

extend the reduced interest rate for undergraduate Federal Direct Stafford Loans, to modify required distribution rules for pensions plans, to limit earnings stripping by expatriated entities, to provide for modifications related to the Oil Spill Liability Trust Fund, and for other purposes.

Harry Reid, Jack Reed, Tom Harkin, Richard J. Durbin, Patty Murray, Benjamin L. Cardin, Al Franken, Amy Klobuchar, Jeff Merkley, Jon Tester, Sherrod Brown, Barbara A. Mikulski, Robert P. Casey, Jr., Elizabeth Warren, Charles E. Schumer, Sheldon Whitehouse, Barbara Boxer.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 953, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for undergraduate Federal direct Stafford loans, to modify required distribution rules for pension plans, to limit earnings stripping by expatriated entities, to provide for modifications related to the Oil Spill Liability Trust Fund, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. McCASKILL) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Indiana (Mr. COATS).

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

The yeas and nays resulted—yeas 51, nays 46, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—51

|            |              |             |
|------------|--------------|-------------|
| Baldwin    | Gillibrand   | Nelson      |
| Baucus     | Hagan        | Pryor       |
| Begich     | Harkin       | Reed        |
| Bennet     | Heinrich     | Reid        |
| Blumenthal | Heitkamp     | Rockefeller |
| Boxer      | Hirono       | Sanders     |
| Brown      | Johnson (SD) | Schatz      |
| Cantwell   | Kaine        | Schumer     |
| Cardin     | Klobuchar    | Shaheen     |
| Carper     | Landrieu     | Stabenow    |
| Casey      | Leahy        | Tester      |
| Coons      | Levin        | Udall (CO)  |
| Cowan      | Menendez     | Udall (NM)  |
| Donnelly   | Merkley      | Warner      |
| Durbin     | Mikulski     | Warren      |
| Feinstein  | Murphy       | Whitehouse  |
| Franken    | Murray       | Wyden       |

NAYS—46

|           |              |           |
|-----------|--------------|-----------|
| Alexander | Flake        | Moran     |
| Ayotte    | Graham       | Murkowski |
| Barrasso  | Grassley     | Paul      |
| Blunt     | Hatch        | Portman   |
| Boozman   | Heller       | Risch     |
| Burr      | Hoeben       | Roberts   |
| Chambliss | Inhofe       | Rubio     |
| Coburn    | Isakson      | Scott     |
| Cochran   | Johanns      | Sessions  |
| Collins   | Johnson (WI) | Shelby    |
| Corker    | King         | Thune     |
| Cornyn    | Kirk         | Toomey    |
| Crapo     | Lee          | Vitter    |
| Cruz      | Manchin      | Wicker    |
| Enzi      | McCain       |           |
| Fischer   | McConnell    |           |

NOT VOTING—2

Coats McCaskill

The PRESIDING OFFICER. On this vote the yeas are 51, the nays are 46. Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is rejected.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to a period of morning business until 12:30 today, with all provisions of the previous order remaining in effect, and that I be recognized at 12:30. We have some housekeeping stuff we have to do regarding Senator Lautenberg.

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

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CELEBRATING THE 75TH ANNIVERSARY OF JIM'S STEAK AND SPAGHETTI HOUSE

Mr. MANCHIN. Madam President, I rise to speak about an amazing West Virginia family who is celebrating the 75th anniversary of their small business this week on June 8. Jim Tweel founded Jim's Steak and Spaghetti House in 1938 when he purchased the Kennedy Dairy Store and renamed it Jim's Dairy Bar.

The restaurant specialized in burgers and milkshakes until 1944, when Roberto Elmoro, an Italian native, approached Jim about starting a spaghetti house using Elmoro's own personal recipes. Jim agreed and expanded the restaurant to the room next-door. Hence, the Spaghetti House opened in July of 1944.

Since that time the restaurant has been renamed and remodeled, but the values of the restaurant have remained the same: to give customers excellent service and outstanding food. Located in the heart of Huntington on 5th Avenue, Jim's Steak and Spaghetti House offers great food, from homemade spaghetti, soup and sandwiches, to fresh coleslaw, pickled beets, and tasty pies. Over the years I think I have tasted and enjoyed all of them.

