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Senate

The Senate met at 3 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

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

Let us pray.

Eternal God, in Your faithfulness guide our Senators today. As they trust Your leadership, may they experience Your faithful love. Lord, lead them from the path of disunity, as You teach them Your will. As they experience the constancy of Your presence, guide them to Your higher wisdom and fill their hearts with Your peace. Watch over them with Your gracious protection.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 18, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

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

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

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

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

SCHEDULE

Mr. REID. Mr. President, the Senate will continue debate on the farm bill today. At 5 p.m. the Senate will proceed to executive session to consider the nomination of Mary Lewis to be U.S. District Judge for the District of South Carolina. At 5:30 this evening there will be a rollcall vote on confirmation of the Lewis nomination.

MOVING FORWARD

Mr. President, I have spoken to Senator STABENOW several times in the last couple of days. In fact, I spoke to her today—what time did I get back? It is 3 o'clock—at 2 o'clock or thereabouts. She indicated to me they are making progress on the bill. There was one amendment she was concerned about. I worked that out and told her she could go ahead and have that as part of the consent agreement. So I have worked very hard to try to make the lives of Senators STABENOW and ROBERTS easier, and I have worked through some of the problems my people had.

But, Mr. President, the issues on this bill overwhelmingly are on the other side, and I hope we can work something out. They have worked so hard—Senators STABENOW and ROBERTS—and I hope we can find a path forward. It is important. I commend them for their dedication to this measure which cuts subsidies and protects 16 million American jobs.

We have spent so much precious time on this bill—precious time we do not have—and we need to move forward on it. We are going to move forward or off of this bill. I hope we will be able to move forward today with this bill; otherwise, we are going to have to file cloture on the bill because it is the third week of jockeying around on this bill.

THE DREAM ACT

Mr. President, Astrid Silva is an average American 24-year-old from all outward appearances. She is a Las Vegas resident. She is fascinated with Nevada history—whether it is Area 51 or about the time when it is alleged the mob ran the casinos. She is active in her community, school politics, and local politics.

One day Astrid would like to come to Washington, DC, to see, as she said, the Declaration of Independence—see it herself. She recently completed her associate's degree at the College of Southern Nevada, and she dreams of completing her bachelor's degree at UNLV.

But there is one issue standing in her way: Astrid is not an American citizen. Twenty years ago this week this little girl, 3½ years old—a little baby girl—was brought to the United States by her parents. She has no knowledge of Mexico. America is her country. The country where she was born—Mexico—she knows nothing about. She speaks perfect English. She was an honor student in high school, and she has never called anyplace but Nevada her home.

So, of course, I thought of this brave young woman when President Obama announced last Friday he would suspend the deportation of young people

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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like Astrid who were brought to this country illegally when they were only children.

I had a difficult campaign, as everyone knows. During that campaign, on occasion I would be given a little handwritten note. I would look at it later. One was from Astrid telling me of her dreams—her dreams that she wanted fulfilled, that could not be because she was not a citizen even though this is her country.

She has been looking over her shoulder for many years now—since the time she was old enough to understand—afraid of deportation. She decided she was going to step out of the shadows and be no longer afraid and become an advocate for the DREAM Act. She is truly a DREAMer.

As we know, the DREAM Act would create a pathway to citizenship for outstanding young people who were brought to this country through no fault of their own and want to attend college or serve our Nation in the Armed Services.

The DREAM Act is not amnesty. It rewards responsibility with opportunity.

Astrid's handwritten letters convinced me years ago of the importance of this issue. Unfortunately, Republican opposition has stalled this legislation.

I was stunned listening to the Republican nominee for President say: Why doesn't Congress do this?

Mr. President, we have tried. We cannot get Republican votes. We have tried.

Thanks to President Obama, Astrid and 800,000 other young people just like her who are American in all but paperwork no longer need to live in fear of deportation. President Obama's directive to suspend deportation of the DREAMers comes after a yearlong review. It will be applied on a case-by-case basis. It frees up law enforcement resources to focus on people who actually threaten public safety and national security, and it removes the specter of deportation that has hovered over deserving young men and women.

For a long time the Presiding Officer was the chief attorney, the chief enforcer of the law in the State of Connecticut, and he had to direct his resources where they could best be used. He wanted to focus on people who were threatening public safety and national security.

What good would it do for us as a country to say to people such as Astrid: You cannot go to school. What you can do is go ahead and be part of a gang. Women become gang members too. Some of those violent gang members we have in America today are now women. Are we better off preventing these young men and women from going to school, from going into the military, even though this is the only country they have ever known as home?

Are we better off saying stay in the shadows or are we better off letting them get an education and serving our country in the military? The answer to that is so easy.

It removes the specter of deportation that has hovered over deserving young men and women. That is what President Obama did. So I congratulate him for this courageous decision—a decision that benefits both the DREAMers and our Nation as a whole.

Like Astrid, these young people share our language, share our culture, share our love for America—the only country they know. They are talented, patriotic men and women who want to defend our Nation in the military, get a college education, work hard, and contribute to their communities and this country.

When they pledge allegiance, it is to the United States of America. Unfortunately, President Obama's directive is temporary. The onus is now on Congress to protect the DREAMers and fix our broken immigration system once and for all.

For all of these people who are saying: Why didn't you do it in Congress, we tried. We invite them here. If they want to make it permanent, it could be done very easily.

Comprehensive immigration reform should be tough, fair, and practical. It should continue efforts to secure our borders, hold unscrupulous employers accountable, and reform our Nation's legal immigration system. It should require 11 million undocumented people to register with the government, pay taxes and fines, work, and learn English. Then they do not go to the front of the line, they go to the back of the line and work their way up.

Some Republicans have suggested a solution to the DREAMers' terrible dilemma should have come from Congress, not the President. I have talked about that today already.

I repeat, it is Republican opposition that has prevented Congress from acting. In fact, Senate Republicans have blocked the DREAM Act twice. Many Republicans who once said they favored a long-term fix for America's broken immigration system are now abandoning efforts to find common ground.

It was interesting to note that on one of the Sunday shows yesterday, the former Governor of Massachusetts refused to answer the question when asked four times by Bob Schieffer: What is your proposal? He would not answer four times. We all know he said if the DREAM Act passed he would veto it. But he is saying: Why don't you work it out in Congress? But he is saying: If you do, I am going to veto it.

Obviously, efforts to find common ground have been abandoned. So the President took decisive action in offering this directive. But he can only do so much by himself. So for Astrid's sake and for the sake of every American, it is time for Congress to become part of the solution.

I hope my Republican colleagues will finally join Democrats to find a bipartisan way to mend this Nation's flawed immigration system instead of just complaining about the system being broken. The pathway is there. We know what needs to be done. We just need a little help from our Republican colleagues.

Will the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

RESPONDING TO THE PRESIDENT

Mr. KYL. Mr. President, I want to respond today to some statements President Obama has been making on the campaign trail regarding debt, spending, and taxes during his administration.

Last week, the President said he should not be blamed for the massive debt and spending in recent years because, in his words, it was all ''baked into the cake'' when he took office. He also contended that his administration has done the responsible thing in taking steps to fix our Nation's fiscal problems. Here is the totality of what the President said:

> I love it when these guys talk about debt and deficits. I inherited a trillion dollar deficit. We signed $2 trillion of spending cuts into law. Spending under my administration has grown more slowly than under any President in the last 60 years. They baked all this stuff into the cake with the tax cuts and the war.

I would like to respond to each of the President's comments. First, on deficits and debt, President Obama is not the reformer he makes himself out to be. Since he took office, the national debt has climbed by $5 trillion. It is now larger than the entire economy. If we take his entire 4 years and all of the Presidents before him, he has incurred as much debt as all of the Presidents, from George Washington through George W. Bush, just in his time as President.

Yearly deficits, which is the gap between revenues and spending, have grown substantially as well. Despite a promise to cut the deficit in half by the end of his first term, the President has run annual deficits in excess of $1 trillion for 4 years in a row. None of this has anything to do with what happened before he became President. So how about after he became President?

According to the President's own budget numbers, in 2009, the first year of his Presidency, the deficit was $1.4 trillion. In 2010 the deficit was $1.3 trillion. In 2011 it, again, was $1.3 trillion.

If the President's policies are followed, the deficit this year is expected to top $1.3 trillion. Those are all in the years when he was President.

The highest deficit under President Bush, his predecessor, was $458 billion, and that was in 2008. Every deficit under President Obama has been more than double that figure. But President Obama says he is blameless when it comes to the debt problem? Not hardly. He never even submitted a plan to come close to balancing the budget, even with the massive tax hike he supports.

As Washington Post columnist Dana Milbank wrote last week:

> Despite [the President's] claim that ''both parties have laid out their policies on the table,'' President Obama has made no serious proposal to fix the runaway entitlement programs that threaten to swamp the government's finances.

Dana Milbank is not a conservative Republican.

Second, let's take a look at the President's claim that spending during his Presidency has grown more slowly than during any Presidency in the last 60 years. That claim does not pass the smell test.

Keith Hennessey, former Director of the National Economic Council, is one of many observers who has debunked this claim.

First, as Hennessey notes, the President's claim is based on a discredited article that suggests he isn't actually accountable for anything that happened before October 1, 2009. That is the start of the fiscal year. But, of course, he took office almost 9 months before that time.

In other words, that timetable excludes the auto bailouts, the first year of the stimulus bill—which, of course, was President Obama's legislation—the bailouts of Fannie Mae and Freddie Mac, and a lot of other things. As Hennessey writes, this date was ''cherry-picked . . . to make President Obama's record look good.''

I would ask: Does President Obama also disclaim anything to do with the auto bailouts that occurred during that same period of time? No, last time I heard, he was bragging about that. That is the height of cherry picking. The things that make you look good, you take; the things that make you look bad, you reject. You can't have it both ways.

Second, the President actually proposed spending far higher than was enacted into law. For example, his latest budget request proposed spending of $3.72 trillion in fiscal year 2013. But the President is taking credit for spending in the CBO baseline which is $3.58 trillion, which is somewhat less than the $3.72 trillion he proposed. So the President wanted to spend more but was restrained by the Republicans in the House of Representatives in Congress.

Mr. Hennessey also explains how the President's spending claim collapses once you take three basic errors into account. He writes:

> If you instead do this calculation the right way and measure the average annual growth rate from fiscal year 2008 to CBO scoring of the President's budget proposal for fiscal year 2013, you get an average annual growth rate of Federal spending of 4.5 percent. That is a nominal growth rate, so the real growth rate will be in the 2s.

Finally, on spending, it is inaccurate to measure a President's record without looking at the overall size and scope of government. President Obama's preference for big government is obvious to everyone. He usually argues for it. He doesn't argue he is for a smaller or less active government. Well, the historical average of spending to gross domestic product before President Obama took office was roughly 20.6 percent.

So how does President Obama's record stack up? Here is the breakdown of spending to gross domestic product. These are the ratios during the Obama years. Remember now, this is compared to the historical average of 20.6 percent. In 2009, his first year, 25.2 percent; next, 2010, 24.1 percent; in 2011, 24.1 percent again; and an estimate for this year, 2012, is 24.3 percent.

All of these figures are substantially higher than the historical average of spending at 20 percent. So his spending every year he has been in office, including the projected spending this year, will be far greater than the historical average.

And lastly, in the President's budget request for fiscal year 2013, which would be next year, the spending averages 22.5 percent—still above the 20-percent historical figure.

So it is no wonder President Obama doesn't want to run on his real spending record, because it is not one of fiscal constraint.

Third, I want to address the President's claim that the tax relief Congress enacted in 2001 and 2003 somehow played an outsized role in driving up the debt. We have heard him talk about this—if it weren't for the Bush tax cuts, he said we would be closer to having a balanced budget. Not true. The records for this come from the nonpartisan referees at the Congressional Budget Office. These are not partisan people—not on one side or the other—and they have shown what we have is a spending problem, not a revenue problem.

In May of 2011, CBO released an analysis showing that nearly 50 percent of the cumulative budget deficit since 2001 is due to increased government spending, 28 percent of it is due to economic and technical corrections, and 11 percent is due to temporary stimulus-like tax provisions. The 2001 and 2003 tax relief to which President Obama refers—which, by the way, is the same tax relief he extended for 2 years about a year and a half ago—accounts for how much? Just 14 percent of the deficit since 2001 and 2003.

So, far from being the cause of the deficit, it only accounts for 14 percent of the deficit. It is inaccurate for the President to place the blame for his spending records on broad-based progrowth tax relief that has helped to create jobs and economic growth in this country prior to the last downturn—and that he himself supported extending.

Additionally, the recently released ''Long-Term Budget Outlook'' estimates that tax revenues will exceed the historical average in the next 10 years if this same tax policy—the 2001 and 2003 tax relief—is extended, and if Congress prevents the alternative minimum tax from hitting millions of additional middle-class families. And that is what Republicans have been supporting all along. So we will get back to the historical average of revenues raised.

We all know robust economic growth is the most effective way to reduce our debt and that raising taxes will not achieve that goal. Failure to stop this tax-driven fiscal cliff could push us into another recession next year, again according to the nonpartisan Congressional Budget Office. It would result in a $4.59 trillion tax hike on individuals, families, businesses, and investors over the next decade. We have said that is the largest tax increase in the history of our country—over $4.5 trillion. If we are serious about increasing tax revenues through economic growth, avoiding a recession is a good place to start.

Republicans are happy to debate President Obama on the best way to create jobs and to get our country back on sound fiscal footing. But in order to do so, we need to get the facts straight first. President Obama has not lived up to his promise to cut the deficit. He has not reduced spending in any meaningful way. And tax relief is not the main reason why we are in the red today.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AGRICULTURE REFORM

Mr. JOHNSON of South Dakota. Mr. President, I rise today to talk about the critically important piece of legislation currently before the Senate, the Agriculture Reform, Food and Jobs Act. But first I would like to thank Senators STABENOW and ROBERTS for the great work they have done to get us to this point in the reauthorization process.

The bill as reported out of the Agriculture Committee saves taxpayers more than $23 billion over the next 10 years and will support millions of jobs. With this bill, we are taking several important steps in making our farm support system more responsive to actual need rather than sending payments to producers no matter what

they grow. We are long past due in eliminating direct payments. At the same time, we are maintaining a strong crop insurance program and creating a new system that makes assistance available to producers when they actually experience a loss.

Another important area of reform in this bill is payment limitations and ensuring that actual farmers receive payments. Senator GRASSLEY and I have worked for years to lower the caps on our farm program payments and to direct payments to family farmers. The new Agriculture Risk Coverage Program contains a cap of $50,000 and requires that program payment recipients contribute labor to the farm operation. Current law has enabled multiple farm managers in an operation to qualify for separate farm program payments with as little participation as one conference call a year. Not anymore under this bill. I am disappointed that there have been amendments filed to weaken this language. I don't understand how anyone can stand before this body and justify sending Federal farm program payments to people who aren't engaged in agriculture. Our country faces serious fiscal challenges, and it seems to me that limiting farm payments to real farmers is a reasonable concept. I urge my colleagues to oppose efforts to weaken this language.

With this bill we are also taking important steps to combine and streamline our conservation programs, while still allowing us to continue meeting the same land, water, and wildlife goals. Additionally, this bill contains a sodsaver provision that will discourage the breaking of native sod for crop production.

One area of the bill with which I am disappointed is that it does not contain a livestock title. However, I have joined with some of my colleagues in filing amendments to give our independent livestock producers a fair shake in the marketplace. Along with Senator GRASSLEY and others, I have worked for more than a decade to prohibit the ownership of livestock by the big meatpackers for more than 14 days prior to slaughter. Additionally, I have joined with Senator ENZI in filing an amendment to require more transparency in the use of forward contracts in the livestock markets. These are important provisions that I hope my colleagues will support.

I also applaud the committee's work on the energy and rural development titles, which strengthen our rural economies. The Rural Development water and wastewater program has been a critical funding source to help alleviate a severe water infrastructure need on the Cheyenne River Sioux Indian Reservation. I hope my colleagues will act favorably on Senator BROWN's amendment that I have cosponsored to bolster this and other Rural Development programs.

Finally, I would like to commend efforts to address the pine beetle epidemic in the forestry title of this bill. The underlying bill does good work to increase flexibility, and I support the efforts of Senator MARK UDALL and others to increase the resources we are providing to the Forest Service to address this threat to our forest health and public safety.

I understand that the Agriculture Committee leaders and Senate leadership have been making progress in their negotiations toward an agreement on a path forward. I hope we can avoid letting a small minority of Senators hold up progress on this bill. It is time that we act and that we give our producers certainty.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, I ask unanimous consent to be recognized as in morning business.

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

The Senator from Arizona.

(The remarks of Mr. MCCAIN pertaining to the introduction of S. 3306 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. MCCAIN. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I yield to the Chairman.

EXECUTIVE SESSION

NOMINATION OF MARY GEIGER LEWIS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Mary Geiger Lewis, of South Carolina, to be United States District Court Judge for the District of South Carolina.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, last week, Senate Republicans announced they are going to shut down and block the confirmation process for qualified and consensus circuit nominees for the rest of the year. That is unfortunate, and it does nothing to help the American people or our courts. The courts continue to be overburdened while consensus nominees for vacancies that could be filled are being stalled. In some cases for nominees, we have two Republican Senators from the State supporting them and others where we have a Democratic and Republican Senator supporting them. They have gone through our committee—usually by voice vote—and they are noncontroversial. I have often spoken during the last three years of the foot dragging and obstruction by Senate Republicans with respect to this President's judicial nominations.

Just last week we saw the Majority Leader file the 28th cloture petition to end another filibuster against another qualified judicial nominee. Last week it was a nominee from Arizona supported by Senator KYL and Senator MCCAIN. By their announcement, the Senate Republican leadership is saying that it will not agree to proceeding with debate and a vote on any of the four circuit court nominees voted on by the Senate Judiciary Committee. They include a nominee from Maine strongly supported by both Republican Senators from Maine, and a nominee from Oklahoma supported by the Republican Senators from that state, as well as a nominee from New Jersey and one for the Federal Circuit who was approved by all of the Republican Senators on the Judiciary Committee, except for an unrelated protest vote. This plan to shut down the confirmation process is consistent with what the partisan Senate Republican leadership did in 1996, when it would not allow any circuit nominees to be confirmed, and again at the end of President Clinton's presidency, and can be contrasted with how Democrats acted in 1992, 2004 and 2008. This is really a challenge to the Senators who have said that they will not support these filibusters and this kind of obstruction.

It is hard to see how this new application of the Thurmond rule is anything more than another name for the stalling tactics we have already seen for months and years. I have yet to hear any good reason why we should not continue to vote on well-qualified consensus nominees, as we did up until September of the last two Presidential election years when we had a Republican President. That was supported by both Democrats and Republicans—to vote up through September. I have yet to hear a good explanation why we can't work to solve the problems of high vacancies for the American people. I will continue to work with the Senate leadership to try to confirm as many of President Obama's qualified judicial nominees as possible because I hear from judges all over the country

how these judicial vacancies are burdening our courts, and American taxpayers are unable to get a court to hear their cases.

I was heartened to see the senior Senator from Maine has said she will continue to work with the bipartisan Senate leadership in an effort to bring the Maine nominee to the First Circuit before the Senate for a confirmation vote. I trust that many Republican Senators who joined Senator KYL and Senator MCCAIN in opposing the filibuster of Justice Hurwitz will now join to oppose the filibusters of William Kayatta of Maine, Judge Robert Bacharach of Oklahoma, Judge Shwartz of New Jersey, and Richard Taranto for the Federal Circuit. I hope the Senators from South Carolina, whose State's nominee we consider today, will aid this effort just as we worked with them throughout the process to ensure they were consulted by the President. In fact, I personally requested the President consult with Republican Senators when they were going to have a nominee from their home State. I hope they are going to show that same courtesy to other Senators.

