 2009, Maryland distributed $403,000 vouchers to 42,000 WIC clients. This also helped 260 Maryland farmers sell their crops.

In addition, Maryland is home to two land grant institutions: University of Maryland at College Park and University of Maryland Eastern Shore. They rejected the House cuts to land grant university research and extension programs and keep them in good standing. These programs support food and agriculture research, provide peer-reviewed, competitively awarded grants, help attract top-notch scientists, fund youth programs, including 4–H, and reach out and solve community needs for small farmers and business owners.

Maryland's No. 1 industry is agriculture. We have both the traditional industry sectors and nontraditional: everything from poultry, to dairy to organic farms and vineyards and a specialty nursery industry. This bill supports these farmers and small business owners, but it also supports all Americans by protecting our public health and safety when it comes to our food supply, drugs, and medical devices.

Mr. President, I also wish to thank Chairman MURRAY and Senator COLLINS for their hard work on this bill. I say to the Senators, you worked together in a bipartisan way and with collegiality. You had a tight allocation and had to make tough choices. But you did an outstanding job, and you have my full support for this bill.

I support this bill because it is a jobs bill. It provides formula funding to the States for our highways, byways, and subways. According to the U.S. Department of Transportation, every $1 million spent on transportation creates 13 jobs.

This bill will hire the construction workers and engineers to widen our highways and build new bridges. The bill also provides $550 million for TIGER Grants, the discretionary grant program begun in the economic recovery bill. This competitive grant program funds road, rail, transit, and port projects.

This bill provides nearly $16 billion for the Federal Aviation Administration, the current year funding level. This funding supports our air traffic controllers, air safety personnel, and construction jobs at our airports.

This bill also provides funding to maintain the Maritime Security Program. This program maintains 60 U.S. flagships, crewed by U.S. citizens, to service both commercial and national security needs.

This bill provides $120 million for Choice Neighborhoods. Choice Neighborhoods uses the lessons of HOPE VI. It builds upon them to reach more communities and turn ZIP Codes of poverty into healthy, vibrant communities.

It also provides much-needed funding for veterans' housing, a total of $75 million, to get them the housing help they need. Our Nation owes our vets a debt of gratitude, and I will keep fighting to show that gratitude not just with words, but with deeds.

For Maryland, this bill guarantees $750 million in Federal transportation formula funding. Within this amount, Maryland receives $600 million for highways and $150 million for transit. It also supports 9,750 jobs. About half of Maryland's highway and transit capital projects are funded with these Federal dollars.

In addition, this bill funds Metro here in our Nation's capital, providing $150 million for safety improvements, including new rail cars, track, and signal upgrades. It also guarantees Metro's $228 million in Federal formula funding for capital improvements. This funding combined supports nearly 5,000 public and private sector jobs.

Infrastructure and housing investments are vital to sustain economic growth and create jobs. I support Senate action on multiyear transportation and aviation authorization bills and infrastructure bank legislation. But agreement and passage of these bills is going to take some time. This appropriations bill is a jobs bill we can pass now to get Americans back to work in the near term.

Mr. CONRAD. Mr. President, I previously filed committee allocations and budgetary aggregates pursuant to section 106 of the Budget Control Act of 2011. I am further adjusting some of those levels, specifically the allocation to the Committee on Appropriations for fiscal year 2012 and the budgetary aggregates for fiscal year 2012.

Section 101 of the Budget Control Act allows for various adjustments to the statutory limits on discretionary spending, while section 106(d) allows the chairman of the Budget Committee to make revisions to allocations, aggregates, and levels consistent with those adjustments. Senator LAUTENBERG has offered Senate amendment No. 836 to the appropriations bill for Agriculture, Rural Development, Food and Drug Administration, and related agencies. That amendment includes $365 million in 2012 funding that is designated for disaster relief pursuant to the Budget Control Act of 2011. CBO estimates that budget authority would result in $18 million in outlays in 2012.

In addition, Senator GILLIBRAND has offered Senate amendment No. 869 to the Agriculture appropriations bill. That amendment includes $110 million in 2012 funding that is designated for disaster relief pursuant to the Budget Control Act of 2011. CBO estimates that budget authority would result in $44 million in outlays in 2012.

Therefore, in total, I am revising the allocation to the Committee on Appropriations and to the budgetary aggregates by $475 million in budget authority and $62 million in outlays.

I ask unanimous consent that the following tables detailing the changes to the allocation to the Committee on Appropriations and the budgetary aggregates be printed in the RECORD.

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

DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2012 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011

| $s in billions | Program integrity | Disaster relief | Emergency | Overseas contingency operations | Total |
|---|---|---|---|---|---|
| Amendments—Lautenberg SA 836 & Gillibrand SA 869: | | | | | |
| Budget Authority | 0.000 | 0.475 | 0.000 | 0.000 | 0.475 |
| Outlays | 0.000 | 0.062 | 0.000 | 0.000 | 0.062 |
| Memorandum 1: Breakdown of Above Adjustments by Category: | | | | | |
| Security Budget Authority | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| Nonsecurity Budget Authority | 0.000 | 0.475 | 0.000 | 0.000 | 0.475 |
| General Purpose Outlays | 0.000 | 0.062 | 0.000 | 0.000 | 0.062 |
| Memorandum 2: Cumulative Adjustments (Includes Previously Filed Adjustments): | | | | | |
| Budget Authority | 0.893 | 8.588 | 0.000 | 126.544 | 136.025 |
| Outlays | 0.774 | 1.669 | −0.007 | 63.568 | 66.004 |

## MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

## THE DEPARTURE OF LISA WOLSKI

Mr. KYL. Mr. President, it has been said no one is indispensable and that may be true, but next week we will test that theory after the departure of my chief of staff, Lisa Wolski. Lisa has been on my whip staff since January of 2003. She started as tax counsel in my personal office, because I serve on the Finance Committee, and then moved to the whip office in late 2007.

We refer to people around here as staffers. She is more than that. That name doesn't begin to encapsulate what we think of those people who work with us every day and provide us with all the things we need to try to be successful. That certainly is Lisa Wolski. She is and always has been one