But this family-owned-and-operated business offers so much more to its loyal clientele and visitors alike, because this is not just a restaurant, this is a landmark and an institution. As you step in the doors, you travel through time and are greeted by a smile from everybody. With its 1950-style decor, Jim's walls are adorned with photos of the restaurant's creator posing with some of the most renowned

public figures and celebrities who have stopped by for a meal, people such as President John F. Kennedy, President Bill Clinton, President George Bush, Dustin Hoffman, Bill Cosby, and Muhammad Ali.

In fact, many West Virginians also travel from miles away to get to Jim's because the restaurant is one of the most famous spots in our State. Folks from the Tweel family are not only successful business leaders but also community advocates who are committed to making a positive difference in Huntington and the Tri-State region.

Jim Tweel established his recipe of success 75 years ago based on five principles: good service, good food, courtesy, cleanness, and ambience. Even though Jim Tweel is no longer with us, those same principles still guide the family-owned and community institution that is now run by Jim's daughter Jimmie.

Small businesses are the heart and soul of West Virginia's economy. It has always been one of my top priorities to make sure small businesses have the support they need to be successful and create good-paying jobs in West Virginia.

I wish to congratulate and recognize the Tweel family for their successes, especially 95-year-old Sally Rahall Tweel, Jim's wife and one of the current owners, as well as Jim's children: Jimmie Tweel Carter, the restaurant manager; Larry Tweel, the company president; and Ron Tweel, an officer of the corporation.

Their strong work ethic, their passion for the business, and their love of their community, all of which have been passed down from generation to generation, represent the very best our State, the great State of West Virginia, has to offer. Congratulations on 75 wonderful years.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORGAN TRANSPLANT POLICY

SARAH MURNAGHAN

Mr. TOOMEY. Madam President, I rise to speak briefly about a heart-rending situation in Pennsylvania to which I wish to call my colleagues' attention. As I speak this morning, there is a brave little 10-year-old girl who is fighting for her life in Children's Hospital of Philadelphia.

Sarah Murnaghan suffers from cystic fibrosis. She has been in the hospital for 3 months now. Recently, she has been put on a machine that helps her breathe, with great difficulty. But she is at a point now where she needs a lung transplant. There is no question

about that. The doctors, in fact, have said she may only have a few weeks to live without a new lung.

At this moment, her government is failing her. Here is the reason I say that. We have law and we have policy that requires that the Health and Human Services branch of the Federal Government, through a third party, develop rules governing how organs are transplanted. This organization which has the direct authority is the Organ Procurement and Transportation Network.

So they set the rules by which we deal with this excruciating situation where there is always more demand for transplanted organs than the supply of organs. Prior to a decision yesterday afternoon, which I will comment on, despite a very high need for a transplant and despite the fact that her doctors believe she is a very good candidate for a transplant, Sarah's name was not on the list of people to receive a transplant simply by virtue of one fact; that is, she has not yet reached the age of 12.

See, the current policy has one very sensible feature. The current policy is meant to establish as the highest priority for recipients people who have the most urgent need. That makes sense. You could have other criteria, such as how long you have been waiting or how much you are willing to pay, but I do not think those would be better. Those would be worse.

The right criteria is who has the most urgent need. So that is right. The problem is it applies only to people who are 12 and over. But there are children under the age of 12 who are very good candidates for adult lung transplants. The medical science is very clear. You take a portion of the lung if the child is too small for a full lung transplant. This is well established. This works. This girl is a good candidate for this, but she is not on the list.

Yesterday, something very important happened. Sarah's parents filed a suit against Health and Human Services challenging the rule that excludes their daughter from this list. The judge considering this, a judge in the Eastern District of Pennsylvania, a Federal judge, Judge Baylson, granted a temporary restraining order enjoining the Secretary and the Organ Procurement and Transportation Network from applying the rule that excludes Sarah.

So this is terrific. This is a big breakthrough for 10 days now. This is the thing. It is a temporary order for 10 days now Sarah cannot be excluded from this list. So what that means is she can go on the list and she will go wherever on the list the urgency of her circumstances puts her. That is as it should be.