Senate Republicans were talking about shutting down the confirmation process from the beginning of this year, as I chronicled in my statement on February 7 on their obstruction and delay. They slow walked nominees who should have been confirmed last year into May of this year. And now, one month later, they announce that they are closing the gates on progress. The article by John Stanton in Roll Call on June 14 blew the whistle on their plan. The banner headline notes the ''GOP . . . Judge Blockade'' but it is not just beginning. It began from the moment the President was elected.

I think this pattern of obstruction—and I say this more out of sadness than anything else—has been as transparent as the Senate Republican leader's statement that ''the single most important thing [Senate Republicans] want to achieve is for President Obama to be a one-term President.'' Just as they obstruct his qualified judicial nominees, they have also rejected virtually every effort this President has made to improve the economy and create jobs. They have become the party of no—no help for the American people, no to jobs, no to economic recovery, no to police, firefighters, and teachers, no to those students who are seeking help to pay for education, no to consumer protection, no to assisting State and local governments, no to the highway bill, and no to any more judges.

Never mind that the American people rely on our courts for justice and that the courts are overburdened with vacancies and that we have 17 judicial nominees voted out of the Judiciary Committee waiting for Senate confirmation.

The idea that Senate Republicans would oppose a proposal, bill or nomination simply because it comes from this President is sadly no surprise. Republicans objected to extending the payroll tax cut even though they ultimately supported it. Republicans have also come to reject ideas and proposals that originated from their own party simply because this President supports them. This was the case with the individual mandate for healthcare, which was a Republican idea. So it should come as no surprise that Republicans have been obstructing President Obama's judicial nominees since the President first took office.

Regrettably, the obstruction of judicial nominations is just one more example of Republicans saying no or simply going slow. They are saying no to the police, firefighters, teachers, students, consumer protection, and to those 50 States that want to go forward with highway bills.

I hear from Vermonters—Republicans and Democrats alike—and they cannot wait while politics trump sound policy efforts in Washington. It is time for a reality check.

While our economy is showing some signs of progress since the economic collapse four years ago, there is no doubt domestic job growth has not been as strong as we had hoped. Even though we have under 5 percent unemployment in Vermont, we still have too many Vermonters looking for work. We have to continue looking for ways to spur job growth and economic investment in this country. Unfortunately, efforts in Congress to increase jobs, reduce unemployment, and support hardworking American families struggling to keep food on their tables and roofs over their heads meet with partisan obstruction too.

While Congress delays, the clock is ticking down for the millions of Americans struggling to afford college and those struggling to pay back student loans once they have graduated. In less than two weeks, student loan interest rates will double, threatening to make student loan debt an almost insurmountable obstacle to accessing a college education. Meanwhile, Senate Republicans continue to filibuster commonsense legislation to address this looming deadline.

In less than 2 weeks, millions of jobs will be put on hold when critical transportation programs, including funding for the highway trust fund, expire. Failing to pass a long-term transportation bill jeopardizes thousands of construction and development projects, impacting millions of jobs in every single State in this country. These programs impact every one of our states—which means more jobs lost in an already weak economy. The Senate has passed a bill to bring certainty to this fund for two years. We are still waiting for the House Republican leadership to act on that legislation.

In a little over 1 month, important legislation to extend the National Flood Insurance Program will expire. The failure to reauthorize this important program puts at risk the sale of thousands of homes at a time when our housing market is still trying to recover. The program expired in 2008, and subsists now on a series of short term extensions. A five-year extension is pending before Congress; Senate Republicans have delayed consideration of that important legislation, too.

Meanwhile, in this election year, Republicans in Congress are more intent on extending the Bush-era tax cuts that contributed to the financial crisis facing us today than in working together to move forward with reasonable policies to bolster economic growth and development. Extending to the wealthiest Americans a lower tax rate will not lead to job creation. These tax cuts have not led to job creation. Meanwhile, businesses continue to shutter their doors, costing communities jobs and economic development.

I know I raised the question at the time when Congress voted to go to war in Iraq—a war I voted against—that they were going to do it by borrowing the money, the same in Afghanistan. Never before in this Nation have we gone to war and borrowed the money. We have had a tax to pay for it. So we lose $1 trillion in Iraq and at least $½ trillion so far in Afghanistan.

If we want to cast partisan politics aside and have a consensus on meaningful jobs and job preservation legislation, we can do so. We have shown how to do it. The Leahy-Smith America Invents Act is one of the best examples of laws enacted in this Congress to promote our American economy and create American jobs. The Republican chairman of the House Judiciary Committee and I in the Senate brought together Republicans and Democrats in both bodies, and we passed the Leahy-Smith America Invents Act. Unfortunately, it was only one of the few job-creating bills enacted in this Congress.

The outlook this Congress need not be gloom and doom. Working together, we can enact meaningful legislation to close the loopholes that incentivize companies to ship jobs overseas. We can bolster the middle class, rather than the wealthiest one percent of Americans, by promoting job creation through small business development. We can ensure that students graduating from school are not saddled with student loans, the interest rates on which are simply too high to afford. We can do all this, today.

I am disheartened that the Republican leaders in Congress have said they are simply done legislating for the year. The reality check is that Vermonters and other Americans of all States cannot wait. President Obama has signaled his commitment to moving forward with job-creating legislation to get Americans back to work and to protect America's leadership in the global marketplace. We should move on that. Let the two candidates for President argue, let them state their positions, and let the voters decide which one they want to vote for. In the meantime, when we have legislation to put Americans to work, let's

put politics aside and focus on the right policies, on the needs of the American people. All of us—Republicans and Democrats alike—should act on behalf of the people who sent us. It is past time for that work to begin.

Shutting down judicial confirmations makes no sense when the judicial vacancy rate remains almost twice what it was at this point in the first term of President Bush. Senate Republicans were successful in keeping it near or above 80 for three years. Nearly one out of every 11 Federal courts is currently vacant. As a current report from the nonpartisan Congressional Research Service confirms, not a single one of the last three presidents has had judicial vacancies increase after their first term. President Obama will likely be the first given partisan obstruction. The same recent CRS report notes that the median time circuit nominees have had to wait before a Senate vote has skyrocketed from 18 days for President Bush's nominees to 132 days for President Obama's. This is the result of Republican foot dragging and obstruction. Last year Senate Republicans again refused to act on 19 judicial nominees and delayed consideration of those nominations an extra year.

Three of the five circuit court judges finally confirmed this year after months of unnecessary delays and a filibuster should have been confirmed last year. The other two circuit court nominees confirmed this year were both subjected to stalling and a partisan filibuster by Senate Republicans. So when I hear some Senate Republicans say they are invoking the Thurmond Rule and have decided they are not going to allow President Obama's judicial nominees to be considered, I wonder how the American people can tell the difference. There are longstanding vacancies with nominees ready to fill them that Republicans are delaying unnecessarily for months. How do we tell the difference between the Republican obstruction—that was signaled when they filibustered President Obama's very first circuit court nominee, a nomination supported by the longest-serving Republican in the Senate and the nominee's home state Senator—and this new application of the Thurmond Rule?

Last week we needed to overcome a filibuster to confirm Justice Andrew Hurwitz of Arizona to the Ninth Circuit despite the strong support of his home state Senators, Republicans JON KYL and JOHN MCCAIN. Last month the Majority Leader had to file cloture to secure an up-or-down vote on Paul Watford of California to the Ninth Circuit despite his sterling credentials and bipartisan support. The year started with the Majority Leader having to file for cloture to get an up-or-down vote on Judge Adalberto Jordan of Florida to the Eleventh Circuit even though he was strongly supported by his Republican home state Senator. Every single one of these nominees for whom the Majority Leader was forced to file cloture was rated unanimously well qualified by the nonpartisan ABA Standing Committee on the Federal Judiciary, the highest possible rating. And every one of them was nominated to fill a judicial emergency vacancy.

Did Republicans secretly invoke the Thurmond Rule before this year even started, when they departed from the Senate's traditional practice and would not consent to confirm 19 judicial nominees that were on the calendar at the end of last year? Up until last month, we were considering nominees that could and should have been confirmed last year. Given that we have only confirmed eight judicial nominees that were reported by the Committee this year and only two of them circuit court nominees it seems oddly premature to declare an artificial cut-off of confirmations when our work this year has only just begun. Among those now being blockaded are nominees waiting since March of this year. So by delaying last year's nominees until May, Senate Republicans effectively prevented consideration of the Shwartz, Taranto and Kayatta nominations for months after being voted out of the Judiciary Committee. The Senate Republican leadership is not shutting off circuit nominees just after June 12, they are blocking nominees ready for consideration since early March of this year.

In 2004, a Presidential election year, the Senate confirmed five circuit court nominees of a Republican President that had been reported by the Committee that year. This year we have confirmed only two circuit court nominees that have been reported by the Committee this year, and both were filibustered. By this date in 2004 the Senate had already confirmed 32 of President Bush's circuit court nominees, and we confirmed another three that year for a total of 35 circuit court nominees in his first term. So far, the Senate has only been allowed to consider and confirm 30 of President Obama's circuit court nominees five fewer, 17 percent fewer while higher numbers of vacancies remain, and yet the Senate Republican leadership wants to artificially shut off nominations with no good reason.

There is no reason that the Senate could not vote on consensus circuit court nominees thoroughly vetted, considered and voted on by the Judiciary Committee. There is no reason the Senate cannot vote on the nomination of William Kayatta of Maine to the First Circuit, a nominee strongly supported by both of Maine's Republican Senators and reported nearly unanimously by the Committee two months ago. There is no reason the Senate cannot vote on the nomination of Judge Robert Bacharach of Oklahoma to the Tenth Circuit, who was supported by Senator COBURN during Committee consideration. Senator COBURN said that Judge Bacharach would make a great nominee for a Republican president. So why is the Republican leadership playing politics with his nomination?

There is also no reason the Senate cannot vote on Richard Taranto's nomination to the Federal Circuit. He was reported almost unanimously by voice vote nearly three months ago, and was supported by conservatives such as Robert Bork and Paul Clement. The Federal Circuit has never been controversial before. The one circuit court nominee who was reported out of Committee with a split roll call vote Judge Shwartz of New Jersey should not have been controversial, as seen by the bipartisan support she has received from New Jersey's Republican Governor Chris Christie.

Every circuit court nominee that Senate Republicans currently refuse to consent to vote on have been rated unanimously ''well qualified'' by the nonpartisan ABA Standing Committee on the Federal Judiciary, the highest possible rating. These are not controversial nominees. They are qualified and should be considered as consensus nominees and confirmed. By invoking the Thurmond Rule, Senate Republicans are blocking consent to vote on superbly qualified circuit court nominees with strong bipartisan support. This is a new and damaging application of the Thurmond Rule.

Senate tradition has been that in Presidential election years, nominees receive a vote unless they do not have bipartisan support. In the past five presidential election years, Senate Democrats have never denied an up or down vote to any circuit court nominee of a Republican president who received bipartisan support in the Judiciary Committee. In fact, during the last 20 years, only four circuit nominees reported with bipartisan support have been denied an up-or-down vote by the Senate and all four were nominated by President Clinton and blocked by Senate Republicans. While Senate Democrats have been willing to work with Republican presidents to confirm circuit court nominees with bipartisan support, Senate Republicans have repeatedly obstructed the nominees of Democratic presidents. In the previous five presidential election years, a total of 13 circuit court nominees have been confirmed after June 1. Not surprisingly, 12 of the 13 were Republican nominees. Clearly, this is not tit-for-tat as some contend but, rather, a one way street in favor of Republican presidents' nominees.

The precedent for this decision by Senate Republican Leadership to shutdown the confirmation process for well-qualified consensus nominees is their prior actions obstructing President Clinton's nominees. Senator SCHUMER held a Judiciary Committee hearing in May 2002 to shed light on the harmful and damaging practice of stalling and obstructing qualified, consensus nominees that had occurred during the last years of the Clinton administration. Of course, there was the nomination of Bonnie Campbell of Iowa to the Eighth

Circuit. Ms. Campbell was the first woman ever elected to be Attorney General of Iowa. She was also once named by Time Magazine as one of the 25 most influential people in America. She served as President Clinton's head of the Office on Violence Against Women. Despite having the support of her home state Senators, Senator GRASSLEY and Senator HARKIN, she never received a Committee vote after her hearing.

How ironic that last week the junior Senator from Utah tried to claim credit for progress this year by comparing confirmations to the 1996 session. The Senate Republican majority that year stalled most of President Clinton's nominees and would not allow the confirmation of any circuit court nominees. That is not a record to be proud of but a record that led to Chief Justice Rehnquist criticizing the Senate Republicans for their obstruction. This should not be a race to the bottom but that seems to be the intent of Senate Republicans.

By contrast, if we look at the last two presidential election years, we will see we were able to bring the number of judicial vacancies down to the lowest levels in the past 20 years. In 2004 at end of President Bush's first term, vacancies were reduced to 28 not the 75 at which they are today. In 2008, in the last year of President Bush's second term, we again worked to fill vacancies and got them down to 34, less than half of what they are today. In 2004, 25 nominees were confirmed between June and the presidential election, and in 2008, 22 nominees were confirmed between June and the presidential election.

The nonpartisan Congressional Research Service recently released a report confirming that judicial nominees continue to be confirmed in presidential election years, except it seems when there is a Democratic President. In five of the last eight presidential election years, the Senate has confirmed at least 22 circuit and district court nominees after May 31. The notable exceptions were during the last years of President Clinton's two terms in 1996 and 2000 when Senate Republicans would not allow confirmations to continue. Otherwise, it has been the rule rather than the exception. So, for example, the Senate confirmed 32 in 1980; 28 in 1984; 31 in 1992; 28 in 2004 at the end of President George W. Bush's first term; and 22 after May 31 in 2008 at the end of President Bush's second term.

We have heard lots of excuses from Senate Republicans, who have tried to shift the blame for the judicial vacancy crisis to the President—much as they try to blame him for the debt of European countries and other matters. They claim that the President has not made enough nominations. With last week's announcement that Senate Republicans refuse to confirm any more circuit court nominees, that excuse melts away. There are nominees ready to be confirmed and the reason they are not being considered is Republican obstruction. This is wrong. I wish they would not put politics ahead of the needs of the American people.

The across-the-board obstruction of President Obama's nominees is not the product of a Thurmond Rule to limit confirmations at the end of presidential election years to nominees with bipartisan support. Rather this is a continuation of obstruction that began as soon as this President was elected. Senate Republicans insisted that filibusters of President Bush's judicial nominees were unconstitutional, yet they reversed course and filibustered President Obama's very first judicial nomination, that of Judge David Hamilton of Indiana, a widely-respected 15-year veteran of the Federal bench nominated to the Seventh Circuit and who had the support of his home state Senator, the longest-serving Republican in the Senate. Senate Republicans filibustered the nomination of Judge Barbara Keenan of Virginia to the Fourth Circuit before she was confirmed 99–0, and the nomination of Judge Denny Chin of New York to the Second Circuit was filibustered before he was confirmed 98–0 after four months of needless delays.

At a time when judicial vacancies remained historically high for three years, with 30 more vacancies and 30 fewer confirmations than at this point in President Bush's first term, I would hope the Senate Republican leadership would reconsider and work with us on filling these longstanding judicial vacancies to help the American people. We have well-qualified, consensus nominees with bipartisan support who can fill these vacancies. It is only partisan politics and continued tactics of obstruction that stand in the way.

Is it any wonder why Congress is so unpopular? I take no comfort in the rise in the congressional approval rating—it is from 9 percent to 17 percent. This is this kind of obstruction that turns off the American people. Stop the senseless obstruction—whether you call it the Thurmond Rule or not—and start helping the American people by easing the burden on them and the courts around the country.

Today, the Senate will vote on the nomination of Mary Geiger Lewis to fill a judicial vacancy in the U.S. District Court for the District of South Carolina. Ms. Lewis has the support of her Republican home state Senator LINDSEY GRAHAM. Her nomination was voted on and received bipartisan support in the Judiciary Committee over three months ago. I thank the Majority Leader for his work in securing a vote on this nomination.

Mary Lewis has worked in private practice for over 25 years at the law firm Lewis & Babcock LLP, and has tried approximately 15 cases to verdict or final judgment. Born in Columbia, South Carolina, she earned her J.D. from the University of South Carolina and served as a law clerk to Judge Owens Taylor Cobb in the South Carolina Judicial Department. The ABA Standing Committee on the Federal Judiciary unanimously rated Ms. Lewis ''qualified'' to serve on the district court. I support Ms. Lewis and hope she will be confirmed.

I also hope that Senate Republicans will reconsider their wrongheaded move to shut down the confirmation of consensus, well-qualified circuit court nominees. Given our overburdened Federal courts and the need to provide all Americans with prompt justice, we should all be working in a bipartisan fashion to confirm these nominees.

Mr. GRASSLEY. Mr. President, today the Senate turns to another judicial nomination, that of Mary Geiger Lewis, to be U.S. district judge for the District of South Carolina. Once again, for the third time this month, we have a nonconsensus nominee brought before the Senate. I oppose this nomination and urge all Senators to do likewise.

We continue to confirm the President's nominees at a brisk pace. We already confirmed 149 nominees of this President to the district and circuit courts. We also have confirmed two Supreme Court nominees during President Obama's term.

For those who claim this President is being treated differently, let me put that in perspective for my colleagues, with an apples-to-apples comparison. The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term. During President Bush's entire second term, the Senate confirmed a total of only 119 district and circuit court nominees. If Ms. Lewis is confirmed today, we will have confirmed 31 more district and circuit nominees for President Obama than we did for President Bush, in similar circumstances.

During the last Presidential election year, 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. With a confirmation today, we will match that number. We have already confirmed five circuit nominees, and this will be the 23rd district judge confirmed this year.

Some have complained about the length of time to confirm these judges, focusing only on one phase of the confirmation process.

In reality, the timeframes are comparable for nomination to confirmation. For President Bush, that time frame was around 211 days; for President Obama, it is 222 days.

We take this time for review because our inquiry of the qualifications of nominees must be rigorous. At the beginning of this Congress, I articulated my standards for judicial nominees. I want to ensure that the men and women who are appointed to a lifetime position in the Federal judiciary are qualified to serve. Factors I consider important include intellectual ability, respect for the Constitution, fidelity to the law, personal integrity, appropriate judicial temperament, and professional competence.

Last year, I became increasingly concerned about some of the judicial nominations being sent to the Senate. In a few individual cases, it was very troublesome. The nomination of Ms. Lewis was one of those that gave me concern. When applying the standards I have articulated, it is my judgment that Ms. Lewis falls short and should not be confirmed.

The Senate process for reviewing the professional qualifications, temperament, background, and character is a long and thorough process. These issues need to be fully examined; nominations are not just rubberstamped.

At the conclusion of that lengthy process, a substantial majority of Republicans on the Judiciary Committee determined that this nomination should not be reported to the Senate.

Nevertheless, we now have the nomination before us. Even so, there are reasons sufficient to oppose this nominee. Ms. Lewis has limited courtroom experience and little criminal law experience. Her responses in her questionnaire and hearing regarding her legal experience indicated her significant cases were handled more than 10 years ago and was more of a team effort than individual experience. At her hearing she was not prepared to discuss the legal principles involved in a case her firm took to the Supreme Court. For these reasons and others, I will vote nay on this nomination and urge my colleagues to do likewise.

I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. TESTER. I ask that all time be yielded back.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Mary Geiger Lewis, of South Carolina, to be United States District Judge for the District of South Carolina?

Mr. TESTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY), the Senator from Iowa (Mr. HARKIN), and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Wisconsin (Mr. JOHNSON), the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. MORAN), the Senator from Florida (Mr. RUBIO), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 64, nays 27, as follows:

[Rollcall Vote No. 122 Ex.]

YEAS—64

Akaka	Gillibrand	Murray
Alexander	Graham	Nelson (NE)
Ayotte	Hagan	Nelson (FL)
Baucus	Hoeven	Pryor
Begich	Hutchison	Reed
Bennet	Inouye	Reid
Bingaman	Johnson (SD)	Rockefeller
Blumenthal	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brown (MA)	Kohl	Shaheen
Brown (OH)	Landrieu	Snowe
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Lugar	Warner
Conrad	Manchin	Webb
Coons	McCain	Whitehouse
Corker	Menendez	Wicker
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murkowski	

NAYS—27

Barrasso	DeMint	Lee
Blunt	Enzi	McConnell
Boozman	Grassley	Paul
Burr	Hatch	Portman
Chambliss	Heller	Risch
Coats	Inhofe	Roberts
Coburn	Isakson	Sessions
Cornyn	Johanns	Shelby
Crapo	Kyl	Thune

NOT VOTING—9

Casey	Kirk	Rubio
Harkin	McCaskill	Toomey
Johnson (WI)	Moran	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

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

The Senator from Massachusetts.

The PRESIDING OFFICER.

HANSCOM AIR FORCE BASE

Mr. BROWN of Massachusetts. Madam President, I rise today to speak about the Electronic Systems Center at Hanscom Air Force Base in Massachusetts and its role in our Nation's cybersecurity.

I want to clarify a situation we face as a nation. First, the Secretary of Defense has said loudly and clearly that the threat of cyber attacks on our country and the need for America to develop strong military capabilities keeps him up at night, and it keeps me and many other people up as well. We read about the cyber attacks by the Chinese, and we read about Iran. The Secretary has described it as an evolving and urgent threat in our future. Our Nation's security depends on winning the battle in cyberspace.

Unfortunately, the Air Force is in the midst of a four-structure change that ignores the crucial facts I have just stated. At a time when cyber threats are growing more important each day, the Air Force is making questionable decisions that, in my opinion, create an unnecessary risk to our Nation's cyber defenses and our ability to deal with those very threats. It makes absolutely no sense at this point in time.

That is why just a few weeks ago the House and Senate Armed Services Committee took strong action to prevent what the entire Massachusetts delegation believed was a premature proposal by the Air Force to reduce Hanscom's leadership from a three-star general to a two-star general.

The elimination of the ESC commander position at Hanscom will diminish our cyber capabilities and focus across the entire force, and that is not good at this point in time. That is the last thing we need in the midst of a cyber attack.

In response, Representative TSONGAS of Massachusetts inserted a provision in this year's National Defense Authorization Act that was passed by the full House of Representatives which required the Secretary of the Air Force to remain and retain core functions at Hanscom as they existed on November 1, 2011. Her language was aimed at retaining Hanscom's three-star leadership.

Similarly, I worked with Senator LIEBERMAN and our Senate Armed Services Committee to include language in the Senate Armed Services markup reported version of the Defense authorization bill that directs the Air Force to keep in place the current leadership rank structure until the two defense committees have had an opportunity to review the recommendations of the National Commission on the Structure of the Air Force.

Given Secretary Panetta's warning, I believe we must pay particular attention to any changes that relate to cybersecurity. The Massachusetts delegation has been united in declaring that both Hanscom's mission and the senior leadership should be preserved in order to bring forth the best cyber capabilities our country has to offer.

Both defense committees have spoken with one voice to the Air Force: Stand down with this change until both committees receive more information about how the proposed force structure changes will impact our cybersecurity.

I also wish to explain why the delegation feels so strongly about this. Massachusetts has been a national security and information technology leader for many decades. Groundbreaking innovation in cybersecurity is taking place in

Massachusetts as we speak—perhaps more than any other State in our entire Nation. That innovation is happening at Hanscom, at universities such as the Massachusetts Institute of Technology, and in our defense sector. Our capabilities are second to none.

The Electronic Systems Center at Hanscom has unlimited potential to take on future missions and future threats in the realm of cybersecurity. The Air Force and the MIT Lincoln Lab are now upgrading their partnership to enhance our Nation's ability to meet key and growing cyber requirements. The Department of Defense and the Air Force continue to depend on Hanscom's unmatched cyber expertise.

To ensure our Nation's crucial cyber defense, I say again very firmly today that the Air Force must preserve the senior three-star leadership in Massachusetts. Doesn't it make sense for our military's cyber leadership, expertise, and talent to be based in a location where some of the world's most leading research and technological development is actually taking place? Placing Hanscom's cyber team under a chain of command with a 3-star general in another State with a number of other Air Force responsibilities diminishes our Nation's ability to deliver critical cyber tools and resources and impacts our ability to respond to the ever-growing cyber threat.

Congress has spoken in a bipartisan and bicameral way. We have stated our position clearly. The Air Force should not move forward with any force structure changes at Hanscom until Congress has had an opportunity to review what our appropriate force structure mix should be, particularly as it relates to cybersecurity. We absolutely, positively must be ready to meet this next-generation threat—the one that keeps Secretary Panetta up at night. I will continue to fight to make sure we are prepared.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

CELEBRATING JUNETEENTH INDEPENDENCE DAY

Mr. BROWN of Ohio. Madam President, I rise today in support of a resolution I am cosponsoring to commemorate Juneteenth Independence Day.

In just 2 weeks, Americans will gather, of course, as we know, to celebrate the Fourth of July, but it is important to remember that when our Nation gained its independence, there were some 450,000 enslaved people in the 13 States. It wasn't until June 19, 1865, more than 2 years after President Lincoln issued the Emancipation Proclamation, which liberated a limited number of people, that enslaved people in the Southwestern States finally learned of their freedom.

Months after the 13th amendment was ratified, Army MG Gordon Granger and Federal troops arrived in Galveston, TX, to enforce emancipation. Since then, Americans in Texas and throughout the United States have celebrated Juneteenth, which is the oldest known celebration of the end of slavery in our country.

To celebrate that day, people from all backgrounds—not only African Americans and not only descendants of slaves but people of all backgrounds and ethnicities—will gather in special places all over Ohio. They will gather at Franklin Park in Columbus, our State capital. They will gather at ''The Coming of Emancipation'' memorial service in Oberlin, just a few miles from my house, the site of visits from Martin Luther King and the site of the Underground Railroad where those escaping slavery were housed on their way to Canada. Ohioans will reflect in Westwood Cemetery in Oberlin, where former slaves and famous abolitionists are buried. At Cincinnati's Juneteenth Festival in Eden Park, families and visitors will gather on one of the hilltops overlooking the Ohio River, which slaves saw while coming from Kentucky into freedom as they crossed the river into the North. They will remember the perilous journey to freedom that many made at the banks of that river. In Wilberforce, an African-American school—a university in southwest Ohio—and Zanesville, in Newcomerstown and Cleveland, Ohioans will hold ceremonies of remembrance and celebration.

On Juneteenth Independence Day, especially, we have yet another opportunity to celebrate our great Democratic traditions—our American ingenuity, innovation, and imagination. We celebrate the rich heritage and vibrant culture of all Americans who are descendants of enslaved people on American soil. We celebrate the ingenuity of Ohioans such as Columbus native Granville T. Woods, who invented the telegraph device that sent messages from moving trains and train stations. We celebrate the innovation of Ohioans such as Garrett Morgan, a Clevelander who invented the traffic light. We celebrate the imagination and wisdom of Ohioans such as Nobel Prize-winning and recent Presidential Medal of Freedom honoree Toni Morrison of Lorain, OH.

In America, progress is never promised, but through the work of dedicated citizens, we move closer to being the Nation our Framers envisioned. We can work together toward achieving a more perfect union, where justice isn't limited to the powerful but is also accessible to the people.

Today I am proud to commemorate Juneteenth Independence Day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask unanimous consent to speak as in morning business for 15 minutes.

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

UTILITY MACT

Mr. INHOFE. Madam President, as we know, the Senate will take a vote this week on the CRA that I have offered concerning Utility MACT. Utility MACT is a requirement. MACT, of course—M–A–C–T—means maximum achievable controlled technology. One of the problems with the overregulation we have with a lot of these emissions is that there is no technology to accommodate this. In the case of Utility MACT, I think everyone understands now that this is an effort to kill coal. I know there are a lot of reasons people have, but recently some things have happened, and I thought I would mention them as we look toward this bill. It looks as though it is going to be on Wednesday. It looks as if there will be some speaking time on Tuesday, and on Wednesday we will actually have the vote.

As we all know, a CRA is an effort for elected officials to reflect upon overregulation and to stop a regulation. After all, we are the ones who are accountable to the people and not the Environmental Protection Agency.

The breaking news is that President Obama just issued a statement this afternoon that he will veto my resolution if it passes. Just before that announcement from the White House this afternoon, Representatives ED MARKEY and HENRY WAXMAN came out fighting with a new report detailing what Representative WAXMAN has called the most anti-environmental House of Representatives in history. I wish to remind my Democratic friends that 19 House Democrats supported the companion legislation in the House—the same thing we will be voting on here. Democrats and many of the labor unions have sent letters in support of my resolution, so it is not just Republicans whose constituents are feeling the pain of the EPA's regulations.

To my Democratic friends in the House, I beg to differ—it is not that this Congress is anti-environmental; it is that the EPA is the most radical EPA in history, aggressive to the point that even the left-leaning Washington Post has called out the Agency for ''earning a reputation for abuse.'' Of course, this is the same EPA whose top officials have told us they are out to crucify the American energy producers.

We all remember the sixth area of the EPA, when Mr. Armendariz came out and made this statement to some of his supporters: We need to do the same thing the Romans did. We remember back in the old days when they were going around the Mediterranean and they would go into the towns in Turkey and they would crucify the first five people they would see. That gets them under their control.

He said: That is what we have to do.

He said: That is going to be our operation.

Well, we went through that, and of course he is no longer there.

Over the course of President Obama's Presidency, whatever they could not

achieve through legislation they have tried to achieve through aggressive, onerous EPA regulations. They tried first of all to do it through legislation. Remember the cap-and-trade legislation—they tried for 10 years to get that done. Finally, each year they brought it up, more and more people in this body, the U.S. Senate, were opposed to a cap-and-trade system to do away with greenhouse gases and to put regulations on them. Well, every time a vote comes up, there is a larger majority opposed to it because the people of this country are concerned about the economy and the fact that this would be very costly. It was President Obama who said that with the cap-and-trade regulations, it would be very expensive.

Now, when they couldn't pass the Clean Water Restoration Act, the same thing happened. Remember, that was introduced by Senator Feingold from Wisconsin and by Representative Oberstar in the House. And not only did they defeat overwhelmingly the Clean Water Restoration Act, but the two individuals who were the sponsors in the House and the Senate were both defeated in the next election.

So just how radical is President Obama on environmental issues? By imposing these backdoor global warming cap-and-trade regulations through the EPA, President Obama is fulfilling his campaign promise that energy prices would necessarily skyrocket—his words. By vetoing the Keystone Pipeline, he gave the far left what one of his supporters called the biggest global warming victory in years. By finalizing the most expensive EPA rule in history, he is making good on his campaign promise that if anybody wants to build a coal-fired powerplant, they can; it is just that it will bankrupt them. And he succeeded in throwing hundreds of millions of taxpayers' dollars out the window on companies such as Solyndra, which he said would lead us to a brighter and more prosperous future.

But President Obama is not running on this record of accomplishments. Why? Because Americans are worse off, not better off, for it. They are out of work, and they are struggling to make ends meet under the pain of regulations that cause their energy prices to skyrocket. So he is running as far away from that radical record as possible.

So what are we trying to do in the Senate by stopping Utility MACT? We are trying to prevent the President from achieving another aspect of his radical global warming agenda and hopefully restore some sanity and balance to this out-of-control regulatory regime.

I think everyone in this body can agree that we all share a commitment to improving air quality, that it should be done in a way that doesn't harm jobs and the economy and cause electricity prices to skyrocket on every American or do away with one of the most reliable, abundant, affordable energy resources—coal. We have to keep in mind that right now, in order to run this machine called America, 50 percent of it is actually being done on coal.

I wish to address the public health debate which has long been the excuse for those in this administration who simply want to kill coal. It was certainly the excuse President Obama used today to defend his decision to veto my resolution. Let's be clear about one thing from the outset: If the effort behind Utility MACT were really about public health, then my Democratic colleagues would have joined our efforts way back in 2005 and passed the Clear Skies bill—a bill that would have put a plan in place to achieve a 70-percent reduction in mercury emissions—but they didn't. We all remember why. We wanted to include in this bill So_X, No_X, and mercury—the real pollutants—a mandatory 70-percent reduction, and they said we can't do it because we don't also have CO_2 anthropogenic gases that are covered by this bill. So it was held hostage, and consequently we weren't able to get it passed.

I can remember President Obama said:

> I voted against the Clear Skies bill. In fact, I was the deciding vote despite the fact that I'm a coal State and that half of my State thought I'd thoroughly betrayed them because I thought clean air was critical and global warming was critical.

At an Environment and Public Works hearing in April of this year, Senator BARRASSO asked Brenda Archambo from the National Wildlife Federation if the American people would have been better off if the Senate had passed the Clear Skies bill back in 2005, and her answer was ''absolutely.'' Of course, the National Wildlife Federation was not happy that we were calling attention to Ms. Archambo's admission, so over the weekend they accused my staff of twisting her words. My staff did nothing of the sort. Not only did Ms. Archambo say that mercury reductions in 2005 would absolutely have made Americans better off, she reiterated that same point later when Senator BARRASSO asked her again, ''It would have been better if they had done it in 2005?'' Ms. Archambo replied, ''Sure.'' The entire exchange from the hearing has been posted on our EPW Web site for anyone who wants to see exactly what was said.

I do not think it gets any clearer than that. Commonsense reductions earlier would have made us better off. That was 2005 when we would have had these reductions, mandatory reductions, in a very short period of time; and that time is more than 50 percent expired at this time.

In a National Wildlife Federation blog accusing me of twisting Ms. Archambo's words, the author says:

> An odd part of Sen. Inhofe's attack: He's essentially saying a 70% reduction in mercury emissions would've been just dandy, but the 91% reduction proposed by the EPA would destroy the economy. Is that really such a huge difference? Or is he just playing politics with public health?

That is a good question: What is the difference between Clear Skies and Utility MACT? It is very simple. Clear Skies would have reduced emissions dramatically—by 70 percent—now we are talking about reducing emissions on SO_X, NO_X, and mercury—but it would have done it without threatening to kill coal and the millions of jobs that coal sustains.

On the other hand, Utility MACT is specifically designed to kill coal. It makes no effort whatsoever to balance environmental protection and economic growth.

Now who is playing politics with public health? If public health were the priority, why did President Obama and his fellow Democrats vote against a 70-percent reduction way back in 2005?

What is this effort about? It is about one thing: killing coal. And killing coal is the centerpiece of their radical global warming agenda. Remember then-Senator Obama said that he voted against the health benefits in Clear Skies because he thought ''global warming was critical.'' In other words, global warming was more important than any of the considerations regarding health. And these are real pollutants: SO_X, NO_X, and mercury.

Importantly, the Senate will take this vote on my resolution just as the world leaders are gathering in Rio de Janeiro. Right now they are down there gathering at the Rio + 20 Sustainable Development Conference.

Let's remember what happened 20 years ago. In 1992, that was the conference in Rio where they all got together, and they were going to be doing all these things on anthropogenic gases and all of that. President Obama, who is now busy pretending to be a fossil fuel President to garner votes, will not be attending. But he is sending his ''green team'' to negotiate on his behalf.

What is this conference about? As Fox News reported back in April:

> The main goal of the much-touted, Rio + 20 United Nations Conference on Sustainable Development . . . is to make dramatic and enormously expensive changes in the way that the world does nearly everything—or, as one of the documents puts it, ''a fundamental shift in the way we think and act.''

Utility MACT is a huge part of this effort to change the way we live and to spread the wealth around, and that is what they are talking about down there. We have started invoking a new tax system.

U.N. Secretary General Ban Ki-moon proposes how sustainable development challenges ''can and must be addressed.'' He included—now I am quoting him—more than $2.1 trillion a year in wealth transfers from rich countries to poorer countries, in the name of fostering ''green infrastructure,'' ''climate adaptation,'' and other ''green economy'' measures.

He is advocating for new carbon taxes—that is on us—for industrialized

countries that could cost about $250 billion a year or 0.6 percent of gross domestic product by 2020. Other environmental taxes are mentioned but not specified.

Also included are further unspecified price hikes that extend beyond fossil fuels to anything derived from agriculture, fisheries, forestry, or other kinds of land and water use, all of which would be radically reorganized. These cost changes would ''contribute to a more level playing field between the established, 'brown' technologies and newer, greener ones.''

He has advocated for major global social spending programs, including a ''social protection floor'' and ''social safety nets'' for the world's most vulnerable social groups for reasons of ''equity.''

It is all talking about more higher taxes on the developed world to go to the benefit of the underdeveloped world. This is the same thing they were talking about 20 years ago.

I think it is very timely that this is happening today. It is happening at the very moment we will be voting on Wednesday as to whether to kill coal. By the way, this is the only vote that will be taken this year or probably ever to ultimately kill coal. Once this is passed, then, of course, the contracts are all broken and we have to figure out: What are we going to do in this country? If you kill coal, how do we run this machine called America? The answer to that question is, you cannot do it.

So it is very important, and I do not think there is any doubt in anyone's mind that the real purpose of the vote that will take place on Wednesday is to kill coal in America. And America cannot provide the necessary energy to run its machine and be competitive without coal. So it is a critical vote, and it is one that I think people are aware of that is going to be taking place.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE DREAM ACT

Mr. DURBIN. Madam President, more than two centuries ago, in the Declaration of Independence, our Founding Fathers wrote that ''all men are created equal.'' America has sometimes fallen short of that ideal, but the history of our country has been a slow march toward equality for all.

We have seen Presidents play a key role in expanding freedom and equality. Who can forget Harry Truman's desegregation of the military, which set the stage for a Supreme Court decision and a civil rights era that has literally changed the face of America?

Last Friday was another case in point. President Barack Obama declared that his administration will no longer deport immigrant students who grew up in America. This action will give these young immigrants the chance to come out of the shadows and be part of the only country they have ever called home. With that decisive executive decision, America took another step toward fulfilling the Founders' promise of justice for all.

It has been 11 years—11 years—since I first introduced the DREAM Act—legislation that would allow a select group of immigrant students with real potential to contribute more fully to America.

The DREAM Act would give these students a chance to earn citizenship if they came to the United States as children, they have been long-term U.S. residents, they have good moral character, graduate from high school, and either complete 2 years of military service or 2 years of college.

The DREAM Act has a history of broad bipartisan support. When I first introduced it, Senator ORRIN HATCH, Republican from Utah, was my lead cosponsor. In fact, we had kind of a head to head—who was going to be the first name: HATCH or DURBIN? Since the Republicans were in the majority, I bowed toward Senator HATCH.

In 2006—when Republicans last controlled this Congress—the DREAM Act passed the Senate as part of comprehensive immigration reform on a 62-to-36 vote, with 23 Republicans voting for the DREAM Act. Unfortunately, the Republican leaders in the House refused to even consider the bill.

Republican support for the DREAM Act, unfortunately, has been diminishing over the years. The last time the DREAM Act was considered in Congress, the bill passed the House under the leadership of Congressman LUIS GUTIERREZ of Illinois and received a strong majority vote in the Senate. But only eight Republican House Members and three Republican Senators voted for the bill. What a change in such a short period of time.

Let's be clear: The only reason the DREAM Act is not the law of the land of America is because we consistently face a Republican filibuster whenever we bring up this bill.

The vast majority of Democrats continue to support the DREAM Act, but the reality is it cannot pass without support from my colleagues on the other side of the aisle. That is why I have always said I am open to sitting down with anyone, Republican or Democrat, who is interested in working in good faith to solve this problem.

I am personally committed to passing the DREAM Act, no matter how long it takes. But the young people who would be eligible for the DREAM Act cannot wait any longer for Congress to act. Many have been deported from the only country they have ever known: America. They have been sent off to countries they do not remember with languages they do not speak.

Those who are still here are growing older. And when they graduate from college, they are stuck, unable to work, unable to contribute to the only country they know.