The problem is this is only for 10 days, and then the judge is going to have a hearing. We don't know how that is all going to turn out.

I am asking Secretary Sebelius, the Secretary of Health and Human Serv-

ices, to exercise the authority that is given to her in legislation to recognize that there is a flaw in this policy.

I am not asking Secretary Sebelius to make an exception for one individual. I would be the first to suggest that would be a dangerous place to go. We don't want individual Cabinet members, politicians, or anyone else making decisions about who is going to get an organ and who is not. We want a system that works. The current system doesn't work for kids who are good transplant candidates and have the acute need but aren't yet 12 years old.

I am urging Secretary Sebelius, as strongly as I can, to exercise the discretion that the law gives to her to change the policy. Don't change it for one person, change it for a category. I think any child who is a viable candidate for the adult transplant and who has sufficient urgency ought to be able to go on the adult list. That is not to say that they automatically go to the top of the list. Their ranking on the list ought to be determined by the urgency of their circumstances, as it should be for everyone else.

I would argue we are not suggesting that we make an exception for Sarah. What I am suggesting in a way is the opposite: Stop making exceptions that exclude Sarah. She is a good candidate. The doctors believe this.

Children's Hospital of Philadelphia is one of the best children's hospitals in the world. Nobody disputes that. Her doctors are some of the best doctors in the world. This is vitally important. The life of a small child depends on this. I don't know how many other children might be in similar circumstances.

I appreciate the opportunity to rise and make this case. Again, I just want to stress that we are not asking for an exception for one individual to be chosen over others. We are asking for a change in a policy that is flawed; that is currently excluding somebody from being on the list to be an organ donor recipient who ought to be on that list.

I am grateful to Judge Baylson for the decision he made, but that is a temporary restraining order that will only last 10 days. If a transplant does not occur within that 10 days, then Sarah and any other children in her circumstances, their future becomes uncertain after that.

I urge the Secretary to take the action that is necessary.

I note the absence of a quorum.

The PRESIDING OFFICER (Ms. BALDWIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### THE FARM BILL

Mr. THUNE. Madam President, I had hoped to be able to come down today

and call up an amendment to the pending legislation, the farm bill. I understand we are not currently on the bill but, rather, in morning business. I hope to have the opportunity to try to get an amendment pending.

We have been trying now for several days to have amendments considered to the farm bill. This is a germane amendment. It is very relevant to the bill. It is one that I think the Senate, the full Senate, ought to have an opportunity to debate and ultimately to vote on. It is very unfortunate, in my view, that we are where we are on a piece of legislation that has this much consequence for our economy, for farm country, and for consumers across this country.

This is a bill that is a major piece of legislation. Unfortunately, we have not had the opportunity in the course of the days that we have been on the bill to get up amendments pending, debated, and voted on.

I can't tell you how disappointing that is to those of us who come from farm country and wish to try to shape the best farm bill we possibly can in the Senate, so that when we go to conference, which I hope we will, with the House of Representatives, we would be in the best position possible to have a bill that addresses the important needs of farmers and ranchers across this country with regard to certainty from a multiyear farm bill. This would also be a bill that we can defend to the American taxpayers, a bill that is reform oriented. It moves us into the future of agriculture, not the past.

The amendment I had hoped to offer today, amendment No. 1092, amends the commodity title of the farm bill that we have been debating. Last year the Senate passed its farm bill by a vote of 64 to 35. Sixty-four Senators voted for a farm bill that most of us believe offered a level of reform that we could support and defend to the American taxpayer.

As several of my colleagues and I pointed out during the debate on the farm bill in the Agriculture, Nutrition and Forestry Committee, we have deep concerns over what we believe is a step backwards in the commodity title with the creation of the adverse market payments, or what we refer to as the AMP Program. This program takes a step backwards from last year's farm bill by recreating a program with countercyclical payments and fixed target prices.

In fact, I would argue this is a policy that goes back. This policy predates cell phones. This policy predates the Internet. This is going back to 1980s-type farm policies. Last year's Senate farm bill completely eliminated this program, which meant we could honestly say we had passed a reform-minded farm bill, a farm bill that is more interested in policies that are about the future rather than the past, that are about the market, that are about making sure we have a necessary safety net in place for our farmers but