That is why President Obama, using his Presidential authority, did such an important thing to help these immigrant students. The President granted them a form of relief known as ''deferred action,'' which puts a hold on their deportation and allows them, on a temporary, renewable basis, to live and work legally in America.

That was the right thing to do. These students grew up here pledging allegiance to our flag and singing the only national anthem they know. They are Americans in their heart and in their mind. They did not make the decision to come to this country; their parents did.

As Homeland Security Secretary Janet Napolitano said last Friday, immigrants who were brought here illegally as children ''lacked [any] intent to violate the law.'' And it is not the American way to punish children for their parents' actions. We do not do that in any aspect of the law in this country. Why would we do it here?

There will always be critics when the President uses his power, as he did last Friday. In fact, some Members of Congress attacked President Truman when he ordered the desegregation of America's military. They said Truman's order would hurt the military. Many even claimed Truman had performed an illegal act as President.

Today, many of the naysayers in this generation claim that halting the deportation of DREAM Act students will hurt the economy and that it too may be illegal. President Truman's critics were wrong, and so are President Obama's.

President Obama's new deportation policy will make America a stronger nation by giving these talented immigrants the chance to contribute more fully to our economy.

Studies show these young people could contribute literally trillions of dollars to the American economy during their working lives. They are the doctors, engineers, teachers, and soldiers who will make us a stronger nation. Why would we waste that talent? They have been educated and trained in the United States. We have invested in these people. Let us at least see the fruits of this investment, the benefits that can come to America.

Let's be clear. What the Obama administration has done in establishing this new process for prioritizing deportations is perfectly appropriate and legal. Throughout our history, the government has decided whom to prosecute, and whom not to prosecute based on law enforcement priorities and available resources.

The Supreme Court has held this:

> An agency's decision not to prosecute . . . is a decision generally committed to an agency's absolute discretion.

President Obama granted deferred action—to use the technical term—to

DREAM Act students. Past administrations, both Democratic and Republican, have used deferred action to stop deportation of low-priority cases.

Last month, 90 immigration law professors sent a letter to the President arguing that the executive branch has ''clear executive authority'' to grant deferred action to DREAM Act students. The letter explains that the executive branch has granted deferred action since at least 1971 and that Federal courts have recognized this authority since at least the mid-1970s. These immigration experts have also noted there are a number of precedents for granting deferred action to groups of individuals such as DREAM Act students.

The President's action is not just legal, it is also a smart and realistic approach to enforcing our immigration laws. Today, there are millions of undocumented immigrants in the United States, and it would literally take billions of dollars to deport them.

The Department of Homeland Security has to set priorities about which people to deport and which not to deport.

The Obama administration has established a deportation policy that makes it a high priority to deport those who have committed serious crimes or are a threat to public safety. I totally support that approach. President Obama has said we will not use our limited resources to deport DREAM Act students.

Some of my Republican colleagues have claimed this is a sort of backdoor amnesty. That isn't even close to being true. This is simply a decision to focus limited government resources on serious criminals and other public safety threats. DREAM Act students will not receive permanent legal status or citizenship under the President's order.

This policy has strong bipartisan support in Congress. I wish to say a special word about a colleague. Two years ago, Indiana Republican Senator RICHARD LUGAR joined me—crossing the aisle—to ask the Department of Homeland Security to grant this deferred action. I called him on Friday and said: Dick, I just want to tell you how much I respect you. It took us 2 years, but we got it done.

He was the only Senator from the other side of the aisle with the courage to step up and join me in that letter. He may have paid a price for it, though he denied it in the phone conversation. I cannot tell you how much I respect that man for his courage in asking for this.

It took 2 years, but those students who are appreciative of the President's action should not forget the singular courage of the Senator from Indiana.

Last year, when Senator LUGAR and I sent a renewed request, 21 Senators joined us, including majority leader HARRY REID, Judiciary Committee chairman PATRICK LEAHY, and, of course, Senator BOB MENENDEZ, who heads up the Hispanic Caucus in the Senate.

It is easy to criticize the President's new deportation policy when it is an abstract debate and we are talking about constitutional legal authority and deferred action and so forth.

I think what has brought this debate to where it stands today are the real stories, the stories of these young people. I have tried almost every week to come to the floor to tell a DREAM Act story. Today, I wish to tell one more.

This is a photo of Manny Bartsch, who was born in Germany. He was abused and neglected by his parents, so his grandmother became his guardian. After Manny's grandfather passed away, his grandmother married an American soldier. When Manny was 7 years old, sadly, his grandmother was tragically killed by a drunk driver. His step-grandfather decided to return to America, and he brought Manny with him. They moved to Gilboa, a small town in northwestern Ohio.

Unfortunately, Manny's step-grandfather, wanting to protect him, failed to file any papers for Manny to become a U.S. citizen. But Manny grew up in Ohio, where he went to elementary school and high school. When Manny was preparing to apply for college, he learned he didn't have any legal status in America.

Manny wanted to do the right thing, so he made an appointment with Immigration Services to clear up things. When he showed up for his appointment, Manny was arrested and detained. He was 17 years old.

Here is what Manny said about the prospect of being deported to Germany, a country he left as a little boy:

> I don't know anybody over there. This is my home. This is where everybody I know lives, and to have to think about leaving, I just wouldn't be able to imagine it.

Manny's friends and family rallied behind him, asking for his deportation to be at least temporarily suspended. Thanks to the community support, he was ultimately allowed to stay. He went on to college at Heidelberg University in Tiffin, OH.

Last month, Manny graduated with a major in political science and a minor in history. He was president of his fraternity and has been active in community service. For instance, for the last 4 years, he has organized a fundraiser to purchase Christmas presents for children with cancer at the Cleveland Clinic.

Here is what Manny says about his future:

> I would go through any channel I have to to correct this situation. I'm not asking for citizenship [but] I would love to earn it if that possibility would arise. . . . I would love to contribute to this country, give back to it. I just don't understand why they would educate people in my situation and deport them back and let countries reap the benefits of the education system here.

David Hogan is the chairman of the History Department at Heidelberg University. He says this about Manny:

> We want good people in this country. We want honest, hard-working people, and that's Manny pure and simple. [He is] in the top two percent [of students] in terms of brilliance, work ethic, personal qualities.

Thanks to President Obama's executive order last Friday, Manny Bartsch and other DREAM Act students will continue to be able to live and work legally in America.

I ask the critics of that policy this: Would we be better off if we deported Manny back to Germany, a country he left when he was a little boy? Of course not.

Manny grew up in America. He doesn't have any criminal background. He is no threat to our country. He will make America stronger if we just give him a chance.

Manny isn't just one example. There are a lot more—literally hundreds, if not thousands, of others just like him.

When the history of civil rights in this century—the 21st century—is written, President Obama's decision to grant deferred action to DREAM Act students will be a key chapter.

But It is also clear this is only a temporary solution. It doesn't absolve Congress—the Senate and the House—from tackling this difficult but critically important issue. It is a matter of justice as well as for the future of our economy. This is still our burden and responsibility. It was 2 years ago when I sent this letter with Senator LUGAR. I am grateful there was a President who read it and listened and had the courage to act. His courage in standing for these young people will make us a better nation, and, equally important, it will bend that arc toward justice again.

At the end of the day, these young people will make the case for why this was the right thing to do. I have no doubt in my mind that when the balance sheet comes in on these DREAM Act students, we are going to say thank goodness we did this. I personally salute the President for his leadership. This was a historic and humanitarian moment. It has changed the debate in America about immigration and has given these young people a chance.

I called one of those students on Friday, Gabby Pacheco. She is the best. She walked from Florida to Washington to dramatize the DREAM Act. She came out publicly and said: I am undocumented, and I will stand for those in a similar situation. She was crying on the phone. She just heard about it. She said: I am afraid these students will come forward and admit they are undocumented and someday some Congress and some President will use it against them and deport them. I said: Gabby, I don't think so. Once they stand and say we are going to follow the law and do what we are told to do and put our names down and tell you who we are, anybody who tries to use that against them is going to cause a terrific backlash across America. People in America will respect these young people and realize we will be a better nation because of it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—S. 3240

Mr. REID. Mr. President, this is a day I did not think would ever arrive. But we are here, I think. I so admire, having managed a few bills in my day, the work done by Senator STABENOW and Senator ROBERTS. I will say more about that later. This is not a great agreement, but it is a good agreement, and they worked so hard to get where we are. I so appreciate what they have done. As I said before, I did not think we would be here.

Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 3240, the pending motion to recommit be withdrawn; that amendment No. 2390 be withdrawn; that the Stabenow-Roberts amendment No. 2389 be agreed to, the bill, as amended, be considered original text for the purposes of further amendment; that the following amendments and motions be the only first-degree amendments and motions in order to the bill: Akaka No. 2440, Akaka No. 2396, Baucus No. 2429, Bingaman No. 2364, Brown of Ohio No. 2445, Cantwell No. 2370, Casey No. 2238, Coons No. 2426, Feinstein No. 2422, Feinstein No. 2309, Gillibrand No. 2156, Hagan No. 2366, Kerry No. 2187, Landrieu No. 2321, Manchin No. 2345, Merkley No. 2382, Schumer No. 2427, Stabenow No. 2453, Udall of Colorado No. 2295, Warner No. 2457, Wyden No. 2442, Wyden No. 2388, Leahy No. 2204, Nelson of Nebraska No. 2242, Klobuchar No. 2299, Carper No. 2287, Sanders No. 2254, Thune No. 2437, Durbin-Coburn No. 2439, Snowe No. 2190, Ayotte No. 2192, Collins No. 2444, Grassley No. 2167, Sessions No. 2174, Nelson of Nebraska No. 2243, Sessions No. 2172, Paul No. 2181, Alexander No. 2191, McCain No. 2199, Toomey No. 2217, DeMint No. 2263, DeMint No. 2262, DeMint No. 2268, DeMint No. 2276, DeMint No. 2273, Coburn No. 2289, Coburn No. 2293, Kerry No. 2454, Kyl No. 2354, Lee No. 2313, Lee No. 2314, Boozman No. 2355, Boozman No. 2360, Toomey No. 2226, Toomey No. 2433, Lee motion to recommit, Johnson of Wisconsin motion to recommit, Chambliss No. 2438, Chambliss No. 2340, Chambliss No. 2432, Ayotte No. 2195, Blunt No. 2246, Moran No. 2403, Moran No. 2443, Vitter No. 2363, Toomey No. 2247, Sanders No. 2310, Coburn No. 2214, Boxer No. 2456, Johanns No. 2372, Murray No. 2455, McCain No. 2162, Rubio No. 2166; that at 2:15 p.m., Tuesday, June 19, the Senate proceed to votes in relation to the amendments in the order listed, alternating between Republican- and Democratic-sponsored amendments; that there be no amendments or motions in order to the amendments prior to the votes other than motions to waive points of order and motions to table; that there be 2 minutes of debate equally divided in the usual form between the votes, and all after the first vote be 10-minute votes; that the Toomey No. 2247, Sanders No. 2310, Coburn No. 2214, Boxer No. 2456, Johanns No. 2372, Murray No. 2455, McCain No. 2162, and Rubio No. 2166 be subject to a 60-affirmative-vote threshold; that the clerks be authorized to modify the instruction lines on amendments so the page and line numbers match up correctly; that upon disposition of the amendments, the bill, as amended, be read a third time; that there be up to 10 minutes equally divided in the usual form prior to a vote on passage of the bill, as amended, if amended; finally, that the vote on passage of the bill be subject to a 60-affirmative-vote threshold.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. STABENOW. Mr. President, as we are waiting for wrap-up this evening, I wish to take a moment to thank all our colleagues for the extraordinary effort to get to this point where we are going to be able to come together, debate a number of different issues related to the farm bill and other issues as well, and be able to come to a final vote and passage of the farm bill.

I wish to thank, first of all, Senator REID for his extraordinary patience and talent in working with Senator ROBERTS and me and all the staff, all the leadership staff, who have worked with us on this.

I also wish to thank Senator ROBERTS for being a tremendous partner with me, and both our staffs who are doing yeoman's work.

There is a lot more work to do. We have a lot of amendments we will begin tomorrow, I believe tomorrow afternoon, and then we will work on through the week to get this done.

But this really is an example of the Senate coming together to agree to get things done—people of different backgrounds, ideas, and different regions of the country. This is an opportunity for us to show that the Senate can work together—which is what we are doing right now, on a bipartisan basis—and be able to move forward on a very important piece of legislation.

This bill is a jobs bill. This bill represents 16 million people in the country who work because of agriculture in some way. We have had a lot of jobs bills in front of us. I am not sure there has been one that has directly affected 16 million jobs like this does.

We also have an opportunity in this bill to come together and clearly state that we are serious about deficit reduction. We are the only authorizing committee that has come forward in a bipartisan way with a bill that cuts the spending within our jurisdiction—$23 billion in deficit reduction. We have gone through every part of this bill, and we have literally analyzed every page and determined that there were some programs that were duplications or not effective or didn't make any sense anymore, and we ended up with about 100 different programs and authorizations that we eliminated from those items under USDA's jurisdiction. So this really is a reform bill.

I know the Presiding Officer is a real champion of reform and of agriculture. We have worked together, certainly, on fruits and vegetables and organic farming and local food systems and a whole range of things that we have improved upon in this bill. I thank the Chair for his continued leadership on those issues.

This really is an opportunity to come together around deficit reduction, around reform, to focus on jobs and give our farmers and ranchers predictability in terms of knowing what will happen going forward as they make business decisions for themselves.

It is a huge opportunity around conservation. I think most people wouldn't realize at first blush that the farm bill is actually the largest investment we as Americans make in land and water conservation, air quality, related to working lands. Seventy percent of our lands are privately held lands in some way—farmers and others, landholders—and the conservation title affects how we work with them to be able to conserve our land and water and address the air quality issues. We have had two successes there. So this is a real opportunity to build on that certainly for many regions in the country, such as my own Great Lakes region. It is critical in working with our farmers who have a number of different environmental issues to address. On behalf of all of us, this gives us an opportunity to partner with them and deal with soil erosion and water quality issues and runoff into our lakes and streams and Great Lakes and deal with open spaces, protecting wildlife habitat and wetlands, and creating a new easement program that will address urban sprawl so that we are protecting our lands.

I am very proud of what we have done in conservation. We have taken it from 23 programs down to 13 and divided it into 4 topics—a lot of flexibility, locally led, with farmers and ranchers working with local communities. We have saved money, but at the same time we are actually strengthening conservation, which is why we have I think 643 different conservation and environmental groups

supporting what we are doing in terms of our approach on conservation. I am pleased with that.

The rural development provisions of this bill affect every community outside of our urban areas. The majority of Michigan—we see support through financing for water and sewer projects, small businesses, housing, working with local law enforcement, police and firefighters, local mayors and city council people, counties all across Michigan and the country, certainly in Oregon, where rural development funding and support for quality of life and jobs and rural communities is very much a part of the bill.

We think of the bill in terms of production agriculture. Obviously, it is critical. I don't know any business that has more risk than a farmer or rancher—nobody. So we all have a stake. We have the safest, most affordable, dependable food supply in the world. We wanted to make sure no farmer loses a farm because of a few days of bad weather. What we do in production agriculture is very important.

We also have a broad role, together with rural communities, with ranchers and farmers, to support our land and our water and our habitat and our air. We do that through conservation. We have rural development. We have an energy title that allows us to take what we do—the byproducts from agriculture, whether that be food or animal waste or biomass from forests or corn or wheat or soybean oil—whatever it is—to be able to create jobs through bio-based manufacturing, advanced biofuels, going beyond corn to other kinds of advanced cellulosic biofuels, which is very much a part of the bill, all of which creates jobs.

We are creating jobs in a multitude of ways in the bill. We are also supporting families who, because of no fault of their own in this recession, have been hit so hard and need temporary food help. That is also a very big and important part of the bill. For the people in my State who have been hit very hard in the last number of years, it is important that we be there. They have paid taxes all their lives and supported their neighbors. They have been there for other people. Now, if they need some temporary help, we need to make sure it is there for them as well. That is a very important part of the bill also.

In addition, we see a whole range of efforts around local food systems that also create jobs—farmers markets, children's schools being able to get fresh fruits and vegetables, schools being able to purchase locally, things that we can do to support families to put healthy food on the table for their children or make sure it is available in school—very important efforts going on there. We make sure that all of agriculture is included in our local food systems. That is a very important part of the bill.

This is a large effort. We do it every 5 years. It takes a tremendous amount of work. Every region of the country has a different view and different crops that they grow and different perspectives, so it is a lot of hard work to bring it all together.

This evening we have been able to come together on a path to final passage, agreeing to the list of amendments. This is a democracy. I don't agree or support all of those amendments. I know other colleagues don't as well. We will talk about them and debate, and we will vote. That is the Senate at its best. That is what we are doing here by agreeing to a process or list of amendments from every part of the country.

Members on both sides have very strongly held beliefs. We respect that. We respect their right to be able to debate those amendments, and I also thank those for the amendments that will not be brought up, which were not in the unanimous consent agreement. I think we had about 300 amendments when we started. We knew it was not possible to be able to vote on every one of those. So colleagues' willingness to work with us was important, and I am grateful to the people who worked with us on both sides of the aisle and those whom we will continue to work with.

This is another step in the process, as we have put together a bill that we reported out of committee with a strong bipartisan vote. Now we have brought it to the floor with a large majority. Ninety out of 100 colleagues came together to say: Yes, we should debate and discuss and work on this Agriculture Reform, Food, and Jobs Act.

Now, with the agreement we have, Members are saying: Yes, we should go forward and work on these amendments and have a final vote. In the democratic process, people of good will are willing to come together and have the opportunity to debate and vote. That is what it is about. I am grateful that colleagues were willing to work with us to be able to do that.

We are waiting for the final wrap-up comments. At this moment, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 37

Ms. STABENOW. Mr. President, I ask unanimous consent that on Tuesday, June 19, at a time to be determined by the majority leader, after consultation with the Republican leader, the Republican leader or his designee be recognized to move to proceed to the consideration of S.J. Res. 37, a joint resolution disapproving a rule promulgated by the Administrator of the Environmental Protection Agency relating to emission standards for certain steam generating units; that there be up to 4 hours of debate on the motion to proceed, with the time equally divided and controlled between the two leaders or their designees; further, that 2 hours of debate equally divided occur on Tuesday, June 19, and the Senate resume consideration of the motion to proceed at 10:30 a.m., Wednesday, June 20, for the remaining 2 hours of debate; that at 12:30 p.m. on Wednesday, the Senate proceed to vote on the adoption of the motion to proceed; that if the motion is successful, then the time for debate with respect to the joint resolution be equally divided between the two leaders or their designees; that upon the use or yielding back of time, the joint resolution be read a third time and the Senate proceed to vote on passage of the joint resolution; finally, all other provisions of the statute governing consideration of the joint resolution remain in effect.

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

MORNING BUSINESS

Ms. STABENOW. Mr. President, I ask unanimous consent 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.

ADDITIONAL STATEMENTS

TRIBUTE TO CHRIS BERN

• Mr. HARKIN. Mr. President, Chris Bern retires on July 14 as president of the Iowa State Education Association after completing his second two-year term in that position. Chris is a longtime advocate for quality education within ISEA and is an important voice for teachers at the local, State, and national levels. I have valued Chris's views on a variety of education issues.

I am especially grateful to Chris for his leadership on anti-harassment and anti-bullying issues within the Iowa State Education Association and the National Education Association. Chris understood the importance of anti-bullying efforts before recent events drew national attention to the topic. Chris is a certified trainer for the NEA's program on school safety and anti-harassment issues. One of his leadership priorities at ISEA has been to promote anti-bullying awareness in our schools, traveling to locals around the State to talk about how to protect students from mistreatment by their peers.

After graduation from Buena Vista College, Chris started his teaching career as a junior high school math teacher in Woodbine, IA and then moved to Knoxville, IA, where he taught high school math. He soon became involved in the Iowa State Education Association, serving in a variety of local, State and national roles. Chris spent 11 years on various committees, including the ISEA Resolutions and

New Business Committee. He was elected vice president of the ISEA in 2006 and, on the national level, was a member of the NEA Resolutions Committee.

As Chris retires from his presidency of the Iowa State Education Association, I wish him the very best. Chris' service to education as a teacher and ISEA leader remind me of the quote by American essayist Christopher Morley who said, ''Things of the spirit differ from things material in that the more you give the more you have.''

Indeed, Chris Bern has much. I wish him the best in his future endeavors.●

HOSMER, SOUTH DAKOTA

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to pay tribute to the 125th anniversary of the founding of the town of Hosmer, SD. Located in Edmunds County, Hosmer is a close-knit community with a rich cultural heritage and a strong tradition of farming.

Named after Stella Hosmer, the railroad agent's wife, the town was founded in 1887 and officially incorporated in 1904. Early settlers arrived in Hosmer shortly after the town's founding. Most were German-Russians, who persevered despite drought, poor land, and grasshopper infestations. Thanks in part to its location along the Chicago, Milwaukee, St. Paul & Pacific Railroad, by the 1920s Hosmer was a flourishing community. Local businesses popped up, including general stores, cream stations, churches, a drug store, meat market, and a hotel.

Today in Hosmer they still honor the traditions of their German-Russian ancestors. Kuchen, German-style noodles, and German-style sausage are just a few of their culinary specialties, available in local establishments. Many residents proudly make their own sausage, much like the intrepid settlers who founded Hosmer 125 years ago.

The people of Hosmer will be celebrating their quasquicentennial June 29 to July 1 with a complete schedule of events. There will be entertainment for children in the park, a free meal, car show, parade, dances, music, and performances. It promises to be a weekend full of family fun.

Mr. President, 125 years after its founding, Hosmer continues to be a small town that represents the best South Dakota has to offer. I am honored to congratulate the people of Hosmer on this memorable occasion.●

TRIBUTE TO ALECK SHILAOS

● Mr. LEE. Mr. President, today I wish to recognize the exemplary service of Chief Aleck Shilaos, who has served in law enforcement for 43 years and as the chief of police for the city of Price, UT for 25 years.

Shilaos began his career in 1969 as the first parking officer ever hired by the University of Utah. When the university's security force became an official police department, Aleck joined the police force. The school's biggest need for police stemmed from theft at the University Hospital, where felons from Utah's prison system would receive medical treatment. The crime wave was quickly stopped, saving the hospital untold long-term costs.

In 1972, Shilaos accepted a position with the Lakewood, CO Police Department, where he served for a decade and continued to improve his merits as a nationally ranked pistol shooter. Those skills helped him to gain immediate respect from fellow officers when he joined the police force in his hometown of Price a decade later. Five years later, he was named chief of police in Price, a position he would hold for the next quarter of a century.

Under Shilaos's leadership, the Price Police Department advanced into the information age. With Shilaos at the helm, Price began implementing technologies that increased efficiency and paved the way for the next generation of police officers.

Shilaos graduated from the FBI National Academy in 1995, created his department's first detective division, and a new field training program. Additionally, Shilaos looked beyond his own department and helped to found a regional drug strike force and SWAT team, and implemented the DARE anti-drug program in local schools.

Shilaos also fought a brave personal battle against non-Hodgkin's lymphoma. Diagnosed in 2010, the disease is now in remission. Shilaos recently commented that the good days now outnumber the bad ones.

Aleck Shilaos has been an outstanding public servant for the city of Price, UT and will surely be missed. His career is an example of leadership, dedication, and commitment. I wish he and his wife Shirley a long and enjoyable retirement, and thank him for his dedicated service.●

RECOGNIZING INDIANA PRAIRIE FARMER MAGAZINE

● Mr. LUGAR, Mr. President, today I would like to recognize a publication in the State of Indiana that is not only making sure to supply useful information that will help Hoosier farm families thrive but is also taking the time to honor exceptional families through the Master Farmer award program.

As one of 18 State and regional subsidiaries of Farm Progress, Indiana Prairie Farmer is constantly striving to ensure that our farmers are equipped with the information and support necessary to handle the difficult tasks facing agriculturalists. At the helm of this initiative is editor Tom Bechman who not only brings experience from a small tenant dairy farm but is also nationally known for his coverage of Midwest agronomy, conservation, no-till farming, farm management, farm safety, high-tech farming and personal property tax relief.

Considered one of the top honors an Indiana farmer can receive, the first Master Farmer was presented in December 1925 in Chicago. The first 21 Indiana farmers to receive the award had an average farm size of 202 acres. The program was discontinued in 1935 due to the Great Depression and reinstated by James C. Thompson, then-managing editor of the Prairie Farmer, in 1968. More than 200 Indiana farmers have been recognized since the program was reborn. In addition, roughly a dozen people who are not farmers but who made great contributions to Indiana agriculture have been recognized as Honorary Master Farmers. In 2006, Purdue University's College of Agriculture joined Indiana Prairie Farmer as cosponsor of the award and has since been supported by two Glenn W. Sample dean's of the College of Agriculture, making sure that it maintained its reputation as a top award.

As a farmer myself, I am honored as both a Hoosier and member of the agriculture industry to have the great work of my fellow agriculturalists recognized by Mr. Bechman and the Indiana Prairie Farmer. Their tireless efforts to identify and reward Indiana farmers for their work to provide the safest, most abundant and least expensive food supply in the world is humbling and deserves the utmost recognition.

I ask my colleagues to join me in honoring Indiana Prairie Farmer for their work on behalf of Indiana farmers and the Master Farmer award program. I am privileged to represent a State so dedicated to this vital industry and its participants.●

RECOGNIZING INNOVATIVE LIVESTOCK SERVICES

● Mr. ROBERTS. Mr. President, you have heard me recount numerous stories on the importance of agriculture in my home State of Kansas. Many of these stories center around the fact that cattle outnumber people by more than two to one, and I often joke that cattle are usually in a better mood. In recent years, the Kansas livestock industry has accounted for nearly 50 percent of all agricultural cash receipts within the State.

Mr. LEE Borck, chairman, and Mr. Andrew Murphy, president and chief executive officer, of Innovative Livestock Services have played a key role within the livestock industry. I want to take this opportunity to recognize part of the Innovative Livestock Services operation, Ward Feed Yard, on celebrating 50 years of feeding cattle. Great Bend Feeding and Ward Feed Yard, both part of the Innovative Livestock Services operation, have now been in business for more than 50 years. There is no doubt in the strong heritage, optimistic outlook and positive economic development this cattle feeding company has created in Kansas. Just as the beef industry is a leading segment of the agriculture industry in Kansas, with the leadership of Mr. Borck and Mr. MURPHY, Innovative

Livestock Services is a true champion within the beef industry.

Today I wish to say congratulations to all of those who have helped over the past 50 years and to wish Ward Feed Yard nothing but the best for the next 50 years. Congratulations to all of the partners, employees, customers, community leaders and industry representatives on a job well done.●

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED IN EXECUTIVE ORDER 13159 OF JUNE 21, 2000, WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—PM 51

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared in Executive Order 13159 of June 21, 2000, with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2012.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, *June 18, 2012*.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13466 OF JUNE 26, 2008, WITH RESPECT TO NORTH KOREA—PM 52

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13466 of June 26, 2008, expanded in scope in Executive Order 13551 of August 30, 2010, and addressed further in Executive Order 13570 of April 18, 2011, is to continue in effect beyond June 26, 2012.

The existence and risk of proliferation of weapons-usable fissile material on the Korean Peninsula, and the actions and policies of the Government of North Korea that destabilize the Korean Peninsula and imperil U.S. Armed Forces, allies, and trading partners in the region continue to constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency with respect to these threats and maintain in force the measures taken to deal with that national emergency.

BARACK OBAMA.
THE WHITE HOUSE, *June 18, 2012*.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 3304. A bill to redesignate the Environmental Protection Agency Headquarters located at 1200 Pennsylvania Avenue N.W. in Washington, D.C., as the ''William Jefferson Clinton Federal Building'', to redesignate the Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, as the ''George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building'', and to designate the Federal building housing the Bureau of Alcohol, Tobacco, Firearms, and Explosives Headquarters located at 99 New York Avenue N.E., Washington D.C., as the ''Eliot Ness ATF Building'', and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself and Mr. LEE):

S. 3305. A bill to clarify authority granted under the Act entitled ''An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself and Mr. REID):

S. 3306. A bill to establish a United States Boxing Commission to administer the Professional Boxing Safety Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN of Ohio (for himself and Mr. CASEY):

S. 3307. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities, to increase such credit for amounts paid or incurred for qualified research occurring in the United States, and to increase the domestic production activities deduction for the manufacture of property substantially all of the research and development of which occurred in the United States, and for other purposes; to the Committee on Finance.

By Mr. HELLER:

S. 3308. A bill to amend title 38, United States Code, to improve the furnishing of benefits for homeless veterans who are women or who have dependents, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MURRAY:

S. 3309. A bill to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KOHL (for himself and Mr. HATCH):

S. Res. 495. A resolution designating the period beginning on June 17, 2012, and ending on June 23, 2012, as ''Polycystic Kidney Disease Awareness Week'', and raising awareness and understanding of polycystic kidney disease and the impact such disease has on patients; considered and agreed to.

ADDITIONAL COSPONSORS

S. 491

At the request of Mr. PRYOR, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 697

At the request of Mr. CASEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 697, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Services for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 866

At the request of Mr. TESTER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 866, a bill to amend title 10, United States Code, to modify the perfiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for nonregular service.

S. 933

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 933, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 1119

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 1119, a bill to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1454

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1454, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Washington (Mrs. MURRAY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1613

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

S. 1718

At the request of Mr. WYDEN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 2060

At the request of Mr. KOHL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2060, a bill to provide for the payment of a benefit to members eligible for participation in the Post-Deployment/Mobilization Respite Absence program for days of nonparticipation due to Government error.

S. 2077

At the request of Mr. BLUMENTHAL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2077, a bill to amend the Older Americans Act of 1965 to authorize Federal assistance to State adult protective services programs, and for other purposes.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2168

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

S. 2234

At the request of Mr. BLUMENTHAL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2234, a bill to prevent human trafficking in government contracting.

S. 2239

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2239, a bill to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

S. 2342

At the request of Mr. TESTER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 2342, a bill to reform the National Association of Registered Agents and Brokers, and for other purposes.

S. 2371

At the request of Mr. RUBIO, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 2371, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 2620

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3204

At the request of Mr. JOHANNS, the names of the Senator from Ohio (Mr. PORTMAN), the Senator from Michigan (Ms. STABENOW) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3221

At the request of Mr. RUBIO, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 3221, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 3235

At the request of Mr. PRYOR, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 3235, a bill to amend title 38, United States Code, to require, as a condition on the receipt by a State of certain funds for veterans employment and training, that the State ensures that training received by a veteran while on active duty is taken into consideration in granting certain State certifications or licenses, and for other purposes.

S. 3236

At the request of Mr. PRYOR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3236, a bill to amend title 38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 3237

At the request of Mr. WHITEHOUSE, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3257

At the request of Mr. COBURN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 3257, a bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions, and to provide for the return of previously distributed funds for deficit reduction.

S. 3263

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3263, a bill to require the Secretary of Transportation to modify the final rule relating to flightcrew member duty and rest requirements for passenger operations of air carriers to apply to all-cargo operations of air carriers, and for other purposes.

S. 3287

At the request of Mr. PAUL, the name of the Senator from South Carolina

(Mr. DEMINT) was added as a cosponsor of S. 3287, a bill to protect individual privacy against unwarranted governmental intrusion through the use of the unmanned aerial vehicles commonly called drones, and for other purposes.

S.J. RES. 37

At the request of Mr. JOHANNS, his name was added as a cosponsor of S.J. Res. 37, a joint resolution to disapprove a rule promulgated by the Administrator of the Environmental Protection Agency relating to emission standards for certain steam generating units.

S.J. RES. 42

At the request of Mr. DEMINT, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S.J. Res. 42, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

S. RES. 448

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Res. 448, a resolution recognizing the 100th anniversary of Hadassah, the Women's Zionist Organization of America, Inc.

S. RES. 473

At the request of Mr. DURBIN, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Mississippi (Mr. COCHRAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 473, a resolution commending Rotary International and others for their efforts to prevent and eradicate polio.

S. RES. 494

At the request of Mr. CORNYN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. Res. 494, a resolution condemning the Government of the Russian Federation for providing weapons to the regime of President Bashar al-Assad of Syria.

AMENDMENT NO. 2156

At the request of Mrs. GILLIBRAND, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 2156 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2190

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 2190 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2219

At the request of Mr. CARDIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 2219 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2382

At the request of Mr. MERKLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 2382 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2399

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 2399 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2426

At the request of Mr. COONS, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from Delaware (Mr. CARPER), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 2426 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2435

At the request of Mr. WARNER, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 2435 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself and Mr. REID):

S. 3306. A bill to establish a United States Boxing Commission to administer the Professional Boxing Safety Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today I am pleased to be joined by Senator REID of Nevada, our distinguished majority leader, to introduce the Professional Boxing Amendments Act of 2012. This legislation is virtually identical to a measure reported by the Commerce Committee during the 111th Congress, after being approved unanimously by the Senate in 2005. Simply put, this legislation would better protect professional boxing from the fraud, corruption, and ineffective regulation that has plagued the sport for too many years, and that has devastated physically and financially many of our Nation's professional boxers.

My involvement with boxing goes back a long way, first as a fan in my youth—in what many view as the golden age of boxing in America: in the days of Joe Louis and Billy Conn and Floyd Patterson and Sugar Ray Robinson—probably the greatest boxer in history—and Kid Gavilan and Joey Giardello, the names I still remember because of the incredible acts of sportsmanship and courage and tenacity in the ring that they displayed, which made boxing one of the most popular sports in all of the United States, then with my undistinguished record as a boxer at the U.S. Naval Academy, and then over my time here in Congress, where I have been involved in legislation related to boxing since the mid-1990s.

The 19th century sportswriter Pierce Egan called the sport of boxing the ''sweet science.'' Long-time boxing reporter Jimmy Cannon called it the ''red light district of sports.'' In truth, it is both. I have always believed that at its best, professional boxing is a riveting and honorable contest of courageous and highly skilled athletes. Unfortunately, the last few decades of boxing history have—through countless examples of conflicts of interest, improper financial arrangements, and inadequate or nonexistent oversight—led most to believe that Cannon's words—that boxing is the ''red light district of sports''—were more appropriate than that of Pierce Egan's words, who called it the ''sweet science.''

The most recent controversy surrounding the Pacquiao-Bradley fight is the latest example of the legitimate distrust boxing fans have for the integrity of the sport. After the Pacquiao-Bradley decision was announced, understandably fans were clearly apoplectic and many commentators found the decision astonishing.

Bob Arum, the promoter of the fight—and he represented both Pacquiao and Bradley—said:

> What the hell were these people watching?. . . . How can you watch a sport where you don't see any motive for any malfeasance and yet come up with a result like we came up with tonight? How do you explain it to anybody?. . . . Something like this is so outlandish, it's a death knell for the sport.

Those words came from the promoter of the fight, long-time promoter Bob Arum.

ESPN boxing analyst Dan Rafael—who scored the fight 119 to 109 for Pacquiao—called the decision an ''absolute absurdity.'' And he said:

> I could watch the fight 1,000 times and not find seven rounds to give to Timothy Bradley.

Additionally, following the fight, HBO's Max Kellerman—a guy I have always enjoyed—was ringside, where he said:

> This is baffling, punch stat had Pacquiao landing many more punches, landing at a higher connect percentage, landing more power punches. Ringside, virtually every reporter had Pacquiao winning by a wide margin. . . . I can't understand how Bradley gets this decision. There were times in that fight where I felt a little bit embarrassed for Bradley.

Clearly, the conspiracy theories and speculation surrounding the fight are given life because there are so many questions surrounding the integrity of the sport and how it is managed in multiple jurisdictions. Professional boxing remains the only major sport in the United States that does not have a strong centralized association, league, or other regulatory body to establish and enforce uniform rules and practices. Because a powerful few benefit

greatly from the current system of patchwork compliance and enforcement of Federal boxing law, a national self-regulating organization—though preferable to government oversight—is not a realistic option.

What has happened to the meaning of the word champion? There is an alphabet soup of organizations today, some of them—or many of them—based outside of the United States of America, that clearly manipulates the rankings in order to set up a fight which has a ''championship'' associated with it.

Ineffective oversight of professional boxing will continue to result in scandals, controversies, unethical practices, a lack of trust in the integrity of judged outcomes and, most tragic of all, unnecessary deaths in the sport. These problems have led many in professional boxing to conclude that the only solution is an effective and accountable Federal boxing commission.

The legislation that Senator REID and I are introducing would establish the United States Boxing Commission—the USBC or Commission—providing the much-needed oversight to ensure integrity within this profession through better reporting and disclosure, requiring that the sport avoid the conflicts of interest which cause fans to question the outcome of bouts, which hurts the sport.

If enacted, the commission would administer Federal boxing law and coordinate with other Federal regulatory agencies to ensure that this law is enforced, oversee all professional boxing matches in the United States, and work with the boxing industry and local commissions to improve the safety, integrity, and professionalism of professional boxing in the United States.

More specifically, this legislation would require that all referees and judges participating in a championship or a professional bout lasting 10 rounds or more be fully registered and licensed by the commission. Further, while a sanctioning organization could provide a list of judges and referees deemed qualified, only the boxing commission will appoint the judges and referees participating in these matches.

Additionally, the commission would license boxers, promoters, managers, and sanctioning organizations. The commission would have the authority to revoke such a license for violations of Federal boxing law, to stop unethical or illegal conduct, to protect the health and safety of a boxer or if the revocation is otherwise in the public interest.

The Professional Boxing Amendments Act would strengthen existing Federal boxing law by improving the basic health and safety standards for professional boxers, establishing a centralized medical registry to be used by local commissions to protect boxers, reducing the arbitrary practices of sanctioning organizations, and enhancing the uniformity and basic standards for professional boxing contracts. Most importantly, this legislation would establish a Federal regulatory entity to oversee professional boxing and set basic uniform standards for certain aspects of the sport.

Thankfully, current law—which we passed in the 1990s—has already improved some aspects of the state of professional boxing. However, like me, many others remain concerned the sport continues to be at serious risk. In 2003, the Government Accountability Office spent more than 6 months studying 10 of the country's busiest State and tribal boxing commissions. Government auditors found that many of these commissions do not comply with Federal boxing law, and that there is a disturbing lack of enforcement by both Federal and State officials.

It is important to state clearly and plainly for the record that the purpose of the commission created by this bill is not to interfere with the daily operations of State and tribal boxing commissions. Instead, it would work in consultation with local commissions, and it would only exercise its authority when reasonable grounds exist for such intervention. In fact, this bill states explicitly that it would not prohibit any boxing commission from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing to the extent consistent with the provisions of Federal boxing law.

With respect to costs associated with this legislation, the pricetag for this legislation should not fall on the shoulders of the American taxpayer, especially during a time of crushing debt and deficits. As such, to recover the costs, the bill authorizes the commission to assess fees on promoters, sanctioning organizations, and boxers, ensuring that boxers pay the smallest portion of what is, in fact, collected.

Let there be no doubt, however, of the very basic and pressing need in professional boxing for a Federal boxing commission. The establishment of the USBC would address that need. The problems that have plagued the sport of professional boxing for many years continue to undermine the credibility of this sport in the eyes of the public and, more importantly, compromise the safety of boxers. This bill provides an effective approach to curbing these problems.

I take a back seat to no one in my desire for smaller government and less regulation. It is a crying need today, not only for the integrity of the sport but the health of boxers. We are finding more and more, especially in the sport of professional football lately, the effect of blows to the head. Anyone who has had the honor of knowing Muhammad Ali, as I have over the years, recognizes that this is a very brutal sport. There is no doubt that if in professional football blows to the head can be damaging to one's health, clearly it can be in the sport of boxing. I regret to tell my colleagues that there are not sufficient protections for the safety of the boxers engaged in the sport today.

The Pacquiao-Bradley fight is only the latest example, and its outrage is spread because of the size of the fight. Unfortunately, over the years, there have been a series of fights—some of them I will add for the RECORD at the appropriate time—where the wrong decision has been announced.

This is a great sport. It has given an opportunity, for young men particularly, to rise from the depths of poverty to pinnacles of greatness in the sport—and wealth beyond their imagining at the time they entered the sport. So we need to protect these people. We need to give them a fair and legitimate playing field in which to compete.

I urge the support of my colleagues and again thank my friend the majority leader, Senator HARRY REID, who was a boxer of great skill and ability himself in his younger days. Some of those traits he has displayed very prominently here on the floor of the Senate, and I respect him greatly.

By Mrs. MURRAY:

S. 3309. A bill to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, today, as Chairman of the Senate Committee on Veterans' Affairs, I am pleased to introduce the Homeless Veterans Assistance Improvement Act of 2012. No one who has made sacrifices to serve our Nation should ever be homeless, and this problem should never be ignored. The bill I am introducing today would allow the Department of Veterans Affairs, VA, to continue the important work of ending veteran homelessness.

The administration reported that on any given night in January 2011, an estimated 67,500 veterans were homeless. I want to commend the VA for its efforts to reduce the number of veterans sleeping in the streets. Between 2010 and 2011 the number of homeless veterans decreased by 12 percent, but the number of homeless women veterans has continued to increase. We are making great progress, in large part due to interagency collaborations, but there is still more work to be done.

In light of recent reports from VA's Office of Inspector General and the Government Accountability Office, VA must do more to make its homeless veterans programs more welcoming to women and veterans with families. The reports highlighted limitations in available housing options for women veterans with children. Additionally, infrastructure needs such as private and secure rooms and showering facilities are often lacking placing women veterans in uncomfortable and potentially unsafe situations. We can and should do better.

The Homeless Veterans Assistance Improvement Act of 2012 helps achieve this goal by allowing VA to provide

transitional housing services to the children of homeless veterans, where it is appropriate to do so. It also requires grantees who receive funding for transitional housing to meet the privacy, safety, and security needs of women veterans and veterans with families. No veteran should have to choose between housing and their safety or between housing and remaining with their family.

Other provisions in this legislation help VA to meet the self-identified, unmet needs of homeless veterans. VA conducts an annual assessment of homeless veterans, homeless programs staff, and grantees that ranks the top ten unmet needs of homeless veterans. The most recent report, which was from fiscal year 2010, highlights the fact that many homeless veterans ranked legal assistance among their top ten unmet needs for the last several years. Among the top-ranked needs for the last several years have been legal services and dental care. My legislation makes veterans in the HUD-VASH program eligible to participate in the Homeless Veterans Dental Program. It also ensures that a percentage of the funding available for homelessness prevention and rapid re-housing will be used for legal services to remove some of the barriers to obtaining or maintaining stable housing for homeless veterans.

This is not a full summary of all the provisions within this legislation. However, I hope that I have provided an appropriate overview of the major benefits this legislation would provide.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Homeless Veterans Assistance Improvement Act of 2012''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Requirement that recipients of grants from Department of Veterans Affairs for comprehensive service programs for homeless veterans meet physical privacy, safety, and security needs of such veterans.
Sec. 3. Modification of authority of Department of Veteran Affairs to provide capital improvement grants for comprehensive service programs that assist homeless veterans.
Sec. 4. Funding for furnishing legal services to very low-income veteran families in permanent housing.
Sec. 5. Modifications to requirements relating to per diem payments for services furnished to homeless veterans.
Sec. 6. Authorization of grants by Department of Veterans Affairs to centers that provide services to homeless veterans for operational expenses.
Sec. 7. Expansion of Department of Veterans Affairs authority to provide dental care to homeless veterans.
Sec. 8. Extensions of authorities and programs affecting homeless veterans.

SEC. 2. REQUIREMENT THAT RECIPIENTS OF GRANTS FROM DEPARTMENT OF VETERANS AFFAIRS FOR COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS MEET PHYSICAL PRIVACY, SAFETY, AND SECURITY NEEDS OF SUCH VETERANS.

Section 2011(f) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(6) To meet the physical privacy, safety, and security needs of homeless veterans receiving services through the project.''.

SEC. 3. MODIFICATION OF AUTHORITY OF DEPARTMENT OF VETERAN AFFAIRS TO PROVIDE CAPITAL IMPROVEMENT GRANTS FOR COMPREHENSIVE SERVICE PROGRAMS THAT ASSIST HOMELESS VETERANS.

Section 2011(a) of title 38, United States Code, is amended, in the matter before paragraph (1), by inserting ''and maintaining'' after ''in establishing''.

SEC. 4. FUNDING FOR FURNISHING LEGAL SERVICES TO VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

Section 2044(e) of title 38, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) Of amounts made available under paragraph (1), not less than one percent shall be available for the furnishing of services described in subsection (b)(1)(D)(vii).''.

SEC. 5. MODIFICATIONS TO REQUIREMENTS RELATING TO PER DIEM PAYMENTS FOR SERVICES FURNISHED TO HOMELESS VETERANS.

(a) AUTHORIZATION OF PER DIEM PAYMENTS FOR FURNISHING CARE TO DEPENDENTS OF CERTAIN HOMELESS VETERANS.—Section 2012(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(4) Services for which a recipient of a grant under section 2011 of this title (or an entity described in paragraph (1)) may receive per diem payments under this subsection may include furnishing care for a dependent of a homeless veteran who is under the care of such homeless veteran while such homeless veteran receives services from the grant recipient (or entity).''.

(b) PROVISION OF FUNDS FOR PER DIEM PAYMENTS FOR NONCONFORMING ENTITIES.—

(1) IN GENERAL.—Section 2012(d)(1) of such title is amended, in the matter preceding subparagraph (A), by striking ''may make'' and inserting ''shall make''.

(2) REGULATIONS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe such regulations as may be necessary to implement the amendment made by paragraph (1).

SEC. 6. AUTHORIZATION OF GRANTS BY DEPARTMENT OF VETERANS AFFAIRS TO CENTERS THAT PROVIDE SERVICES TO HOMELESS VETERANS FOR OPERATIONAL EXPENSES.

(a) IN GENERAL.—Subchapter II of chapter 20 of title 38, United States Code, is amended by inserting after section 2012 the following new section:

''§ 2012A. Service center operational grants

''(a) IN GENERAL.—Subject to the availability of appropriations provided for such purpose, the Secretary may award to a recipient of a grant under section 2011 of this title for the establishment of a service center described in subsection (g) of such section a grant for the operational expenses of such service center not otherwise covered by the receipt of per diem payments under section 2012 of this section.

''(b) LIMITATION.—The aggregate amount of all grants awarded under subsection (a) in any fiscal year may not exceed $500,000.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2012 the following new item:

''2012A. Service center operational grants.''.

(c) REGULATIONS.—The Secretary of Veterans Affairs shall promulgate regulations to carry out section 2012A of title 38, United States Code, as added by subsection (a), not later than one year after the date of the enactment of this Act.

SEC. 7. EXPANSION OF DEPARTMENT OF VETERANS AFFAIRS AUTHORITY TO PROVIDE DENTAL CARE TO HOMELESS VETERANS.

Subsection (b) of section 2062 of title 38, United States Code, is amended to read as follows:

''(a) ELIGIBLE VETERANS.—(1) Subsection (a) applies to a veteran who—

''(A) is enrolled for care under section 1705(a) of this title; and

''(B) for a period of 60 consecutive days, is receiving—

''(i) assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)); or

''(ii) care (directly or by contract) in any of the following settings:

''(I) A domiciliary under section 1710 of this title.

''(II) A therapeutic residence under section 2032 of this title.

''(III) Community residential care coordinated by the Secretary under section 1730 of this title.

''(IV) A setting for which the Secretary provides funds for a grant and per diem provider.

''(2) For purposes of paragraph (1), in determining whether a veteran has received assistance or care for a period of 60 consecutive days, the Secretary may disregard breaks in the continuity of assistance or care for which the veteran is not responsible.''.

SEC. 8. EXTENSIONS OF AUTHORITIES AND PROGRAMS AFFECTING HOMELESS VETERANS.

(a) COMPREHENSIVE SERVICE PROGRAMS.—Section 2013 of title 38, United States Code, is amended by striking paragraph (5) and inserting the following new paragraphs:

''(5) $250,000,000 for fiscal year 2013.

''(6) $150,000,000 for fiscal year 2014 and each subsequent fiscal year.''.

(b) HOMELESS VETERANS REINTEGRATION PROGRAMS.—Section 2021(e)(1)(F) of such title is amended by striking ''2012'' and inserting ''2013''.

(c) OUTREACH, CARE, TREATMENT, REHABILITATION, AND THERAPEUTIC TRANSITIONAL HOUSING FOR VETERANS SUFFERING FROM SERIOUS MENTAL ILLNESS.—Section 2031(b) of such title is amended by striking ''December 31, 2012'' and inserting ''December 31, 2014''.

(d) PROGRAM TO EXPAND AND IMPROVE PROVISION OF BENEFITS AND SERVICES BY DEPARTMENT OF VETERANS AFFAIRS TO HOMELESS VETERANS.—Section 2033(d) of such title is amended by striking ''December 31, 2012'' and inserting ''December 31, 2014''.

(e) HOUSING ASSISTANCE FOR HOMELESS VETERANS.—Section 2041(c) of such title is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(f) FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN

FAMILIES IN PERMANENT HOUSING.—Section 2044(e)(1) of such title is amended by adding at the end the following new subparagraph:

''(E) $300,000,000 for fiscal year 2013.''.

(g) GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.—Section 2061(c)(1) of such title is amended by striking ''through 2012'' and inserting ''through 2015''.

(h) ADVISORY COMMITTEE ON HOMELESS VETERANS.—Section 2066(d) of such title is amended by striking ''December 31, 2012'' and inserting ''December 31, 2014''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 495—DESIGNATING THE PERIOD BEGINNING ON JUNE 17, 2012, AND ENDING ON JUNE 23, 2012, AS ''POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK'', AND RAISING AWARENESS AND UNDERSTANDING OF POLYCYSTIC KIDNEY DISEASE AND THE IMPACT SUCH DISEASE HAS ON PATIENTS

Mr. KOHL (for himself and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 495

Whereas polycystic kidney disease, known as ''PKD'', is a life-threatening genetic disease, affecting newborns, children, and adults regardless of sex, age, race, geography, income, or ethnicity;

Whereas there are 2 forms of polycystic kidney disease, autosomal dominant (ADPKD), and autosomal recessive (ARPKD), a rare form frequently leading to early death;

Whereas polycystic kidney disease causes multiple cysts to form on both kidneys (ranging in size from a pinhead to a grapefruit), leading to an increase in kidney size and weight;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidneys and the cardiovascular, endocrine, hepatic, and gastrointestinal systems;

Whereas patients with polycystic kidney disease often experience no symptoms early in the disease, and many patients do not realize they have polycystic kidney disease until other organs are affected;

Whereas symptoms of polycystic kidney disease may include high blood pressure, chronic pain in the back, sides or abdomen, blood in the urine, urinary tract infection, heart disease, and kidney stones;

Whereas polycystic kidney disease is the number 1 genetic cause of kidney failure in the United States;

Whereas more than half of polycystic kidney disease patients will reach kidney failure and require dialysis or a kidney transplant to survive, thus placing an extra strain on dialysis and kidney transplantation resources;

Whereas there is no treatment or cure for polycystic kidney disease; and

Whereas there are thousands of volunteers nationwide dedicated to expanding essential research, fostering public awareness and understanding, educating patients and their families about polycystic kidney disease to improve treatment and care, providing appropriate moral support, and encouraging people to become organ donors: Now, therefore, be it

Resolved, That the Senate—

(1) designates the period beginning on June 17, 2012, and ending on June 23, 2012, as ''Polycystic Kidney Disease Awareness Week'';

(2) supports the goals and ideals of Polycystic Kidney Disease Awareness Week, to raise public awareness and understanding of polycystic kidney disease;

(3) recognizes the need for additional research to find treatments and a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities, to promote public awareness of polycystic kidney disease, and to foster understanding of the impact of such disease on patients and their families.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2439. Mr. DURBIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table.

SA 2440. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2441. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2442. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2443. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2444. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2445. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2446. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 2172 submitted by Mr. SESSIONS and intended to be proposed to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2447. Mr. BEGICH (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2448. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2347 submitted by Mr. NELSON of Nebraska and intended to be proposed to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2449. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2348 submitted by Mr. NELSON of Nebraska and intended to be proposed to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2450. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2294 submitted by Mr. UDALL of Colorado (for himself and Mr. BENNET) and intended to be proposed to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2451. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2452. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2453. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2454. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2455. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2456. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2457. Mr. WARNER (for himself, Mrs. SHAHEEN, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2458. Ms. STABENOW (for Ms. SNOWE) proposed an amendment to the resolution S. Res. 488, commending the efforts of the firefighters and emergency response personnel of Maine, New Hampshire, Massachusetts, and Connecticut, who came together to extinguish the May 23, 2012, fire at Portsmouth Naval Shipyard in Kittery, Maine.

TEXT OF AMENDMENTS

SA 2439. Mr. DURBIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 11023(b)) is amended by adding at the end the following:

''(9) LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.—

''(A) DEFINITION OF AVERAGE ADJUSTED GROSS INCOME.—In this paragraph, the term 'average adjusted gross income' has the meaning given the term in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(a)).

''(B) LIMITATION.—Notwithstanding any other provision of this subtitle and beginning with the 2014 reinsurance year, in the case of any producer that is a person or legal entity that has an average adjusted gross income in excess of $750,000 based on the most recent data available from the Farm Service Agency as of the beginning of the reinsurance year, the total amount of premium subsidy provided with respect to additional coverage under subsection (c), section 508B, or section 508C issued on behalf of the producer for a reinsurance year shall be 15 percentage points less than the premium subsidy provided in accordance with this subsection that would otherwise be available for the applicable policy, plan of insurance, and coverage level selected by the producer.

''(C) APPLICATION.—

''(i) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Government Accountability Office, shall carry out a study to determine the effects of the limitation described in subparagraph (B) on—

''(I) the overall operations of the Federal crop insurance program;

''(II) the number of producers participating in the Federal crop insurance program;

''(III) the level of coverage purchased by participating producers;

''(IV) the amount of premiums paid by participating producers and the Federal Government;

''(V) any potential liability for participating producers, approved insurance providers, and the Federal Government;

''(VI) different crops or growing regions;

''(VII) program rating structures;

''(VIII) creation of schemes or devices to evade the impact of the limitation; and

''(IX) administrative and operating expenses paid to approved insurance providers and underwriting gains and loss for the Federal government and approved insurance providers.

''(ii) EFFECTIVENESS.—The limitation described in subparagraph (B) shall not take effect unless the Secretary determines, through the study described in clause (i), that the limitation would not—

''(I) significantly increase the premium amount paid by producers with an average adjusted gross income of less than $750,000;

''(II) result in a decline in the crop insurance coverage available to producers; and

''(III) increase the total cost of the Federal crop insurance program.''.

SA 2440. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 5102 and insert the following:

SEC. 5102. LOANS TO PURCHASERS OF HIGHLY FRACTIONATED LAND.

(a) IN GENERAL.—The first sentence of Public Law 91–229 (25 U.S.C. 488) is amended—

(1) in subsection (a), in the first sentence, by striking ''loans from'' and all that follows through ''1929)'' and inserting ''direct loans in a manner consistent with direct loans pursuant to chapter 4 of subtitle A of the Consolidated Farm and Rural Development Act'';

(2) in subsection (b)(1)—

(A) by striking ''pursuant to section 205(c) of the Indian Land Consolidation Act (25 U.S.C. 2204(c))''; and

(B) by inserting ''or to intermediaries in order to establish revolving loan funds for the purchase of highly fractionated land under that section'' before the period at the end; and

(3) by adding at the end the following:

''(c) CONSULTATION REQUIRED.—In determining regulations and procedures to define eligible purchasers of highly fractionated land under this section, the Secretary of Agriculture shall consult with the Secretary of the Interior.''.

(b) RELATIONSHIP TO OTHER AMENDMENT.—Section 6002 is amended by striking subsection (bb).

SA 2441. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3915 of the Consolidated Farm and Rural Development Act (as added by section 6001) and all that follows through section 6002(c), and insert the following:

''SEC. 3915. SUBSTANTIALLY UNDERSERVED TRUST AREAS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE PROGRAM.—The term 'eligible program' means a program administered by the Secretary and authorized in—

''(A) this Act;

''(B) the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.); or

''(C) title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.).

''(2) SUBSTANTIALLY UNDERSERVED TRUST AREA.—The term 'substantially underserved trust area' means a community in 'trust land' (as defined in section 3765 of title 38, United States Code).

''(b) INITIATIVE.—The Secretary, in consultation with local governments and Federal agencies, may implement an initiative to identify and improve the availability of eligible programs in communities in substantially underserved trust areas.

''(c) AUTHORITY OF SECRETARY.—In carrying out subsection (b), the Secretary—

''(1) may make available from loan or loan guarantee programs administered by the Secretary to qualified entities or applicants financing with an interest rate as low as 2 percent and with extended repayment terms;

''(2) may waive nonduplication restrictions, matching fund requirements, or credit support requirements from any loan or grant program administered by the Secretary to facilitate the construction, acquisition, or improvement of infrastructure, or for other purposes;

''(3) may give the highest funding priority to designated projects in substantially underserved trust areas; and

''(4) shall only make loans or loan guarantees that are found to be financially feasible and that provide eligible program benefits to substantially underserved trust areas.

''(d) ELIGIBILITY OF TRUST LAND FOR ELIGIBLE PROGRAMS.—For purposes of eligibility for eligible programs, trust land (as defined in section 3765 of title 38, United States Code) shall be considered by the Secretary to be a rural area.

''(e) REPORT.—Each year, the Secretary shall submit to Congress a report that describes—

''(1) the progress of the initiative implemented under subsection (b); and

''(2) recommendations for any regulatory or legislative changes that would be appropriate to improve services to substantially underserved trust areas.

''SEC. 3916. REGULATIONS.

''The Secretary may issue such regulations, prescribe such terms and conditions for making or guaranteeing loans, security instruments, and agreements, except as otherwise specified in this title, and make such delegations of authority as the Secretary considers necessary to carry out this title.''.

SEC. 6002. CONFORMING AMENDMENTS.

(a) Section 17(c) of the Rural Electrification Act of 1936 (7 U.S.C. 917(c)) is amended by striking paragraph (1) and inserting the following:

''(1) Subtitle B of the Consolidated Farm and Rural Development Act.''.

(b) Section 305(c)(2)(B)(i)(I) of the Rural Electrification Act of 1936 (7 U.S.C. 935(c)(2)(B)(i)(I)) is amended by striking ''section 307(a)(3)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)(A))'' and inserting ''section 3701(b)(2) of the Consolidated Farm and Rural Development Act''.

(c) Section 306F of the Rural Electrification Act of 1936 (7 U.S.C. 936f) is repealed.

SA 2442. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 3201 of the Consolidated Farm and Rural Development Act (as added by section 5001), add the following:

''(e) PILOT LOAN PROGRAM TO SUPPORT HEALTHY FOODS FOR THE HUNGRY.—

''(1) DEFINITION OF GLEANER.—In this subsection, the term 'gleaner' means an entity that—

''(A) collects edible, surplus food that would be thrown away and distributes the food to agencies or nonprofit organizations that feed the hungry; or

''(B) harvests for free distribution to the needy, or for donation to agencies or nonprofit organizations for ultimate distribution to the needy, an agricultural crop that has been donated by the owner of the crop.

''(2) PROGRAM.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish, within the operating loan program established under this chapter, a pilot program under which the Secretary makes loans available to eligible entities to assist the entities in providing food to the hungry.

''(3) ELIGIBILITY.—In addition to any other person eligible under the terms and conditions of the operating loan program established under this chapter, gleaners shall be eligible to receive loans under this subsection.

''(4) LOAN AMOUNT.—

''(A) IN GENERAL.—Each loan issued under the program shall be in an amount of not less than $500 and not more than $5,000.

''(B) REDISTRIBUTION.—If the eligible recipients in a State do not use the full allocation of loans that are available to eligible recipients in the State under this subsection, the Secretary may use any unused amounts to make loans available to eligible entities in other States in accordance with this subsection.

''(5) LOAN PROCESSING.—

''(A) IN GENERAL.—The Secretary shall process any loan application submitted under the program not later than 30 days after the date on which the application was submitted.

''(B) EXPEDITING APPLICATIONS.—The Secretary shall take any measure the Secretary determines necessary to expedite any application submitted under the program.

''(6) PAPERWORK REDUCTION.—The Secretary shall take measures to reduce any paperwork requirements for loans under the program.

''(7) PROGRAM INTEGRITY.—The Secretary shall take such actions as are necessary to ensure the integrity of the program established under this subsection.

''(8) MAXIMUM AMOUNT.—Of funds that are made available to carry out this chapter, the Secretary shall use to carry out this subsection a total amount of not more than $500,000.

''(9) REPORT.—Not later than 180 days after the maximum amount of funds are used to carry out this subsection under paragraph (8), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the pilot program and the feasibility of expanding the program.

SA 2443. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In section 7408, strike ''(2) in subsection (h)—'' and insert the following:

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

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

''(h) STATE GRANTS.—

''(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) an agency of a State or political subdivision of a State;

''(B) a national, State, or regional organization of agricultural producers; and

''(C) any other entity determined appropriate by the Secretary.

''(2) GRANTS.—The Secretary shall use such sums as are necessary of funds made available to carry out this section for each fiscal year under subsection (i) to make grants to States, on a competitive basis, which States shall use the grants to make grants to eligible entities to establish and improve farm safety programs at the local level.''; and

(4) in subsection (i) (as redesignated by paragraph (2))—

SA 2444. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle D of title I, add the following:

SEC. 1463. STUDY ON FEDERAL MILK MARKETING ORDERS.

(a) IN GENERAL.—The Secretary shall conduct a study of the implications of the Federal milk marketing orders issued under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(b) REQUIREMENTS.—The study shall include—

(1) an analysis of the impact of—

(A) end product pricing on milk price volatility; and

(B) classified pricing and pooling on processing investment, competition, and dairy product innovation; and

(2) the feasibility of replacing end product pricing and moving toward a competitive pricing or mandatory price reporting system.

(c) FEDERAL MILK MARKETING ORDER REVIEW COMMISSION.—The Secretary may use the Federal Milk Market Order Review Commission established under section 1509(a) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1726) or documents of the Commission, to conduct all or part of the study required by this section.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study required under this section, including any recommendations.

SA 2445. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 574, between lines 11 and 12, insert the following:

''(C) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this subsection $12,500,000 for each of fiscal years 2014 through 2017, to remain available until expended.

On page 606, between lines 4 and 5, insert the following:

''(E) MANDATORY FUNDING FOR FISCAL YEARS 2013 THROUGH 2017.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this paragraph $3,750,000 for each of fiscal years 2014 through 2017, to remain available until expended.

On page 782, between lines 14 and 15 and insert the following:

SEC. 6203. FUNDING OF PENDING RURAL DEVELOPMENT LOAN AND GRANT APPLICATIONS.

(a) IN GENERAL.—The Secretary shall use funds made available under subsection (b) to provide funds for applications that are pending on the date of enactment of this Act in accordance with the terms and conditions of section 6029 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1955).

(b) FUNDING.—Notwithstanding any other provision of law, beginning in fiscal year 2014, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $50,000,000, to remain available until expended.

On page 832, line 6, strike ''$50,000,000 for fiscal year 2013'' and insert ''$17,000,000 for each of fiscal years 2013 through 2017''.

SA 2446. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 2172 submitted by Mr. SESSIONS and intended to be proposed to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 4011. PERFORMANCE BONUS PAYMENTS.

Section 16(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(d)) is amended by adding at the end the following:

''(5) USE OF PERFORMANCE BONUS PAYMENTS.—A State agency may use a performance bonus payment received under this subsection only to carry out the program established under this Act, including investments in—

''(A) technology;

''(B) improvements in administration and distribution; and

''(C) actions to prevent fraud, waste, and abuse.''.

SA 2447. Mr. BEGICH (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

After section 11023, insert the following:

SEC. 11024. DISCLOSURE IN THE PUBLIC INTEREST.

Section 502(c)(2) of the Federal Crop Insurance Act (7 U.S.C. 1502(c)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (C) and (D) respectively; and

(2) by inserting before subparagraph (C) (as so redesignated) the following:

''(A) DISCLOSURE IN THE PUBLIC INTEREST.—Notwithstanding paragraph (1) or any other provision of law, except as provided in subparagraph (B), the Secretary shall on an annual basis make available to the public—

''(i)(I) the name of each individual or entity who obtained a federally subsidized crop insurance, livestock, or forage policy or plan of insurance during the previous fiscal year;

''(II) the amount of premium subsidy received by the individual or entity from the Corporation; and

''(III) the amount of any Federal portion of indemnities paid in the event of a loss during that fiscal year for each policy associated with that individual or entity; and

''(ii) for each private insurance provider, by name—

''(I) the underwriting gains earned through participation in the federally subsidized crop insurance program; and

''(II) the amount paid under this subtitle for—

''(aa) administrative and operating expenses;

''(bb) any Federal portion of indemnities and reinsurance; and

''(cc) any other purpose.

''(B) LIMITATION.—The Secretary shall not disclose information pertaining to individuals and entities covered by a catastrophic risk protection plan offered under section 508(b).''.

SA 2448. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2347 submitted by Mr. NELSON of Nebraska and intended to be proposed to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 122___. GRAZING PERMITS AND LEASES.

(a) TERMS OF GRAZING PERMITS AND LEASES.—Section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752) is amended—

(1) by striking ''ten years'' each place it appears and inserting ''20 years''; and

(2) in subsection (b)—

(A) by striking ''or'' at the end of each of paragraphs (1) and (2);

(B) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(4) the initial environmental analysis under National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) regarding a grazing allotment, permit, or lease has not been completed.''.

(b) RENEWAL, TRANSFER, AND REISSUANCE OF GRAZING PERMITS AND LEASES.—Title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.) is amended by adding at the end the following:

''SEC. 405. RENEWAL, TRANSFER, REISSUANCE, AND PENDING PROCESSING OF GRAZING PERMITS AND LEASES.

''(a) DEFINITIONS.—In this section:

''(1) CURRENT GRAZING MANAGEMENT.—The term 'current grazing management' means grazing in accordance with the terms and conditions of an existing permit or lease and includes any modifications that are consistent with an applicable Department of Interior resource management plan or Department of Agriculture land use plan.

''(2) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture, with respect to National Forest System land; and

''(B) the Secretary of the Interior, with respect to land under the jurisdiction of the Department of the Interior.

''(b) RENEWAL, TRANSFER, REISSUANCE, AND PENDING PROCESSING.—A grazing permit or lease issued by the Secretary of the Interior, or a grazing permit issued by the Secretary of Agriculture regarding National Forest System land, that expires, is transferred, or is waived shall be renewed or reissued under, as appropriate—

''(1) section 402;

''(2) section 19 of the Act of April 24, 1950 (commonly known as the 'Granger-Thye Act'; 16 U.S.C. 5801);

''(3) title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.); or

''(4) section 510 the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–50).

''(c) TERMS; CONDITIONS.—The terms and conditions (except the termination date) contained in an expired, transferred, or waived permit or lease described in subsection (b) shall continue in effect under a renewed or reissued permit or lease until the date on which the Secretary concerned completes the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, in compliance with each applicable law.

''(d) CANCELLATION; SUSPENSION; MODIFICATION.—Notwithstanding subsection (c), a permit or lease described in subsection (b) may be cancelled, suspended, or modified in accordance with applicable law.

''(e) RENEWAL, TRANSFER, OR REISSUANCE AFTER PROCESSING.—When the Secretary concerned has completed the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, the Secretary concerned may renew or reissue the permit or lease for a term of 20 years after completion of processing.

''(f) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—The renewal, reissuance, or transfer of a grazing permit or lease by the Secretary concerned may, at the sole discretion of the Secretary concerned, be categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement if—

''(1) the decision to renew, reissue, or transfer continues the current grazing management of the allotment;

''(2) monitoring of the allotment has indicated that the current grazing management has met, or has satisfactorily progressed towards meeting, objectives contained in the land use and resource management plan of the allotment, as determined by the Secretary concerned; or

''(3) the decision is consistent with the policy of the Department of the Interior or the Department of Agriculture, as appropriate, regarding extraordinary circumstances.

''(g) PRIORITY AND TIMING FOR COMPLETING ENVIRONMENTAL ANALYSES.—The Secretary concerned, in the sole discretion of the Secretary concerned, shall determine the priority and timing for completing each required environmental analysis regarding any grazing allotment, permit, or lease based on the environmental significance of the allotment, permit, or lease and available funding for that purpose.

''(h) NEPA EXEMPTIONS.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the following:

''(1) Crossing and trailing authorizations of domestic livestock.

''(2) Transfer of grazing preference.''.

SA 2449. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2348 submitted by Mr. NELSON of Nebraska and intended to be proposed to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 122___. GRAZING PERMITS AND LEASES.

(a) TERMS OF GRAZING PERMITS AND LEASES.—Section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752) is amended—

(1) by striking ''ten years'' each place it appears and inserting ''20 years''; and

(2) in subsection (b)—

(A) by striking ''or'' at the end of each of paragraphs (1) and (2);

(B) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(4) the initial environmental analysis under National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) regarding a grazing allotment, permit, or lease has not been completed.''.

(b) RENEWAL, TRANSFER, AND REISSUANCE OF GRAZING PERMITS AND LEASES.—Title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.) is amended by adding at the end the following:

''SEC. 405. RENEWAL, TRANSFER, REISSUANCE, AND PENDING PROCESSING OF GRAZING PERMITS AND LEASES.

''(a) DEFINITIONS.—In this section:

''(1) CURRENT GRAZING MANAGEMENT.—The term 'current grazing management' means grazing in accordance with the terms and conditions of an existing permit or lease and includes any modifications that are consistent with an applicable Department of Interior resource management plan or Department of Agriculture land use plan.

''(2) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture, with respect to National Forest System land; and

''(B) the Secretary of the Interior, with respect to land under the jurisdiction of the Department of the Interior.

''(b) RENEWAL, TRANSFER, REISSUANCE, AND PENDING PROCESSING.—A grazing permit or lease issued by the Secretary of the Interior, or a grazing permit issued by the Secretary of Agriculture regarding National Forest System land, that expires, is transferred, or is waived shall be renewed or reissued under, as appropriate—

''(1) section 402;

''(2) section 19 of the Act of April 24, 1950 (commonly known as the 'Granger-Thye Act'; 16 U.S.C. 5801);

''(3) title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.); or

''(4) section 510 the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–50).

''(c) TERMS; CONDITIONS.—The terms and conditions (except the termination date) contained in an expired, transferred, or waived permit or lease described in subsection (b) shall continue in effect under a renewed or reissued permit or lease until the date on which the Secretary concerned completes the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, in compliance with each applicable law.

''(d) CANCELLATION; SUSPENSION; MODIFICATION.—Notwithstanding subsection (c), a permit or lease described in subsection (b) may be cancelled, suspended, or modified in accordance with applicable law.

''(e) RENEWAL, TRANSFER, OR REISSUANCE AFTER PROCESSING.—When the Secretary concerned has completed the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, the Secretary concerned may renew or reissue the permit or lease for a term of 20 years after completion of processing.

''(f) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—The renewal, reissuance, or transfer of a grazing permit or lease by the Secretary concerned may, at the sole discretion of the Secretary concerned, be categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement if—

''(1) the decision to renew, reissue, or transfer continues the current grazing management of the allotment;

''(2) monitoring of the allotment has indicated that the current grazing management has met, or has satisfactorily progressed towards meeting, objectives contained in the land use and resource management plan of the allotment, as determined by the Secretary concerned; or

''(3) the decision is consistent with the policy of the Department of the Interior or the Department of Agriculture, as appropriate, regarding extraordinary circumstances.

''(g) PRIORITY AND TIMING FOR COMPLETING ENVIRONMENTAL ANALYSES.—The Secretary concerned, in the sole discretion of the Secretary concerned, shall determine the priority and timing for completing each required environmental analysis regarding any grazing allotment, permit, or lease based on the environmental significance of the allotment, permit, or lease and available funding for that purpose.

''(h) NEPA EXEMPTIONS.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the following:

''(1) Crossing and trailing authorizations of domestic livestock.

''(2) Transfer of grazing preference.''.

SA 2450. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2294 submitted by Mr. UDALL of Colorado (for himself and Mr. BENNET) and intended to be proposed to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 8303. COOPERATIVE AGREEEMENTS FOR FOREST, RANGELAND, AND WATERSHED RESTORATION AND PROTECTION SERVICES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term ''eligible State'' means a State that contains National Forest System land or Bureau of Land Management land located west of the 100th meridian.

(2) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of Agriculture, with respect to National Forest System land; or

(B) the Secretary of the Interior, with respect to Bureau of Land Management land.

(3) STATE FORESTER.—The term ''State forester'' means the head of a State agency with jurisdiction over State forestry programs in an eligible State.

(b) COOPERATIVE AGREEMENTS AND CONTRACTS.—

(1) IN GENERAL.—The Secretary may enter into a cooperative agreement or contract (including a sole source contract) with a State forester to authorize the State forester to provide the forest, rangeland, and watershed restoration and protection services described in paragraph (2) on National Forest System land or Bureau of Land Management land, as applicable, in the eligible State.

(2) AUTHORIZED SERVICES.—The forest, rangeland, and watershed restoration and protection services referred to in paragraph (1) include the conduct of—

(A) activities to treat insect infected trees;

(B) activities to reduce hazardous fuels; and

(C) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(3) STATE AS AGENT.—Except as provided in paragraph (6), a cooperative agreement or contract entered into under paragraph (1) may authorize the State forester to serve as the agent for the Secretary in providing the restoration and protection services authorized under paragraph (1).

(4) SUBCONTRACTS.—In accordance with applicable contract procedures for the eligible

State, a State forester may enter into subcontracts to provide the restoration and protection services authorized under a cooperative agreement or contract entered into under paragraph (1).

(5) TIMBER SALES.—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract entered into under paragraph (1).

(6) RETENTION OF NEPA RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any restoration and protection services to be provided under this section by a State forester on National Forest System land or Bureau of Land Management land, as applicable, shall not be delegated to a State forester or any other officer or employee of the eligible State.

(7) APPLICABLE LAW.—The restoration and protection services to be provided under this section shall be carried out on a project-to-project basis under existing authorities of the Forest Service or Bureau of Land Management, as applicable.

SA 2451. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title IV, insert the following:

SEC. 4_____. QUALITY CONTROL BONUSES.

Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended—

(1) in subsection (c)—

(A) in the first sentence of paragraph (4), by striking ''payment error rate'' and all that follows through ''subsection (d)'' and inserting ''liability amount or new investment amount under paragraph (1) or payment error rate''; and

(B) in the first sentence of paragraph (5), by striking ''payment error rate'' and all that follows through ''subsection (d)'' and inserting ''liability amount or new investment amount under paragraph (1) or payment error rate'';

(2) by striking subsection (d); and

(3) in subsection (i)(1), by striking ''subsection (d)(1)'' and inserting ''subsection (c)(2)''.

On page 337, line 8, strike ''$28,000,000'' and insert ''$71,000,000''.

On page 337, line 10, strike ''$24,000,000'' and insert ''$67,000,000''.

On page 337, line 12, strike ''$20,000,000'' and insert ''$63,000,000''.

On page 337, line 14, strike ''$18,000,000'' and insert ''$61,000,000''.

On page 337, line 16, strike ''$10,000,000'' and insert ''$53,000,000''.

SA 2452. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 6203. LOANS UNDER SECTION 502 OF THE HOUSING ACT OF 1949 FOR CERTAIN DWELLINGS IN THE STATE OF ALASKA.

Section 502(a) of the Housing Act of 1949 (42 U.S.C. 1472(a)) is amended by adding at the end the following:

''(4) Notwithstanding any other provision of law, the Secretary may not deny an application for a loan under this section with respect to a dwelling in the United States solely on the basis that the application relates to a dwelling with an alternative water supply system (including a catchment, holding tank, or cistern system), if the Secretary determines that it is not feasible for the dwelling to obtain potable water from a conventional water supply system.''.

SA 2453. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1006, between lines 21 and 22, insert the following:

''(4) ADDITIONAL AVAILABILITY.—

''(A) IN GENERAL.—As soon as practicable after October 1, 2013, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

''(i) to a 2012 annual fruit crop grown on a bush or tree; and

''(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

''(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).''.

SA 2454. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

SEC. 3015. PROHIBITION ON ASSISTANCE FOR NORTH KOREA.

(a) IN GENERAL.—No amounts may be obligated or expended to provide assistance under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) to the Democratic People's Republic of Korea.

(b) NATIONAL INTEREST WAIVER.—The President may waive subsection (a) if the President determines and certifies to the Committees on Agriculture, Nutrition, and Forestry and Foreign Relations of the Senate and the Committees on Agriculture and Foreign Affairs of the House of Representatives that the waiver is in the national interest of the United States.

SA 2455. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REPORT ON EFFECTS OF DEFENSE AND NONDEFENSE BUDGET SEQUESTRATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The inability of the Joint Select Committee on Deficit Reduction to find $1,200,000,000,000 in savings will trigger automatic funding reductions known as ''sequestration'' to raise an equivalent level of savings between 2013 and 2021.

(2) These savings are in addition to $900,000,000,000 in deficit reduction resulting from discretionary spending limits established by the Budget Control Act of 2011.

(b) REPORT.—

(1) IN GENERAL.—As soon as practicable, the Office of Management and Budget shall submit to Congress a detailed report on the impact of the sequestration required to be ordered by paragraphs (7)(A) and (8) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) for fiscal year 2013 on January 2, 2013.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) For discretionary appropriations an estimate for the defense and nondefense functions based on current law of the sequestration percentages and amount necessary to achieve the required reduction.

(B) For direct spending an estimate for the defense and nondefense functions based on current law of the sequestration percentages and amount necessary to achieve the required reduction.

(C) Any other data or information that would enhance public understanding of the sequester and its effect on the defense and nondefense functions of the Federal Government including the impact on essential public safety responsibilities such as homeland security, food safety, and air traffic control activities.

SA 2456. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On p. 1009, after line 11, add the following:

SEC. 122 ____. REQUIREMENTS FOR AERIAL OVERFLIGHTS OF AGRICULTURAL OPERATIONS TO PROTECT PUBLIC HEALTH AND SAFETY.

The Administrator of the Environmental Protection Agency, pursuant to her responsibility to protect public health and safety, shall only conduct aerial overflights to inspect agricultural operations if the EPA Administrator determines that aerial overflights are more cost-effective than ground inspections to the taxpayer and the Agency has notified the appropriate State officials of such flights.

SA 2457. Mr. WARNER (for himself, Mrs. SHAHEEN, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 6104 and insert the following:

SEC. 6104. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

Section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended—

(1) in subsection (a), by striking ''loans and'' and inserting ''grants, loans, and'';

(2) in subsection (b), by striking paragraph (3) and inserting the following:

''(3) RURAL AREA.—The term 'rural area' means any area described in section 3002 of the Consolidated Farm and Rural Development Act.'';

(3) in subsection (c)—

(A) in the subsection heading, by striking ''LOANS AND'' and inserting ''GRANTS, LOANS, AND'';

(B) in paragraph (1), by inserting ''make grants and'' after ''Secretary shall'';

(C) by striking paragraph (2) and inserting the following:

''(2) PRIORITY.—

''(A) IN GENERAL.—In making grants, loans, or loan guarantees under paragraph (1), the Secretary shall—

''(i) establish not less than 2, and not more than 4, evaluation periods for each fiscal

year to compare grant, loan, and loan guarantee applications and to prioritize grants, loans, and loan guarantees to all or part of rural communities that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e);

''(ii) give the highest priority to applicants that offer to provide broadband service to the greatest proportion of unserved rural households or rural households that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e), as—

''(I) certified by the affected community, city, county, or designee; or

''(II) demonstrated on—

''(aa) the broadband map of the affected State if the map contains address-level data; or

''(bb) the National Broadband Map if address-level data is unavailable; and

''(iii) give a higher priority to applicants that have not previously received grants, loans, or loan guarantees under paragraph (1) and that are seeking to build out unserved areas or to upgrade rural households to the minimum acceptable level of broadband service established under subsection (e).

''(B) OTHER.—After giving priority to the applicants described in subparagraph (A), the Secretary shall then give priority to projects that serve rural communities—

''(i) with a population of less than 20,000 permanent residents;

''(ii) experiencing outmigration;

''(iii) with a high percentage of low-income residents; and

''(iv) that are isolated from other significant population centers.''; and

(D) by adding at the end the following:

''(3) GRANT AMOUNTS.—

''(A) ELIGIBILITY.—To be eligible for a grant under this section, the project that is the subject of the grant shall be carried out in a rural area.

''(B) MAXIMUM.—Except as provided in subparagraph (D), the amount of any grant made under this section shall not exceed 50 percent of the development costs of the project for which the grant is provided.

''(C) GRANT RATE.—The Secretary shall establish the grant rate for each project in accordance with regulations issued by the Secretary that shall provide for a graduated scale of grant rates that establish higher rates for projects in communities that have—

''(i) remote locations;

''(ii) low community populations;

''(iii) low income levels;

''(iv) developed the applications of the communities with the participation of combinations of stakeholders, including—

''(I) State, local, and tribal governments;

''(II) nonprofit institutions;

''(III) institutions of higher education;

''(IV) private entities; and

''(V) philanthropic organizations; and

''(v) targeted funding to provide the minimum acceptable level of broadband service established under subsection (e) in all or part of an unserved community that is below that minimum acceptable level of broadband service.

''(D) SECRETARIAL AUTHORITY TO ADJUST.—The Secretary may make grants of up to 75 percent of the development costs of the project for which the grant is provided to an eligible entity if the Secretary determines that the project serves a remote or low income area that does not have access to broadband service from any provider of broadband service (including the applicant).'';

(4) in subsection (d)—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i), by striking ''loan or'' and inserting ''grant, loan, or'';

(ii) by striking clause (i) and inserting the following:

''(i) demonstrate the ability to furnish, improve in order to meet the minimum acceptable level of broadband service established under subsection (e), or extend broadband service to all or part of an unserved rural area or an area below the minimum acceptable level of broadband service established under subsection (e);'';

(iii) in clause (ii), by striking ''a loan application'' and inserting ''an application''; and

(iv) in clause (iii)—

(I) by striking ''the loan application'' and inserting ''the application''; and

(II) by striking ''proceeds from the loan made or guaranteed under this section are'' and inserting ''assistance under this section is'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking ''the proceeds of a loan made or guaranteed'' and inserting ''assistance''; and

(bb) by striking ''for the loan or loan guarantee'' and inserting ''of the eligible entity'';

(II) in clause (i), by striking ''is offered broadband service by not more than 1 incumbent service provider'' and inserting ''are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e)''; and

(III) in clause (ii), by striking ''3'' and inserting ''2'';

(ii) by striking subparagraph (B) and inserting the following:

''(B) ADJUSTMENTS.—

''(i) INCREASE.—The Secretary may increase the household percentage requirement under subparagraph (A)(i) if—

''(I) more than 25 percent of the costs of the project are funded by grants made under this section; or

''(II) the proposed service territory includes 1 or more communities with a population in excess of 20,000.

''(ii) REDUCTION.—The Secretary may reduce the household percentage requirement under subparagraph (A)(i)—

''(I) to not less than 15 percent, if the proposed service territory does not have a population in excess of 5,000 people; or

''(II) to not less than 18 percent, if the proposed service territory does not have a population in excess of 7,500 people.''; and

(iii) in subparagraph (C)—

(I) in the subparagraph heading, by striking ''3'' and inserting ''2''; and

(II) in clause (i), by inserting ''the minimum acceptable level of broadband service established under subsection (e) in'' after ''service to'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''loan or'' and inserting ''grant, loan, or''; and

(ii) in subparagraph (B), by adding at the end the following:

''(iii) INFORMATION.—Information submitted under this subparagraph shall be—

''(I) certified by the affected community, city, county, or designee; and

''(II) demonstrated on—

''(aa) the broadband map of the affected State if the map contains address-level data; or

''(bb) the National Broadband Map if address-level data is unavailable.'';

(D) in paragraph (4)—

(i) by striking ''Subject to paragraph (1),'' and inserting the following:

''(A) IN GENERAL.—Subject to paragraph (1) and subparagraph (B),'';

(ii) by striking ''loan or'' and inserting ''grant, loan, or''; and

(iii) by adding at the end the following:

''(B) PILOT PROGRAMS.—The Secretary may carry out pilot programs in conjunction with interested entities described in subparagraph (A) (which may be in partnership with other entities, as determined appropriate by the Secretary) to address areas that are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e).'';

(E) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking ''loan or'' and inserting ''grant, loan, or''; and

(ii) in subparagraph (C), by inserting '', and proportion relative to the service territory,'' after ''estimated number'';

(F) in paragraph (6), by striking ''loan or'' and inserting ''grant, loan, or'';

(G) in paragraph (7), by striking ''a loan application'' and inserting ''an application''; and

(H) by adding at the end the following:

''(8) TRANSPARENCY AND REPORTING.—The Secretary—

''(A) shall require any entity receiving assistance under this section to submit quarterly, in a format specified by the Secretary, a report that describes—

''(i) the use by the entity of the assistance, including new equipment and capacity enhancements that support high-speed broadband access for educational institutions, health care providers, and public safety service providers (including the estimated number of end users who are currently using or forecasted to use the new or upgraded infrastructure); and

''(ii) the progress towards fulfilling the objectives for which the assistance was granted, including—

''(I) the number and location of residences and businesses that will receive new broadband service, existing network service improvements, and facility upgrades resulting from the Federal assistance;

''(II) the speed of broadband service;

''(III) the price of broadband service;

''(IV) any changes in broadband service adoption rates, including new subscribers generated from demand-side projects; and

''(V) any other metrics the Secretary determines to be appropriate;

''(B) shall maintain a fully searchable database, accessible on the Internet at no cost to the public, that contains, at a minimum—

''(i) a list of each entity that has applied for assistance under this section;

''(ii) a description of each application, including the status of each application;

''(iii) for each entity receiving assistance under this section—

''(I) the name of the entity;

''(II) the type of assistance being received;

''(III) the purpose for which the entity is receiving the assistance; and

''(IV) each quarterly report submitted under subparagraph (A); and

''(iv) such other information as is sufficient to allow the public to understand and monitor assistance provided under this section;

''(C) shall, in addition to other authority under applicable law, establish written procedures for all broadband programs administered by the Secretary that, to the maximum extent practicable—

''(i) recover funds from loan defaults;

''(ii)(I) deobligate awards to grantees that demonstrate an insufficient level of performance (including failure to meet build-out requirements, service quality issues, or other metrics determined by the Secretary) or wasteful or fraudulent spending; and

''(II) award those funds, on a competitive basis, to new or existing applicants consistent with this section; and

''(iii) consolidate and minimize overlap among the programs;

''(D) with respect to an application for assistance under this section, shall—

''(i) promptly post on the website of the Rural Utility Service—

''(I) an announcement that identifies—

''(aa) each applicant;

''(bb) the amount and type of support requested by each applicant; and

''(II) a list of the census block groups or proposed service territory, in a manner specified by the Secretary, that the applicant proposes to service;

''(ii) provide not less than 15 days for broadband service providers to voluntarily submit information about the broadband services that the providers offer in the groups or tracts listed under clause (i)(II) so that the Secretary may assess whether the applications submitted meet the eligibility requirements under this section; and

''(iii) if no broadband service provider submits information under clause (ii), consider the number of providers in the group or tract to be established by reference to—

''(I) the most current National Broadband Map of the National Telecommunications and Information Administration; or

''(II) any other data regarding the availability of broadband service that the Secretary may collect or obtain through reasonable efforts; and

''(E) may establish additional reporting and information requirements for any recipient of any assistance under this section so as to ensure compliance with this section.'';

(5) in subsection (e)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), for purposes of this section, the minimum acceptable level of broadband service for a rural area shall be at least—

''(A) a 4-Mbps downstream transmission capacity; and

''(B) a 1-Mbps upstream transmission capacity.

''(2) ADJUSTMENTS.—

''(A) IN GENERAL.—At least once every 2 years, the Secretary shall review, and may adjust, the minimum acceptable level of broadband service established under paragraph (1) to ensure that high quality, cost-effective broadband service is provided to rural areas over time.

''(B) CONSIDERATIONS.—In making an adjustment to the minimum acceptable level of broadband service under subparagraph (A), the Secretary may consider establishing different transmission rates for fixed broadband service and mobile broadband service.'';

(6) in subsection (f), by striking ''make a loan or loan guarantee'' and inserting ''provide assistance'';

(7) in subsection (g), by striking paragraph (2) and inserting the following:

''(2) TERMS.—In determining the term and conditions of a loan or loan guarantee, the Secretary may—

''(A) consider whether the recipient would be serving an area that is unserved; and

''(B) if the Secretary makes a determination in the affirmative under subparagraph (A), establish a limited initial deferral period or comparable terms necessary to achieve the financial feasibility and long-term sustainability of the project.'';

(8) in subsection (j)—

(A) in the matter preceding paragraph (1), by striking ''loan and loan guarantee'';

(B) in paragraph (1)—

(i) by inserting ''grants and'' after ''number of''; and

(ii) by inserting '', including any loan terms or conditions for which the Secretary provided additional assistance to unserved areas'' before the semicolon at the end;

(C) in paragraph (2)—

(i) in subparagraph (A), by striking ''loan''; and

(ii) in subparagraph (B), by striking ''loans and'' and inserting ''grants, loans, and'';

(D) in paragraph (3), by striking ''loan'';

(E) in paragraph (5), by striking ''and'' at the end;

(F) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(G) by adding at the end the following:

''(7) the overall progress towards fulfilling the goal of improving the quality of rural life by expanding rural broadband access, as demonstrated by metrics, including—

''(A) the number of residences and businesses receiving new broadband services;

''(B) network improvements, including facility upgrades and equipment purchases;

''(C) average broadband speeds and prices on a local and statewide basis;

''(D) any changes in broadband adoption rates; and

''(E) any specific activities that increased high speed broadband access for educational institutions, health care providers. and public safety service providers.''; and

(9) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively;

(10) by inserting after subsection (j) the following:

''(k) BROADBAND BUILDOUT DATA.—

''(1) IN GENERAL.—As a condition of receiving a grant, loan, or loan guarantee under this section, a recipient of assistance shall provide to the Secretary address-level broadband buildout data that indicates the location of new broadband service that is being provided or upgraded within the service territory supported by the grant, loan, or loan guarantee—

''(A) for purposes of inclusion in the semi-annual updates to the National Broadband Map that is managed by the National Telecommunications and Information Administration (referred to in this subsection as the 'Administration'); and

''(B) not later than 30 days after the earlier of—

''(i) the date of completion of any project milestone established by the Secretary; or

''(ii) the date of completion of the project.

''(2) ADDRESS-LEVEL DATA.—Effective beginning on the date the Administration receives data described in paragraph (1), the Administration shall use only address-level broadband buildout data for the National Broadband Map.

''(3) CORRECTIONS.—

''(A) IN GENERAL.—The Secretary shall submit to the Administration any correction to the National Broadband Map that is based on the actual level of broadband coverage within the rural area, including any requests for a correction from an elected or economic development official.

''(B) INCORPORATION.—Not later than 30 days after the date on which the Administration receives a correction submitted under subparagraph (A), the Administration shall incorporate the correction into the National Broadband Map.

''(C) USE.—If the Secretary has submitted a correction to the Administration under subparagraph (A), but the National Broadband Map has not been updated to reflect the correct by the date on which the Secretary is making a grant or loan award decision under this section, the Secretary may use the correction submitted under that subparagraph for purposes of make the grant or loan award decision.'';

(11) subsection (*l*) (as redesignated by paragraph (9))—

(A) in paragraph (1)—

(i) by striking ''$25,000,000'' and inserting ''$50,000,000''; and

(ii) by striking ''2012'' and inserting ''2017''; and

(B) in paragraph (2)(A)—

(i) in clause (i), by striking ''and'' at the end;

(ii) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) set aside at least 1 percent to be used for—

''(I) conducting oversight under this section; and

''(II) implementing accountability measures and related activities authorized under this section.''; and

(12) in subsection (m) (as redesignated by paragraph (9))—

(A) by striking ''loan or'' and inserting ''grant, loan, or''; and

(B) by striking ''2012'' and inserting ''2017''.

SA 2458. Ms. STABENOW (for Ms. SNOWE) proposed an amendment to the resolution S. Res. 488, commending the efforts of the firefighters and emergency response personnel of Maine, New Hampshire, Massachusetts, and Connecticut, who came together to extinguish the May 23, 2012, fire at Portsmouth Naval Shipyard in Kittery, Maine; as follows:

In the fourth whereas clause of the preamble, strike paragraph (18) and insert the following:

''(18) Newington Fire Department, New Hampshire;''.

NOTICE OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, June 19, 2012, at 10 a.m. in SD–430 Dirksen Senate Office Building to conduct a hearing entitled ''Forty Years and Counting: The Triumphs of Title IX.''

For further information regarding this meeting, please contact Libby Masiuk of the committee staff on (202) 224–5501.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, June 21, 2012, at 10 a.m. in SD–430 Dirksen Senate Office Building to conduct a hearing entitled ''Olmstead Enforcement Update: Using the ADA to Promote Community Integration.''

For further information regarding this meeting, please contact Lee Perselay of the committee staff on (202) 228–3453.

COMMENDING THE FIREFIGHTERS AND EMERGENCY RESPONSE PERSONNEL—USS ''MIAMI'' FIRE

Ms. STABENOW. Mr. President, notwithstanding the adoption of S. Res.

488 and the preamble thereto, I ask unanimous consent that a Snowe amendment to the preamble that is at the desk be agreed to.

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

The amendment (No. 2458) was agreed to, as follows:

In the fourth whereas clause of the preamble, strike paragraph (18) and insert the following:

''(18) Newington Fire Department, New Hampshire;''.

NATIONAL DAY OF THE AMERICAN COWBOY

Ms. STABENOW. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 470.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 470) designating July 28, 2012, as ''National Day of the American Cowboy.''

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

Ms. STABENOW. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 470) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 470

Whereas pioneering men and women, recognized as ''cowboys'', helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of many thousands of ranchers across the United States who contribute to the economic well-being of every State;

Whereas millions of fans watch professional and working ranch rodeo events annually, making rodeo one of the most-watched sports in the United States;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of cowboys span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 28, 2012, as ''National Day of the American Cowboy''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 495, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 495) designating the period beginning on June 17, 2012, and ending on June 23, 2012, as ''Polycystic Kidney Disease Awareness Week,'' and raising awareness and understanding of polycystic kidney disease and the impact such disease has on patients.

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

Mr. KOHL. Mr. President, Senator HATCH and I submitted a resolution to increase awareness of Polycystic Kidney Disease, PKD, a life-threatening genetic illness.

PKD is the most common genetic illness, and over 600,000 people have been diagnosed with PKD nationwide. There is no treatment or cure for this devastating disease. Families and friends provide unwavering support to their suffering loved ones.

But there is hope. The PKD Foundation has reported the discovery of specific genes involved in the development of PKD, allowing for the development of clinical trials.

While scientists continue researching to find new treatments and cures for PKD, others are working to bring awareness. Every year, the PKD Foundation holds an annual fundraising walk for PKD. In Wisconsin, where over 11,000 patients are living with the disease, residents gather across the state to take part in this very special walk.

To support these efforts, I propose that Congress increase public awareness of the disease by designating the week of June 17 to 23 of this year as ''National Polycystic Kidney Disease Awareness Week.'' We will be taking a positive step toward finding a cure for this disease by increasing awareness.

I trust that my colleagues will see how designating a week to this disease will help those afflicted by polycystic kidney disease, and I hope for my colleagues' full support of this important resolution.

Ms. STABENOW. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements be printed in the RECORD as if read.

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

The resolution (S. Res. 495) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 495

Whereas polycystic kidney disease, known as ''PKD'', is a life-threatening genetic disease, affecting newborns, children, and adults regardless of sex, age, race, geography, income, or ethnicity;

Whereas there are 2 forms of polycystic kidney disease, autosomal dominant (ADPKD), and autosomal recessive (ARPKD), a rare form frequently leading to early death;

Whereas polycystic kidney disease causes multiple cysts to form on both kidneys (ranging in size from a pinhead to a grapefruit), leading to an increase in kidney size and weight;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidneys and the cardiovascular, endocrine, hepatic, and gastrointestinal systems;

Whereas patients with polycystic kidney disease often experience no symptoms early in the disease, and many patients do not realize they have polycystic kidney disease until other organs are affected;

Whereas symptoms of polycystic kidney disease may include high blood pressure, chronic pain in the back, sides or abdomen, blood in the urine, urinary tract infection, heart disease, and kidney stones;

Whereas polycystic kidney disease is the number 1 genetic cause of kidney failure in the United States;

Whereas more than half of polycystic kidney disease patients will reach kidney failure and require dialysis or a kidney transplant to survive, thus placing an extra strain on dialysis and kidney transplantation resources;

Whereas there is no treatment or cure for polycystic kidney disease; and

Whereas there are thousands of volunteers nationwide dedicated to expanding essential research, fostering public awareness and understanding, educating patients and their families about polycystic kidney disease to improve treatment and care, providing appropriate moral support, and encouraging people to become organ donors: Now, therefore, be it

Resolved, That the Senate—

(1) designates the period beginning on June 17, 2012, and ending on June 23, 2012, as ''Polycystic Kidney Disease Awareness Week'';

(2) supports the goals and ideals of Polycystic Kidney Disease Awareness Week, to raise public awareness and understanding of polycystic kidney disease;

(3) recognizes the need for additional research to find treatments and a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities, to promote public awareness of polycystic kidney disease, and to foster understanding of the impact of such disease on patients and their families.

ORDERS FOR TUESDAY, JUNE 19, 2012

Ms. STABENOW. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, June 19; that following the prayer and pledge, the Journal of proceedings be approved

to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized and that following leader remarks, the next 2 hours be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and Republicans controlling the final half; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings; and that finally, at 2:15 p.m., the Senate resume consideration of S. 3240, the farm bill.

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

PROGRAM

Ms. STABENOW. This evening we reached agreement for consideration of amendments to the farm bill. There will be several rollcall votes beginning at 2:15 tomorrow in relation to the amendments to the farm bill. We will also begin consideration of S.J. Res. 37, a joint resolution of disapproval regarding boiler MACT.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. STABENOW. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 9:05 p.m., adjourned until Tuesday, June 19, 2012, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 18, 2012:

THE JUDICIARY

MARY GEIGER LEWIS, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA.