United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, WEDNESDAY, JUNE 20, 2012 No. 94

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

Eternal God, our sustainer, it is time to pray and, in the silence of this moment, examine our hearts. Lord, You know our thoughts and see where we fall short of Your glory. Restore us to Your purposes as You lead us in the path everlasting.

Search the hearts of our Senators. You know the struggles that confront them, the things they wrestle with, the things that irritate and gnaw at them and cause them to abandon trust in You.

O God, You know us better than we know ourselves. Search our hearts and give us Your peace.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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 20, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND 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. Madam President, I 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.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk I wish to be reported.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 250, S. 1940, An original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

Harry Reid, Tim Johnson, Al Franken, Patrick J. Leahy, Christopher A. Coons, Tom Harkin, Barbara A. Mikulski, Kent Conrad, Robert Menendez, Jack Reed, Barbara Boxer, Ben Nelson, Michael F. Bennet, Max Baucus, Mark Begich, Richard Blumenthal, Kay R. Hagan.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

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

SCHEDULE

Mr. REID. Madam President, following leader remarks today, the Republican leader will move to proceed to S.J. Res. 37. Following that motion; that is, the one Senator MCCONNELL will make, the time until 11:30 a.m. will be equally divided between the two leaders or their designees, with the Republicans controlling the first 15 minutes and the majority controlling the next 15 minutes, and I have designated that Senator ROCKEFELLER will take that 15 minutes. At 11:30 a.m. the Senate will proceed to vote on the motion to proceed to S.J. Res. 37. If the motion to proceed is not agreed to, the Senate will then resume S. 3240, the farm bill, and the votes in relation to amendments that remain in order to the bill. So Senators should expect a long day of voting, starting at 11:30 a.m.

Madam President, we did extremely well yesterday. We were able, as indicated last night, to even turn in votes earlier because everyone was here. There are lots of events going on in the Capitol today, but we are going to have to stick to our business at hand and make sure we get through this long list of amendments because we are going to have to finish this and the flood insurance legislation before we leave here this week. That is a large assignment. We have to do that.

UNANIMOUS-CONSENT AGREEMENT—S. 3240

Madam President, I ask unanimous consent that with respect to any amendments voted on during Tuesday's

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

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session, where motions to reconsider were not made, that the motions to reconsider be considered made and laid upon the table.

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MINORITY LEADER

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

DISAPPROVAL OF EPA EMISSION STANDARDS RULE—MOTION TO PROCEED

Mr. MCCONNELL. Madam President, I now move to proceed to S.J. Res. 37.

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

The assistant legislative clerk read as follows:

Motion to proceed to calendar No. 430, 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.

U.S. SENATE,
Washington, DC, June 19, 2012.

DISCHARGE OF FURTHER CONSIDERATION

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct the Senate Committee on Environment and Public Works be discharged of further consideration of S.J. Res. 37, a resolution on providing for congressional disapproval of a rule submitted by the Environmental Protection Agency related to emission standards for certain steam generating units.

John Boozman, David Vitter, John Cornyn, Jon Kyl, Pat Roberts, James M. Inhofe, Johnny Isakson, Tom Coburn, John McCain, Mike Lee, Patrick J. Toomey, Marco Rubio, John Thune, John Barrasso, Thad Cochran, Jim DeMint, Roy Blunt, Richard Burr, Rand Paul, Jerry Moran, Rob Portman, Michael B. Enzi, Lisa Murkowski, Daniel Coats, Saxby Chambliss, Roger F. Wicker, Orrin Hatch, Kay Bailey Hutchison, Jeff Sessions, Mitch McConnell, Ron Johnson, Mike Johanns, James E. Risch, John Hoeven, Richard Shelby.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Madam President, it has become pretty clear over the past few months that President Obama now views his job as the deflector-in-chief. No longer content to lay all the Nation's problems at the feet of his predecessor, he has taken to creating controversies out of whole cloth. Whether it is a manufactured fight over student loan rates or the so-called war on women, the goal is as clear as you can imagine: get reporters to focus on these things, and maybe the rest of the country will as well; get them to focus on anything other than the President's own failure to turn the economy around, and maybe he can squeak by without folks noticing it. That is the plan at least and, frankly, it could not reflect a more misguided view of the American people. They know who has been in charge the past 3½ years, and the fact that the President has had a tough job to do does not mean he gets a pass on how he has handled it or on the solutions he has proposed.

Most Americans do not like either one of the President's two signature pieces of legislation—ObamaCare or the stimulus. They are not particularly thrilled about seeing America's credit rating downgraded for the first time ever. They are scared to death about a $16 trillion debt, trillion-dollar deficits, and chronic joblessness. And many, including myself, are deeply concerned about this administration's thuggish attempts to shut its critics right out of the political process. These are the kinds of things Americans have been telling us for 3 years that they are worried about, and we are not about to be drawn into some rabbit hole so the President does not have to talk about them. We are going to stay focused on all of these things—not because of some political advantage but because the American people demand it. So the President can come up with the excuse de jour, but we are going to talk about jobs, we are going to talk about the deficits and debt, and we will talk about the Constitution.

When it comes to jobs, let's be clear. This administration has been engaged in a war on the private sector, and in many cases it has used Federal agencies and a heavyhanded regulatory process to wage it largely out of view. We got a vivid confirmation of this when an EPA official was caught comparing the EPA's enforcement approach to the Roman use of crucifixion. Brutalize a few offenders, he said, and the rest will be scared into submission.

Call me naive, but I think most Americans think the government should be working for them, not against them. I think most Americans think the Federal Government should be working to create the conditions for Americans to prosper, not looking for any opportunities to undercut free enterprise. Yet that is what we see—an administration that always seems to assume the worst of the private sector and whose policies are aimed at undermining it. And nowhere is it more clear than at EPA.

That is why I support Senator INHOFE's ongoing efforts, including a vote today, to push back on the EPA, which has become one of the lead culprits in this administration's war on American jobs. Senator INHOFE is focusing on just one regulation out of the many that are crushing businesses across the country—the so-called Utility MACT, which would cost American companies billions in upgrades, but for their competitors overseas, of course, it would cost them nothing. This regulation would expand the already massive powers given to the EPA by increasing redtape and costing the taxpayer over $10 billion each year. In my State of Kentucky, it threatens the jobs of over 1,400 people working in aluminum smelter plants, as well as approximately 18,000 coal miners, not to mention those engaged in industries that support these jobs.

Kentucky Power, operator of the only coal-burning powerplant in my State, recently conceded defeat in this fight after the EPA demanded upgrades to its plants at a cost of nearly $1 billion, raising the typical residential customer's monthly electric bill by a whopping 30 percent. At that price, it is no wonder the plant found the new regulations completely unworkable. The EPA may have won this battle, but the real losers are more than 170,000 homes and businesses spread out amongst 20 eastern Kentucky counties that depend on the Kentucky Power plant for their energy.

The proponents of the Utility MACT say it is needed to improve air quality. What they cannot tell you is what these benefits would be or the effect of leaving the plants in their current condition. Look, we all support clean air, but if we waved through every regulation that promised to improve air quality without regard for its actual impact, we would not be able to produce anything in this country.

What we do know is that a substantial amount of the electricity we produce in this country comes from coal, and this new regulation would devastate the jobs that depend on this cheap, abundant resource. This is just one battle in the administration's war on jobs, but it has a devastating consequence for real people and real families in my State and in many others. The administration's nonchalant attitude about these people is appalling, but this is precisely the danger of having unelected bureaucrats in Washington playing with the livelihoods of Americans as if they are nothing more than just pieces on a chessboard.

The media may continue to chase whatever issue the President and his campaign decide to fabricate from day to day, but these are the facts behind this President's devastating economic policies, and that is why it is a story the President would rather the media ignored. Well, Republicans are not going to ignore it. We are going to keep talking about the President's policies. So I commend Senator INHOFE for keeping us focused on this particular policy that is devastating to so many Americans.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 15 minutes and the majority controlling the second 15 minutes.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, in our first round, we are going to yield to

the Senator from Alaska Ms. MURKOWSKI for 10 minutes and then to Senator MANCHIN for 5 minutes. In the second round, we are going to be having Senators BARRASSO, BOOZMAN, RISCH, BLUNT, KYL, and TOOMEY.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I think most Americans would agree it is important that we strike a proper balance between abundant and affordable energy and responsible standards of environmental performance. But too often in recent years, the energy-environmental balance has been lost. Restoring a sense of equilibrium is important for both the health of the American people and our Nation's economy. Although we see the need for this balance every day in Alaska, restoring it has become what I think is a national challenge. That is why I support Senator INHOFE's resolution to disapprove the mercury and air toxics standards or the MATS rule.

Congress has tasked the EPA with implementing laws to protect public health. That statutory obligation absolutely requires respect. But although the executive branch gets to make reasonable policy calls in performing that duty, its regulatory authority is strictly bounded by law.

Today's EPA too often seems to impose requirements that go beyond what is authorized or needed. This overreaching stifles the energy and natural resource production the Nation needs to restore prosperity and technological leadership, and the sad thing is the resulting rules do not credibly improve public health.

EPA is now proceeding with an unprecedented litany of new rules whose benefits are murky at best but whose costs are very real and detrimental to human welfare. The Nation can and must strike a better balance. Even in today's divided times, a broad consensus remains. Achieving affordable and abundant energy coupled with strong environmental standards is the right combination.

Most would also agree that energy and environment-related public policy decisions should be based on the facts and informed by rigorous scientific discourse. Applying this consensus shows that the devil is in the details. So let's look closely at the MATS rule. If this rule is allowed to stand, it will put electric reliability at unacceptable risk and raise electricity costs with very little, if any, appreciable benefit to human health.

The North American Electric Reliability Corporation or NERC, which is the independent federally certified ''Electric Reliability Organization,'' recently reported that ''environmental regulations are shown to be the number one risk to reliability over the next . . . 5 years.'' That is the statement from NERC.

The members of the relatively small and apolitical groups of engineers who keep the lights on and administer electricity markets tell me they are worried not only about the reliability of electric service but about its affordability. I would like to speak to the affordability side in just a minute.

Reasonable regulation, clearly appropriate; and EPA has the discretion, indeed the obligation, to adopt balanced rules. But, unfortunately, EPA's approach has been aimed more at its statutory obligations. Through MATS and through other rules, EPA wants to influence how investments in energy production are made. So it has imposed a series of very stringent obligations that perhaps are not even achievable.

For example, the Institute of Clean Air Companies, which is an association representing emissions control technology vendors—these are the guys who sell all of this stuff—has asked EPA to reconsider MATS and has said:

> Our member companies cannot ensure that the new final source [mercury] standard can be achieved in practice.

These are those who would make a profit off of selling these. They are saying they do not think that it can be achieved.

Even though I believe the United Mine Workers of America, who say their comments ''and like-minded [ones] to EPA on the proposed MATS rule were ignored,'' it does not have to be this way. EPA received thousands of pages of very detailed, very thoughtful proposals, for improving MATS.

About 150 electric generators filed their comments. Edison Electric Institute, as just one example, filed more than 75 pages of very precise observations for improving MATS. They suggested many very specific changes. The States were active too. Twenty-seven States are seeking significant changes in the proposal. There were almost 20 petitions for reconsideration pending at EPA, and they are pending now. Thirty petitions have been filed for judicial review. Twenty-four States have asked the courts to force EPA to do better with MATS.

I always say we need to give credit where credit is due. On the treatment of condensable particulate matter—not many of us are focused on condensable particulate matter—EPA has made some good changes with regard to that, between the proposed and the final MATS rule. This dramatically reduced the need for construction of expensive pollution control devices known as ''bag houses.''

By itself, this one change to the proposed rule reduced the overall cost of compliance by billions of dollars, and it relieved somewhat the challenges of maintaining electric reliability while achieving compliance with the rule. Adopting a more reasonable approach in this one area did not sacrifice any appreciable benefit. So more must be done. Congress must tell the EPA to revisit other suggestions for similar improvements.

Why the need to keep forcing the improvements? The vast majority of the benefits to EPA claims from MATS are the result of its counting coincidental reductions of particulate matter below standards that EPA has determined are sufficient to protect public health. Emissions of mercury by American powerplants have declined over the past 20 years without the MATS rule. EPA itself estimates the annual benefits of mercury reduction attributable to the rule at only $500,000 to $6 million but annual costs at almost $10 billion.

Finally, EPA's actions are driving up the cost of electricity too. PJM, which is the independent regional transmission organization that is responsible for coordinating the movement of wholesale electricity in all or part of 13 States, as well as in the Nation's Capital, reported 2-year capacity price increases of 390 percent, most of which it attributed to the cost of environmental compliance with a nearly 1,200-percent spike in northern Ohio.

PJM also plans for about $2 billion in additional transmission investment to maintain reliability in the face of EPA's rules. Clearly, these are significant costs that will be passed on to our consumers. I think MATS is a major rule that needs a major reset by Congress. EPA could then devise a new rule that is truly aimed at protecting public health and carrying out the law rather than trying to push a particular fuel, coal, out of the market.

I thank the Senator from Oklahoma for his leadership on this issue.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I thank the Senator from Alaska for her very kind remarks. I yield 5 minutes to the Senator from Texas, Mr. CORNYN.

Mr. CORNYN. Madam President, I come to the floor to join my colleagues from Alaska, from Oklahoma, and others to express my disapproval. I intend to vote in favor of the resolution of disapproval of the Environmental Protection Agency's mercury and air toxins standards rule, also known as Utility MACT.

Now, of course, sometimes the debate, when we talk about pollution, when we talk about the byproducts of coal-fired powerplants, is cast in apocalyptic-like terms that have no real bearing on reality or in terms of the science and in terms of the economic impact of the rule or the health benefits supposedly to be derived. I want to talk about that just briefly.

While this rule claims to be about public safety, it is a job-killing, ideologically driven attempt to cripple the coal industry in the United States, an industry that employs an awful lot of people, feeds a lot of families. This administration, unfortunately, is using the EPA to destroy a major source of reliable, affordable, base-lode electricity that we sorely need. The President talks about being for an all-of-the-above energy policy. Yet his administration, through this regulation we seek to disapprove today, is going to effectively take one of those most

abundant, low-cost sources of energy off the table for the American people.

Of course, Congress would never pass such a law in our own right, so the administration is using a ruling from an unelected group of bureaucrats who are not subject to political accountability. This is another example of executive overreach, and it is bad news for consumers and job creators alike.

Power companies have confirmed that Utility MACT standards for new power sources are so stringent that no new coal-fired powerplant will be built in the United States. No new coal-fired powerplant will be built in the United States, no matter how modern and how clean the technology will allow that powerplant to operate. So the consequences will be that Utility MACT will damage grid reliability. It will destroy jobs, and it will raise electricity prices—not a small matter when many of our seniors are on fixed incomes and are going to suffer as a result of this rule that does not do what its advocates tout it for.

The costs of Utility MACT will exceed the benefits by roughly 1,600 to 1. Some claim that does not matter, that benefits are benefits no matter what the cost, no matter how much, how many jobs it kills, no matter how much it raises the price of electricity on seniors in my State who are living in very hot summers. If we have another year like we had last year—I hope we do not. We had 100-degree temperatures more than 70 days—and I think it was even more than that—it will threaten the capacity of the power grid to even produce the electricity so people can run their air conditioners. The detriment to our seniors in terms of public health and in terms of cost, being on a fixed income, is quite evident.

According to the EPA, more than 99 percent of the health benefits from Utility MACT will not even come from mercury reductions but, rather, from reductions in particulate matter that are already regulated to safe levels under the Clean Air Act. So either the EPA will be double-counting existing benefits or else it will be setting new levels for other byproducts that are not justified by public health concerns.

In short, the benefits of this regulation are dubious, but the costs are real. They are already harming the U.S. economy with existing powerplants being shut down and others being scrapped. The United States currently has more than 1,400 coal-fired electricity-generating units operating at more than 600 plants.

Together, these powerplants generate almost half of the electricity produced in our country. Again, we are not talking about taking wind energy off the table. We are not talking about other ways to generate electricity. But this is one of the cheapest, most abundant sources of energy in our country, and we are simply killing it.

So sponsors of Utility MACT repeatedly tout its health benefits. But those are overstated. However, they understate the impact this will have on jobs. It will kill jobs. People will lose their jobs in a tough economy. I urge my colleagues to pull back the curtain on the EPA and see Utility MACT for what it is, an economic disaster shrouded in false claims about public health.

Americans deserve smart regulation based on logic and sound science. Utility MACT is the exact opposite and deserves to be rejected.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, in the shadow of one seemingly narrow Senate vote, that being the Inhofe resolution of disapproval of the EPA's rule on mercury and air toxins, I rise to talk about West Virginia, about our people, our way of life, our health, our State's economic opportunity, and about our future.

Coal has played an enormous part in our past and can play an enormous part in our future, but it will only happen if we face reality.

This is a critical and a very contentious time in the Mountain State. The dialogue on coal, its impacts, and the Federal Government's role has reached a stunningly fevered pitch. Carefully orchestrated messages that strike fear into the hearts of West Virginians and feed uncertainty about coal's future are the subject of millions of dollars of paid television ads, billboards, breakroom bulletin boards, public meetings, letters, and lobbying campaigns.

A daily onslaught declares that coal is under siege from harmful outside sources, and that the future of the State is bleak unless we somehow turn back the clock, ignore the present, and block the future.

West Virginians understandably worry that a way of life and the dignity of a job is at stake. Change and uncertainty in the coal industry is unsettling and nothing new. But it is unsettling. My fear is that concerns are also being fueled by the narrow view of others with divergent views and motivations, one that denies the inevitability of change in the energy industry and unfairly—and I feel this strongly—leaves coal miners in the dust.

The reality is those who run the coal industry today would rather attack false enemies and deny real problems than solve problems that would help them and the people they employ and the States in which they work.

Instead of facing the challenges of making tough decisions, similar to men of a different era, they are abrogating their responsibilities to lead. Back in the 1970s, I remember a fellow from Consolidation Coal named Bobby Brown. He got together with the United Mine Workers on his own. We were having a lot of temporary restraining orders and strikes at that time. They sat down, and because Bobby Brown was not a timid man—he was the head of a company, but he was a forceful leader—they worked out something which gave us peace in the coalfields of West Virginia—which is something—for a long time. It was a courageous act by a courageous nontimid man.

Scare tactics are a cynical waste of time, money, and worst of all, coal miners' hopes. Coal miners buy into all the television they hear, are controlled by it, have large salaries. So in a sense they are stuck where they are, happily funded but without a place to look forward to. But sadly these days, coal operators have closed themselves off from any other opposing voices and almost none has the courage to speak out for change—any kind of change—even though it has been staring them in the face for decades. They have known about it. They have ignored it.

This reminds me of the auto industry, which also resisted change for decades. Coal operators should learn from both the mistakes and the recent success of the automobile industry. I passionately believe coal miners deserve better than they are getting from coal operators, and West Virginians certainly deserve better also.

Let's start with the truth. Coal, today, faces real challenges, even threats, and we all know what they are

First, our coal reserves are finite and many coal-fired powerplants are aging. The cheap, easy coal seams are diminishing rapidly and production is falling, especially in the Central Appalachian Basin in southern West Virginia. Production is shifting to lower cost areas such as Illinois and the Powder River Basin in the Wyoming area. The average age of our Nation's 1,100-plus coal-fired plants is 42.5 years, with hundreds of plants even older. These plants run less often, are less economic, and are obviously less efficient.

Second, natural gas use is on the rise. Power companies are switching to natural gas because of lower prices, cheaper construction costs, lower emissions, and vast, steady supplies. Even traditional coal companies such as CONSOL are increasingly investing in natural gas as opposed to coal.

Third, the shift to a lower carbon economy is not going away. It is a disservice—a terrible disservice—to coal miners and their families to pretend it is, to tell them everything can be as it was. It can't be. That is over. Coal companies deny that we need to do anything to address climate change, despite the established scientific consensus and mounting national desire—including in West Virginia—for a cleaner, healthier environment.

Despite the barrage of ads, the EPA alone is not going to make or break coal. Coal operators would love to think that is the case because it is a great target, and it is much easier to criticize than to do something. But there are many forces exerting pressure, and that agency is just one of them.

Two years ago, I offered a time-out on EPA carbon rules, a 2-year suspension that could have broken the logjam

in Congress and given us the opportunity to address carbon issues aggressively and legislatively.

But instead of supporting this approach, coal operators went for broke—they saw a fatter opportunity—when they demanded a complete repeal of all EPA authority to address carbon emissions forever. They demanded all or nothing. They turned aside a compromise and, in the end, they got nothing.

Last year, they ran exactly the same play, demanding all or nothing on the cross-State air pollution rule, refusing to entertain any middle ground and denying even a hint of legitimacy for the views of the other side and they lost again—badly.

Here we are with another all-or-nothing resolution, which is absolutely destined to fail, and we are arguing as months, weeks, and years go by. This foolish action wastes time and money that could have been invested in the future of coal. Instead, with each bad vote the coal operators get, they give away more of their leverage and lock in their failure.

This time, the issue is whether to block an EPA rule, as has been said—the mercury and air toxics standards—that require coal-fired powerplants to reduce mercury and other toxic air pollution.

I oppose this resolution because I care so much about West Virginians.

Without good health—demeaned in this debate so far—it is hard to hold down a job or live the American dream. Chronic illness is debilitating. I have made a career in the Senate of health care. It impacts families' income, their prosperity, and ultimately families' happiness. The annual health benefits of the rule are enormous. EPA has relied on thousands of studies—thousands—that establish the serious and long-term impact of these pollutants on premature death, heart attacks, hospitalizations, pregnant women, babies, and children. Do West Virginians care about these kinds of things? I think they do.

Moreover, it significantly reduces the largest remaining human-caused emission of mercury, which is a potent neurotoxin with fetal impact. Maybe some can shrug off the advice of the American Academy of Pediatrics and many other professional medical and scientific groups, but I do not.

The rule has been in the works through a public process for many years. Some businesses—including some utilities in West Virginia—have already invested in technology and are ready to comply.

Others have not prepared because they have chosen to focus on profit rather than upgrading or investing in these smaller, older, and less-efficient coal-fired plants that were paid for decades ago and that they will tell us would be retired anyway.

That is right. Every single plant slated for closure in West Virginia was already on the chopping block from their own corporate board's decision.

It is important to be truthful with miners. It is sort of a forgotten art, and that is a travesty. We have to be truthful with miners that coal plants will close because of decisions made by corporate boards long ago, not just because of EPA regulations but because the plants are no longer economical as utilities build low-emission natural gas plants.

Natural gas has its challenges too, with serious questions about water contamination and shortages and other environmental concerns. But while coal executives pine for the past, the natural gas folks look to the future, investing in technology to reduce their environmental footprint, and they are working with others on ways to support the safe development of gas. We are all going to be watching that very closely, are we not?

It is not too late for the coal industry to step up and lead—leadership—by embracing the realities of today and creating a sustainable future. It has not been too late for a long time. Discard the scare tactics. Stop denying science. Listen to what markets are saying about greenhouse gases and other environmental concerns. Listen to what West Virginians are saying about their water, air and health and the cost of caring for seniors and children who are most susceptible to pollution.

Stop and listen to West Virginians—miners and families included—who see the bitterness of the fight we are having now and which has been going on forever. The bitterness of the fight has taken on more importance than any potential solutions. The point is put up block after block, which loses time after time, but at least they have a fight and something to scream about, all with no progress.

Those same miners care deeply about their children's health. They care about them. They are family people. I know that. I went there in 1964 and lived among miners for 2 years, and I have now lived among them ever since, closely and intimately. They care about what people all over the country care about. They care about the streams and mountains of West Virginia. They know down deep we can't keep to the same path. They are not allowed to say so, but they know that.

Miners, their families, and their neighbors are why I went to West Virginia. They are why I made our State my home. I have been proud to stand shoulder to shoulder with coal miners, and we have done a lot of good together over the years.

For more than 36 years, I have worked to protect the health and safety of coal miners, everything from the historic Coal Act back in 1992 to my safety laws, pensions and black lung benefits—always with miners' best interests in mind.

Despite what critics contend, I am standing with coal miners by voting against this resolution.

I don't support this resolution of disapproval because it does nothing to look to the future of coal. It moves us backward, not forward. Unless this industry aggressively leans into the future, coal miners will be the big losers.

Beyond the frenzy over this one EPA rule, we need to focus squarely on the real task of finding a long-term future for something called clean coal. That is possible. We have demonstrated that. That is being done in various places in the country right now. This will address legitimate environmental and health concerns and, of course, global warming and all that counts.

Let me be clear. Yes, I am frustrated with much of the top levels of the coal industry, at least in my State of West Virginia, but most of the corporate headquarters are elsewhere. However, I am not giving up hope for a strong clean coal future. I am not giving up. To get there, we will need a bold partner, innovation, and major public and private investments.

In the meantime, we should not forget that coal-fired powerplants would provide good jobs for thousands of West Virginians. It remains the underpinning for many of our small communities, and I will always be focused on their future.

Instead of finger-pointing, we should commit ourselves to a smart action plan that will help with job transition opportunities, sparking new manufacturing and exploring the next generation of technology—not just be dependent upon coal but a lot of things.

None of this is impossible. Solving big challenges is what we do in West Virginia. I would much rather embrace the future boldly.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, before Senator ROCKEFELLER leaves, I wish to take 30 seconds to say something. I believe that when the next historians write the book about leadership, courage, and integrity in the Senate, this speech will be featured in that book. I am so proud of the Senator from West Virginia.

How much time remains between the two sides?

The ACTING PRESIDENT pro tempore. The majority controls 36 minutes, the Republicans control 39 minutes.

Mr. INHOFE. It is our understanding we have approximately 42 minutes apiece and that we will go back and forth.

Mrs. BOXER. The Chair just said there is 39 minutes for the Republicans and 36 for us.

Mr. INHOFE. I like that.

Madam President, I yield to the Senator from South Dakota for 7 minutes.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. I thank the Senator from Oklahoma for his leadership on this issue, for yielding the time, and I appreciate everything he has done to bring S.J. Res. 37 to the floor of the Senate.

As the father of two daughters, I want a cleaner, safer, healthier environment for their generation and for

future generations. Thanks to the commonsense policies that balance economic growth with a cleaner environment, our country has made significant progress toward improving the quality of our air and water. We have made progress under Republican Presidents and we have made progress under Democratic Presidents. We have also made progress during Democratic control and Republican control of the Senate.

But what the Obama administration is doing with this regulation, and with many of the other policies that pertain to energy, is pursuing an ideologically driven agenda in which the costs far outweigh the benefits. He promised his energy plan would necessarily make electricity costs skyrocket, and his policies are clearly delivering on that promise.

A prime example of that flawed agenda is Utility MACT, which is the most expensive regulation in EPA's history, with an estimated cost of $10 billion. These are costs that will be passed on to families and small businesses across the country at a time when we are experiencing the worst economic recovery in over 60 years.

We all know the statistics. Unemployment has been at 8 percent now for 40 consecutive months. Real unemployment is above 14 percent. There are 23 million Americans who are not working today, and 5.4 million Americans have remained out of work for over a year. Despite these facts, President Obama continues to push regulations such as Utility MACT that are going to make energy more expensive and, at the same time, destroy good-paying jobs.

According to the National Economic Research Associates, Utility MACT will cost between 180,000 and 215,000 jobs by the year 2015. When including President Obama's other regulations on the electric power sector, the United States stands to lose approximately 1.65 million jobs by the year 2020. We simply cannot afford these politically driven regulations at a time when 23 million Americans remain unemployed or underemployed.

Low-income and middle-class families are the ones who will be hit the hardest by the administration's actions. Families who earn less than $50,000 already spend 21 percent of their income on energy costs compared to 9 percent for those making more than $50,000. Now, thanks to the EPA's regulatory actions, those costs are going to go up an average of 6½ percent and as much as 19 percent in some areas. Middle-class incomes have already fallen by over $4,300 these past 3 years, and now President Obama wants to further burden them with higher energy costs.

These higher energy costs are not some far-off projection. In many cases, these costs are already being realized. As an example, PJM, which is a regional transmission organization which coordinates the movement of wholesale electricity in 13 States and the District of Columbia, in its May 2012 capacity auction reported 2-year capacity price increases of 390 percent. PJM is reporting a nearly tenfold increase in wholesale energy costs in northern Ohio. According to one of their spokespersons,

> Capacity prices were higher than last year's because of retirements of existing coal-fired generation resulting largely from environmental regulations which go into effect in 2015.

The result could cause electricity bills across the PJM region to increase by up to $130 and potentially much higher in places such as northern Ohio.

In addition to electricity rates, EPA's agenda will drive up the cost of food, transportation, fuels, and manufactured goods, as those costs get passed on across all the sectors of the economy. The end result is more pain for the middle class, slower economic growth, and fewer jobs.

The President likes to talk a lot about fairness, so I will ask my colleagues: Is it fair that unaccountable EPA bureaucrats are going to drive up utility bills by up to 19 percent? Is it fair manufacturers are going to have to pay higher energy bills rather than hire new workers? Is it fair that small towns across the Midwest are already being devastated by coal plant closings on account of regulations from the Obama administration? Is it fair that thousands of workers are going to be laid off and lose not only their paychecks but their employer-provided health care coverage as well?

For most South Dakotans and millions of hard-working taxpayers across the country, I believe the answer is that the consequences of these regulations are inherently unfair. They penalize hard-working middle-class Americans.

In the case of Utility MACT, consumers are going to pay a heavy price for President Obama's political agenda to restrict access to the abundant and affordable sources of domestic energy we possess in this country.

Most Americans believe regulations should work for consumers and not against consumers. Unfortunately, EPA bureaucrats have drafted the Utility MACT regulation in an inefficient and unworkable manner. Utility MACT's new source standards are so strict they cannot possibly be met.

According to the Institute of Clean Air Companies, the proenvironmental trade association comprising nearly 100 suppliers of air pollution equipment, Utility MACT makes it ''nearly impossible to construct new coal-fired units because financing of such units requires guarantees from equipment suppliers that all emission limits can be met.''

There has to be a better approach. S.J. Res. 37, which would force a rewrite of Utility MACT, is the only solution to address the rule's problems. It is time to rewrite Utility MACT in a manner that better balances economic growth with environmental protection.

I hope today we will have a majority of our colleagues here in the Senate who will support S.J. Res. 37. Doing so will send a strong message to the Obama administration that the Senate will not stand by and watch his regulatory agenda further hurt small businesses and middle-class families, making it more expensive and more difficult for businesses in this country to create jobs. That is the end result of this regulation. It is the end result of many of the energy policies and regulations coming out of this administration. That has to stop. We have to get Americans back to work. We have to get our economy growing again.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I yield 5 minutes to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank the Senator from California, and the Senator from Maryland especially for his courtesy.

I would agree the EPA has become a happy hunting ground for goofy regulations. But as the late William F. Buckley once said, even a stopped clock is right twice a day. And on this rule—this clean air rule and the earlier interstate rule—I believe EPA is right.

The effect of upholding this rule will be to finally require that most coal plants everywhere in America will have to install two kinds of pollution control equipment: scrubbers and SCRs. This will basically finish the job of capturing sulfur and nitrogen oxides, fine particles, and the 187 toxic pollutants that were specifically identified by Congress in the 1990 Clean Air Act amendments.

The Tennessee Valley Authority has already committed to install this equipment by 2018. But TVA alone can't clean up Tennessee's air, because dirty air blows in from other States. So let me say what upholding this rule will do for the people of Tennessee.

First, it will hasten the day when Memphis, Chattanooga, and Knoxville are not three of the top five worst asthma cities—which they are today—and Nashville is not competing to be in the top 10.

Madam President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article which appeared in the Tennessean this week by Dr. William Lawson of Vanderbilt University, who treats patients with respiratory diseases in Nashville.

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

(See exhibit 1.)

Mr. ALEXANDER. In the article Dr. Lawson says:

> Pollution from these power plants means my patients suffer more. Pollution increases their chances of being hospitalized. Some of these toxic emissions even cause cancer and can interfere with our children's neurological development.

Secondly, upholding this rule means that visitors will soon not even think of calling the Great Smoky Mountains the Great Smoggy Mountains because it is one of the most polluted national parks in America. We want those 9 million visitors to keep coming every year with their dollars and their jobs.

Instead of seeing 24 miles on a bad air day from Clingman's Dome, our highest peak, this rule should mean we will gradually move toward seeing 100 miles from Clingman's Dome as the air cleans up and we look through the natural blue haze.

Third, this rule should mean fewer health advisory warnings for our streams that say ''don't eat the fish because of mercury contamination.'' Half of the manmade mercury in the United States comes from coal plants, and as much as 70 percent of the mercury pollution in our local environment, such as streams and rivers, can come from nearby coal plants.

Fourth, we have seen that had Nissan been unable to get an air quality permit in Nashville in 1980, it would have gone to Georgia. And if Senator CORKER had not, as mayor of Chattanooga, improved the air quality in that city in the mid 2000s, the Volkswagen site there would be a vacant lot today.

We know every Tennessee metropolitan area is struggling to stay within legal clean air standards and we don't want the Memphis megasite to stay a vacant lot because dirty air blowing in from Mississippi and Arkansas makes the Memphis air too dirty for new industry to locate there.

We know these rules will add a few dollars to our electric bills, but in our case, most of that is going to happen anyway because the Tennessee Valley Authority has already agreed to put this pollution control equipment on its coal-fired powerplants. We know we can reduce the effect of these expenses on monthly electric bills because States may give utilities a fourth year to comply with the rule, and the President may, under the law, give them a fifth and sixth year. And Senator PRYOR and I intend to ask the President to give that fifth and sixth year to reduce costs on electric bills.

We know long term this rule will secure a place in America's clean energy future for clean coal. For example, the largest public utility, TVA, the largest private utility, Southern Company, both plan to put pollution control equipment on their coal plants and to make at least one-third of their electricity from coal over the long term.

In 1990—22 years ago—Congress told the EPA to make this rule when it passed the Clean Air Act amendments. In 2008, the Court told the EPA to make this rule.

Over the years, I have learned that cleaner air not only means better health, but also means better jobs for Tennesseans, and I am proud to stand up on behalf of the people of Tennessee to uphold this clean air rule.

EXHIBIT 1

[From the Tennessean, June 18, 2012]

AIR RULE WILL LITERALLY SAVE US

(By William Lawson, M.D.)

Power plant pollution makes people sick and can cut lives short. That is why cleaning up coal-fired power plants is a long overdue, lifesaving necessity that thankfully Sen. Lamar Alexander has embraced to secure both a healthy and sound economic future for our state.

I treat patients with asthma, chronic obstructive pulmonary disease (COPD), idiopathic pulmonary fibrosis and other lung diseases in those whose lungs are especially vulnerable to the power-plant emissions. But they are not the only ones at risk. My children and yours also are highly susceptible to the long-term repercussions of having to breathe dirty air growing up, which science tells us can prevent lungs from maturing properly. We desperately need Sen. Alexander and Sen. Bob Corker to ensure they receive protection from these toxic pollutants now, not years from now.

Protecting them is the recently adopted Power Plant Mercury and Air Toxics Standards, as required under the Clean Air Act. Astonishingly, a campaign is under way to block these public-health protections. Until these standards take effect, coal-fired power plants have no national limits on the amount of mercury or acid gases they may pump out of their smokestacks and into the air we breathe. These standards will prevent 370 premature deaths every year just in Tennessee and will provide $3 billion in annual health benefits by 2016.

TVA is already well on its way to meeting these air standards, but some in the Senate are working to make it easier for corporate polluters to block the rule from ever taking effect.

Allowing the new emissions standard to move forward will prevent 130,000 asthma attacks and 11,000 premature deaths nationally every year. This reduction in harmful plant emissions will also eliminate 540,000 missed work days on an annual basis, thereby reducing health-care costs and enhancing our overall quality of life.

Pollution from these power plants means my patients suffer more. Pollution increases their chances of being hospitalized. Some of these toxic emissions even cause cancer and can interfere with our children's neurological development. The public health benefits are just too significant to ignore. Healthy air and good health have a crystal-clear relationship.

Every day, I see in my patients how avoiding even just one asthma attack, acute respiratory infection or even the briefest hospital stay would dramatically enhance their quality of life. A healthier future is ours to have if we stand behind our leaders who are committed to make that tomorrow a reality.

Mr. ALEXANDER. I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I yield to the Senator from Wyoming, Mr. BARRASSO, for 9 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Madam President, if the Chair would please give me a warning when 1 minute remains, I would appreciate that.

Today I rise in support of the Inhofe Utility MACT resolution. This resolution protects communities and jobs in the West, the Midwest, and Appalachia, and specifically jobs that depend on coal. These communities depend on coal to heat and cool their homes at an affordable price, to power the factories where they work, and to generate revenue that creates additional jobs.

We are talking about affordable domestic coal that also pays for the mortgages on the family home, the clothes and food for children, and the medical care for grandparents. If the Utility MACT rule is allowed to proceed, it would mandate that virtually no new coal-fired powerplants could be built anymore in the United States, and many still in existence would have to shut down. It is painful to think about all of the folks who will be out of work, their bills mounting, their families losing their homes, and their future looking bleak.

Amazingly, the EPA does not dispute these outcomes. It does not dispute what I am saying. They know exactly what they are doing. Their ideology is more important to them than the living and breathing people of our coal communities.

Just ask the EPA Region 1 Administrator Curtis Spaulding, who was visiting with a group of students in Connecticut. What he went on to talk about was the fact that basically gas plants are the performance standards, which means if you want to build a coal plant, you have a big problem. He said this was a huge decision, when he was talking about these regulations that have come out from Lisa Jackson, the head of the EPA.

He went on to tell this group of students that in West Virginia, Pennsylvania, and all those places, you have coal communities that depend on coal. And to say we think those communities should go away? That is what he said. He said we have to do what the law and policy suggested. He said it was painful—it was painful every step of the way—but they did it anyway.

President Obama's heavy-handed EPA admits these communities in West Virginia, Pennsylvania, and many other States in the West, Midwest, and Appalachia ''will just go away.''

These are chilling words. The EPA is supposed to be about protecting people, protecting their communities, protecting their environment, and protecting their health. With the Utility MACT rule, the EPA is doing the opposite. They are making communities go away. They are hurting communities—communities of families, children, seniors, gone as a result of these regulations. How could one justify these actions?

Well, we are told there are enormous health benefits. They claim enormous health benefits to the public by the issuance of this rule. First of all, how do you protect something if the community is gone? So obviously these folks in West Virginia and Pennsylvania are not the beneficiaries of EPA protection.

Second, the medical benefits of the rule come from reductions in particulate matter in areas of the country

that are currently well within healthy thresholds set by the EPA. I will tell you, the EPA is cooking the books.

No, this rule does very little to protect the public health. In fact, it creates a health crisis in this country because of the additional unemployment—the unemployment this rule is going to cause in the West, the Midwest, and in Appalachia.

To highlight the point, on Monday of this week a number of us in the Senate who are physicians, who are doctors, sent a letter to President Obama.

I ask unanimous consent to have a copy of this letter printed in the RECORD.

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

UNITED STATES SENATE,
Washington, DC, June 18, 2012.

Hon. BARACK OBAMA,
President, United States of America,
The White House.

DEAR PRESIDENT OBAMA: We are writing to express our concern that the barrage of regulations coming out of the Environmental Protection Agency (EPA) designed to end coal in American electricity generation will have a devastating effect on the health of American families. Just before you made the decision to withdraw EPA's plan to revise its ozone standard—a plan which would have destroyed hundreds of thousands of jobs—your former White House Chief of Staff Bill Daley asked the question ''What are the health impacts of unemployment?'' Today, we are requesting that you consider your former aide's question carefully: instead of putting forth rules that create great economic pain which will have a terrible effect on public health, we hope that going forward, you will work with Republicans to craft polices that achieve both environmental protection and economic growth.

As you know, proponents of your EPA's aggressive agenda claim that regulations that kill jobs and cause electricity prices to skyrocket will somehow be good for the American people. We come to this issue as medical doctors and would like to offer our ''second opinion'': EPA's regulatory regime will devastate communities that rely on affordable energy, children whose parents will lose their jobs, and the poor and elderly on fixed incomes that do not have the funds to pay for higher energy costs. The result for public health will be disastrous in ways not seen since the Great Depression.

One of the centerpieces of your administration's efforts to stop American coal development is the Utility MACT rule—a rule that has such severe standards it will cause as much as 20 percent of the existing coal-fired power plant fleet to retire. Combined with numerous other actions by the Environmental Protection Agency (EPA), Interior Department, and Army Corps of Engineers targeting surface coal mining operations, these rules constitute an aggressive regulatory assault on American coal producers, which will hit areas of the heartland—the Midwest, Appalachia, and the Intermountain West—the hardest. The end result will be joblessness across regions of the country whose livelihoods depend on coal development. Joblessness will lead to severe health impacts for communities in these regions.

With regard to the health benefits that EPA claims for Utility MACT, EPA's own analysis shows us that over 99 percent of the benefits from the rule come from reducing fine particulate matter ($PM_{2.5}$), not air toxics. But EPA also states that ''[over 90 percent] of the $PM_{2.5}$-related benefits associated with [Utility MACT] occur below the level of the [NAAQS].''

Not only are PM emissions distinct from mercury and other toxics, but they are also subject to other regulatory regimes. For example, Section 108 of the Clean Air Act directs the EPA to set PM emission levels that are ''requisite to protect the public health''. Thus, EPA is either double-counting the PM benefits already being delivered by existing regulatory regimes, or setting standards beyond those required to protect public health.

EPA estimates that the cost of the rule will be around $11 billion annually, but that it will yield no more than $6 million in benefits from reducing mercury and other air toxics. So by the agency's own calculations, Utility MACT completely fails the cost/benefit test.

When looking at this analysis, the only conclusion is that Utility MACT, as well as the many other EPA rules that cost billions but yield few benefits are not about public health. They are about ending coal development and the good paying jobs it provides.

We are not the only members in the medical field that are concerned about the effects of a jobless economy on the health and well being of Americans. Dr. Harvey Brenner of Johns Hopkins University testified on June 15th, 2011 before the Senate Environment and Public Works Committee explaining that unemployment is a risk factor for elevated illness and mortality rates. In addition, the National Center for Health Statistics has found that children in poor families are four times as likely to be in bad health as wealthier families.

Economists have also studied this issue. A May 13th, 2012 Op-Ed in the New York Times by economists Dean Baker and Kevin Hasset entitled ''The Human Disaster of Unemployment'' found that children of unemployed parents make 9 percent less than children of employed parents. The same article cites research by economists Daniel Sullivan and Till von Wachter who found that unemployed men face a 25 percent increase in the risk of dying from cancer.

These are just a few examples of the numerous reports warning of a looming public health crisis due to unemployment. A more thorough evaluation of this problem can be found in a recently released report entitled, ''Red Tape Making Americans Sick—A New Report on the Health Impacts of High Unemployment'' which we are including here for your review.

The EPA should immediately stop pushing expensive regulations that put Americans out of work and into the doctor's office. We respectfully ask that your agencies adequately examine the negative health implications of unemployment into the cost/benefit analysis of the numerous regulations that are stifling job growth, before making health benefit claims to Congress and the public.

We ask that instead of exacerbating unemployment and harming public health that you work with us in our efforts to implement policies that achieve true health benefits without destroying jobs, and indeed American coal development, in the process.

Sincerely,

JOHN BARRASSO.
RAND PAUL.
TOM COBURN.
JOHN BOOZMAN.

Mr. BARRASSO. In this letter, we expressed our concerns about the impending health crisis the unemployment caused by the EPA's policies is having on families, children, pregnant mothers, and on the elderly. The letter reads in part:

We are writing to express our concern that the barrage of regulations coming out of the Environmental Protection Agency (EPA) designed to end coal in American electricity generation will have a devastating effect on the health of American families. Just before you made the decision to withdraw EPA's plan to revise its ozone standard—a plan which would have destroyed hundreds of thousands of jobs—your former White House Chief of Staff Bill Daley asked the question ''What are the health impacts of unemployment?'' Today, we are requesting that you consider your former aide's question carefully: instead of putting forth rules that create great economic pain which will have a terrible effect on public health, we hope that going forward, you will work with Republicans to craft policies that achieve both environmental protection and economic growth.

And that is the key—''and economic growth''—not economic destruction.

The letter goes on:

As you know, proponents of your EPA's aggressive agenda claim that regulations that kill jobs and cause electricity prices to skyrocket will somehow be good for the American people. We come to this issue as medical doctors and would like to offer our ''second opinion'': EPA's regulatory regime will devastate communities that rely on affordable energy, children whose parents will lose their jobs, and the poor and elderly on fixed incomes that do not have the funds to pay for higher energy costs. The result for public health will be disastrous in ways not seen since the Great Depression.

Later on in the letter we talk about the latest research on the health impacts of unemployment. A doctor from Johns Hopkins who testified last year before the Senate Environment and Public Health Committee explained that unemployment is a risk factor—a risk factor—for elevated illness and mortality rates. In addition, the National Center for Health Statistics has found that children in poor families are four times as likely to be in bad health as other families.

Economists have also studied this issue. On May 13, 2012, in the New York Times, is ''The Human Disaster Of Unemployment.'' That is what this EPA regulation is going to do today, cause additional human disaster for people out of work.

We included for the President a copy of a report I have written called ''Red Tape Making Americans Sick—A New Report on the Health Impacts of High Unemployment.'' Studies show EPA rules cost Americans their jobs and their health. This report contains the latest research from medical professionals from Johns Hopkins, from Yale, and others that show that unemployment causes serious health impacts.

Unemployment has been rampant in this country under this administration, and it has been due in many ways to the mountains of job-crushing redtape from the EPA and other agencies. The EPA's Utility MACT rule will only make things worse for hard-hit areas in the West, Midwest, and Appalachia.

According to the Bureau of Labor Statistics, since 2008 Montana has lost 3,200 manufacturing jobs, Missouri 41,000, Ohio 100,000, Michigan 67,000 jobs

lost, Pennsylvania 80,000, and West Virginia 7,000. Each one of these people who lost their job will be subjected to greater risks of cancer, heart attack, stroke, depression. There is a higher incidence, as we know, of spousal abuse, substance abuse in these families. As demonstrated by the latest research, their children will suffer, too, as medical costs pile up, as electricity bills to heat and cool their homes skyrocket, and the cost of everyday living continues to go up. The Utility MACT will only expose thousands more to these risks.

The EPA should immediately stop pushing expensive regulations that put Americans out of work and into their doctor's office. Instead of exacerbating unemployment and harming public health, this administration and this EPA need to work with Republicans—work together in our efforts to implement policies that achieve true health benefits without destroying jobs and, indeed, American affordable energy in the process.

We need to keep American energy and make American energy as clean as we can, as fast as we can, while still keeping good-paying jobs and keeping energy prices affordable. This is a recipe for a healthier, economically stronger country.

I urge a ''yes'' vote for the Inhofe Utility MACT amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I yield myself 1 minute, and I ask unanimous consent to have printed in the RECORD the following—an editorial written by the very type of companies my friend Senator BARRASSO mentioned who have said they are just fine with the EPA's new air quality regulations. Do you know why? Half of the coal-fired utilities have already made these adjustments. They are clean. And if it is up to Senator BARRASSO, the other dirty plants will keep on spewing forth the most toxic and dangerous pollutants.

The other is a new poll taken in March of this year which shows that 78 percent of likely voters have asked us to get out of the way and let the EPA do its job in controlling industrial and power-sector mercury and toxic air pollution.

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

(From the Wall Street Journal, Dec. 8, 2010]

WE'RE OK WITH THE EPA'S NEW AIR-QUALITY REGULATIONS

Your editorial ''The EPA Permitorium'' (Nov. 22) mischaracterized the EPA's air-quality regulations. These are required under the Clean Air Act, which a bipartisan Congress and a Republican president amended in 1990, and many are in response to court orders requiring the EPA to fix regulations that courts ruled invalid.

The electric sector has known that these rules were coming. Many companies, including ours, have already invested in modern air-pollution control technologies and cleaner and more efficient power plants. For over a decade, companies have recognized that the industry would need to install controls to comply with the act's air toxicity requirements, and the technology exists to cost efficiently control such emissions, including mercury and acid gases. The EPA is now under a court deadline to finalize that rule before the end of 2011 because of the previous delays.

To suggest that plants are retiring because of the EPA's regulations fails to recognize that lower power prices and depressed demand are the primary retirement drivers. The units retiring are generally small, old nd inefficient. These retirements are long overdue.

Contrary to the claims that the EPA's agenda will have negative economic consequences, our companies' experience complying with air quality regulations demonstrates that regulations can yield important economic benefits, including job creation, while maintaining reliability.

The time to make greater use of existing modern units and to further modernize our nation's generating fleet is now. Our companies are committed to ensuring the EPA develops and implements the regulations consistent with the act's requirements.

Peter Darbee, chairman, president and CEO, PG&E Corp.; Jack Fusco, president and CEO, Calpine Corp.; Lewis Hay, chairman and CEO, NextEra Energy, Inc.; Ralph Izzo, chairman, president and CEO, Public Service Enterprise Group Inc.; Thomas King, president, National Grid USA; John Rowe, chairman and CEO, Exelon Corp.; Mayo Shattuck, chairman, president and CEO, Constellation Energy Group; Larry Weis, general manager, Austin Energy.

(From the American Lung Association, Mar. 21, 2012]

NEW POLL SHOWS THE PUBLIC WANTS EPA TO DO MORE TO REDUCE AIR POLLUTION

VOTERS SUPPORT SETTING STRONGER CARBON POLLUTION STANDARDS TO PROTECT PUBLIC HEALTH

WASHINGTON, DC.—As big polluters and their allies in Congress continue attacks on the Clean Air Act, the American Lung Association released a new bipartisan survey examining public views of the Clean Air Act and the U.S. Environmental Protection Agency's (EPA) efforts to update and enforce lifesaving clean air standards, including carbon and mercury emissions from power plants.

The bipartisan survey, conducted by Democratic Research polling firm Greenberg Quinlan Rosner Research and Republican firm Perception Insight, finds that nearly three-quarters of likely voters (73 percent) nationwide support the view that it is possible to protect public health through stronger air quality standards while achieving a healthy economy, over the notion that we must choose between public health or a strong economy. This overwhelming support includes 78 percent of independents, 60 percent of Republicans and 62 percent of conservatives, as well as significant support in Maine, Pennsylvania and Ohio.

The Obama Administration will soon release updated clean air standards for carbon pollution emitted by power plants, and a substantial majority of voters support the EPA implementing these standards, even after hearing opposing arguments that stricter standards will damage the economic recovery. Initially, 72 percent of voters nationwide support the new protections on carbon emissions from power plants, including overwhelming majorities of both Democrats and Independents and a majority of Republicans.

After listening to a balanced debate with message both for and against setting new carbon standards, support still remained robust with a near 2-to-1 margin (63 percent in favor and 33 percent opposed). Support remained especially robust in Maine and Pennsylvania (64 percent in each state). The majority of Ohio voters (52 percent) also favored new carbon standards, which is notable since the poll was conducted during a period of heavy media attention concerning statewide electricity rate increases and potential power plant shutdowns.

''This bipartisan poll affirms that clean air protections have broad support across the political spectrum,'' said Peter Iwanowicz, Assistant Vice President, National Policy and Advocacy with the American Lung Association. ''Big polluters and their allies in Congress cannot ignore the facts; more air pollution means more childhood asthma attacks, more illness and more people dying prematurely. It's time polluters and their Congressional allies drop their attempts to weaken, block or delay clean air protections and listen to the public who overwhelmingly wants the EPA to do more to protect the air we breathe.''

Voters also voiced strong support for stricter standards to control industrial and power sector mercury and toxic air pollution. When asked about setting stricter limits on the amount of mercury that power plants and other facilities emit, 78 percent of likely voters were in favor of the EPA updating these standards.

Strong support was also seen for stricter standards on industrial boilers. Initially, 69 percent of voters supported the EPA implementing stricter standards on boiler emissions. After hearing messaging from both sides of the issue, voters continued to support these standards by nearly a 20-point margin (56 percent favor, 37 percent oppose).

Key poll findings include: nearly three quarters (73 percent) of voters, say that we do not have to choose between air quality and a strong economy—we can achieve both; a 2-to-1 majority (60 to 31 percent) believe that strengthening safeguards against pollution will create, rather than destroy, jobs by encouraging innovation; about two-thirds of voters (66 percent) favor EPA updating air pollution standards by setting stricter limits; 72 percent of voters support new standards for carbon pollution from power plants and support is strong (63 percent) after hearing arguments from both sides of the issue; 60 percent of voters support stricter standards for gasoline and limits on the amount of tailpipe emissions from cars and SUVs (particular strong given all the recent attention to high gasoline prices).

Despite more than a year's worth of continued attacks on clean air protections from big corporate polluters and their allies in Congress, voters across the political spectrum view the Clean Air Act very positively; with a 2-to-1 favorable to unfavorable ratio. At the same time, feelings toward Congress continue to drop, especially among Democrats and independents. Just 18 percent of voters nationally give Congress a favorable rating, while 56 percent rate Congress unfavorable. The unfavorable rating of Congress is up 9 percent since the American Lung Association's last survey released in June 2011.

''The survey clearly indicates that voters reject the notion that we have to choose between strong safeguards against air pollution and economic growth,'' said Andrew Bauman, Vice President at Greenberg Quinlan Rosner Research. ''In fact, voters overwhelmingly believe that stronger safeguards against air pollution will create jobs in America.''

''The poll does show there is broad support across partisan lines for new carbon regulations on power plants,'' said Marc DelSignore, President of Perception Insight. ''However, there is a significant difference in the views regarding the impact regulations may have on the economy, with Republicans expressing higher concern for possible job loss and rising energy prices than Democrats or independents.''

This resolution of disapproval goes against 78 percent of the American people. They are no fools. I heard a second opinion? I have got a third opinion, and my third opinion is that if you look at this poll, you understand that the American people get it. They know the technology exists, and they know these improvements can be made. They know there are jobs created when best-available control technology is put in, and they are opposed to this kind of resolution that would roll back the clock and continue our people breathing in toxins.

Mr. INHOFE. Will the Senator yield?

Mrs. BOXER. I won't yield because Senator CARDIN is waiting. I yield to Senator CARDIN 6 minutes, and then I will yield to the Senator on his time.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Madam President, first I want to thank Senator BOXER for her extraordinary leadership on these issues.

I invite my friend from Wyoming to come to Glen Burnie, MD, and see the 12,000 megawatt Brandon Shores powerplant which it is not only operating, but it is in full compliance with Maryland's healthy air law that is very similar to the proposed regulations we are debating today. That powerplant didn't close. It made the investments so that we have a clean energy source and in the process created 2,000 jobs in modernizing that powerplant.

That is why we have many companies that support the regulation, because they know it is going to mean more jobs—including Ceres and American Boiler Manufacturers Association, as well as companies such as WL Gore.

I want to thank Senator ROCKEFELLER for his extraordinary statement. I was on the floor listening to him speaking on behalf of the people of West Virginia. They are interested in a clean economy, good health, and jobs.

I want to thank Senator ALEXANDER for speaking up for the people of Tennessee, because he understands the importance of sensible air quality standards.

I want to speak on behalf of the people of Maryland, on behalf of the families I have the honor of representing in the Senate.

This is the week that summer camps start. Some parents are going to have to make a decision, when we have a day that is rated as a code orange or a code red because of air quality issues concerning ground-level ozone, as to whether they are going to send their child to camp that day if that child has a respiratory issue, an asthma issue, as to whether that child should be outdoors during that day when we have these air quality warnings. If the parent decides to keep the child at home, they have lost that day of camp and the cost of that day of camp. They have lost a day of work, because somebody is going to have to stay at home with the child. If they send the child to camp and they have an episode, they may be one of the over 12,000 children who will end up in emergency rooms as a result of dirty air that could be cleaned up by the passage and enactment of these regulations.

The chairman of the Environment and Public Works committee can tell us chapter and verse about the number of premature deaths and those with chronic bronchitis. These toxins that are going into our air cause cancers and neurological developmental and reproductive problems. It is particularly dangerous for children. And the source? Powerplants that have not put in the investment for clean air.

This is doable. It has been done in Maryland and in many powerplants around the Nation. In fact, my State—concerned about our children, concerned about our health—passed the Maryland Healthy Air Act, and the mercury standards in that legislation are very similar to what these regulations would require. Maryland has reduced its mercury and its SO_X and NO_X emissions from the 22-percent level, 90 percent mercury, 80 percent sulfur dioxide, and 70 percent NO_X. And it helped our economy, as I have already pointed out, in the Brandon Shores work that was done.

But here is the challenge we have in Maryland. Maryland's experience shows that an aggressive timeline is not only achievable but it is also desirable. Powerplants are capable of meeting aggressive timelines, and the benefits are unparalleled. Air pollution control protects public health and saves billions of dollars associated with medical costs. The Environmental Protection Agency is required to do a study of cost benefit: How much cost for how much benefit? For every $1 of compliance cost, we save $3 to $9 for our economy. That is a great investment. We like those types of investments.

The Maryland experience also shows that we need a national standard to effectively address air pollution. Maryland has done what is right, but our children are still at risk. Why? Because air pollution knows no State boundary. We are downwind. We have done what is right, but our children are still at risk. That is why we need these standards. We showed that you can do it in a cost-effective way, creating jobs for our community. You can have a clean environment, you can have a growing economy. In fact, you can't do it without it. And that is what these regulations are about.

As Senator ALEXANDER said, we have been waiting 20 years for these regulations. In 1990, Congress passed the Clean Air Act. In 2008, our courts said we can't delay it any longer.

It is our responsibility to protect the public health. It is our responsibility to do what is right. I urge my colleagues to reject this resolution that would deny us the opportunity of protecting our public health.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I heard the Senator from California talk about 78 percent of the people in this country want to reduce mercury. I am part of that 78 percent. The problem is this bill does not address that. By their own numbers, the EPA said the cost is around $10 billion. Of that, less than $6 million would be addressing mercury. The rest of that is in particulate matter, something already recognized under the Clean Air Act.

I yield to the junior Senator from West Virginia for 6 minutes.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I rise today to speak in favor of the congressional resolution of disapproval that Senator INHOFE has filed under the Congressional Review Act to stop the EPA from implementing one of the most expensive rules in recent memory. I thank my colleague, Senator INHOFE, for introducing this important resolution to send a message to the EPA.

I would like to say a few words about the little State of West Virginia that does the heavy lifting that helps this entire Nation. We mine the coal, we make the steel, we have done just about everything we possibly can. We probably have more people serving in the military, percentage-wise, than any other State. We have given our all for this great country, and we will continue to do the heavy lifting. But what we have to do is make sure the EPA, make sure this government is working with us, not against us. The Government's role is to be a partner, not an adversary but an ally. We are asking the government to work with businesses, not against them. Their actions will put thousands of hard-working Americans out of a job in the worst economy in generations.

Do not raise electricity rates on the consumers who can barely afford their monthly bills today as it is. It is mostly our seniors and people struggling with their families trying to make a living. The economic reality is that the environment and economy have to work hand in hand. It has to be in balance.

From the day I arrived at the Senate, I have been determined to stop the EPA's job-killing agenda, and this resolution of disapproval takes an important step to rein in this out-of-control agency. In the State of West Virginia, like most States, we do our rules and regulations through a legislative process. People have to vote. We do not give bureaucratic agencies the right to set policy. The people have given us that responsibility and right as elected

leaders to set the policy. That is what we are asking. We have this agency stepping way beyond its boundaries, further than our Founding Fathers ever intended, that is putting an absolute burden on the backs of every American.

Along with a handful of other rules on the verge of being implemented or already in place, the Utility MACT rule would cost the economy over $275 billion over the next 25 years, according to the Electric Power Research Institute. The Utility MACT could cost 1.3 million jobs over the next two decades, according to the National Economic Research Association.

On the issue of Utility MACT, I have heard from thousands of West Virginians in the past several weeks. In fact, just yesterday I had 45 of my constituents from Boone County, WV, get on a bus, 756 miles, drive all day to get here to be able to speak to some of us, and drive last night to go back home. That is how committed and dedicated most of them are. They had either worked in the mines or were working in some aspect of mining.

People think mining is just coal mining and coal mining only. It is not. The energy business is basically—if people work in a battery factory or a machine shop, if they work in any type of ancillary jobs, the ripple effect to their economy is unbelievable. If they work in a powerplant—these people were scared to death because all they hear every day is they are going to lose their jobs because the government is going to shut them down and work against them.

About three-fourths of the miners in that room had already been laid off. They are fighting for their jobs. They brought their families and children with them. They wanted to make sure we could put the faces of real people on what is happening.

Our coal miners are the salt of the Earth. They work so hard to provide energy for our country and provide for their families. They do not want a handout. All they want is a work permit. That is all they have asked for. Now is not the time to pull the rug out from under them and make them worry about how they will pay their bills and feed their family.

I believe this country needs to strike a balance, and I have said that before. Our lives are about balance. Every day people get up in the morning they look for a balance in their lives. They look for a balance in how they can run their business, how they can make a living. That is what we need to find in this body today. The EPA has truly gone too far.

We have heard so many different testimonies about that. That is why I will be casting my vote in favor of this resolution by Senator INHOFE to disapprove of the new rules, and I urge all my colleagues to do the same. I truly believe energy is an issue where we can bring thoughtful members of both parties together to work out solutions.

Let me point out an important example. In the time I served, I learned that many of my colleagues know of West Virginia only as a coal State. They have no idea what we do and how we do it. This past weekend I wanted to make sure they understood that not only do we do coal, we do wind, we do hydro, we do natural gas with the Marcellus shale—a tremendous find—we do biomass, we do everything we can, and we think every State should be held accountable and responsible to try to be energy independent and do it in the most environmentally friendly way.

This weekend I invited leaders of the Energy Committee, Senators WYDEN and MURKOWSKI, a Democrat and a Republican, to spend a weekend with me to tour our State to see how West Virginia's all-in policy for energy works. One of them will likely be the next chair of Energy and Natural Resources, but I assure you both of them will work as a team trying to find policy that works for this country. You will hear both of them say one size doesn't fit all. We need everything. We need a comprehensive energy plan for this country—which brings me to our recent visit to West Virginia.

They saw how we are using an ''all-of-the-above'' approach. In the eastern part of our State we stopped at Mount Storm. They saw a 265-megawatt wind farm. They saw a 1,600-megawatt coal-fired plant with the most modern technology that cleans the air up to 95 percent. They saw it all. When the wind is not blowing, basically they saw there was no power generated—especially in the hot summer or the cold winter.

Basically what we are saying is we are doing everything we possibly can. We will continue. In short, we saw a little bit of everything that can be done if we work together. I think it should be a bipartisan effort to find a solution. We cannot keep fighting each other, and agencies cannot keep controlling what we are not legislating. If it has not been legislated, it should not be put into law until we are able to evaluate it.

I appreciate what is being done today, the bipartisan effort we are talking about. We have our differences, but we can come together.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I think when the Senator talks about balance, he ought to recognize that one-half of the coal-fired utilities have already made these adjustments, they have reported to us, with very little impact to electricity rates.

I yield 5 minutes to Senator SANDERS.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. SANDERS. Madam President, let me begin by saying I suspect that I have the strongest lifetime proworker voting record in the Senate. I want to create jobs, not cut jobs. What Senator BOXER and Senator CARDIN and others are talking about is creating meaningful, good-paying jobs as we retrofit coal-burning plants so they do not poison the children of Vermont and other States around the country.

So to Senator INHOFE and others, I say respectfully: Stop poisoning our children. Let them grow up in a healthy way.

The Clean Air Act is set to cut mercury pollution by 90 percent using technology that is available right now. That would be good news since the Centers for Disease Control and Prevention say mercury can cause children to have ''brain damage, mental retardation, blindness, seizures, and the inability to speak.''

We get exposed to mercury simply by eating fish contaminated with it, and we have seen fish advisories in 48 out of the 50 States in this country. Wouldn't it be nice if the men and women and the kids who go fishing could actually eat the fish they catch rather than worry about being made sick by those fish?

Powerplants are responsible for one-third of the mercury deposits in the United States, but Senator INHOFE's resolution would let them keep right on polluting. His resolution would also eliminate protections against cancer-causing pollutants such as arsenic, as well as toxic soot that causes asthma attacks. Leading medical organizations, including the American Academy of Pediatrics, the American Lung Association, the American Heart Association, and the American Nurses Association have said ''Senator INHOFE's resolution would leave millions of Americans permanently at risk from toxic air pollution from powerplants that directly threaten pulmonary, cardiovascular and neurological health and development.''

That is not BERNIE SANDERS saying that; it is the American Academy of Pediatrics, the American Lung Association, the American Heart Association, and the American Nurses Association.

We are talking about preventing thousands and thousands of premature deaths. We are talking about preventing heart attacks. We are talking about what is a very serious problem in my State, and that is asthma. Maybe Senator INHOFE would like to join me in the State of Vermont—I go to a lot of schools and I very often ask the kids and ask the school nurses how many kids are suffering with asthma, and many hands go up. Thank you very much. We do not want to see more asthma in Vermont or in other States that are downwind.

We hear a lot from some of our Republican friends about jobs. The truth is if we are aggressive in cleaning up these coal-powered plants, we can create, and we have already seen created, many good, decent-paying jobs. In fact, if we invest—if the utility industries will invest in pollution controls, we can create almost 300,000 jobs a year for the next 5 years—meaningful, good-

paying jobs making sure that our air is cleaner and that our people do not get sick.

Let's talk about job creation and cleaning up our environment. This is not just theory. I am the chairman of the Clean Jobs Subcommittee. We heard from Constellation Energy, which installed pollution controls at their 1280-megawatt coal plant in Maryland that cut mercury emissions by 90 percent. This $885 million investment created at its peak 1,385 jobs onsite at the plant for boilermakers, steamfitters, pipefitters, operating engineers, ironworkers, electricians, carpenters, teamsters, laborers—just the kind of jobs we want to create. The American people know we have to rebuild our infrastructure. We can create jobs doing that. This is one of the areas where we can create decent-paying jobs and help keep our kids from getting sick.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SANDERS. I urge very strongly a ''no'' vote against the Inhofe resolution.

Mr. INHOFE. Madam President, I yield 5 minutes to Senator RISCH.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. RISCH. Madam President, I come to the floor this morning to urge an affirmative vote for Senator INHOFE's resolution. With all due respect to my friend from Vermont, this is not a job-creating bill. Virtually everyone who has looked at that has said this will kill jobs; this will move jobs overseas. Everyone who has looked at this has said it will increase the cost of energy for the American taxpayer.

It does two things: It kills jobs and it increases the cost of energy. Why would anyone vote for this? This is absolute foolishness. Today, Americans are concerned about jobs—they are really concerned about jobs. Everywhere I go, people ask me about jobs. They ask me about the economy.

Today, we, as Senators, have the opportunity to do something about that. The failure of this resolution and the implementation of the rule the EPA has put in front of us is going to kill jobs and is going to increase the cost of energy in America. It is going to do precisely what so many Senators come to the floor and whine about; that is, run jobs overseas.

If you are a job creator, if you are someone thinking of investing, if you are someone who wants to move the American economy forward, you look at every single aspect of it. When you see something like this—and it is not just this, it is this and a parade of never-ending rules and regulations that kill jobs and increase the costs for the job creators—these are things that clearly urge job creators to create jobs in a place other than America. That is just flat wrong.

That is not what I am here today to talk about primarily. What I am here today to talk about is the way we are going about it. The Founding Fathers did a good job when they set up our government. Indeed, out of the thousands of governments that have been created over the years, most of which have failed, only one has had the success our Founding Fathers had. They created a government out of fear of government. They didn't create a government that said: How can we do this? How can we do that? They were interested in keeping government away from them, keeping government away from their jobs, from their businesses, and from their investments. That is what they wanted to do, and it worked for about 200 years. For about 200 years the Federal Government left the American people and the job creators alone.

Today, over the last 3½ decades or so, the Federal Government has stuck its nose into every single aspect of our lives, and here we go again. What we have here is the Federal Government using its power and its regulatory process to get its nose into places where it should not be. This is the job of Congress. It is not the job of the bureaucracy to pass these kinds of laws. This isn't a rule or a regulation as the Founding Fathers anticipated these sorts of things. The Founding Fathers set this up with three branches of government to fight with each other so they would leave the American people alone. They said the job of creating laws, the job of creating regulations, the job of creating rules was the job of the Congress.

Somewhere along the line, we have lost our way. Last year the Congress passed about 2,000 pages of legislation, and that included the spending bills. Last year the bureaucracy passed about 70,000 pages of rules and regulations that have the same force and effect as law.

The Congress has lost the ability to pass the laws that govern conduct in the United States. People will argue, yes, but Congress won't do it; Congress won't act. That is precisely the point. We were elected by the American people to act or not act as is appropriate. When we don't act, when we don't do something, it is just as important as when we do something. Indeed, I would argue many times more important. Well, what it has come to today is 2,000 pages versus 70,000 pages.

In Idaho we had the same problem for a lot of years. In Idaho it was the same way. The bureaucracy could pass a rule or regulation that had the force and effect of law.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. RISCH. We have changed that and gotten it to where the legislature has full control. This has to change. Congress has to take back its ability to handle the law as it is imposed and the burden that is imposed on the American people.

I yield the floor.

Mrs. BOXER. I yield 4 minutes to the Senator from Delaware, Senator CARPER.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. While our friend from Idaho is trying to leave the Senate floor, I want to say that the Congress did act. Harry Truman said the only thing that is new in the world is the history we never learned or forgot. The Congress did act with a Republican President, a guy named George Herbert Walker Bush. It was passed overwhelmingly in the House and in the Senate and supported, as I recall, by those of us here on the Senate floor today.

I will go over a little history here. In 1990, the Clean Air Act said: Look, there are problems with toxic air emissions. We are not sure where they are coming from, but let's spend a little bit of time and have the EPA figure it out. They spent 10 years trying to figure it out. In the last year of the Clinton administration, the conclusion was reached that a lot of the toxic air emissions such as mercury, arsenic, heavy metals, acid gases, come from utilities. A lot comes from utilities.

In 2001, the brandnew Bush administration said: Well, let's go to work and figure out what to do about it. Five years later in 2005, the Bush administration said: Here is a rule to deal not with the 70 toxic emissions but with one, mercury. Just one. Immediately lawsuits were filed, and in 2008 the Federal courts said: What about the other 70 toxins? They didn't do anything about the other 70 toxins. What they did with mercury was a cap-and-trade system which doesn't work for mercury. The courts remanded it to the EPA and said: Let's try that again.

Senator ALEXANDER has been heroic on these issues. And while I have worked literally for years to try to make sure the Congress provided some leadership—we do see toxic air emissions from sulfur dioxide and nitrous oxide as well—there is not an appetite with the utilities to actually support legislation.

We finally gave it a great try in 2010. My friend Senator INHOFE was part of the effort to get legislation enacted. Finally, I think the utilities said we would rather take our chances on an election and see what the election yields and see if we have to deal with the EPA. Well, we had an election and now the courts are saying: EPA, you have to rule. You have to provide leadership, and the EPA has done that. It is not as if they are jamming it down anybody's throat.

Senator ALEXANDER and I offered legislation that said by 2015 there has to be a 90-percent reduction in mercury. What the EPA has said is by 2015, there has to be a 90-percent reduction plus they need to address a bunch of other toxic emissions. The EPA said the States can give an automatic 1-year extension. If utilities have problems with getting this done by 2016, they can apply for another 2-year extension. This started in 1990. It is 2012. When we play out the string, it could be as late as 2018 to comply.

In the meantime, States including Delaware, Maryland, Pennsylvania, New Jersey, and a bunch of us on the east coast, are downwind of all the States that put up the pollution in the air. We have to breathe it.

Look, the technology exists to fix this problem. Fifty percent of the utilities have already applied the technology. It works. It is broadly deployed. Most utilities have the money to pay for this. If they don't, they have the ability to raise capital.

There are tens of thousands of workers who wish to do this work. The idea that we have to choose between a stronger economy and a cleaner environment is a false choice. It has always been a false choice, and it is a false choice here today.

I am a native of West Virginia. After my dad finished high school, he was a coal miner for a short time, so I have relatives back in West Virginia. I care a lot about the State and the people who live there. I want to make sure we do whatever is fair to them. I want to thank JAY ROCKEFELLER for stepping up for West Virginia and being a hero here today.

I yield the floor.

Mr. INHOFE. Madam President, I wish to yield 5 minutes to the Senator from Missouri, Mr. BLUNT.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BLUNT. Madam President, I thank the Senator for this time. I rise in support of this resolution. We have only been able to use the Congressional Review Act successfully one time, and I think that means at some point we need to look at the Congressional Review Act because these regulations often don't meet the commonsense standard, and this is one of them. However, it appears to meet the standards that the President would want his regulators to meet.

In fact, in January of 2008, the President—while running for President—said that coal-fired plants would go bankrupt. He said later in the campaign that electricity rates would necessarily skyrocket under his plan to tax greenhouse gas emissions through what was then the cap-and-trade system. The House passed that system in 2009.

Missouri utilities all went together, including the rural electric cooperatives, the for-profit utilities, and the municipal utilities and paid for a study in our State, which is in the top six States of dependence on coal. That study indicated that the average utility bill would go up 82 percent in the first 10 years and double shortly after that. You don't have to be a genius to get your utility bill out and multiply it by two. If it is your utility bill at home, it may be a utility bill you cannot pay. If it is your utility bill at work, it may mean that your job is no longer there because the utility bill went up. That House-passed bill would have had that result in our State. There are five States that are more dependent on coal than we are for utilities.

The Senate then rejected the cap-and-trade bill, and thank goodness it did. But when it did, the President said there are other ways of ''skinning the cat.'' He said there are other ways besides just an ''all-of-the-above'' energy policy. His administration has bypassed the Congress, bypassed the will of the American people, and they are clearly trying to do by regulation what I believe the Congress would now never do. Once the American people figured out that cap-and-trade and policies such as this would have this devastating impact on their utility bill—about 50 percent of all of the utilities from the middle of Pennsylvania to the western edge of Wyoming are coal-generated utilities. Once people figured that out and the impact it had on their ability to have a job and their ability to do what they need to do at their house, they didn't want to do it.

With this rule the EPA has finalized a regulation that would require power companies to reduce emissions in a period that is unrealistically short. A 3-year timeframe means that many power-generated facilities don't reduce emissions, they close the plant. What this stands for is an assault on coal and coal-based utilities. The Administrator of the EPA, Lisa Jackson, said recently that the current challenges for the coal industry are ''entirely economic.'' That is what she said, ''entirely economic.'' I don't know how anyone who is paying attention to the EPA, to regulations, or to the price of coal, could say that the problems are entirely economic. They are not economic at all. We have more recoverable coal than anybody in the world. We now think we have more recoverable natural gas than anybody in the world.

By 2016, under the current EPA rules that are out there, plus this one, our utilities in our State would go up as much as 23 percent for the average Missourian, and more than that for some people in parts of our State. That is a 23-percent increase on your utility bill by 2016.

The estimates are that by 2020, we will lose 76,000 jobs because of that increase in utility rates. Where are those jobs going to go? They are not going to go to California or Massachusetts or somebody who has bills higher than ours today. They are going to go to places that care a lot less about what comes out of the smokestack than we do.

Last year in States where coal generated at least 60 percent of the electricity, consumers paid 30 percent less in energy prices than States that used less coal for their electricity. And in our State, as I said, 82 percent of our electricity comes from coal.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BLUNT. I urge my colleagues to vote for the issue before us that says we don't want to have this rule. We want to do the right thing, not the wrong thing.

I thank the Senator for this time.

I yield the floor.

Mr. LEAHY. Madam President, the Senate will vote today on whether to proceed to a congressional resolution of disapproval that I strongly oppose. This resolution would repeal the Environmental Protection Agency's mercury and air toxics standards rule and undo the great strides the Agency has taken to safeguard the public's health and welfare and our quality of life in this great land.

The EPA's mercury and air toxics standards represent a true breakthrough in environmental policy. This rule offers clear benefits to every American, and it is especially important to Vermonters, who disproportionally suffer from the devastating effects of mercury and other toxic air pollutants. Although my home State has no major sources of mercury, Vermonters have been besieged by this insidious poison, which drifts across our borders from other States.

The EPA estimates that each year, toxic air pollutants cause up to 11,000 premature deaths, 4,700 heart attacks, and 130,000 cases of childhood asthma, among other illnesses. Mercury, a truly unwelcome addition to our daily lives, has had catastrophic effects on the health and well-being of all Americans, as well as a ruinous impact on our Nation's pristine natural environment. There is no known safe level of exposure to mercury it is harmful to humans in even the smallest amounts. Tragically, mercury's most devastating effect is on those victims least able to protect themselves: unborn and newborn children. Mercury has been shown to cause developmental disabilities and brain damage, resulting in lowered IQ's and learning problems, such as attention deficit disorder. Sadly, these affects are permanent and irreversible. They lead to a lifetime of trips to the emergency room, costly medical interventions, personal and family heartbreak, and lost potential.

The American people want their air and water to be cleaner and healthier and most certainly free of toxic pollutants. Vermonters and Americans want this for all of us. Safe water and safe air to breathe should be a valued legacy of our lives in this blessed Nation. We also know that protecting the weakest and most vulnerable members of our society is among Congress's most solemn duties. This resolution of disapproval undermines that goal. Why should one more child struggle to breathe and gasp for air when such suffering is preventable? Why should one more parent die a premature death? Congress should not meddle in this vitally important issue literally, for many, an issue of life or death or chronic illness. If the EPA's mercury and air toxics standards are repealed, the simple reality is that it will be somebody's loved one who pays the price, and the price they pay may be irreversible.

During the Bush administration, I offered my own Congressional Review Act joint resolution of disapproval, known as the Leahy-Collins resolution, to contest an EPA mercury rule that was far too weak and failed to protect the American people. It is hard to believe that now, almost 7 years later, this issue is still unresolved and we are fighting to save an EPA rule that is fair, just, science-based, and reasonable. A sound environmental policy that protects our citizens from the hazards of mercury and air toxics is long overdue.

In addition to the numerous health benefits that removing these toxics would mean for our citizens, both young and old, the EPA's mercury and air toxics standards would protect America's precious waterways, making them accessible to the sport fishermen of today and for countless generations to come. Today, large game fish from every body of water in Vermont, including our State's greatest lake, Lake Champlain, are so heavily contaminated with out-of-State mercury that people must be warned against eating them. In fact, all 50 States have issued fish consumption advisories, warning citizens to limit how often they eat certain types of fish because they are contaminated with mercury. Let me repeat that. Because of mercury contamination, every State of our great Nation today warns its citizens to limit how often they should consume certain kinds of fish. We can change that. We should change that. We must change that. Environmental standards can and have made tremendous differences in our lifetimes in virtually eliminating such toxics as the fumes from the burning of leaded gasoline, which only recently was ubiquitous on our streets and around our homes. We must do the same to begin ridding poisonous mercury from our air and water.

Without these standards, powerplants will continue to spew tons of mercury and other toxic air pollutants into the air. Without these standards, this preventable, slow-motion tragedy will continue to unfold despite the fact that the pollution control technology mandated by this rule is already widely available, affordable, and in use in many coal-fired powerplants throughout the Nation. Thirty-three percent of older powerplants have already installed lifesaving technology which allows them to comply with the EPA's emission limits, and a full 60 percent already comply with the EPA's mercury limit. This resolution of disapproval would be especially ill-advised because it would unjustly punish companies that have taken steps to do the right thing, while rewarding those that have shirked their responsibilities, endangered countless lives, and imperiled the environment.

As another great benefit to the American people, industry-wide adoption of innovative pollution control technology would stimulate investment in the economy, job creation and greater productivity. The updated standards will create thousands of long-term jobs for American workers. These workers will be hired to build, install, and, ultimately, operate the machinery that will reduce health-threatening emissions. The EPA estimates that implementing this rule will mean jobs for tens of thousands of hard-working Americans, including 46,000 construction jobs and 8,000 long-term utility jobs. When added onto the health benefits, these standards will have an annual estimated benefit of $37 to $90 billion dollars. Green jobs are not just good for the environment in which we live, work, and breathe, they are good for the economy and good for America.

I hope that when Senators consider this resolution of disapproval, they remember that its passage would prevent the EPA from issuing any standards in the future that were substantially similar to the current mercury and air toxics standards. As a result, Americans would continue to be put at risk from the debilitating and sometimes deadly effects of air pollution pumped into America's air by energy companies and other sources. Regrettably, this threat to human health and the environment would continue indefinitely because the resolution of disapproval would strip the EPA of essential tools to address these hazards.

The value of these tools is as incalculable as the value of human life and the health of our families. Make no mistake about it: Investing in the new technology mandated by the EPA's mercury and air toxics standards will save countless lives and will improve the quality of the environment of our communities for years to come. We owe it to ourselves and we owe it to future generations of Americans to make this investment now.

Mr. LEVIN. Madam President, our country's economy and competitiveness in global markets depends on access to affordable energy resources, including electricity that powers our manufacturing plants and keeps businesses operating throughout the Nation. Additionally, affordable electricity is vital to the health, safety, productivity, and quality of life of American families, as well as keeping their budgets in check.

Generating this vital power, however, has come at a cost to our public health and to the environment. Coal- and oil-fired powerplants account for about half of the Nation's mercury emissions and more than half of the country's acid gases. Powerplants also contribute about one-quarter of our Nation's particle pollution. These emissions from powerplants can cause damage to brain development, premature death, asthma, heart attacks, and other health complications with the heart and lungs.

Under the authority of the Clean Air Act Amendments of 1990, on December 21, 2011, the Environmental Protection Agency, EPA, announced its final rule to establish technology-based emission limits for mercury and other hazardous air pollutants from coal- and oil-fired powerplants, which are estimated to number about 1,400 units nationwide. About half of the electric generating units affected by this rule have already installed equipment to meet these emission limits, and many have expended large sums to get there. The other units that need to install pollution control equipment within the next 3 to 4 years could potentially have a competitive market advantage over the companies that have installed the technology if we simply override the EPA.

The emission reductions expected as a result of the rule are projected to improve our Nation's air quality, resulting in a reduction annually of approximately 11,000 premature deaths, 4,700 nonfatal heart attacks, 130,000 asthma attacks, 5,700 hospital and emergency room visits, 2,800 cases of chronic bronchitis, and 3.2 million restricted activity days. The EPA estimates the value of these health benefits is between $37 billion and $90 billion annually.

Additionally, the rule will also prevent mercury from contaminating vital water resources. All of the Great Lakes and all of Michigan's inland lakes have fish consumption health advisories due to mercury. This rule should help clean up these lakes and make fish from any lake safer to eat.

In contrast to the benefits that will be provided by this rule, the annual cost of installing and operating the pollution control equipment is estimated at about $10 billion annually. These costs are expected to translate into higher electricity costs of about $3 to $4 per month, although those costs would vary regionally.

Senator INHOFE's joint resolution of disapproval would completely overturn this EPA rule that limits harmful pollutants from powerplants. Additionally, under the Congressional Review Act, which is the statute that provides the authority for Senator INHOFE to move this measure under expedited procedures, this disapproval resolution would also prevent the EPA from issuing any regulations that are ''substantially the same'' as the disapproved standards. Thus, this prohibition would effectively require Congress to pass a law creating a new authorization before EPA would be able to do anything about this pollution.

I support congressional oversight and, in fact, believe Congress should exercise more oversight. But this rule protects the health of Michigan residents by requiring commercially available technology to be installed at powerplants that currently do not have these controls in place. The rule will result in significant air quality improvements, protecting public health and our lakes from harmful pollution. Its payback is significant in health and in economics.

For these reasons, I will oppose this measure.

Mr. KERRY. Madam President, I talked about this phenomenon yesterday on the Senate floor, and today we have even more evidence of what I was talking about: a reckless assault on our environment given new life by the resolution before the Senate today. We are being asked to sacrifice the health of men, women, and children, all for the sake of the coal industry, a move that makes people sicker, denying Americans their right to a healthy environment to live in and raise their children.

No one who cares about the health of our citizens, the health of our economy, and the health of our planet should support this resolution. They should be outraged that we are even having this kind of debate. The Congressional Review Act resolution before us would eliminate the Environmental Protection Agency's mercury and air toxics standards, or MATS, for powerplants. Let's be clear what that means. It means the EPA would be prevented from adopting meaningful replacement standards to protect Americans from mercury and some 80 other toxic air pollutants that cause cancer and other health hazards. Let me repeat. These pollutants are known to cause cancer and other health hazards.

The science is unequivocal and has been for years mercury is a known neurotoxin that can have a devastating effect on the brain and nervous system of a developing child, reducing IQ and impairing the ability to learn.

We know the effects of mercury, and we know its source. Coal and oil-based powerplants constitute the largest manmade source of mercury emissions in the United States—they are responsible for half of the mercury emissions in America. They also emit more than 75 percent of the acid gas emissions and 25 percent of toxic metals lead, arsenic, chromium, nickel. We are talking about some really toxic pollution that is known or suspected to cause cancer and cardiovascular disease, damage to the eyes, skin, and lungs. It can even kill.

Under EPA's MATS, utilities will be regulated for mercury and these other toxics for the first time in our Nation's history. These standards are more than a decade overdue, so it is way past time to end the free ride the polluters have been enjoying. Now, I understand my colleagues are peddling the message that the EPA is waging a ''war on coal.'' But they are just trying to distract us from the facts, and the fact is the EPA is simply doing its job and following the law. It is no more complicated than that. There is no conspiracy and no secret agenda. Their job is to protect Americans, and that is exactly what they are doing.

The Clean Air Act requires the EPA to regulate emissions of mercury and other hazardous air pollutants. The EPA employs a process that requires the use of ''maximum achievable control technology.'' In other words, the standards are feasible, they are based on what industry leaders are already doing. EPA estimates more than half of coal-fired units have equipment installed that can help meet the standards. Roughly 55 percent of our electricity is from nuclear, natural gas, and renewable energy sources, and they are not subject to the rule's provisions. And for those that need more time to comply, EPA allows them up to 4 years. It is beyond reasonable.

And this is hardly a ''war on coal.''

MATS will reduce mercury emissions from powerplants by more than 90 percent, acid gases by 88 percent, and reduce emissions of more than 80 air toxics. It will also significantly reduce particulate matter, or PM, emissions that can trigger asthma attacks and damage the lungs. In fact, the combined health benefits are staggering. Beginning in 2016, EPA estimates that the standard would prevent each year 11,000 premature deaths, 4,700 heart attacks, 130,000 asthma attacks, 5,700 hospital and ER visits, and 540,000 missed work and school days.

Let me bring these numbers a little closer to home. EPA estimates MATS would prevent 130 premature deaths each year and up to $1.1 billion in health benefits in 2016.

In total, annual estimated benefits are $37 to $90 billion compared to compliance costs of $9.6 billion. That is an amazing return on investment—for every dollar spent, we will realize $3 to $6 in health benefits.

As a member of the Senate, it is my responsibility to make sure that the children of Massachusetts begin life with a fair shot, and it is my duty to protect the most susceptible, including the 128,000 kids and 531,000 adults with asthma in my home State. To put this issue in focus, one of my constituents, the mother of an asthmatic girl, has said: ''Any person who would say that EPA should be eliminated or its ability to regulate reduced should have to sit in the emergency room holding the hand of a child who can't breathe.''

Some Senators argue that the EPA standard is a job killer. Not true. The fact is it will create 46,000 short-term construction jobs and 8,000 long-term jobs in the utility sector to help build, install, and then operate emissions control equipment.

Some Senators say the rule requires too much, too fast. Not true. Look, the rule has been more than a decade in the making. Any shrewd businessperson would see the writing on the wall and develop their business plan accordingly. And many utility companies already have acted accordingly.

Some Senators say it costs too much to comply and will shut down powerplants, that these rules combined with others will threaten the reliability of the energy grid and dramatically increasing energy costs for consumers. Not true. Numerous reports from EPA, DOE, and CRS state otherwise. According to CRS, ''almost all of the capacity reductions (from the rule) will occur in areas that have substantial reserve margins. . . The final rule includes provisions aimed at providing additional time for compliance if it is needed to install pollution controls or add new capacity to ensure reliability in specific areas. As a result, it is unlikely that electric reliability will be harmed by the rule.''

And in terms of the rule's actual impact on the economy, it is likely to be extremely limited. The retail price of electricity is on average estimated to increase about 3 percent, mainly due to the increase in demand for natural gas. This seems a small price to pay for the massive health and economic benefits I have already highlighted.

We should understand that if we pass this CRA today, we are not guaranteed a do-over. The CRA explicitly prevents EPA from developing a rule to regulate mercury and air toxics from powerplants that is ''substantially the same'' as the invalidated rule. Translation: It would be nearly impossible for EPA to develop another rule to regulate these pollutants. Industry would have you believe otherwise so that you can vote to pass the CRA with a clear conscience. It is a disingenuous effort, and I sincerely hope that my colleagues will see through it.

Mr. President, it is tragic that polluters want to deny a right as basic as clean, healthy air. And it is tragic that anyone, especially a member of the Senate, would refuse to protect even children and the unborn from poisons. I urge the Senate to turn back this political assault on our environment and support standards that will do so much good for so many Americans. Anything else would be turning our backs on the people we are here to serve.

Mr. LIEBERMAN. Madam President, I rise today in strong opposition to Senator INHOFE's resolution of disapproval concerning the Environmental Protection Agency's mercury and air toxics rule. If passed, this resolution would have a devastating impact on our decades-long effort to clean up the air Americans breathe, and it would betray the responsible utility managers who have already taken steps to reduce the mercury and air toxics entering our atmosphere.

As I approach the end of my Senate career, I have spent some time reflecting on my past votes and the legacy I hope to leave behind. The debate before us today brings me back to my very first years in the Senate and an effort that has continued throughout my entire time here.

In 1990, I was part of the group of members of the Senate EPW Committee and the administration of President George H.W. Bush who negotiated and passed the Clean Air Act Amendments. At the time, the need for this legislation was painfully clear—acid rain was eating paint off of cars, and thick, visible smog blanketed too many of our cities. Some wanted Congress to turn a blind eye, but we did not. We acted, and we acted together.

During those many weeks, we met daily to reach a bipartisan agreement

that would put our country on the path to cleaner air. It was the leadership of majority leader George Mitchell and President Bush's representatives, including Boyden Gray, that led us to a grand bargain. Because all of the parties negotiated in good faith toward a common goal, the Clean Air Act Amendments were adopted in an October 1990 vote by an 89-to-10 margin. Think about that: 89 votes in favor of one of the most significant environmental law changes in our history. I regret that such a broad bipartisan agreement in support of our environment will not be repeated this week.

Now, in the final year of my Senate career, we are debating a resolution that seeks to undo one of the provisions that we worked so hard to pass as part of the Clean Air Act Amendments in my first term in office—a requirement that EPA issue standards to reduce emissions of air toxics from stationary sources. That was 22 years ago, but it was only February of this year that EPA finally published the rule that would implement these standards. Administrator Lisa Jackson and Assistant Administrator Gina McCarthy, who served so ably as Connecticut's commissioner of the Department of Environmental Protection, have brought us a rule that will finally put in place the mercury and air toxics restrictions we have been waiting for.

This resolution would roll back that rule, the first-ever national limits on powerplant emissions of air toxics, including mercury. Without this rule, powerplant operators can continue pumping dozens of tons of mercury and hundreds of thousands of tons of other toxic air pollutants into our air each year.

Many of my colleagues have spoken to the extensive health and environmental rationale behind the mercury and air toxics rule, so I will just highlight a few of the most startling statistics. One in twelve American women of childbearing age has mercury blood levels that would put their fetuses at risk for impaired development. These developmental impairments are a human tragedy, denying children their full intellectual and psychological potential.

With respect to the environment, just look at Connecticut. We are blessed by natural beauty—rolling hills, beautiful beaches, vast forests, and flowing streams and rivers. Unfortunately, every single body of water—every lake, stream, river, and pond—in the State of Connecticut has a mercury advisory in place. Where do we think this came from? It was not here before the advent of polluting powerplants spewing mercury into the air. We are blessed by plentiful fresh water, but that gift has been tainted by the mercury that has been spewed into the air over generations. Even in Long Island Sound, one of America's greatest estuaries, we are faced with a restriction on which seafood we can eat. One of the best fish in the sound—the bluefish—is off limits to us because of mercury. Is this the legacy we want to leave our children?

Of course, this debate should not be about which fish we can or cannot eat, it should be about following through on a promise we made to the American people in 1990, by a margin of 89 to 10, that we would move forward on efforts to reduce air toxics being emitted by powerplants. If we pass this resolution, we would break that promise.

Some of my colleagues may claim that the mercury rule is an attack on coal. To them I would say: This is nothing of the sort. This rule would actually save money and save lives. It would save between $37 billion and $90 billion a year in health benefits while creating 54,000 jobs. It would prevent up to 11,000 premature deaths and 130,000 cases of childhood asthma attacks each year. This is a case of government protecting its citizens with a commonsense rule to require widely available pollution control systems be installed at our powerplants.

I want to close by once again urging my colleagues not to break our promise we made to the American people in 1990 that the U.S. Government would do everything in its power to ensure the American people had clean air to breathe and to reduce dangerous pollutants in order to give our children the chance to grow up healthy. I urge my colleagues to vote no on this resolution.

Mr. MENENDEZ. Madam President, I rise to ask the Senate to protect public health, not polluters, and to protect clean air over corporate profits.

Upholding the mercury and air toxics standard means keeping toxic mercury, arsenic, lead, and other pollutants out of our lakes and streams and out of children's lungs. It will prevent 11,000 premature deaths, 5,000 heart attacks, and 130,000 asthma attacks in this country each year after its implementation.

For over 20 years polluters have fought these rules and used their influence to create delay after delay in administration after administration. It is time these rules were finally implemented so we can preserve the health of the American people and our Nation's air quality.

New Jersey has many residents who are vulnerable to poor air quality. According to the American Lung Association, there are over 184,000 children and 587,000 adults with asthma in New Jersey. It is estimated that these new air toxics standards will prevent up to 320 premature deaths and create up to $2.6 billion in health benefits in New Jersey in 2016 alone. These residents deserve better than to have their health subordinated to the financial interests of corporate executives.

Reducing toxic emissions is welcomed by New Jersey's power providers. The Public Service Enterprise Group, PSEG, New Jersey's oldest and largest electric utility, operates several of the powerplants that would be affected by the mercury and air toxic standards. Because these regulations have been in the works for over 20 years, PSEG and other power providers have already made investments in anticipation of their implementation. To assert that these standards are somehow a surprise or could not have been anticipated by electric utilities would be grossly inaccurate.

Mercury is perhaps the most dangerous pollutant targeted by this rule and coal-fired powerplants are responsible for half of the mercury emissions in the United States.

Mercury, a dangerous neurotoxin, has been associated with damage to the kidneys, liver, brain, and nervous system. It has also been shown to cause neurological and developmental problems in children. The American Academy of Pediatrics, in detailing the impact of mercury exposure on human health, noted,

> mercury in all of its forms is toxic to the fetus and children, and efforts should be made to reduce exposure to the extent possible to pregnant women and children, as well as the general population.

Elevated levels of mercury exposure have also been shown to put adults at increased risk of heart attacks, increased blood pressure, and blocked arteries. Rather than cater to polluters, we must heed the warnings of doctors, nurses, and respiratory therapists—medical professionals that have dedicated their lives to preventing and treating illness caused by mercury.

Mercury emissions also act as a pervasive contaminant throughout our Nation's watersheds, where the pollutant accumulates in fish, other wildlife, and ultimately, in humans. In 2003, Jeff Holmstead, the EPA Assistant Administrator for Air and Radiation under George W. Bush, stated:

> Mercury, a potent toxin, can cause permanent damage to the brain and nervous system, particularly in developing fetuses when ingested in sufficient quantities. People are exposed to mercury mainly through eating fish contaminated with methylmercury.

In New Jersey, mercury has been a widespread and consistent contaminant in freshwater fish collected throughout the State, with unsafe concentrations of mercury being found in both urban and rural areas. The statistics send a clear message: if we don't act now, we risk mass contamination of our Nation's waters and food supply.

The mercury and air toxics standard will work to curb toxic emissions produced from coal powerplants, and to ensure that future emissions comply with set national limits. These new standards are expected to reduce mercury emissions from coal and powerplants by 90 percent, acid gas pollution by 88 percent, and particulate matter emissions by 30 percent.

Senator INHOFE's proposal, if enacted, would not only void all of the health benefits produced by the air toxics standard, but also prevent the government from issuing similar standards in the future. In effect, this would

severely curtail the government's ability to address the serious hazards posed by pollutant emissions. I believe this would be deeply irresponsible.

These national standards are long overdue. In 1990, Congress amended the Clean Air Act to require performance-based regulations of air pollutants, in an effort to reduce toxic emissions produced from industrial sources. That amendment was passed with broad bipartisan support, approved by 89 Senators, 401 House members, and signed by a Republican president. After two decades, national standards regulating powerplant emissions of mercury and other toxic pollutants are finally in place. How many more children will be poisoned by mercury in their bodies, if Congress continues to delay or eliminate safeguards ensuring health safety?

In 1990, Congress recognized the harm posed by these pollutants and took appropriate action. Now it is time for us to finally implement them and protect the health of all Americans.

Mr. HATCH. Madam President, I rise today as a signer of the discharge petition for S.J. Res. 37, the Congressional Review Act resolution of disapproval for the Environmental Protection Agency's Utility MACT rule. I support this measure with all my heart.

I urge my colleagues and my fellow citizens who are listening to this debate today to recognize that the EPA's Utility MACT rule is not just about curtailing mercury emissions from powerplants. At the heart of the Utility MACT rule is an effort to shut down our Nation's coal-mines and coal-fired powerplants. When President Obama was a United States Senator, he was the deciding vote on the Senate Environment and Public Works Committee to kill the Clear Skies bill which would have reduced mercury emissions in the United States by 70 percent.

Let's be clear about why the liberals on that committee voted against this mercury reduction measure. They did so because they wanted to hold that issue aside and use it to help pass a nationwide climate bill, the biggest anticoal legislation ever considered by Congress. In other words, killing coal mining jobs and shutting down coal-fired powerplants took priority over real and significant reductions in mercury emissions and any health benefits that would have come with those reductions.

The EPA's Utility MACT rule was carefully written to ensure that most of its mercury reductions will come from the forced shutdown of coal mines and coal-fired powerplants. It is evident that the rule is not written to allow noncompliant powerplants to remain open.

The fact is that today's vote does not stop the EPA from regulating mercury from coal-fired powerplants. But it would strip out the obvious anticoal agenda that is the heart and soul of the current Utility MACT rule. The costs of this rule outweigh the benefits by 1,600 to 1. If ever there were an EPA rule that needed to be sent back to the drawing board, this one is it.

Americans know what is at stake with today's resolution. If the EPA's rule is allowed to go forward, it jeopardizes our Nation's most affordable, abundant, and dependable domestic source of electricity. We hear a lot from the President and his allies about the scourge of inequality and the need for a more progressive economic system.

It is hard to take them seriously when you look at their support for this EPA regulation. Regulations such as these are incredibly regressive. This regulation will increase the cost of energy. That might not mean a great deal to the folks who are financing President Obama's reelection, but to low- and middle-income citizens, increased energy costs hit family budgets hard.

And it will undermine jobs. Anyone who claims to care about job creation, while at the same time supporting this regulation, has to answer a few questions. Americans are tired of lipservice when it comes to job creation. They are tired of having a job creation agenda taking a back seat to the agenda of lifestyle liberals.

They want Congress and the President to be serious about creating jobs and keeping our Nation competitive in a global economy. This regulation not only threatens jobs at coal mines and powerplants.

Much more is at stake. We are talking about a threat to the millions of jobs that are created when we as a nation enjoy the abundant affordable energy that allows us, America, to compete against our aggressive international rivals.

Let me remind my colleagues on the other side of this issue about the success of my own State of Utah. For 2 years running, Forbes magazine has listed Utah as the best State for business and jobs. Utah is a grand success story, and national policymakers should look to it for answers. Why is Utah creating jobs, while many areas of the United States are losing them? Well, there are a number of factors, but a very big one is that we are a very competitive State. After comparing the cost of doing business in other States, more and more companies are moving to Utah. A key factor in that decision is Utah's very low cost of energy. The State ranks fourth in the Nation for low cost industrial energy rates. I am aware of a number of instances where this has been a deciding factor when a major business decides to relocate to Utah. In almost every case, the States these companies are moving away from have high industrial energy rates. And, yes, about 70 percent of Utah's power comes from clean, efficient, coal-fired powerplants.

It is obvious that many of my colleagues on the other side of this issue just cannot grasp this truth; but the fact of the matter is that competiveness is critical to economic growth and job creation. It should come as no surprise that President Obama's hundreds of anti-energy efforts have failed to grow jobs in this country.

I urge my colleagues to look to my State of Utah as a model for success. We need to get off the road toward the nanny State. How bad does the European model have to get before we wake up and recognize that we want nothing to do with that type of big government failure. America is great because we have relied on the fundamentals of a free people living in a free market. And underlying our vibrant and free economy is consistently affordable energy. Affordable energy is the lifeblood of a healthy economy and always has been. I urge my colleagues to protect these fundamentals and send this Utility MACT rule back to the EPA for a major rewrite.

Mr. UDALL of Colorado. Madam President, I rise today to urge my colleagues to oppose S.J. Res. 37, a resolution of disapproval of the Mercury and Air Toxics Standards, offered by Senator INHOFE. The Senator from Oklahoma is a powerful advocate for his point of view, but I respectfully disagree that we do not need to control the emission of mercury and other toxics into our air.

This vote is one in a continuous drumbeat of attacks on environmental rules we have seen of late. It is unfortunate that some of my colleagues are attacking clean air and water rules with such fervor, especially in the name of economic recovery. When it comes to putting America back on firm economic footing, we should be working towards a comprehensive budget solution that shows the American people and the world that Congress can still function in the face of major challenges rather than with attacks on the Environmental Protection Agency.

Yet so often we hear vague, catch-all criticisms that upcoming EPA rules—real or imagined—will create uncertainty in the regulated community, impeding economic recovery. The irony is that attacks that seek to delay or remand EPA rules only exacerbate and prolong regulatory uncertainty.

Also, recall that Congress directed EPA in the Clean Air Act more than 20 years ago to develop many of the rules the agency is currently working on. That is the case with the Mercury and Air Toxics Standards. Many other rules are coming about as a result of court orders. So, put simply, EPA is doing its job.

To be sure, Congress also has a job to do when it comes to oversight of administration rules. For instance, I have been and will continue to work with EPA to make sure EPA actions respect the realities of life in rural and arid communities. This is especially important when it comes to regulations impacting Colorado water users and our farmers and ranchers.

However, wholesale assault on an agency whose mission is to protect

human health and the environment is neither a recipe for economic recovery nor a path to fostering healthier communities within which our families and neighbors live.

Let me turn specifically to the resolution of disapproval offered by Senator INHOFE.

Many of my colleagues have described on the Senate floor the various health benefits of the rule. I would like to associate myself with their remarks, because the health benefits of controlling mercury emissions are remarkable: as many as 11,000 fewer premature deaths each year; 130,000 fewer cases of childhood asthma each year; and 4,700 fewer heart attacks each year just to name a few.

But I want to add two other aspects to the debate. One, clean air and water are good for our economy.

In Colorado, for example, outdoor recreation and tourism make up the second largest sector of our economy. Coloradans enjoy skiing, hiking, hunting, angling, camping, boating and many other outdoor activities, and many Americans come to Colorado for these experiences. Our outdoor recreation economy contributes $10 billion a year to the State's economy and supports over 100,000 Colorado jobs.

This isn't limited to Colorado. Nationally, the outdoor recreation economy is worth $646 billion, supporting 6.1 million jobs.

Clean air and water are an integral part of the national outdoor recreation system. It can not function if our children are too sick to come outside to play or our waters are too polluted to fish.

Two, investing in our infrastructure through modern pollution controls is how we ensure long-term economic recovery.

ADA-Environmental Solutions is a company in Highlands Ranch, CO. ADA-Environmental Solutions is the leading producer of mercury control equipment for utilities across the country. Part of their mission is to ''sustain the viability of coal'' through the development of technologies that ''reduce emissions, increase efficiency and improve the competitive position'' of their customers.

As the Mercury and Air Toxics Standards go into effect, many utilities will upgrade their facilities with modern pollution controls. It may surprise some of my constituents in Colorado to learn that some of these plants have been operating without pollution controls for 40 years or more.

Those upgrades will be installed by Americans and provided by companies like ADA-Environmental Solutions. Those upgrades represent an investment in American jobs and a modern utility infrastructure.

In summary, clean air and water do not come at the expense of our economy. Rather, a healthy environment and a healthy economy go hand-in-hand.

Putting safeguards in place on the largest source of mercury emissions in the United States is long overdue. That is why I will be opposing S.J. Res. 37 today, and I urge my colleagues to do the same.

Mr. DURBIN. Madam President, in 1970, smoke stacks towered above cities and towns spewing black clouds of toxic pollution into the air.

Sights like these outraged Americans—however, at that time there was no legal way to force these companies to stop polluting the environment.

In response to these atrocities, Congress did two things in 1970:

First, Congress created the Environmental Protection Agency to defend our natural resources and force polluters to clean up their factories and plants.

And second, Congress passed the Clean Air Act with overwhelming bipartisan support to help ensure that all Americans could breathe clean air, free from toxic chemicals.

In the 40 years since, Republicans and Democrats have worked together in Congress to protect the health of America's families from the country's biggest polluters.

But this week in the Senate, we will vote on a provision that threatens to destroy all that progress by rolling back a critical environmental and health regulation.

Senator INHOFE has introduced a resolution that would prevent the EPA from enforcing the first national standard to regulate the emission of mercury and air toxins from power plants.

Until now, there had been no Federal standards that required power plants to limit their emission of mercury, arsenic, chromium, and acid gases. And so their pollution went unchecked.

This led to power plants becoming the single largest source of mercury in the United States. Power plants are currently responsible for 50% of the mercury, 62% of the arsenic, and over 75% of the acid gases emitted in this country every year.

These are deadly chemicals. Mercury is a potent neurotoxin that can hinder brain development and the central nervous systems of children, even while in their mother's womb.

And the heavy metals and acids emitted by power plants can cause various cancers and respiratory, neurological, developmental, and reproductive problems.

So the idea that we should allow power plants to continue to pump hundreds of thousands of tons of dangerous pollution into the environment instead of adding any of the readily available pollution controls is completely outrageous.

The harmful, toxic chemical emissions from these plants must be stopped and that is what the EPA's new Mercury and Air Toxics Standards, or MATS as they are called, does.

When implemented, the new standards will reduce mercury and acid gas emissions from power plants by almost 90%.

These reductions will save billions of dollars in public health spending each year by avoiding thousands of cases of premature deaths, aggravated asthma, and heart attacks.

In fact, every dollar spent to reduce pollution emission under the MATS rule will result in $3–$9 of health benefits.

In my state of Illinois alone, the MATS rule will save $4.7 billion and prevent an estimated 570 premature adult deaths in the next four years.

That might be why recent polling shows that 77% of Americans support the MATS rule and the reductions in air pollution that it will achieve.

However, Senator INHOFE wants to prevent these critical standards from being enforced—claiming that they are too strict and that companies have not had enough time to prepare.

But, Mr. President, this new rule didn't come out of nowhere.

Energy companies have known for more than 20 years, since the last major changes to the Clean Air Act in 1990, that new air pollution-control rules were coming and that the new rules would require them to reduce their toxic emissions.

That is why many power plants have already made the changes necessary to comply with the new rules by installing scrubbers and other air pollution-control technologies.

However, instead of investing in these available control technologies, some companies did little or nothing over the past decades to improve their old, inefficient plants.

And now these same companies state that it would be impossible for them to comply with the MAT standards without massive job losses and blackouts across the electricity grid. The facts suggest otherwise.

According to the Environmental Policy Institute, the EPA's new standards are expected to create approximately 8,000 jobs in the utility industry and an additional 80,500 jobs from investments in pollution control equipment by 2015. And the majority of these jobs will be in the construction and labor industries.

Mike Morris is chief executive of American Electric Power, a utility with multiple coal-fired plants. He said, ''We have to hire plumbers, electricians, [and] painters when you retrofit a plant. Jobs are created in the process—no question about that.''

In fact, the MATS rule is expected to add a net 117,000 jobs to the economy overall. So to say that we can't create jobs without allowing dangerous levels of toxic chemicals into the air we breathe is simply wrong. And multiple Federal agencies and third parties—including the non-partisan Congressional Research Service, the Department of Energy, and the Bipartisan Policy Center—have stated that full implementation of the MAT Standards will not cause any reliability concerns for the power grid.

EPA is working closely with the Department of Energy, the Federal Energy Regulatory Commission, State

utility regulators, and the North American Electric Reliability Corporation, to ensure there will be no issues with the electrical grid.

So it seems that we can have clean air and keep the lights on, while simultaneously creating thousands of new jobs.

We don't have to make the false choice between ensuring clean air and job creation—we can do both.

The bottom line is that acid gases and heavy metals are causing serious health problems, especially in our most vulnerable populations—children and pregnant mothers.

The EPA Mercury and Air Toxics Standards will require power plants to cut their emissions of these harmful chemicals by using readily available technology.

Many plants across the country have already proved that the standards can be met while creating jobs and keeping the lights on and businesses running.

So it's time for Republicans and Democrats to once again come together to protect the health of Americans families and ensure that everyone has access to clean air.

Therefore, I urge my colleagues to vote 'no' on the motion to proceed to Senator INHOFE's resolution.

Mrs. BOXER. Madam President, how much time remains?

The ACTING PRESIDENT pro tempore. The Republicans have 3 minutes 47 seconds, and the majority has 12 minutes 45 seconds.

Mrs. BOXER. I would take 6 minutes and retain the balance.

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

Mrs. BOXER. Madam President, we are faced with a resolution today to essentially repeal something that has been 20 years in the making and is about to go into effect. It would stop the EPA, the Environmental Protection Agency, from implementing the first-ever national mercury and air toxics standards for powerplants.

A little bit later I will talk about what mercury does to people. Let me assure you, it is not good. I will also talk about the other toxics that are emitted from these dirty plants. They are not good either. When I mention them, just the names will scare us because they are names such as arsenic and formaldehyde—not good. They are going into our lungs. The mercury is getting into fish. People are getting sick. That is why this is such a dangerous moment if we were to pass this and stop the EPA from doing this.

We know that for every $3 we invest—every $1 to $3—we are going to get back $9 in health benefits. If we do the math and we follow the math, it is clear this is cost-effective and critically important.

Ask a parent who has a child who is rushed to the emergency room with asthma whether they want this done. Ask a coal-fired utility that has made these improvements already—half of them have—and they will tell us there has been hardly any impact on electricity prices, and they are happy with them.

If this resolution were to pass and the policy behind it were to pass, it means that instead of rewarding those coal-fired utilities that are doing the right thing, we are rewarding those that haven't done the right thing and continue to spew forth these toxins.

What is at stake? I ask rhetorically of people who may be listening to this: Whom do we trust more, Senators and politicians or physicians and nurses? I think we should trust these numbers from the professionals who have looked at this issue. If this resolution were to pass and EPA is blocked from implementing this new clean air standard, we will see up to 11,000 additional premature deaths, 4,700 heart attacks, 130,000 cases of childhood asthma, 6,300 cases of acute bronchitis among children, 5,700 emergency room visits, and 540,000 days of missed work. Again, the rule provides $3 to $9 in benefits for every $1 that is invested.

We are going to hear other arguments from the opponents of the Environmental Protection Agency, but the people of America are smart. They were asked just 2 months ago if they want us to interfere with the Environmental Protection Agency as they clean up the air, clean up the mercury, clean up the toxic soot, and 78 percent said: Stay out of it, politicians, and let the Environmental Protection Agency do its job.

We should thank the coal companies that have already cleaned up their act and not reward those that have delayed cleaning up their act.

Again, we will hear all kinds of horror stories. Ask the utilities that have made these improvements. We have a list of them somewhere.

We will also hear there will be lost jobs from this rule. We know there will be 46,000 short-term construction jobs as these plants become clean and 8,000 long-term jobs.

Now look at the utilities that oppose the Inhofe CRA. They include Austin Energy, Avista Corporation, Calpine Corporation, Constellation Energy, Exelon, National Grid, NextEra Energy, NYPA, Public Service Enterprise Group, and Seattle City Light. Some of these have coal-fired powerplants. They say: What are we doing? Let's keep moving toward clean energy.

I asked if we trust politicians or do we trust those who, I believe, are unquestionably character witnesses in this debate. Let's look at some of them that oppose what Senator INHOFE is trying to do today. The Catholic Health Association of the United States, Evangelical Environmental Network, Franciscan Action Network, General Baptist Convention, General Conference of American Rabbis, National Council of Churches, United Church of Christ Justice and Witness Ministries, United Methodist Church, U.S. Conference of Catholic Bishops. They oppose what my friends on the other side are leading us to today, a repeal of clean air rules.

Whom do we trust, the politicians or some of these groups that strongly oppose this resolution—the American Academy of Pediatrics, the American Association of Respiratory Care, the American Heart Association, the Lung Association, the Nurses Association, the Public Health Association, the March of Dimes, the Physicians for Social Responsibility, and Trust for America's Health.

The ACTING PRESIDENT pro tempore. The Senator has consumed 6 minutes.

Mrs. BOXER. I ask unanimous consent for 2 additional minutes, and then I will yield and retain the balance.

Here is the chart I wished to show on utility prices. We have heard doom and gloom. Here are the facts. There was hardly any fluctuation in utility rates when half the coal-fired plants made these improvements.

Do not fall for scare tactics because we know upgrading a utility is something that has to be done. It is built into the long-term plans of these utilities.

What poisonous emissions does this clean air rule address? I talked about it before. In the balance of my time I will go through it again, but I am going to just name these toxins: mercury and lead, arsenic, selenium, cadmium, chromium, benzene, formaldehyde, acid gases, and toxic soot. All we need do is listen to what I said and we know we don't want to breathe them in and we don't want to have fish that contain too much mercury because it damages the nervous system in children and harms the brains of infants. We know how dangerous it is for pregnant women and children to eat this type of fish.

Last night, we had Senator WHITEHOUSE here from Rhode Island, and he was eloquent on the point. He had a picture, which was actually a Norman Rockwell painting—it wasn't a real painting, it was a wonderful poster. He said: Here is a perfect American scene of a grandpa taking a grandson fishing. He said that today, in his State, they can't eat the fish. Maybe they can once a month eat one fish, and in some of their lakes, they can't even eat any.

This is wrong. This is pollution blowing from other places into the Northeast. Let's defeat this resolution. It is bad for the people of this country.

I yield the floor and retain the balance of my time.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. The question was asked by the Senator from California: Whom do we trust most, elected Senators or unelected bureaucrats?

I yield 3 minutes to the Senator from Kentucky.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. The question is, Is pollution getting better or worse? With all

the hysteria, one would think: My goodness. Pollution is getting so much worse. All measurements of pollution show we are doing a good job and much better than we have ever done. Most of the emissions—the big emissions, sulfur dioxide and nitrous oxide—have been going down for decades. We are doing a good job with pollution.

This rule is about mercury. Powerplants emit this much of the mercury, as shown on this chart. Do my colleagues know that over half the mercury comes from natural sources? Forest fires emit more mercury than powerplants do. We already have eight regulations at the Federal level on mercury. We have a plethora of regulations at the State level.

The question is, Is mercury getting worse or is mercury lessening? For the last 5 years, the amount of mercury that is being emitted has been cut in half. If we measure mercury in the blood of women and children, it is getting less. If we say: What is a safe level of mercury in the blood, we are below that. If we look at populations who eat nothing but fish, the Seychelles Islands, they have found zero evidence that mercury is hurting any of them. When we look at mercury emissions, they are going down.

So the question is, Are we going to have a balance in our country? Does the other side care whether people work? We can do everything possible to try to eliminate this last 1 percent, but the question is, At what cost? Many are estimating 50,000 people are going to lose their jobs. Do we care if people have a job? Yes. We want to be safe, but there has to be a balancing act.

The question we have to ask is: Is the environment cleaner or worse off? The environment is so much cleaner than it used to be. The rules in place are somewhat balanced and are keeping pollution under control. What we don't want to do is go so far over the top that we lose jobs. This new rule is estimated to lose 50,000 jobs.

I think the American people need to have a say in this. We don't need to give up that power to unelected bureaucrats we can't remove from office. Let's let our representatives get involved to have more of a balance in the regulations.

I suggest we vote in favor of this resolution.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. I understand our time has expired. I ask unanimous consent that Senator KYL have 2 minutes.

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

Mr. KYL. Madam President, S.J. Res. 37 is very important.

If passed, this resolution would overturn one of the most costly and unnecessary regulations ever adopted by the EPA. Unless we in Congress act, that regulation, Utility MACT, would establish the first ever ''maximum achievable control technology''—or MACT—standards for ''hazardous air pollutant''—or HAP—emissions from powerplants.

The Clean Air Act only allows the EPA to set MACT standards for HAP emissions if it can establish a hazard to public health that would make such regulatory action ''appropriate and necessary.''

In December 2000, just as a new administration was set to take office, the Clinton EPA, under great pressure from special interests, promulgated a Utility MACT rule based on public health concerns about mercury. The data simply do not support that regulation.

First of all, mercury does not pose health risks via inhalation, but rather only after entering water bodies and accumulating as methylmercury in the aquatic food chain. For humans, the primary route of mercury exposure is through eating fish. Accordingly, the EPA itself has acknowledged uncertainties about the extent of public health risks that can be attributed to electric utility mercury emissions, and it admits that ''there is no quantification of how much of the methylmercury in fish consumed by the U.S. population is due to electricity emissions.

We now know too that the EPA's projections for major increases in mercury emissions from powerplants at the time were grossly inaccurate. The agency estimated that emissions would increase from 46 tons in 1990 to 60 tons in 2010. But, in fact, they actually declined to just 29 tons in 2011—more than 50 percent below the projections—and all without the MACT rule.

Moreover, the studies EPA relied upon about methylmercury exposure in children and women of childbearing age have also been found to have inflated health risks. More recent research undertaken by the CDC indicates that Americans are not being exposed to levels of mercury considered harmful to fetuses, children, or adults. Additionally, both the FDA and the Agency for Toxic Substances and Disease Registry have recommended regulatory levels for mercury that are significantly less stringent than the EPA's reference dose.

With respect to nonmercury hazardous air pollutants—or HAPs—the EPA does not set actual limits for those emissions. Instead, it uses limits for fine particulate matter emissions in the standard as a surrogate for a variety of HAPs under the rule. While EPA calls the benefits associated with reducing particulate matter ''co-benefits'' of establishing the Utility MACT regulation, it has also stated that such reductions are not the primary objective or justification for the rule. If that is the case, then why are more than 99 percent of the rule's claimed health benefits due to projected reductions in particulate matter? I am all for incidental health benefits—it is always nice to get more bang for the buck—but that's simply not what is going on here.

Double-counting the benefits from reducing particulate matter as a Utility MACT benefit is, at best, misleading. Indeed, if 99 percent of the quantified health benefits cited in the rule are not due to reductions in HAPs, can we really call the Utility MACT rule ''appropriate and necessary?''

The EPA is trying to pull a fast one by regulating particulate matter—a non-HAP—under the guise of concern about mercury. The agency already regulates particulate matter emissions under the Clean Air Act, and it has been doing so for 15 years. If it believes there are benefits to further reducing particulate matter emissions, it already has the power to do so; adopting S.J. Res. 37 would not prevent such EPA action.

Once the coincidental co-benefits from reducing particulate matter—estimated to be $33 billion to $89 billion, or $3 to $9 in health benefits for every dollar of cost—are excluded from Utility MACT, the EPA's own cost benefit analysis demonstrates that the health benefits of the rule are far outweighed by its costs. The EPA estimates that implementing the Utility MACT rule would cost $9.6 billion in 2016, and that reductions in mercury emissions would provide just $0.5 to 6 million in health benefits in the same year. This means that, even in the best case scenario, the cost of Utility MACT will exceed its estimated benefits by a factor of 1,600 to 1.

Sixteen hundred to one.

The cumulative costs and consequences of this and other EPA regulations are both real and substantial. Final and pending EPA regulations will reduce the diversity of America's energy portfolio, increase energy prices, eliminate jobs, and threaten electric reliability.

With regard to our energy portfolio, we are already seeing negative effects. Coal's share of electric power generation recently dropped to just 34 percent, the lowest level we have seen since the 1970s. As a result, utility companies have already announced plans to shut down more than 25,000 megawatts of electricity rather than upgrade plants with costly new emissions control technology. These changes in our energy portfolio are just the tip of the iceberg. The North American Electric Reliability Corporation—or NERC—estimates that EPA regulations will lead to an additional retirement of 36,000 to 59,000 megawatts of electricity generation. The Federal Energy Regulatory Commission's Office of Electric Reliability has stated that EPA regulations would likely shutter 81,000 megawatts.

These plant closure predictions from nonpartisan reliability organizations are 8 times higher than EPA's estimates of just 10,000 megawatts. The closures caused by EPA regulations will not just affect our energy mix—they will also affect grid reliability.

NERC has said that EPA regulations pose the No. 1 threat to grid reliability.

But these reliability organizations are not the only ones concerned about the EPA's effect on coal and coal power generation. Earlier this month, Moody's changed its outlook on the coal industry to ''negative,'' largely blaming the EPA for the downgrade. As Moody's put it in a statement:

> A regulatory environment that puts coal at a disadvantage along with low natural gas prices, have led many utilities to increase or accelerate their scheduled coal plant retirements.

It continued:

> In addition, newly proposed carbon dioxide regulations would effectively prohibit new coal plants by requiring new projects to adopt technology that is not yet economically feasible.

I have witnessed the EPA's attempts to reshape the energy industry through regulation in my home State.

Arizona relies on coal-fired power for its base-load electricity. Coal mining and plant operations are an important employer and economic engine for Arizonans and, specifically, for our Indian Tribes. As just one example, take the Navajo Generating Station—or NGS—a 2,250-megawatt facility located on the Navajo Nation's reservation.

The NGS was constructed as part of a negotiated settlement with environmental interests that, at the time, preferred a coal-fired powerplant to a hydropower dam project in the Grand Canyon. It provides more than 90 percent of the pumping power for the Central Arizona Project, Arizona's primary water delivery system. The plant and the coal mined to operate it play a vital role in the economies of the Navajo Nation and the Hopi Tribe, not to mention the State as a whole. A study prepared by Arizona State University's Seidman Institute concluded that the NGS and its associated mine will account for over $20 billion in gross State product—GSP—almost $680 million in adjusted State tax revenues, and more than 3,000 jobs.

Yet, the station's future viability is now directly threatened by Utility MACT and other pending EPA regulations. Right now, the EPA is undertaking an NGS-specific rulemaking to determine whether additional emissions control technologies should be installed at the station for purely aesthetic visibility reasons, rather than actual health concerns. That rulemaking could require the installation of emissions controls at a cost of more than $1.1 billion.

That is just one power station—just one—$1.1 billion. And we don't even know yet what the estimated cost of compliance with Utility MACT might be.

Steve Etsitty, executive director of the Navajo Nation EPA, said this about EPA's regulatory approach:

> EPA's one size fits all' approach to rulemaking fails to acknowledge or address the specific concerns and impacts to the Navajo Nation, as well as regional impacts. Making matters worse, EPA's uncoordinated approach to rulemakings impacting the same industries creates regulatory uncertainty, increases compliance costs, and puts at substantial risk the national and regional economies, critical jobs of Navajo people, and the very viability of the Navajo government.

I couldn't agree more.

The consequences of a shutdown of the Navajo Generating Station would be felt throughout the State, and even by the Federal Government. However, a shutdown would most acutely impact Indian tribes, whose economies and access to affordable water are highly dependent on the NGS.

Thus, the consequences of the EPA's regulatory war on coal go far beyond the coal industry itself. Real people in my State and across the country will pay the price.

That is why I urge my colleagues to support the resolution before us today. I am all for clean air. I don't know a single colleague who would take the opposite view. And I can assure my friends on the other side of the aisle that we are firmly antimercury contamination as well. But that is not really the question here.

It is not a matter of clean air versus dirty air, or mercury contamination versus no mercury contamination. These are false choicest. We can have clean air and a healthy economy. We can reduce mercury levels and reduce unemployment. But we have to be smart about how we regulate.

Utility MACT is simply a bad regulation. It is refuted by the very science used to justify its promulgation. Moreover, its economic effects would be negative and far-reaching, while its estimated benefits would be minimal and hardly worth the significant costs. And it would make domestic energy generation more difficult at a time of rising energy demand.

With growing unemployment, huge deficits, and anemic growth, this is also the wrong time to be whacking our economy with one of the most expensive and far-reaching regulations ever to come from the EPA.

We have to be smart about this, and Utility MACT is just not a smart regulation.

I urge my colleagues to support S.J. Res. 37 and help overturn this misguided, job-killing rule.

Again, I will simply say at this point that adopting this resolution is very important to prevent the implementation of a regulation which I think has very clearly been established. It does not meet the test that would be required for the promulgation of a public health regulation and fails any test of cost-benefit analysis.

Therefore, I urge my colleagues to think about the effect on the industry, on the people of America, on the economy at this time, and adopt the resolution offered by the Senator from Oklahoma.

Mr. INHOFE. Madam President, I understand there is 1 minute remaining, so let me just clarify a couple things.

First of all, several have made comments about the Clean Air Act. I was supportive of the Clean Air Act. It has done a great job, and I think that should be clarified.

We have had three medical doctors testify as to the health implications on this.

I would only say this: If we are truly concerned about what is happening, keep in mind what the Senator from Alaska, Ms. MURKOWSKI, said. The maximum achievable control technology is not there. So if we vote against this amendment and they allow this rule to continue, we are effectively killing coal in America that has accounted for almost 50 percent of our industry.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Am I correct that there is 4 minutes remaining on my side?

The ACTING PRESIDENT pro tempore. That is correct.

Mrs. BOXER. I yield 1 of those minutes to Senator PRYOR.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. PRYOR. I thank the Senator from California.

Right now, when we open the paper and when we turn on the evening news, we see these ads for clean coal. We need clean coal. We are akin to the Saudi Arabia of coal. They say we have 400 years' worth of coal supply in this country. We have the technology now to take 90 percent of the mercury out and a lot of the particulates and we should do it. This is our chance to do it.

This is a rule that has been 20 years in the making. This is not something people dreamed up over the last couple years. This has been 20 years in the making, and Congress has mandated we do this.

I would say this in my part of the closing: We should not have to make a false choice. We don't have to be anticoal and prohealth. We can be both. We can do what is good for the health of the country and good for coal; that is, have clean coal, uphold this rule, and vote against the Inhofe resolution.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, the Senator from Oklahoma said I asked: Whom do we trust more, politicians or bureaucrats? No; that is not what I said. I said: Whom do we trust more, politicians or groups such as the American Academy of Pediatrics, the American Association of Respiratory Care, the American Heart Association, the Lung Association, the nurses, the March of Dimes, et cetera. I believe that when it comes to the trust of the public, these groups have one concern and that concern is the health of our people. That is why we have to defeat this resolution and allow the Environmental Protection Agency, after 20 years, to finally promulgate a rule that

will go after the worst toxins that are coming out of coal-fired plants.

I will go through a few of these. Mercury is a heavy metal that can damage the nervous system in children and harm the brain of infants, causing slower mental development and lower intelligence. Why do we want to take a stand against the children and their brain development? Mercury can accumulate in the food chain. We know this. What happens is people—especially pregnant women and children—can't eat fish because of the high content of mercury.

Then there is lead. These are the things we are talking about getting out of the air. Lead can damage the nervous system of children and harm the brains of infants, causing slower mental development and lower intelligence.

There is no known safe level of lead in the blood of children. This is indisputable fact. It can harm the kidneys and cause high blood pressure, damage reproduction, cause muscle and joint pain, nerve disorders. Why would anyone—why would anyone stand on this floor and say it is OK to allow these toxins to be polluting our environment? Arsenic is a heavy metal that causes cancer, damages the nervous system, kidneys, and liver. Powerplants account for 62 percent of all the arsenic pollution we are fighting against. Why would anyone who cares about the people they represent vote for this resolution and stop the EPA from cleaning up our air?

Vote no. There is no reason to risk the health of the American people by voting for the utility CRA resolution. If the resolution passes and if that resolution were to become the policy of this country, thousands—hundreds of thousands of Americans every year would be harmed. This is not rhetoric, this is fact. Scientists have told us this. The health groups have told us this.

I urge a strong ''no'' vote.

I yield the floor.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—46

Barrasso	Coats	Crapo
Blunt	Coburn	DeMint
Boozman	Cochran	Enzi
Burr	Corker	Graham
Chambliss	Cornyn	Grassley
Hatch	Lugar	Rubio
Heller	Manchin	Sessions
Hoeven	McCain	Shelby
Hutchison	McConnell	Thune
Inhofe	Moran	Toomey
Isakson	Murkowski	Vitter
Johanns	Nelson (NE)	Warner
Johnson (WI)	Paul	Webb
Kyl	Portman	Wicker
Landrieu	Risch	
Lee	Roberts	

NAYS—53

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

NOT VOTING—1

Kirk

The motion was rejected.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, if I could have the attention of the Senate, we did very well yesterday. We have a lot to do. We have to work on this. We have flood insurance. Both are important issues.

This is going to be a 10-minute vote. The order that has been entered is that all the remaining votes are 10 minutes. We had a 15-minute vote on the first one. I know there are a lot of things going on today, but we are going to have to work around them. That is the most important part of our job—voting. So let's work. Let's try to get out of here. We are going to try to finish this bill tonight.

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3240, which the clerk will report by title.

The assistant legislative clerk read as follows:

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

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

AMENDMENT NO. 2345

Mr. MANCHIN. Madam President, I call up amendment No. 2345.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. MANCHIN] proposes an amendment numbered 2345.

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

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

The amendment is as follows:

(Purpose: To require national dietary guidelines for pregnant women and children from birth until the age of 2)

On page 361, between lines 8 and 9, insert the following:

SEC. 4208. DIETARY GUIDELINES FOR AMERICANS.

Section 301(a) of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341(a)) is amended by adding at the end the following:

''(3) PREGNANT WOMEN AND YOUNG CHILDREN.—Not later than the 2020 report and in each report thereafter, the Secretaries shall include national nutritional and dietary information and guidelines for pregnant women and children from birth until the age of 2.''.

The ACTING PRESIDENT pro tempore. There will be 2 minutes of debate equally divided, 1 minute for each side.

Mr. MANCHIN. Madam President, I do not believe there is opposition to this amendment. I urge my colleagues to support this bipartisan, commonsense amendment that will address a very urgent need in this country: helping our children develop healthy eating habits at a very young age.

I wish to thank my cosponsor, Senator KELLY AYOTTE from New Hampshire, for working with me on this amendment. All this does is require the Department of Health and Human Services and the Department of Agriculture to develop, implement, and promote national dietary guidelines for pregnant women and for children up to 2. It is the only segment we have not done. If you are 2 years of age or older, we do it. We try to tell you how to stay healthy, what you should eat, what you should feed your child. This basically fills in the gap for woman from when they become pregnant until 2 years of age.

I urge support of this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Madam President, I yield back all time. It is my understanding that we can proceed with a voice vote on this amendment.

The ACTING PRESIDENT pro tempore. Without objection, all time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2345) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

AMENDMENT NO. 2382

Mr. MERKLEY. Madam President, I call up my amendment No. 2382.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY] proposes an amendment numbered 2382.

The amendment is as follows:

(Purpose: To require the Federal Crop Insurance Corporation to provide crop insurance for organic crops under similar terms and conditions to crop insurance provided for other crops)

On page 970, between lines 5 and 6, insert the following:

SEC. 11019. CROP INSURANCE FOR ORGANIC CROPS.

(a) IN GENERAL.—Section 508(c)(6) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(6)) is amended by adding at the end the following:

''(D) ORGANIC CROPS.—

''(i) IN GENERAL.—As soon as possible, but not later than the 2015 reinsurance year, the Corporation shall offer producers of organic crops price elections for all organic crops produced in compliance with standards issued by the Department of Agriculture under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) that reflect the actual retail or wholesale prices, as appropriate, received by producers for organic crops, as determined by the Secretary using all relevant sources of information.

''(ii) ANNUAL REPORT.—The Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on progress made in developing and improving Federal crop insurance for organic crops, including—

''(I) the numbers and varieties of organic crops insured;

''(II) the progress of implementing the price elections required under this subparagraph, including the rate at which additional price elections are adopted for organic crops;

''(III) the development of new insurance approaches relevant to organic producers; and

''(IV) any recommendations the Corporation considers appropriate to improve Federal crop insurance coverage for organic crops.''.

(b) CONFORMING AMENDMENT.—Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as amended by section 11018) is amended—

(1) by striking paragraph (10); and

(2) by redesignating paragraphs (11) through (20) as paragraphs (10) through (19), respectively.

The ACTING PRESIDENT pro tempore. There will now be 2 minutes of debate equal divided on the amendment.

The Senator from Oregon.

Mr. MERKLEY. Madam President, this bill is about holding USDA accountable. Organic farmers, when they get crop insurance, pay a 5-percent premium upfront. The whole concept was that on the back end they would be compensated at the value of their organic crop should they need to utilize their insurance. However, to establish the price of the organic crop, USDA has to do a study. We instructed them to do this study 4 years ago, and they have been dragging their feet. They have done four crops out of the many dozens.

Our organic farmers are left in the most untenable position of paying the premiums upfront but not getting the fair organic prices on the back end. This amendment says to get the studies done, which you were told to do 4 years ago, so the equation is fair to our farmers.

I am pleased that Senator OLYMPIA SNOWE is a cosponsor.

I yield the floor and reserve the remainder of my time.

Ms. STABENOW. Madam President, just for the information of the Senate, Senator DEMINT's amendment was next, but we have not seen him on the floor yet. So we moved to this amendment. As soon as he arrives, we will return to the DeMint amendment.

It is my understanding that we can proceed to a voice vote in the meantime.

The ACTING PRESIDENT pro tempore. Who yields time?

Ms. STABENOW. I yield back all time.

The ACTING PRESIDENT pro tempore. All time is yielded back.

The question is on agreeing to the amendment.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—63

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

NAYS—36

Alexander	Enzi	McConnell
Ayotte	Graham	Paul
Barrasso	Hatch	Portman
Blunt	Heller	Risch
Boozman	Hutchison	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Thune
Cornyn	Kyl	Toomey
Crapo	Lee	Vitter
DeMint	McCain	Wicker

NOT VOTING—1

Kirk

The amendment (No. 2382) was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2273

Mr. DEMINT. Mr. President, I wish to bring up amendment No. 2273.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2273.

The amendment is as follows:

(Purpose: To eliminate the authority of the Secretary to increase the amount of grants provided to eligible entities relating to providing access to broadband telecommunications services in rural areas)

Beginning on page 765, strike line 9 and all that follows through page 766, line 16, and insert the following:

''(B) MAXIMUM.—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; and

''(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.'';

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. DEMINT. Mr. President, the farm bill adds a new grant component to the existing rural utility service broadband loans and loan guarantee program. My amendment would eliminate the authority of the Secretary of the Department of Agriculture to increase the taxpayer share of these broadband grants beyond 50 percent.

Please keep in mind that these are not direct loans, these are grants that require no payback. It is important that recipients have some skin in the game so that they make good decisions. My amendment allows the 50-percent threshold cost sharing but does not allow the Secretary to waive that and make that a 75-percent share by the taxpayer.

I encourage my colleagues to support this moment of fiscal sanity here.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to oppose this amendment. It has a similar impact to one yesterday we defeated by this Senator. It basically goes to the question of whether we are going to allow investment in rural communities—the hardest hit communities, the farthest apart communities—and whether they will have access to broadband. It really goes to small businesses, in small towns and villages, and whether they are going to have access to sell their products to consumers around the globe. We are in a global economy.

In the 1930s and 1940s, we did rural electrification to make sure the farmer

at the end of the road was connected with electricity. This is the same kind of thing, but it is the Internet. It is broadband. We want to make sure everybody is connected, even those in the remote, rural areas.

I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant bill clerk called the roll.

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

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

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—44

Alexander	DeMint	McCaskill
Ayotte	Enzi	McConnell
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Brown (MA)	Heller	Roberts
Burr	Hoeven	Rubio
Chambliss	Hutchison	Sessions
Coats	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Collins	Johnson (WI)	Toomey
Corker	Kyl	Vitter
Cornyn	Lee	Wicker
Crapo	McCain	

NAYS—55

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

NOT VOTING—1

Kirk

The amendment (No. 2273) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2289

Mr. COBURN. Mr. President, I call up my amendment No. 2289.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2289.

Mr. COBURN. Mr. President, I ask unanimous consent that the amendment be considered as read.

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

The amendment is as follows:

(Purpose: To reduce funding for the market access program and to prohibit the use of funds for reality television shows, wine tastings, animal spa products, and cat or dog food)

On page 293, strike lines 16 through 19, and insert the following:

SEC. 3102. FUNDING FOR MARKET ACCESS PROGRAM.

Section 211(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)) is amended—

(1) in paragraph (1)(A)—

(A) by striking ''and'' after ''2005,''; and

(B) by inserting '', and $160,000,000 for each of fiscal years 2013 through 2017'' after ''2012,''; and

(2) by adding at the end the following:

''(3) PROHIBITION ON USE OF FUNDS FOR CERTAIN ACTIVITIES.—None of the funds made available to carry out this subsection shall be used for—

''(A) wine tastings;

''(B) animal spa products;

''(C) reality television shows; or

''(D) cat or dog food.''.

Mr. COBURN. This is an amendment that falls in line with the recommendation of the administration as well as every outside group that has ever looked at this program.

The Department of Agriculture has five access to marketing programs. This is just one of them. The administration recommended a 20-percent reduction. We have put forward an amendment to reduce it by 20 percent. We spend $2 billion over the next 10 years on market access. American contribution of total world agricultural products is on the decline in spite of these programs, and the waste in these programs—if we look at where the money is spent—is unbelievable.

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

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to oppose my colleague's amendment.

The reality for us is that American agricultural exports is one of the few places where we have a trade surplus right now, and we want to continue that. The current program the Senator is speaking about is all about exports. It is all about jobs. For every $1 invested in this particular market access program, $35 is generated back into economic activity. I think that is a pretty good investment.

We know it is a very important part of the future not only for our traditional production agricultural parts of the country but for smaller value-added food products which really is in exports, and this supports that.

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

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I assume by the chairman's response that she supports the $20 million that went into a reality TV show in India to purchase cotton other than ''made in the United States.'' That is where $20 million of it went. That is what is wrong with this program.

I am not objecting to the fact that we ought to have market access programs. But when we are wasting $20 million on something that has no connection whatsoever with American agricultural products, we ought to reduce or eliminate it.

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

Ms. STABENOW. Mr. President, let me say again—and I am not familiar with this. I know we are trying to redevelop an American denim industry. I had a chance to actually visit a denim factory in Texas. We are trying to support our cotton industry. I am not familiar with this, but I urge a ''no'' vote.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 69, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—30

Alexander	Grassley	Portman
Ayotte	Hatch	Risch
Burr	Inhofe	Rubio
Coats	Johnson (WI)	Sessions
Coburn	Kyl	Shelby
Corker	Lee	Tester
Cornyn	McCain	Thune
Crapo	McCaskill	Toomey
DeMint	McConnell	Vitter
Graham	Paul	Wicker

NAYS—69

Akaka	Feinstein	Merkley
Barrasso	Franken	Mikulski
Baucus	Gillibrand	Moran
Begich	Hagan	Murkowski
Bennet	Harkin	Murray
Bingaman	Heller	Nelson (NE)
Blumenthal	Hoeven	Nelson (FL)
Blunt	Hutchison	Pryor
Boozman	Inouye	Reed
Boxer	Isakson	Reid
Brown (MA)	Johanns	Roberts
Brown (OH)	Johnson (SD)	Rockefeller
Cantwell	Kerry	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Shaheen
Casey	Landrieu	Snowe
Chambliss	Lautenberg	Stabenow
Cochran	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Warner
Coons	Lugar	Webb
Durbin	Manchin	Whitehouse
Enzi	Menendez	Wyden

NOT VOTING—1

Kirk

The amendment (No. 2289) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2293

Mr. COBURN. Mr. President, I call up the pending amendment No. 2293.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2293.

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

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

The amendment is as follows:

(Purpose: To limit subsidies for millionaires)

At the appropriate place, insert the following:

SEC. ___. ADJUSTED GROSS INCOME LIMITATION FOR CONSERVATION PROGRAMS.

Section 1001D(b)(2)(A) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(2)(A)) is amended—

(1) by striking ''LIMITS.—'' and all that follows through ''clause (ii),'' and inserting ''LIMITS.—Notwithstanding any other provision of law,''; and

(2) by striking clause (ii).

Mr. COBURN. Mr. President, reducing our national debt—which now exceeds $15.8 trillion—is the most critical issue facing our nation. Our country simply cannot survive if we continue down this unsustainable course. Every area of the Federal budget should be examined to determine, which programs should be priorities.

Federal conservation programs are a good place to start. These programs pay farmers and ranchers to either implement conservation measures on their farms, ''working lands'', or to idle their land for conservation purposes, and ''land retirement''.

Oftentimes, the financial assistance offered by these programs incentivizes what is already in the best financial interests of farmers. Natural, market-based incentives already exist to achieve the efficiency and conservation purposes of these programs without taxpayer dollars. Not only that, but these programs also pay farmers and companies that have adjusted gross incomes, AGI, of $1 million or more.

Special rules allow the USDA to waive income limitations for certain programs, which it does on a regular basis. The result is millions paid to otherwise ineligible millionaires each year.

In fact, over the past 2 years, USDA waived the $1 million AGI cap for the programs discussed below and paid a total of $89,032,263 to individuals or entities with an AGI of $1 million or more. Allowing federal conservation programs to make payments to those with an adjusted gross income, AGI, of $1 million or more is simply not a priority for taxpayers.

This amendment would prevent USDA from paying millionaires by eliminating the ability to issue waivers that exempt program participants who have an AGI of $1 million or more from adhering to the program's payment limit rules.

In total, over a 2-year period, USDA waived program requirements and awarded over $84 million to individuals and entities with an AGI of $1 million or more.

In 2009, the USDA waived program requirements and paid two millionaires a total of $10,234,520, which consisted mainly of a $10 million payment to an investment company in California for restoring wetlands to protect the Riparian Brush Rabbit.

In 2010, the Wetland Reserve Program, WRP, program paid eight individuals with an AGI of $1 million over $74 million. These included almost $22 million to a ranch in Florida. The company that owns the ranch describes itself as a ''privately held, family-owned company with agricultural, commercial real estate, and asset management operations.'' That company also states that it owns a number of commercial real estate properties in New Jersey and Florida. The company also claims holdings that include multi-tenant office buildings, parking lots, a for-profit educational institution, restaurants, and retail property.

In 2010, USDA also paid over $31 million to another ranch in Florida. The payment was part of an $89 million purchase by USDA of an easement that places deed restrictions on the use of the land along 26,000 acres of the Fisheating Creek Watershed, partially located on the ranch. USDA claimed that the easement purchase would provide support for the crested caracara, Florida panther, and the red-cockaded woodpecker.

Recently, the owners of the ranch listed 2,600 acres for sale for $18.2 million. The property is described as a working ranch with ''tremendous recreation and hunting attributes.'' The local newspaper has also reported that same ranch was slated for a new 12,000–unit planned community.

Other entities and individuals with an AGI of $1 million or more that received WRP payments in 2010 include:

$7.92 million to a company in Texas for ''restoration and protection of critical and unique wetlands'' on a property known as East Nest Lake and Osceola Plantation; $5.8 million to a farm in North Carolina to promote a ''habitat for migratory birds and wetland dependent wildlife;'' $5.4 million to a ranch in Florida for land with ''high potential to significantly improve waterfowl and wading bird habitat'' $900,853 to an individual in Kansas to ''protect and [for] restoring . . . valuable wetland resources . . . for migratory birds and other wildlife;'' $227,203 to a company in New Hampshire for ''wetland restoration;'' and $80,000 to two individuals in Mississippi to ''restore, protect and enhance wetlands.''

In 2010, USDA waived the $1 million AGI requirement and paid a ranch holding company over $2.7 million through Grassland Reserve Program, GRP, for ''protection of critical and unique grasslands.''

Last year, USDA paid four millionaires a total of $592,097 through the Environmental Quality Incentive Program, EQIP, $299,847 of which was aimed at protecting the Sage Grouse by a ranch in California; $50,000 went to a farm. That farm is owned by the W.C. Bradley Company, which is best known for producing Char-Broil outdoor grills and Zebco fishing supplies; remaining amounts of $35,250 and $210,000 went to two family trusts.

The Wildlife Habitat Incentive Program paid $737,000 to three millionaire recipients, with the majority of the funds $449,662 going to protect the Sage Grouse by a family trust in California. A farm in Georgia also received $100,000 through WHIP for ''promotion of at-risk species habitat conservation.'' The remaining $187,540 went to a company in New Jersey.

Farm and Ranch Land Protection Program, FRPP paid $630,000 to a company in 2009 to protect Raspberry Farms in Hampton Falls, New Hampshire. Raspberry Farms formerly operated as a ''popular pick-your-own berries and retail farm stand'' in the 1980s and early 1990s.

The former farm was scheduled to be developed for housing, but instead, NRCS, in partnership with local entities, paid a total of $1.6 million to ensure the land will never be developed.

In 2010 USDA paid four individuals and entities with an AGI of $1 million or more a total of $75,540.

Again, this is a very straightforward amendment. Last year the Department of Agriculture paid $10 million to two different individuals, who had an adjusted gross income of over $1 million, through a waiver granted by the Department of Agriculture. Both of these were ineligible, but we give the Department of Agriculture the right to waive that. This amendment would restrict that right for a waiver for people making more than $1 million a year in terms of conservation payments.

There is nothing wrong with conservation programs, but most often these payments are paid in addition to what people are going to do anyway. So what the Department of Agriculture has done is given well over $180 million to millionaires through our conservation payment on programs they would have otherwise done themselves.

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

Mr. COBURN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I would indicate that the conservation program is a very strong, effective program, but I am not objecting, nor is the ranking member, to moving forward with the vote. I believe the Member wishes to have a record rollcall, is that correct? So we would yield back time and ask for a record rollcall vote.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The legislative clerk called the roll.

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

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

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—63

Alexander	Graham	Menendez
Ayotte	Grassley	Merkley
Barrasso	Hatch	Mikulski
Bennet	Heller	Moran
Bingaman	Hoeven	Murkowski
Blunt	Hutchison	Nelson (NE)
Boozman	Inhofe	Paul
Brown (MA)	Isakson	Portman
Brown (OH)	Johanns	Risch
Burr	Johnson (WI)	Roberts
Chambliss	Kerry	Rockefeller
Coats	Kyl	Rubio
Coburn	Landrieu	Sessions
Cochran	Lee	Shelby
Collins	Levin	Snowe
Conrad	Lieberman	Stabenow
Corker	Lugar	Thune
Cornyn	Manchin	Toomey
Crapo	McCain	Vitter
DeMint	McCaskill	Wicker
Enzi	McConnell	Wyden

NAYS—36

Akaka	Franken	Pryor
Baucus	Gillibrand	Reed
Begich	Hagan	Reid
Blumenthal	Harkin	Sanders
Boxer	Inouye	Schumer
Cantwell	Johnson (SD)	Shaheen
Cardin	Klobuchar	Tester
Carper	Kohl	Udall (CO)
Casey	Lautenberg	Udall (NM)
Coons	Leahy	Warner
Durbin	Murray	Webb
Feinstein	Nelson (FL)	Whitehouse

NOT VOTING—1

Kirk

The amendment (No. 2293) was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2453

Ms. STABENOW. I call up my amendment 2453 and ask unanimous consent to add Senator SNOWE as a cosponsor.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 2453.

Ms. STABENOW. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide assistance for certain losses)

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).''.

Ms. STABENOW. This amendment simply addresses what has happened with severe and devastating freezes across the country for those who have food crops and don't have access to crop insurance. This Farm Bill makes great strides in expanding crop insurance for fruit and vegetable growers in the United States. However, these new programs will not be available to producers who suffered substantial—and in some cases complete—losses this year. This amendment would simply allow those in the States that are affected to buy into a program we have, called the Non-Insured Disaster Program, that allows them to get some kind of help for the freezes.

This provides them the same coverage they will have in the years going forward—this is the same kind of extension for 2012 losses that is available for livestock producers. 29 States in every part of the country have reported major crop losses for 2012 due to frost or freeze. I urge my colleagues to support this amendment so these farmers aren't losing their business because of bad weather.

I believe we can move forward with a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2453) was agreed to.

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

Ms. KLOBUCHAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2454

Mr. KERRY. I call up amendment No. 2454, my amendment together with Senator LUGAR.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The amendment is as follows:

(Purpose: To prohibit assistance to North Korea under title II of the Food for Peace Act unless the President issues a national interest waiver)

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.

Mr. KERRY. Mr. President, the Kerry-Lugar amendment is a side-by-side amendment, frankly, which will counter the amendment of the Senator from Arizona, Mr. KYL.

We all join in abhorring the conduct of the Government of North Korea. Nobody contests that. The question here is whether we want to have a complete prohibition on any humanitarian assistance, without the possibility of a Presidential waiver in the event that the President, as a matter of national policy, as a matter of our humanitarian policy, decides that something has changed in North Korea or there is behavior that has been altered by North Korea, as in Burma. If we don't have a Presidential waiver, the Kyl amendment permanently locks in—until there is other congressional action—a complete prohibition on any humanitarian assistance to the people—not the government but the people, the children and families of North Korea.

Ronald Reagan said very clearly that ''a hungry child knows no politics.'' I believe we ought to uphold that principle and have the Presidential waiver in this particular case.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I oppose the Kerry amendment and hope it will be defeated and that my amendment will be adopted.

Senator KERRY has appropriately characterized the amendment as being food aid to North Korea. However, it is not just about abhorring North Korea's bad behavior but also the administration's bad behavior. On four separate occasions, the State Department assured Members of this Senate that food aid would not be used as a condition to negotiations with the North Koreans; that under no circumstances would the United States provide any incentives or rewards, is the way they put it, to North Korea. In each case, we inquired, and we specifically talked about the food aid. Four times they said no, it wouldn't be done. Two weeks before the negotiations were to begin this spring, all of a sudden, $240 million in food aid was put on the table, and only because the North Koreans launched their so-called satellite long-range missile were those negotiations canceled.

So a national security interest that can simply be provided by the President based on his views——

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

Mr. KYL. Does not solve the problem.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, there is much to counter that, but we do not have the time to do it. But I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

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

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

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

[Rollcall Vote No. 144 Leg.]

YEAS—59

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

NAYS—40

Alexander	Graham	McConnell
Ayotte	Grassley	Moran
Barrasso	Hatch	Paul
Boozman	Heller	Risch
Burr	Hoeven	Roberts
Chambliss	Hutchison	Rubio
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Kyl	Vitter
Crapo	Lee	Wicker
DeMint	Lieberman	
Enzi	McCain	

NOT VOTING—1

Kirk

The amendment (No. 2454) was agreed to.

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

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 2354

Mr. KYL. Mr. President, I call up my amendment which is at the desk, No. 2354. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 2354.

The amendment is as follows:

(Purpose: To prohibit assistance to North Korea under title II of the Food for Peace Act)

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

SEC. 3015. PROHIBITION ON ASSISTANCE FOR NORTH KOREA.

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.

Mr. KYL. Mr. President, what I said before was, on four separate occasions over just a couple of months, the administration had assured Members of the Senate that it would not use food aid as an enticement to the North Koreans to come to the negotiating table.

Here are direct quotations from the State Department, comments such as ''had no intention of rewarding them for their actions that their government has already agreed to take.'' Reaffirmed, ''There are no financial incentives for North Korea to meet the precepts or engage in talks.''

Deputy Secretary of State Bill Burns, ''To be clear, the Administration will not provide any financial incentives to Pyongyang. . . .'' et cetera, on the negotiations. And further that ''any engagement with North Korea will not be used as a mechanism to funnel financial or other rewards to Pyongyang.''

We also heard media reports and asked them about them. They said no:

These media reports are not accurate. U.S. policy toward North Korea has not changed. We have no intention of rewarding North Korea—

And so on. And a mere 3 weeks later, we do exactly the opposite. That is why a waiver for the President to say otherwise does not do any good and why I urge support——

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

Mr. KYL. For my resolution which simply prevents the administration from providing food aid to North Korea.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, there is an important distinction here. If you are going to provide humanitarian assistance in some circumstance, and the administration made good on its promise to do that, it is hard to separate it from the events as they are going forward that you do not control. No matter who is President, the Senate should not tie the hands of any President with respect to this policy.

Ronald Reagan said it best when he said very clearly that ''a hungry child knows no politics.'' That was Ronald Reagan's policy. That is the policy of churches all across our country. The fact is that if the Kyl amendment were to pass, you will have tied the hands of any President on a sensitive national security issue where the President deserves that kind of flexibility.

Without a national interest waiver, you lock into place a prohibition in North Korea. What happens if suddenly you had a change, as in Burma? You would be locked in and unable to respond to it.

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

Mr. KERRY. You would take away the option of the President. In the case of Burma or other places, the President has shown the flexibility. The President ought to have the flexibility here. I hope we will not have a total prohibition on humanitarian assistance.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—43

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

NAYS—56

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

NOT VOTING—1

Kirk

The amendment (No. 2354) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 2295

Mr. UDALL of Colorado. Mr. President, I call up my amendment No. 2295.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. UDALL], for himself, Mr. THUNE, Mr. BENNET, and Mr. BAUCUS, proposes an amendment numbered 2295.

The amendment is as follows:

(Purpose: To increase the amounts authorized to be appropriated for the designation of treatment areas)

On page 866, line 21, strike ''$100,000,000'' and insert ''$200,000,000''.

Mr. UDALL of Colorado. Mr. President, I have offered this amendment with my colleague Senator THUNE from South Dakota.

This is a commonsense amendment that would increase resources to land managers to address insect and disease epidemics spreading across our forests, while maintaining the farm bill's more than $23 billion in mandatory savings, and that is important.

This bark beetle epidemic, which is in many States, has left dangerous dead and dying stands of trees that worsen the threat from forest fires. This is particularly evident to Coloradans because, today, we have an 86-

square-mile fire, and more than 1,600 brave firefighters are challenging this blaze, which is already the most destructive fire in Colorado's history. We don't expect to fully defeat this fire or bring it to ground for several weeks.

The Forest Service has set a goal of doubling the number of acres treated to address beetle kill and prevent forest fires. This amendment would help them reach that goal. If we don't pass the amendment, they will not have the wherewithal and resources to do so.

I ask my colleagues to support this bipartisan amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. ROBERTS. Mr. President, I am not going to speak in opposition, but I do ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 77, nays 22, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—77

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

NAYS—22

Ayotte	Grassley	Paul
Brown (MA)	Hatch	Portman
Burr	Hutchison	Rubio
Chambliss	Inhofe	Toomey
Coats	Johnson (WI)	Vitter
Corker	Lee	Wyden
Cornyn	McCaskill	
DeMint	Moran	

NOT VOTING—1

Kirk

The amendment (No. 2295) was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 2313

Mr. LEE. Mr. President, I call up amendment No. 2313.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant bill clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 2313.

The amendment is as follows:

(Purpose: To repeal the forest legacy program)

Beginning on page 862, strike line 15 and all that follows through page 863, line 2, and insert the following:

SEC. 8103. FOREST LEGACY PROGRAM.

(a) IN GENERAL.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 2A(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101a(c)) is amended—

(A) in paragraph (3), by inserting ''and'' after the semicolon;

(B) in paragraph (4), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (5).

(2) Section 19(b)(2) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)(2)) is amended—

(A) in subparagraph (B), by inserting ''and'' after the semicolon;

(B) in subparagraph (C), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (D).

The PRESIDING OFFICER. There will now be 2 minutes of debate, with the Senator from Utah recognized for 1 minute.

Mr. LEE. Mr. President, I offer this amendment to repeal the Forest Legacy Program. This is a program designed to protect lands in the United States. It is important to remember that the Federal Government is already a massive landowner. It has abundant programs already in place to conserve that land, to protect it. The Federal Government owns about two-thirds of the land in my own State. It owns nearly 30 percent of the land mass within the territorial boundaries of the United States. We do a lot to conserve that land. But when we use this money—money estimated to amount to about $200 million a year in authorization, about $1 billion over a 5-year period—we are using that money to take land out of use. We are using that money to pay people not to use their land for anything. Whenever we look for areas in which we can save money, one area is to not pay people not to use their land.

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

Who yields time in opposition?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I strongly oppose the Lee amendment to repeal the Forest Legacy Program, and urge all Senators to do the same. For more than two decades, this program has led to the conservation of over 2.2 million acres of working forest lands in 49 states. The National Association of Forest Owners estimates that U.S. forests support more than 2.9 million jobs and contribute $115 billion towards the gross domestic product.

Better still, the Forest Legacy Program does not use taxpayer dollars for Federal funds, but instead relies on a very small percentage of oil drilling receipts. The benefits of this program far outweigh any cost to the taxpayer, a claim that cannot be made by many other Federal programs.

Repealing this program would be a tragic mistake, especially at a time when the Nation's forests are under attack from real estate development and urban sprawl, among other enemies. The U.S. is projected to lose up to 75 million acres of forest over the next half century. As forest areas are fragmented and disappear, so too do the benefits they provide. This program is essential to protect these benefits and ensure that we have a healthy environment and strong rural economies in the future. I strongly oppose this amendment and urge all Senators to do the same.

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

The question is on agreeing to amendment No. 2313.

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

Mr. CARDIN. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

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

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

The result was announced—yeas 21, nays 77, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—21

Barrasso	Hatch	McConnell
Blunt	Inhofe	Moran
Coats	Johanns	Murkowski
Coburn	Johnson (WI)	Paul
Cornyn	Kyl	Rubio
DeMint	Lee	Toomey
Enzi	McCain	Vitter

NAYS—77

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

NOT VOTING—2

Kirk	Mikulski

The amendment (No. 2313) was rejected.

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

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, right now we have 34 amendments left plus final passage. That is 11 hours. I was hoping we could dispose of quite a few of these on voice, but that has not worked out very well. We have had a number of people who offered to have their votes by voice, but those were objected to.

We have to finish this bill. We have to do flood insurance this week. I know people have schedules. We have all kinds of things going on, but we have to show a little bit of understanding about the ordeal we have ahead of us.

I am confident we are not going to stay here until 2 o'clock this morning, but we are going to stay here a while because until we have a way of finishing this bill that is set in stone, we are going to have to proceed forward. This is an important piece of legislation but also flood insurance is an extremely important piece of legislation. If we do not complete that by the end of this month, there will be thousands and thousands of people who cannot close their loans every day—not a month, every day.

With the economy in the state it is in now, we need to close every loan, every home that is purchased, every commercial piece of property that is bought. We have to close those now. We cannot tell the American people we tried to get it done, but we could not because we were—whatever.

People have indicated they want to get out of here early tonight. There may be somebody who wants to get out of here earlier tonight than I, but I would be happy to debate that subject with them. But we need to show some cooperation. We have two of the finest Senators we could have managing this bill. Let's work together and get this done.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 2457, AS MODIFIED

Mr. WARNER. Mr. President, I ask to call up amendment No. 2457 and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mrs. SHAHEEN, Mr. KIRK, and Mr. BENNET, proposes an amendment numbered 2457.

(The text of the amendment is printed in the RECORD of Tuesday, June 19, 2012, under ''Text of Amendments.'')

Mr. WARNER. I further ask the amendment be modified with the changes at the desk.

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

The amendment, as modified, is as follows:

(Purpose: To improve access to broadband telecommunication services in rural areas)

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) provide equal consideration to all qualified applicants, including those that have not previously received grants, loans, or loan guarantees under paragraph (1).

''(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''.

The PRESIDING OFFICER. There will be 2 minutes of debate. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, this is a broad, bipartisan amendment—Warner-Crapo-Kirk-Shaheen-Bennet-Webb. It basically does three things in the broadband area. It accelerates access to those areas that are underserved. As a matter of fact, we have a 2009 USDA IG report which showed that less than 3 percent of loans provided by RUS went toward unserved communities. This will move forward in that area.

Second, it creates greater access and transparency and accountability standards for RUS and applicants. These are items that were brought forward from the GAO and the IG of the USDA and CRS. It also allows greater levels of accountability in ensuring that those States that collect data by address—that that information is related to RUS, so we don't have counties where certain parts are served and other parts are left unserved, never able to get access. It has the broad support of the U.S. Conference of Catholic Bishops, National Taxpayers Union, the League of Rural Voters.

I ask bipartisan support of this amendment.

Mr. LEAHY, Mr. President, I have long believed that Congress must work to enact policies that promote the deployment of broadband in rural America. There is no doubt that rural areas lag behind the rest of the country when it comes to access to affordable, quality, high-speed Internet. As the Internet rapidly evolves beyond what the slow speeds offered by dial up service can handle, broadband service is no longer a luxury, it is a necessity. Today, I voted against an amendment that, while well intentioned, may have the unintended consequence of making it harder for the Rural Utilities Service to incentivize broadband expansion and competition in rural areas like Vermont.

I support the provisions in the underlying farm bill that seek to provide additional forms of assistance to broadband projects in rural areas, and I had hoped that the Senate would not significantly alter these provisions. It is important to ensure that the Rural Utilities Service has the flexibility it needs to provide assistance to rural areas—both those that have no service at all and those that have inadequate service.

Senator WARNER's amendment does contain elements that I support, including provisions that will help to improve transparency and accountability within the Rural Utilities Service Program. Unfortunately, it may go too far in refocusing the scope of the program at the expense of rural communities in Vermont.

I look forward to continuing my work in the Senate to expand broadband service and competition in rural America.

The PRESIDING OFFICER. Who yields time in opposition?

Ms. STABENOW. I am not yielding time in opposition. I commend Senator WARNER and everyone on this amendment for their tremendous amount of work. It makes a tremendous amount of sense. It is real reform. I believe we have an understanding to proceed with a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2457, as modified.

The amendment (No. 2457), as modified, was agreed to.

Mr. BEGICH. Mr. President, I would like to have the RECORD reflect if there had been a rollcall vote, I would have voted no on this item.

Mr. NELSON of Nebraska. I wish to be recorded also as I would have voted no.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 2314

Mr. LEE. Mr. President, I call up my amendment No. 2314 at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 2314.

The amendment is as follows:

(Purpose: To repeal the conservation stewardship program and the conservation reserve program)

Strike subtitles A and B of title II and insert the following:

SEC. 2001. REPEAL OF CONSERVATION RESERVE PROGRAM.

Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) is repealed.

SEC. 2101. REPEAL OF CONSERVATION STEWARDSHIP PROGRAM.

Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) is repealed.

The PRESIDING OFFICER. There is 2 minutes of debate, equally divided. The Senator from Utah is recognized for 1 minute.

Mr. LEE. Mr. President, I propose amendment No. 2314 to repeal the Conservation Reserve Program and the Conservation Stewardship Program. Here we have another instance of the Federal Government paying people not to use their land. In this circumstance, they are being paid not to grow crops on their land, not to use agricultural land.

We have an almost $16 trillion debt. CBO says this amendment would save over $15 billion in mandatory spending over 10 years. Not doing something is something that should be free. Only the Federal Government would try to defend the practice of spending billions and billions of dollars—

The PRESIDING OFFICER. The Senator will suspend for a moment. Senators will please take their conversations out of the well.

The Senator from Utah.

Mr. LEE. Only the Federal Government would try to defend the barbaric, outmoded practice of paying people billions of dollars not to use their land. That is what these programs do. We need to get rid of them. That is why I propose this amendment. I invite my colleagues to join me in supporting it.

The PRESIDING OFFICER. Who yields time?

Ms. STABENOW. Mr. President, I strongly oppose this amendment. We have over 643 conservation and environmental groups from every State in the Union supporting our conservation reforms in this bill. This is about protecting land and water and air habitat, wetlands. Ducks Unlimited is a huge supporter of what we have been doing.

The Conservation Reserve Program, which has been in place for 25 years, was shown last year, with the drought, to have had a tremendous effect. We saw some of the worst droughts on record since the Dust Bowl in the last number of months, but we did not have a Dust Bowl and that is because the CRP prevented erosion and the soil stayed where it should stay. This is about our country, protecting our land, resources for our children and grandchildren.

I strongly urge a ''no'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. All those in favor, signify by saying aye.

(Chorus of ayes.)

The PRESIDING OFFICER. No?

(Chorus of nays.)

The PRESIDING OFFICER. The noes appear to have it.

Mr. LEE. 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 called the roll.

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

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

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

[Rollcall Vote No. 148 Leg.]

YEAS—15

Ayotte	Hatch	Murkowski
Coats	Johnson (WI)	Paul
Coburn	Kyl	Rubio
Corker	Lee	Toomey
DeMint	McCain	Vitter

NAYS—84

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

NOT VOTING—1

Kirk

The amendment (No. 2314) was rejected.

Ms. STABENOW. Mr. President, I move to reconsider and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2427

Ms. STABENOW. Mr. President, before moving to Senator WYDEN's amendment, we want to go back to an agreed-upon amendment, which is Schumer amendment No. 2427, to increase research, education, and promotion of maple products.

I call up amendment No. 2427, and I ask unanimous consent that we move forward with a voice vote.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW], for Mr. SCHUMER, proposes an amendment numbered 2427.

The amendment is as follows:

(Purpose: To support State and tribal government efforts to promote research and education related to maple syrup production, natural resource sustainability in the maple syrup industry, market promotion of maple products, and greater access to lands containing maple trees for maple-sugaring activities, and for other purposes)

On page 1009, after line 11, add the following:

SEC. 12207. ACER ACCESS AND DEVELOPMENT PROGRAM.

(a) GRANTS AUTHORIZED; AUTHORIZED ACTIVITIES.—The Secretary of Agriculture may make grants to States and tribal governments to support their efforts to promote the domestic maple syrup industry through the following activities:

(1) Promotion of research and education related to maple syrup production.

(2) Promotion of natural resource sustainability in the maple syrup industry.

(3) Market promotion for maple syrup and maple-sap products.

(4) Encouragement of owners and operators of privately held land containing species of tree in the genus Acer—

(A) to initiate or expand maple-sugaring activities on the land; or

(B) to voluntarily make the land available, including by lease or other means, for access by the public for maple-sugaring activities.

(b) APPLICATIONS.—In submitting an application for a grant under this section, a State or tribal government shall include—

(1) a description of the activities to be supported using the grant funds;

(2) a description of the benefits that the State or tribal government intends to achieve as a result of engaging in such activities; and

(3) an estimate of the increase in maple-sugaring activities or maple syrup production that the State or tribal government anticipates will occur as a result of engaging in such activities.

(c) RELATIONSHIP TO OTHER LAWS.—Nothing in this section preempts a State or tribal government law, including any State or tribal government liability law.

(d) DEFINITION OF MAPLE SUGARING.—In this section, the term ''maple-sugaring'' means the collection of sap from any species of tree in the genus Acer for the purpose of boiling to produce food.

(e) REGULATIONS.—The Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2012 through 2015.

Ms. STABENOW. I yield back all time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 2427) was agreed to.

Ms. STABENOW. Mr. President, I appreciate Senator WYDEN allowing us to go out of order. I will now turn it over to Senator WYDEN for his amendment.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 2388

Mr. WYDEN. I call up my farm-to-school amendment No. 2388.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 2388.

Mr. WYDEN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify a provision relating to purchases of locally produced foods)

On page 360, after line 24, add the following:

SEC. 4207. PURCHASES OF LOCALLY PRODUCED FOODS.

Section 9(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(2) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(3) in paragraph (1) (as so redesignated)—

(A) in subparagraph (B)—

(i) by striking ''paragraph (1) of the policy described in that paragraph and paragraph (3)'' and inserting ''subparagraph (A) of the policy described in that subparagraph and subparagraph (C)''; and

(ii) by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) not later than 1 year after the date of enactment of this subparagraph, in accordance with paragraphs (2) and (3), conduct not fewer than 5 demonstration projects through school food authorities receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to facilitate the purchase of unprocessed and minimally processed locally grown and locally raised agricultural products.''; and

(4) by adding at the end the following:

''(2) SELECTION.—In conducting demonstration projects under paragraph (1)(D), the Secretary shall ensure that at least 1 project is located in a State in each of—

''(A) the Pacific Northwest Region;

''(B) the Northeast Region;

''(C) the Western Region;

''(D) the Midwest Region; and

''(E) the Southern Region.

''(3) PRIORITY.—In selecting States for participation in the demonstration projects under paragraph (2), the Secretary shall prioritize applications based on—

''(A) the quantity and variety of growers of local fruits and vegetables in the State;

''(B) the demonstrated commitment of the State to farm-to-school efforts, as evidenced by prior efforts to increase and promote farm-to- school programs in the State; and

''(C) whether the State contains a sufficient quantity of school districts of varying population sizes and geographical locations.''.

Mr. WYDEN. Mr. President, the American Academy of Pediatrics, the country's pediatricians, is recommending to the Senate that this amendment be passed to encourage healthier foods for our kids. The Congressional Budget Office has stated that this amendment has no cost.

This amendment would, for the first time, test out farm-to-school programs through a competitive pilot program with at least five farm-to-school demonstration projects so it would be possible to fill in the information void

about what works and what doesn't. The Agriculture Department's own Economic Research Service reports that ''data and analysis of farm-to-school programs are scarce.''

Under this amendment, the schools win, the farmers win, and the taxpayers win. I hope we can accept it with a voice vote.

Ms. STABENOW. Mr. President, I yield back all time, and we do have an agreement on a voice vote.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 2388.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2355

Mr. BOOZMAN. I call up amendment No. 2355, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BOOZMAN] proposes an amendment numbered 2355.

The amendment was as follows:

(Purpose: To support the dissemination of objective and scholarly agricultural and food law research and information)

On page 860, between lines 15 and 16, insert the following:

SEC. 7602. OBJECTIVE AND SCHOLARLY AGRICULTURAL AND FOOD LAW RESEARCH AND INFORMATION.

(a) FINDINGS.—Congress finds that—

(1) the farms, ranches, and forests of the United States are impacted by a complex and rapidly evolving web of international, Federal, State, and local laws (including regulations);

(2) objective, scholarly, and authoritative agricultural and food law research and information helps the farm, ranch, and forestry community contribute to the strength of the United States through improved conservation, environmental protection, job creation, economic development, renewable energy production, outdoor recreational opportunities, and increased local and regional supplies of food, fiber, and fuel; and

(3) the vast agricultural community of the United States, including farmers, ranchers, foresters, attorneys, policymakers, and extension personnel, need access to agricultural and food law research and information provided by an objective, scholarly, and neutral source.

(b) PARTNERSHIPS.—The Secretary, acting through the National Agricultural Library, shall support the dissemination of objective, scholarly, and authoritative agricultural and food law research and information by entering into partnerships with institutions of higher education that have expertise in agricultural and food law research and information.

(c) RESTRICTION.—For each fiscal year, the Secretary shall use not more than $1,000,000 of the amounts made available to the National Agricultural Library to carry out this section.

Mr. BOOZMAN. Mr. President, the farms, ranches, and forests of the United States are impacted by a complex and rapidly evolving web of international, Federal, State, and local laws.

The vast agricultural community of the United States—including farmers, ranchers, foresters, attorneys, policymakers and extension personnel—needs access to agricultural and food law research and information provided by an objective, scholarly, and neutral source. This amendment encourages the Secretary of Agriculture, acting through the National Agricultural Library, to get the information out by entering into partnerships with institutions of higher education that have expertise in this area.

The amendment does not authorize a new program or increase the authorization for the National Agricultural Library. Again, CBO says it has no cost.

I urge a voice vote in the affirmative.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I strongly support this amendment, as does my ranking member. I wish to congratulate Senator BOOZMAN on great work on this amendment. I believe we can proceed with a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2355.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 2442

Mr. WYDEN. I call up amendment No. 2442.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 2442.

Mr. WYDEN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish a pilot loan program to support healthy foods for the hungry)

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.

Mr. WYDEN. Mr. President, again, I hope we can handle this amendment on a voice vote. This is an amendment that would help the gleaners all across the country, who, of course, are the volunteers across America who help get surplus food that would otherwise be wasted out to the hungry at senior centers and at various kinds of food kitchens and other critical hunger programs. Thirty-four million tons of food waste is generated each year. That could feed a lot of people.

The gleaners are trying to make sure this perfectly good food goes on the plates of struggling Americans as opposed to millions of pounds of it going into landfills and incinerators.

This amendment, again, costs no money. It simply makes——

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

Mr. WYDEN.—it possible to collect and preserve edible food. I hope we accept it on a voice vote.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I encourage my colleagues to join with me to oppose the amendment.

The amendment would provide government loans for brick-and-mortar projects, including food refrigeration capacity. We are talking about refrigerators—big refrigerators. At a time when we are working to streamline current programs and reduce the size of government, I am concerned we would be expanding the size to serve a new pool of applicants competing for very limited resources at the Department of

Agriculture. In this regard, the gleaners would be taken to the cleaners.

I encourage my colleagues to oppose the amendment.

Mr. WYDEN. Mr. President, has all time expired?

The PRESIDING OFFICER. Time in opposition remains.

Mr. WYDEN. I will only state this costs no additional money. Senator STABENOW supports it, and I yield to her.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I would just simply say that I strongly support the amendment.

The PRESIDING OFFICER. All time has expired.

Is there further debate in opposition? If there is no further debate, the question is on agreeing to the amendment.

All those in favor say aye.

(Chorus of ayes.)

All those opposed, no.

(Chorus of nays.)

The nays appear to have it.

Mr. WYDEN. I ask for a recorded vote.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at this time.

Mr. ROBERTS. Mr. President, I ask for a division vote.

The PRESIDING OFFICER. All those in favor of the amendment will stand and be counted.

Now would all those opposed stand and be counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the amendment No. 2442 was agreed to.

The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I send a modification to the desk to my amendment No. 2360.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. WHITEHOUSE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I am sorry, Mr. President. We were in discussions. At this moment if we might just pause, we will just object for a moment. I object.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. We are now told that this has been reviewed, and so we have no objection to proceeding to it.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2360, AS MODIFIED

Mr. BOOZMAN. Mr. President, I call up amendment No. 2360, as modified.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment, as modified.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BOOZMAN] proposes an amendment No. 2360, as modified.

The amendment is as follows:

(Purpose: To provide for emergency food assistance, and for other purposes)

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''.

Mr. BOOZMAN. My amendment redirects funding currently going to the States for the administration of SNAP. It puts that money in TEFAP, which provides funding to the Secretary of Agriculture to make commodity purchases given to food banks.

I am sure my colleagues are aware of the difficult situation in our food banks right now. They are under immense pressure in these very difficult economic times.

The importance of TEFAP is it provides food banks with commodities. This amendment takes money currently used to encourage the States to do something that they ought to be doing anyway and reinvests in a program that actually provides food to Americans who need it the most.

I urge a ''yes'' vote and yield back my time.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to reluctantly oppose the amendment of my colleague. I appreciate what he is trying to do. I couldn't agree more about the needs of food banks. That is why in this legislation we increase food bank funding by $174 million.

The problem is the way the Senator wants to do this, which is by reducing the funding available to stop food stamp fraud efforts. It would reduce the SNAP error rates efforts. Right now, what has been done to tackle waste, fraud, and abuse has actually reduced error rates dramatically—by 43 percent. We want to keep that going.

So I certainly support what he is trying to do but not by taking money away from waste, fraud, and abuse efforts within the food assistance program. So I have to ask for a ''no'' vote.

The PRESIDING OFFICER. All time has expired.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BOOZMAN. I ask for a recorded vote.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. PAUL (when his name was called). Present.

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

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

The result was announced—yeas 35, nays 63, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—35

Ayotte	Grassley	Pryor
Barrasso	Hoeven	Risch
Blunt	Hutchison	Roberts
Boozman	Inhofe	Rubio
Burr	Isakson	Sessions
Chambliss	Johanns	Shelby
Coats	Kyl	Thune
Cochran	Lugar	Toomey
Cornyn	McConnell	Vitter
Crapo	Moran	Webb
Enzi	Nelson (FL)	Wicker
Graham	Portman	

NAYS—63

Akaka	Feinstein	McCaskill
Alexander	Franken	Menendez
Baucus	Gillibrand	Merkley
Begich	Hagan	Mikulski
Bennet	Harkin	Murkowski
Bingaman	Hatch	Murray
Blumenthal	Heller	Nelson (NE)
Boxer	Inouye	Reed
Brown (MA)	Johnson (SD)	Reid
Brown (OH)	Johnson (WI)	Rockefeller
Cantwell	Kerry	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Shaheen
Casey	Landrieu	Snowe
Coburn	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Lee	Udall (CO)
Coons	Levin	Udall (NM)
Corker	Lieberman	Warner
DeMint	Manchin	Whitehouse
Durbin	McCain	Wyden

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—1

Kirk

The amendment (No. 2360) was rejected.

Mr. LEAHY. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2204

Mr. LEAHY. Mr. President, I call up my amendment No. 2204.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2204.

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

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

The amendment is as follows:

(Purpose: To support the State Rural Development Partnership)

On page 652, between lines 12 and 13, insert the following:

"SEC. 3707. STATE RURAL DEVELOPMENT PARTNERSHIP.

''(a) DEFINITIONS.—In this section:

''(1) AGENCY WITH RURAL RESPONSIBILITIES.—The term 'agency with rural responsibilities' means any executive agency (as defined in section 105 of title 5, United States Code) that implements a Federal law, or administers a program, targeted at or having a significant impact on rural areas.

''(2) PARTNERSHIP.—The term 'Partnership' means the State Rural Development Partnership continued by subsection (b).

''(3) STATE RURAL DEVELOPMENT COUNCIL.—The term 'State rural development council' means a State rural development council that meets the requirements of subsection (c).

''(b) PARTNERSHIP.—

''(1) IN GENERAL.—The Secretary shall support the State Rural Development Partnership comprised of State rural development councils.

''(2) PURPOSES.—The purposes of the Partnership are to empower and build the capacity of States, regions, and rural communities to design flexible and innovative responses to their rural development needs in a manner that maximizes collaborative public- and private-sector cooperation and minimizes regulatory redundancy.

''(3) COORDINATING PANEL.—A panel consisting of representatives of State rural development councils shall be established—

''(A) to lead and coordinate the strategic operation and policies of the Partnership; and

''(B) to facilitate effective communication among the members of the Partnership, including the sharing of best practices.

''(4) ROLE OF FEDERAL GOVERNMENT.—The role of the Federal Government in the Partnership may be that of a partner and facilitator, with Federal agencies authorized—

''(A) to cooperate with States to implement the Partnership;

''(B) to provide States with the technical and administrative support necessary to plan and implement tailored rural development strategies to meet local needs;

''(C) to ensure that the head of each agency with rural responsibilities directs appropriate field staff to participate fully with the State rural development council within the jurisdiction of the field staff; and

''(D) to enter into cooperative agreements with, and to provide grants and other assistance to, State rural development councils.

''(c) STATE RURAL DEVELOPMENT COUNCILS.—

''(1) ESTABLISHMENT.—Notwithstanding chapter 63 of title 31, United States Code, each State may elect to participate in the Partnership by entering into an agreement with the Secretary to recognize a State rural development council.

''(2) COMPOSITION.—A State rural development council shall—

''(A) be composed of representatives of Federal, State, local, and tribal governments, nonprofit organizations, regional organizations, the private sector, and other entities committed to rural advancement; and

''(B) have a nonpartisan and nondiscriminatory membership that—

''(i) is broad and representative of the economic, social, and political diversity of the State; and

''(ii) shall be responsible for the governance and operations of the State rural development council.

''(3) DUTIES.—A State rural development council shall—

''(A) facilitate collaboration among Federal, State, local, and tribal governments and the private and nonprofit sectors in the planning and implementation of programs and policies that have an impact on rural areas of the State;

''(B) monitor, report, and comment on policies and programs that address, or fail to address, the needs of the rural areas of the State;

''(C) as part of the Partnership, facilitate the development of strategies to reduce or eliminate conflicting or duplicative administrative or regulatory requirements of Federal, State, local, and tribal governments; and

''(D)(i) provide to the Secretary an annual plan with goals and performance measures; and

''(ii) submit to the Secretary an annual report on the progress of the State rural development council in meeting the goals and measures.

''(4) FEDERAL PARTICIPATION IN STATE RURAL DEVELOPMENT COUNCILS.—

''(A) IN GENERAL.—A State Director for Rural Development of the Department of Agriculture, other employees of the Department, and employees of other Federal agencies with rural responsibilities shall fully participate as voting members in the governance and operations of State rural development councils (including activities related to grants, contracts, and other agreements in accordance with this section) on an equal basis with other members of the State rural development councils.

''(B) CONFLICTS.—Participation by a Federal employee in a State rural development council in accordance with this paragraph shall not constitute a violation of section 205 or 208 of title 18, United States Code.

''(d) ADMINISTRATIVE SUPPORT OF THE PARTNERSHIP.—

''(1) DETAIL OF EMPLOYEES.—

''(A) IN GENERAL.—In order to provide experience in intergovernmental collaboration, the head of an agency with rural responsibilities that elects to participate in the Partnership may, and is encouraged to, detail to the Secretary for the support of the Partnership 1 or more employees of the agency with rural responsibilities without reimbursement for a period of up to 1 year.

''(B) CIVIL SERVICE STATUS.—The detail shall be without interruption or loss of civil service status or privilege.

''(2) ADDITIONAL SUPPORT.—The Secretary may provide for any additional support staff to the Partnership as the Secretary determines to be necessary to carry out the duties of the Partnership.

''(3) INTERMEDIARIES.—The Secretary may enter into a contract with a qualified intermediary under which the intermediary shall be responsible for providing administrative and technical assistance to a State rural development council, including administering the financial assistance available to the State rural development council.

''(e) MATCHING REQUIREMENTS FOR STATE RURAL DEVELOPMENT COUNCILS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a State rural development council shall provide matching funds, or in-kind goods or services, to support the activities of the State rural development council in an amount that is not less than 33 percent of the amount of Federal funds received from a Federal agency under subsection (f)(2).

''(2) EXCEPTIONS TO MATCHING REQUIREMENT FOR CERTAIN FEDERAL FUNDS.—Paragraph (1) shall not apply to funds, grants, funds provided under contracts or cooperative agreements, gifts, contributions, or technical assistance received by a State rural development council from a Federal agency that are used—

''(A) to support 1 or more specific program or project activities; or

''(B) to reimburse the State rural development council for services provided to the Federal agency providing the funds, grants, funds provided under contracts or cooperative agreements, gifts, contributions, or technical assistance.

''(3) DEPARTMENT'S SHARE.—The Secretary shall develop a plan to decrease, over time, the share of the Department of Agriculture of the cost of the core operations of State rural development councils.

''(f) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2013 through 2017.

''(2) FEDERAL AGENCIES.—

''(A) IN GENERAL.—Notwithstanding any other provision of law limiting the ability of an agency, along with other agencies, to provide funds to a State rural development council in order to carry out the purposes of this section, a Federal agency may make grants, gifts, or contributions to, provide technical assistance to, or enter into contracts or cooperative agreements with, a State rural development council.

''(B) ASSISTANCE.—Federal agencies are encouraged to use funds made available for programs that have an impact on rural areas to provide assistance to, and enter into contracts with, a State rural development council, as described in subparagraph (A).

''(3) CONTRIBUTIONS.—A State rural development council may accept private contributions.

''(g) TERMINATION.—The authority provided under this section shall terminate on September 30, 2017.''.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

The Senator from Vermont.

Mr. LEAHY. This amendment will reestablish authorization for National Rural Development Partnerships—renamed State Rural Development Partnerships—in the 2012 farm bill. Reauthorization of these effective and efficient councils will allow them to continue their important work of strengthening rural communities in Vermont and across the country.

This reauthorization would recognize the State councils' on-the-ground leadership in rural communities, and allow them to continue their vital work. I would note that this amendment does not cost a single farm bill dollar; it would merely maintain the States' statutory authority to establish these State-run rural development councils.

I urge all Senators to support this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I commend Senator LEAHY, who, as a former chairman of the Agriculture Committee, is a tremendous champion not only for Vermont but for the entire country on these issues.

I yield back the time. I believe we have agreement for a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2204) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2226

Mr. TOOMEY. Mr. President, I call up amendment No. 2226, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. TOOMEY] proposes an amendment numbered 2226.

The amendment is as follows:

(Purpose: To eliminate biorefinery, renewable chemical, and biobased product manufacturing assistance)

Beginning on page 888, strike line 5, and all that follows through page 890, line 21.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. TOOMEY. Mr. President, this is an amendment that repeals the Biorefinery Assistance Program. This is a program that primarily provides loan guarantees to cellulosic ethanol plants.

The fact is the taxpayers are already subsidizing ethanol plants in many ways. The Federal Government already provides a tax credit of $1 a gallon to ethanol. The Federal Government creates a mandate that forces consumers to buy this product whether they want to or not, thereby creating a market for ethanol.

We provide grants for ethanol. Do taxpayers also have to risk their money by guaranteeing loans to subsidize this activity? I do not think that is a good idea. This is the same idea that got us into trouble in so many ways. A similar loan program was the source of hundreds of millions of dollars of losses to Solyndra. And just this year, this very program cost $40 million with the bankruptcy of Range Fuels.

I urge my colleagues to vote for a modest reform here. Repeal this one narrow program, the Biorefinery Assistance Program. I urge a ''yes'' vote on the amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I strongly oppose this amendment. In fact, we are not talking about ethanol. We are talking about, first of all, advanced biofuels using food waste or animal waste or biomass materials. We are talking about biobased manufacturing, which is an exciting new opportunity in making things and growing things together in our country, whether it is corn or wheat byproducts, whether it is soybeans. In fact, if you drive a Ford vehicle today, a new vehicle, a new Chevy Volt, you sit on seats with soy-based foam that is biodegradable, more lightweight, and you get better fuel economy, grown by American soybean growers.

So this is the opportunity for new growth in jobs that is in this bill. It is a part I am very excited about for the future for every part of this country. It involves more than 3,000 innovative companies right now engaging in new cutting-edge manufacturing to use agricultural products——

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

Ms. STABENOW.—to get us off of foreign oil.

I urge a ''no'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Those in favor say aye.

(Chorus of ayes.)

Those opposed say nay.

(Chorus of nays.)

The nays appear to have it.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

The result was announced—yeas 36, nays 63, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—36

Alexander	DeMint	McConnell
Ayotte	Enzi	Moran
Barrasso	Graham	Murkowski
Begich	Hatch	Paul
Blunt	Heller	Portman
Boozman	Hutchison	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coats	Johnson (WI)	Shelby
Coburn	Kyl	Snowe
Corker	Lee	Toomey
Cornyn	McCain	Vitter

NAYS—63

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

NOT VOTING—1

Kirk

The amendment (No. 2226) was rejected.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Nebraska.

AMENDMENT NO. 2242

Mr. NELSON of Nebraska. Madam President, I rise to call up my amendment No. 2242.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself, Mr. JOHANNS, Mr. JOHNSON of South Dakota, and Mr. MORAN, proposes an amendment numbered 2242.

The amendment is as follows:

(Purpose: To amend section 520 of the Housing Act of 1949 to revise the census data and population requirements for areas to be considered as rural areas for purposes of such Act)

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

SEC. 12207. DEFINITION OF RURAL AREA FOR PURPOSES OF THE HOUSING ACT OF 1949.

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended—

(1) by striking ''1990 or 2000 decennial census shall continue to be so classified until the receipt of data from the decennial census in the year 2010'' and inserting ''1990, 2000, or 2010 decennial census, and any area deemed to be a 'rural area' for purposes of this title under any other provision of law at any time during the period beginning January 1, 2000, and ending December 31, 2010, shall continue to be so classified until the receipt of data from the decennial census in the year 2020''; and

(2) by striking ''25,000'' and inserting ''35,000''.

Mr. NELSON of Nebraska. Madam President, this amendment would ensure that rural communities in all our States will remain eligible for housing assistance from the Department of Agriculture.

My amendment simply extends the grandfathering clause these communities have operated under since 1990 and ensures that these communities remain eligible through 2020. This is a bipartisan amendment that is supported by my colleagues, Senators JOHANNS, MORAN, chairman of the Banking Committee, Senator JOHNSON, and my good friend and neighbor Senator TESTER.

I urge adoption of my amendment.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. I rise to take 10 seconds to support the amendment of my colleague from Nebraska. It keeps in place a program that has been in place since 1990. It is a good amendment.

Ms. STABENOW. Madam President, I commend both Senators from Nebraska. I thank Senator NELSON for this amendment. I support it.

I believe we have an agreement for a voice vote on this amendment, so I yield back all time.

The PRESIDING OFFICER. Hearing no further debate, the question is on agreeing to the amendment.

The amendment (No. 2242) was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 2433

Mr. TOOMEY. Madam President, I call up amendment No. 2433.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. TOOMEY], for himself, Mrs. SHAHEEN, and Mr.

LUGAR, proposes an amendment numbered 2433.

The amendment is as follows:

(Purpose: To reform the sugar program)

Strike subtitle C of title I and insert the following:

Subtitle C—Sugar

SEC. 1301. SUGAR PROGRAM.

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

(1) in paragraph (4), by striking ''and'' after the semicolon at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) 18 cents per pound for raw cane sugar for each of the 2013 through 2017 crop years.''.

(b) SUGAR BEETS.—Section 156(b)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(b)(2)) is amended by striking ''2012'' and inserting ''2017''.

(c) EFFECTIVE PERIOD.—Section 156(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(i)) is amended by striking ''2012'' and inserting ''2017''.

SEC. 1302. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

(a) IN GENERAL.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended—

(1) in subsection (a)(1)—

(A) in the matter before subparagraph (A), by striking ''2012'' and inserting ''2017''; and

(B) in subparagraph (B), by inserting ''at reasonable prices'' after ''stocks'';

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''but'' after the semicolon at the end and inserting ''and''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) appropriate to maintain adequate domestic supplies at reasonable prices, taking into account all sources of domestic supply, including imports.''; and

(3) in subsection (c)(2)(C), by striking ''if the disposition of the sugar is administered by the Secretary under section 9010 of the Farm Security and Rural Investment Act of 2002''.

(b) ESTABLISHMENT OF FLEXIBLE MARKETING ALLOTMENTS.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''but'' after the semicolon at the end and inserting ''and''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) appropriate to maintain adequate supplies at reasonable prices, taking into account all sources of domestic supply, including imports.''; and

(B) in paragraph (2)(B), by inserting ''at reasonable prices'' after ''market''; and

(2) in subsection (g)—

(A) by striking ''ALLOTMENTS.—'' and all that follows through ''Subject to subparagraph (B), the'' and inserting ''ALLOTMENTS.—The''; and

(B) by striking subparagraph (B).

(c) SUSPENSION OR MODIFICATION OF PROVISIONS.—Section 359j of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359jj) is amended by adding at the end the following:

''(c) SUSPENSION OR MODIFICATION OF PROVISIONS.—Notwithstanding any other provision of this part, the Secretary may suspend or modify, in whole or in part, the application of any provision of this part if the Secretary determines that the action is appropriate, taking into account—

''(1) the interests of consumers, workers in the food industry, businesses (including small businesses), and agricultural producers; and

''(2) the relative competitiveness of domestically produced and imported foods containing sugar.''.

(d) ADMINISTRATION OF TARIFF RATE QUOTAS.—Section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) is amended to read as follows:

''SEC. 359k. ADMINISTRATION OF TARIFF RATE QUOTAS.

''(a) ESTABLISHMENT.—Notwithstanding any other provision of law, at the beginning of the quota year, the Secretary shall establish the tariff-rate quotas for raw cane sugar and refined sugar at no less than the minimum level necessary to comply with obligations under international trade agreements that have been approved by Congress.

''(b) ADJUSTMENT.—

''(1) IN GENERAL.—Subject to subsection (a), the Secretary shall adjust the tariff-rate quotas for raw cane sugar and refined sugar to provide adequate supplies of sugar at reasonable prices in the domestic market.

''(2) ENDING STOCKS.—Subject to paragraphs (1) and (3), the Secretary shall establish and adjust tariff-rate quotas in such a manner that the ratio of sugar stocks to total sugar use at the end of the quota year will be approximately 15.5 percent.

''(3) MAINTENANCE OF REASONABLE PRICES AND AVOIDANCE OF FORFEITURES.—

''(A) IN GENERAL.—The Secretary may establish a different target for the ratio of ending stocks to total use if, in the judgment of the Secretary, the different target is necessary to prevent—

''(i) unreasonably high prices; or

''(ii) forfeitures of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

''(B) ANNOUNCEMENT.—The Secretary shall publicly announce any establishment of a target under this paragraph.

''(4) CONSIDERATIONS.—In establishing tariff-rate quotas under subsection (a) and making adjustments under this subsection, the Secretary shall consider the impact of the quotas on consumers, workers, businesses (including small businesses), and agricultural producers.

''(c) TEMPORARY TRANSFER OF QUOTAS.—

''(1) IN GENERAL.—To promote full use of the tariff-rate quotas for raw cane sugar and refined sugar, notwithstanding any other provision of law, the Secretary shall promulgate regulations that provide that any country that has been allocated a share of the quotas may temporarily transfer all or part of the share to any other country that has also been allocated a share of the quotas.

''(2) TRANSFERS VOLUNTARY.—Any transfer under this subsection shall be valid only on voluntary agreement between the transferor and the transferee, consistent with procedures established by the Secretary.

''(3) TRANSFERS TEMPORARY.—

''(A) IN GENERAL.—Any transfer under this subsection shall be valid only for the duration of the quota year during which the transfer is made.

''(B) FOLLOWING QUOTA YEAR.—No transfer under this subsection shall affect the share of the quota allocated to the transferor or transferee for the following quota year.''.

(e) EFFECTIVE PERIOD.—Section 359l(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ll(a)) is amended by striking ''2012'' and inserting ''2017''.

On page 897, strike lines 8 through 15, and insert the following:

SEC. 9009. REPEAL OF FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

(a) IN GENERAL.—Section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 359a(3)(B) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa(3)(B)) is amended—

(A) in clause (i), by inserting ''and'' after the semicolon at the end;

(B) in clause (ii), by striking ''; and'' at the end and inserting a period; and

(C) by striking clause (iii).

(2) Section 359b(c)(2)(C) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb(c)(2)(C)) is amended by striking '', except for'' and all that follows through '' of 2002''.

The PRESIDING OFFICER. There will now be 2 minutes of debate on the amendment.

The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I will claim the first minute and yield the first 30 seconds to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am pleased to join my colleague from Pennsylvania in supporting his amendment. This is the last opportunity for a bipartisan amendment to reform sugar subsidies that are costing consumers $3.5 million a year and losing 20,000 jobs a year in this country.

This amendment maintains the current sugar program but rolls back the additional subsidies that were provided for sugar in the 2008 farm bill.

Mr. TOOMEY. I thank the Senator from New Hampshire. Let me point out that this amendment is such a modest reform. It lowers the price support on raw sugar, for instance, from 18.75 cents per pound all the way down to 18 cents per pound.

This is an amendment that will save consumers money, save taxpayers money and, most importantly, it will save jobs. As the Department of Commerce pointed out, for every job saved by the sugar program, three jobs are lost. It is a modest amendment that simply restores us to the policy prior to 2008.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I strongly oppose this argument. If we want to jeopardize 142,000 American jobs, this is the vote to do it. We will see these jobs shipped overseas.

The bottom line is that this program operates at zero cost to the taxpayers. The Congressional Budget Office says it will continue operating at zero cost for the next 10 years. This is about American jobs in American communities all across this country. We are talking about 142,000 jobs. If we are importing cheap sugar at a point where we undermine American jobs, what have we gained? We want to export our products, not our jobs. That is what this amendment would do.

I urge strongly a ''no'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—46

Alexander	Durbin	McConnell
Ayotte	Feinstein	Menendez
Blumenthal	Graham	Merkley
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Heller	Reed
Brown (OH)	Hutchison	Sessions
Carper	Inhofe	Shaheen
Casey	Johnson (WI)	Snowe
Coats	Kohl	Toomey
Coburn	Kyl	Warner
Collins	Lautenberg	Webb
Coons	Lee	Whitehouse
Corker	Lugar	Wyden
Cornyn	McCain	
DeMint	McCaskill	

NAYS—53

Akaka	Harkin	Nelson (FL)
Barrasso	Hoeven	Pryor
Baucus	Inouye	Reid
Begich	Isakson	Risch
Bennet	Johanns	Roberts
Bingaman	Johnson (SD)	Rockefeller
Boxer	Kerry	Rubio
Burr	Klobuchar	Sanders
Cantwell	Landrieu	Schumer
Cardin	Leahy	Shelby
Chambliss	Levin	Stabenow
Cochran	Lieberman	Tester
Conrad	Manchin	Thune
Crapo	Mikulski	Udall (CO)
Enzi	Moran	Udall (NM)
Franken	Murkowski	Vitter
Gillibrand	Murray	Wicker
Hagan	Nelson (NE)	

NOT VOTING—1

Kirk

The amendment (No. 2433) was rejected.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Minnesota.

AMENDMENT NO. 2299

Ms. KLOBUCHAR. I call up my amendment No. 2299.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Ms. KLOBUCHAR] proposes amendment numbered 2299.

Ms. KLOBUCHAR. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Secretary of Agriculture and Secretary of Transportation to conduct a study on rural transportation issues)

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

SEC. 6203. STUDY OF RURAL TRANSPORTATION ISSUES.

(a) IN GENERAL.—The Secretary and the Secretary of Transportation shall jointly conduct a study of transportation issues regarding the movement of agricultural products, domestically produced renewable fuels, and domestically produced resources for the production of electricity for rural areas of the United States, and economic development in those areas.

(b) INCLUSIONS.—The study shall include an examination of—

(1) the importance of freight transportation, including rail, truck, and barge, to—

(A) the delivery of equipment, seed, fertilizer, and other products important to the development of agricultural commodities and products;

(B) the movement of agricultural commodities and products to market;

(C) the delivery of ethanol and other renewable fuels;

(D) the delivery of domestically produced resources for use in the generation of electricity for rural areas;

(E) the location of grain elevators, ethanol plants, and other facilities;

(F) the development of manufacturing facilities in rural areas; and

(G) the vitality and economic development of rural communities;

(2) the sufficiency in rural areas of transportation capacity, the sufficiency of competition in the transportation system, the reliability of transportation services, and the reasonableness of transportation rates;

(3) the sufficiency of facility investment in rural areas necessary for efficient and cost-effective transportation; and

(4) the accessibility to shippers in rural areas of Federal processes for the resolution of grievances arising within various transportation modes.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall submit a report to Congress that contains the results of the study required under subsection (a).

(d) PERIODIC UPDATES.—The Secretary and the Secretary of Transportation shall publish triennially an updated version of the study described in subsection (a).

SEC. 6204. AGRICULTURAL TRANSPORTATION POLICY.

Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended by striking subsection (j) and inserting the following:

''(j) POLICY DEVELOPMENT PROCEEDINGS.—The Secretary shall participate on behalf of the interests of agriculture and rural America in all policy development proceedings or other proceedings of the Surface Transportation Board that may establish freight rail transportation policy affecting agriculture and rural America.''.

Ms. KLOBUCHAR. Mr. President, I rise today to urge my colleagues to support this bipartisan amendment. Senator HOEVEN of North Dakota is a cosponsor, and this helps address the transportation needs of rural America.

This amendment simply calls for a study on rural transportation and takes a close look at the issue of captive shippers. Farmers, energy producers, and manufacturers who depend on freight rail service find themselves trapped today in a back-to-the-future world, struggling with a problem that has resurfaced from a century ago. Many of these end users—these captive customers—have only one railroad to serve them. Three decades ago there were 63 class I railroads and today only 7 remain. This amendment simply looks at the effect this situation has on transportation in rural areas. It is supported by nearly 40 national and regional agricultural and energy organizations.

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

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I strongly support Senator KLOBUCHAR's amendment and appreciate her great work.

I yield back the remaining time, and it is my understanding we can proceed to a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2299) was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

MOTION TO RECOMMIT

Mr. LEE. Mr. President, I have a motion to recommit at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Utah [Mr. LEE] moves to recommit the bill, S. 3240, to the Committee on Agriculture, Nutrition and Forestry with instructions to report the same back to the Senate with a reduction in spending to 2008 levels so that overall spending shall not exceed $714,247,000,000.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. LEE. Mr. President, I introduce this motion to recommit to move us back to 2008 levels. We cannot continue to kick this can down the road in perpetuity. Our spending levels threaten to impair our ability to fund everything from defense to entitlements and everything that falls in between. This is a good start, and this is something that would cut the 10-year cost of this bill by $254 billion. We need to do it. We need to send it back to the committee, where the committee will have discretion on exactly how to accomplish that.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, I strongly oppose this motion to recommit. I want to read the cost estimate of the bill prepared by the Congressional Budget Office. This bill spends $23.6 billion less than we project would be spent if those programs were continued as under current law. This bill is $23 billion in deficit reduction, according to the nonpartisan, independent Congressional Budget Office.

Frankly, we believe, in agriculture, on a bipartisan basis, that we have done our job. We have scoured every page, reduced the deficit by $23 billion-plus, and eliminated 100 different programs and authorizations within our jurisdiction. Frankly, I think we are offering, within what we can do, reform and deficit reduction of which we should all feel very proud.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Utah.

Mr. LEE. Madam President, in my approximately 20 seconds remaining, let me say that if we want to continue the same budgeting process that has put us nearly $16 trillion in debt, then we should proceed to vote against this. If, on the other hand, we want to turn this around and maintain our ability to fund essential government programs, we need to pass this.

I urge my colleagues to support the motion to recommit, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. STABENOW. Madam President, let me take just 1 second to say that this bill turns us in a different direction—$23 billion-plus in deficit reduction. It may be the only bipartisan deficit reduction proposal we will pass in the Senate before the election.

I urge a ''no'' vote.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The result was announced—yeas 29, nays 70, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—29

Ayotte	Graham	Paul
Barrasso	Hatch	Risch
Blunt	Inhofe	Roberts
Burr	Johnson (WI)	Rubio
Coburn	Kyl	Sessions
Corker	Lee	Shelby
Cornyn	McCain	Toomey
Crapo	McConnell	Vitter
DeMint	Moran	Wicker
Enzi	Murkowski	

NAYS—70

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

NOT VOTING—1

Kirk

The motion was rejected.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENTS NOS. 2195, 2246, 2403, 2443, 2363, AS MODIFIED

Mrs. STABENOW. Madam President, we have been hard at work to pull together some amendments we need to do in a vote. I ask unanimous consent the following amendments that are in order under the unanimous consent agreement be agreed to: Ayotte No. 2195, Blunt No. 2246, Moran No. 2403, Moran No. 2443, and Vitter No. 2363, as modified with the changes at the desk.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 2195

(Purpose: To require a GAO report on crop insurance fraud)

At the appropriate place, insert the following:

SEC. _____. GAO CROP INSURANCE FRAUD REPORT.

Section 515(d) of the Federal Crop Insurance Act (7 U.S.C. 1515(d)) is amended by adding at the end the following:

''(6) GAO CROP INSURANCE FRAUD REPORT.—As soon as practicable after the date of enactment of this paragraph, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study regarding fraudulent claims filed, and benefits provided, under this subtitle.''.

AMENDMENT NO. 2246

(Purpose: To assist military veterans in agricultural occupations)

On page 999, strike line 13 and insert the following:

''actions with employees of the Department.

''(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—For purposes of carrying out the duties under subsection (b), the Military Veterans Agricultural Liaison may enter into contracts or cooperative agreements with the research centers of the Agricultural Research Service, institutions of higher education, or nonprofit organizations for—

''(1) the conduct of regional research on the profitability of small farms;

''(2) the development of educational materials;

''(3) the conduct of workshops, courses, and certified vocational training;

''(4) the conduct of mentoring activities; or

''(5) the provision of internship opportunities.''.

AMENDMENT NO. 2403

(Purpose: To increase the minimum level of nonemergency food assistance)

On page 291, lines 20 and 21, strike ''15 percent'' and insert ''20''.

AMENDMENT NO. 2443

(Purpose: To improve farm safety at the local level)

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))—

AMENDMENT NO. 2363, AS MODIFIED

(Purpose: To ensure that extras in film and television who bring personal, common domesticated household pets do not face unnecessary regulations and to prohibit attendance at an animal fighting venture)

At the end of title XII, add the following:

SEC. 12207. ANIMAL WELFARE.

Section 2(h) of the Animal Welfare Act (7 U.S.C. 2132(h)) is amended by adding ''an owner of a common, domesticated household pet who derives less than a substantial portion of income from a nonprimary source (as determined by the Secretary) for exhibiting an animal that exclusively resides at the residence of the pet owner,'' after ''stores,''.

SEC. 12208. PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT; ENFORCEMENT OF ANIMAL FIGHTING PROVISIONS.

(a) PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)—

(A) in the heading, by striking ''SPONSORING OR EXHIBITING AN ANIMAL IN'' and inserting ''SPONSORING OR EXHIBITING AN ANIMAL IN, ATTENDING, OR CAUSING A MINOR TO ATTEND'';

(B) in paragraph (1)—

(i) in the heading, by striking ''IN GENERAL'' and inserting ''SPONSORING OR EXHIBITING''; and

(ii) by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(C) by redesignating paragraph (2) as paragraph (3); and

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

''(2) ATTENDING OR CAUSING A MINOR TO ATTEND.—It shall be unlawful for any person to—

''(A) knowingly attend an animal fighting venture; or

''(B) knowingly cause a minor to attend an animal fighting venture.''; and

(2) in subsection (g), by adding at the end the following new paragraph:

''(5) the term 'minor' means a person under the age of 18 years old.''.

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(a) IN GENERAL.—Whoever'';

(2) in subsection (a), as designated by paragraph (1) of this section, by striking ''subsection (a),'' and inserting ''subsection (a)(1),''; and

(3) by adding at the end the following new subsections:

''(b) ATTENDING AN ANIMAL FIGHTING VENTURE.—Whoever violates subsection (a)(2)(A) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 1 year, or both, for each violation.

''(c) CAUSING A MINOR TO ATTEND AN ANIMAL FIGHTING VENTURE.—Whoever violates subsection (a)(2)(B) of section 26 (7 U.S.C. 2156) of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.''.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

AMENDMENT NO. 2287

Mr. CARPER. I call up amendment No. 2287 and ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. CARPER], for himself and Mr. BOOZMAN, proposes an amendment numbered 2287.

The amendment is as follows:

(Purpose: To modify a provision relating to high-priority research and extension initiatives)

On page 805, strike lines 18 through 22 and insert the following:

(43), (47), (48), (51), and (52);

(B) by redesignating paragraphs (6), (9), (10), (40), (44), (45), (46), (49), and (50) as paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9), respectively; and

(C) by adding at the end the following:

''(10) CORN, SOYBEAN MEAL, CEREAL GRAINS, AND GRAIN BYPRODUCTS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of carrying out or enhancing research to improve the digestibility, nutritional value, and efficiency of use of corn, soybean meal, cereal grains, and grain byproducts for the poultry and food animal production industries.'';

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. CARPER. Madam President, roughly two-thirds of the cost of raising a chicken is the cost of feed. In recent years, the cost of feed, including the cost of corn, has, as we know, risen dramatically, raising with it the cost of chicken and other meats in our supermarkets. These rising costs have placed a strain on the poultry industry, among others, and on consumers too. That is why I joined with Senator BOOZMAN in offering an amendment to this bill that makes improving the efficiency, digestibility, and nutritional value of feed for poultry and livestock—including corn, soybean meal, grains and grain byproducts—a top research priority at the U.S. Department of Agriculture.

By improving the food used to raise our chickens and livestock we can provide the poultry and livestock industry with a greater variety of feed choices for use in their operations. But this research will not only benefit our country's food producers, it also benefits our Nation's families by continuing to provide consumers with affordable high-quality food.

Senator BOOZMAN and I urge its adoption.

Ms. STABENOW. I commend Senator CARPER. I have to say he has mentioned to me many times there are 300 chickens for every person in Delaware. I think I have that in my memory now. I commend him for his work.

We are yielding back time, and we have agreed to a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2287) was agreed to.

MOTION TO RECOMMIT WITH INSTRUCTIONS

Mr. JOHNSON of Wisconsin. Madam President, I have a motion at the desk.

The legislative clerk read as follows:

Mr. Johnson the Senator from Wisconsin, moves to recommit the bill S. 3240 to the Committee on Agriculture, Nutrition, and Forestry of the Senate with instructions to report the same back to the Senate after removing the title relating to nutrition and to report to the Senate as a separate bill the title related to nutrition.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

The Senator from Wisconsin.

Mr. JOHNSON of Wisconsin. This is a pretty straightforward motion. It recommits the bill in the Senate back to the committee to have that committee report back to the full Senate two separate bills. It recognizes the reality that what we have in front of us is not really a farm bill but a food stamp bill.

The history is that in 1964 we made food stamps permanent. In 1973 we combined the food stamp portion with the farm bill to ease passage of both votes—to make it easier to spend money. That has worked pretty well because when the food stamp bill was first passed, it cost $375 million—million—per year. Really, 500,000 people were eligible. Since that point in time it is now going to cost $772 billion over 10 years. It is now 78 percent the size of this entire package.

Again, I think it is more than appropriate to split these bills in two so both bills, the food stamp bill and the farm bill, would get more scrutiny and there would be more debate.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSON of Wisconsin. I ask for the yeas and nays.

Ms. STABENOW. Madam President, I rise to oppose the motion to recommit. After all the hard work we have been doing, I am not sure we want to do it twice this year on a farm bill. But on a more serious note, let me just indicate, again, these are major reforms, $23 billion-plus in deficit reduction. It addresses the diversity of agriculture—16 million jobs are connected to agriculture in every corner of our country. All of us have a stake in food security. We have the safest, most affordable food supply in the world thanks to a lot of hard-working folks all across this country.

We believe what we have put forward is something worthy of support. We appreciate all the hard work everyone is doing, the changes that are being made. But I urge we not recommit this bill.

Mr. JOHNSON of Wisconsin. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

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

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

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

[Rollcall Vote No. 153 Leg.]

YEAS—40

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

NAYS—59

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

NOT VOTING—1

Kirk

The motion was rejected.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2254

Mr. SANDERS. Mr. President, I call up my amendment No. 2254.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 2254.

Mr. SANDERS. Mr. President, I ask that reading of the amendment be dispensed with.

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

(Purpose: To improve the community wood energy program)

On page 914, line 14, strike ''Section'' and insert the following:

(a) DEFINITION OF BIOMASS CONSUMER COOPERATIVE.—Section 9013(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(a)) is amended—

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

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

''(1) BIOMASS CONSUMER COOPERATIVE.—The term 'biomass consumer cooperative' means a consumer membership organization the purpose of which is to provide members with services or discounts relating to the purchase of biomass heating products or biomass heating systems.''.

(b) GRANT PROGRAM.—Section 9013(b)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(b)(1)) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) grants of up to $50,000 to biomass consumer cooperatives for the purpose of establishing or expanding biomass consumer cooperatives that will provide consumers with services or discounts relating to—

''(i) the purchase of biomass heating systems;

''(ii) biomass heating products, including wood chips, wood pellets, and advanced biofuels; or

''(iii) the delivery and storage of biomass of heating products.''.

(c) MATCHING FUNDS.—Section 9013(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(d)) is amended—

(1) by striking ''A State or local government that receives a grant under subsection (b)'' and inserting the following:

''(1) STATE AND LOCAL GOVERNMENTS.—A State or local government that receives a grant under subparagraph (A) or (B) of subsection (b)(1)''; and

(2) by adding at the end the following:

''(2) BIOMASS CONSUMER COOPERATIVES.—A biomass consumer cooperative that receives a grant under subsection (b)(1)(C) shall contribute an amount of non-Federal funds (which may include State, local, and nonprofit funds and membership dues) toward the establishment or expansion of a biomass consumer cooperative that is at least equal to 50 percent of the amount of Federal funds received for that purpose.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section

Mr. SANDERS. Mr. President, this is a noncontroversial amendment which, according to the CBO, has zero costs. It is supported by the National Wildlife Federation, the American Forest Foundation, the Biomass Thermal Energy Council, and the Trust for Public Land.

This amendment would simply allow, under the Community Wood Energy Program, a new category of small grants to be created which would provide seed capital for biomass cooperatives through grants of up to $50,000. These cooperatives would have the opportunity to work with local wood pellet or wood chip manufacturers to supply bulk purchases that provide consumers with modest discounts.

This amendment can help our Nation move forward to more locally produced renewable biomass heating. Again, according to the CBO, it has zero costs, and I would ask for the support of my colleagues.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I support the amendment by the Senator from Vermont and yield back time. It is my understanding that we will proceed to a voice vote.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2254) was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2363, AS MODIFIED

Ms. STABENOW. Mr. President, I ask unanimous consent that the adoption of Vitter amendment No. 2363, as modified, be vitiated; and further, that the Vitter amendment, as modified, be subject to a 60-affirmative-vote threshold.

I turn now to Senator VITTER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I expect this amendment to pass, but I know some Members expected a vote, and I certainly wanted to provide them that vote with a 60-vote threshold.

I urge support of this bipartisan amendment. It does two things. First of all, it clears up a situation in the context of the film industry where there are certain unintended regulations of extras and actors bringing their pets on the set. All of a sudden that is being captured by regulation which is intended for zoo animals and circus animals, and things such as that. There is no opposition to this part of the amendment at all.

Secondly, because of the modification, which adds a provision supported by myself and Senators BLUMENTHAL, KIRK, and others, that would make it illegal under Federal law to attend an animal fight. It is already outlawed to help organize an animal fight under Federal law. It is also illegal to attend one under State law in 49 States. This will make Federal law similar to State law and will help Federal authorities work with local government in sting operations, and that is what they normally do.

I ask support for this amendment.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have been in contact with Senator MCCONNELL. We are making good progress here. The goal is to get down to 10 votes. Once we get down to 10 votes, we will stop for the night. We should be able to do that in the next hour or hour and half, give or take a few minutes. I think the goal is reachable.

We will come in tomorrow. We have some important votes tomorrow. Don't forget that we have flood insurance. I hope we can move up the vote on cloture on flood insurance tomorrow. If not, we are going to have to vote on it on Friday. We have done that in the past. We should be able to do that. The goal is 10 votes left by the time we leave here this evening.

The PRESIDING OFFICER. Is there further debate on the Vitter amendment?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. STABENOW. Mr. President, if I might, I am not sure if we have anyone in opposition. I rise in strong support of this amendment. We know that there are Members who wanted the opportunity to vote and record a ''no'' vote. I hope that since we passed this by a voice vote a bit ago, we will have an overwhelming affirmative vote for this amendment. I urge a ''yes'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.The clerk will call the roll.

The assistant bill clerk called the roll.

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

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

The result was announced—yeas 88, nays 11, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—88

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

NAYS—11

Alexander	DeMint	Paul
Bingaman	Graham	Rubio
Burr	Inhofe	Sessions
Coburn	Lee	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, as modified, the amendment is agreed to.

The Senator from Georgia.

AMENDMENT NO. 2438

Mr. CHAMBLISS. Mr. President, I call up Chambliss amendment No. 2438.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 2438.

The amendment is as follows:

(Purpose: To establish highly erodible land and wetland conservation compliance requirements for the Federal crop insurance program)

At the end of subtitle G of title II, add the following:

SEC. 2609. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION FOR CROP INSURANCE.

(a) HIGHLY ERODIBLE LAND PROGRAM INELIGIBILITY.—

(1) IN GENERAL.—Section 1211(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3811(a)(1)) is amended—

(A) in subparagraph (C), by striking ''or'' at the end;

(B) in subparagraph (D), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(E) any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);''.

(2) EXEMPTIONS.—Section 1212(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3812(a)(2)) is amended—

(A) in the first sentence, by striking ''(2) If,'' and inserting the following:

''(2) ELIGIBILITY BASED ON COMPLIANCE WITH CONSERVATION PLAN.—

''(A) IN GENERAL.—If,'';

(B) in the second sentence, by striking ''In carrying'' and inserting the following:

''(B) MINIMIZATION OF DOCUMENTATION.—In carrying''; and

(C) by adding at the end the following:

''(C) CROP INSURANCE.—In the case of payments that are subject to section 1211 for the first time due to the amendment made by section 2609(a) of the Agriculture Reform, Food, and Jobs Act of 2012, any person who produces an agricultural commodity on the land that is the basis of the payments shall have until January 1 of the fifth year after the date on which the payments became subject to section 1211 to develop and comply with an approved conservation plan.''.

(b) WETLAND CONSERVATION PROGRAM INELIGIBILITY.—Section 1221(b) of the Food Security Act of 1985 (16 U.S.C. 3821) is amended by adding at the end the following:

''(4) Any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).''.

Mr. CHAMBLISS. Mr. President, this amendment would require those who receive crop insurance protection from the Federal Government to now follow conservation compliance laws. Conservation compliance was enacted as part of the 1985 farm bill and has contributed almost singlehandedly to almost three decades of progress in limiting erosion, cleaning up waterways, and protecting wetlands. For those of us who love to fish and hunt, that has been of critical importance. No other program has done more for protecting our farmland and topsoil than conservation compliance.

In 1996 Congress exempted crop insurance from the conservation requirement. Back then, the reason for doing so was to increase participation in the Crop Insurance Program. And that is exactly what we have seen. We have seen premium subsidies increase by 500 percent.

The farm bill we are debating now will incentivize farmers to move from title I programs to crop insurance, and as a result soil and wetland conservation will not be a policy priority. And it should be. This shift will likely adversely impact soil and conservation without this amendment.

If crop insurance is going to be the preferred safety net for farmers, then we also need to make sure the program does not incentivize farmers to eliminate the gains we have made in the last 25 years.

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

Mr. CHAMBLISS. I urge adoption of the amendment.

Who yields time?

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise to speak in opposition to the amendment of my friend and colleague.

The battle cry for conservation compliance requirements to be attached to crop insurance seems, strangely, to assume that conservation compliance is somehow eliminated in commodity programs in this new bill. This is not true. Conservation compliance is attached to the new farm revenue program in title I of the bill. Conservation compliance is also attached to the marketing loan program.

To duplicate the same requirements in crop insurance is wasteful of government resources, taxpayer dollars, and will cause a lot more paperwork. When your farmers find out you are wasting taxpayer dollars and are in charge of a duplicative effort and making them fill out more paperwork, you will have to hide in your office for 4 weeks. Do not hide in your office for 4 weeks. Vote no.

Mr. GRASSLEY. Amen.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CHAMBLISS. 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.

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

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

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

[Rollcall Vote No. 155 Leg.]

YEAS—52

Bennet	Harkin	Murkowski
Bingaman	Hatch	Pryor
Boozman	Inouye	Reed
Boxer	Isakson	Reid
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Kerry	Rubio
Burr	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Kyl	Shaheen
Casey	Landrieu	Snowe
Chambliss	Lautenberg	Tester
Collins	Leahy	Udall (NM)
Coons	Levin	Warner
Durbin	Lieberman	Webb
Feinstein	Manchin	Whitehouse
Franken	Menendez	Wyden
Graham	Merkley	
Hagan	Mikulski	

NAYS—47

Akaka	DeMint	Murray
Alexander	Enzi	Nelson (NE)
Ayotte	Gillibrand	Nelson (FL)
Barrasso	Grassley	Paul
Baucus	Heller	Portman
Begich	Hoeven	Risch
Blumenthal	Hutchison	Roberts
Blunt	Inhofe	Sessions
Cantwell	Johanns	Shelby
Coats	Johnson (WI)	Stabenow
Coburn	Lee	Thune
Cochran	Lugar	Toomey
Conrad	McCain	Udall (CO)
Corker	McCaskill	Vitter
Cornyn	McConnell	Wicker
Crapo	Moran	

NOT VOTING—1

Kirk

The amendment (No. 2438) was agreed to.

AMENDMENT NO. 2437

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I call up amendment No. 2437.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 2437.

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

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

The amendment is as follows:

(Purpose: To limit the amount of premium subsidy provided by the Federal Crop Insurance Corporation on behalf of any person or legal entity with an average adjusted gross income in excess of $750,000, with a delayed application of the limitation until completion of a study on the effects of the limitation)

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 approved insurance providers, shall carry out a study to determine the effects of the limitation described in subparagraph (B) on—

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

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

''(III) the amount of premiums paid by participating producers;

''(IV) any potential liability for approved insurance providers;

''(V) any crops or growing regions that may be disproportionately impacted;

''(VI) program rating structures;

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

''(VIII) underwriting gains and losses.

''(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) 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 availability of crop insurance services to producers; and

''(III) increase the costs to the Federal government to administer the Federal crop insurance program established under this subtitle.''.

Mr. THUNE. Mr. President, in the years 1994 to 2003, the Congress appropriated over $36 billion in ad hoc or emergency assistance for farmers and ranchers across this country above and beyond the normal farm program payments. Let me say that again—$36 billion in a 10-year period between 1994 and 2003 above and beyond normal farm program payments.

Since the emergence of the Crop Insurance Program, we have seen those disaster ad hoc emergency bills go away. The Crop Insurance Program is the centerpiece of this farm policy. That is what this entire farm bill is built around. That is what farmers and producers in this country said they wanted.

There is going to be an amendment offered by our colleagues Senators DURBIN and COBURN that would limit the availability of that to people who have adjusted gross incomes under $750,000. What I would say to that is that this amendment—the amendment I am offering—is not about those who are making more than $750,000; it is about those who make less whose premiums would go up as a result of that change.

We need a good, strong Crop Insurance Program for the farmers in this country. That is what this farm bill is built upon. We should not take any chances with it.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this is a good farm bill. It eliminates direct payments and a lot of subsidies. But there is one aspect of Federal subsidy in this bill that goes untouched; it is the Federal subsidy from our Treasury to pay for the crop insurance premiums. Sixty-two percent, the GAO tells us, of crop insurance premiums are paid for by taxpayers, which means those who are using crop insurance are relying on the Treasury.

So Senator COBURN and I, a political odd couple I will admit, said, for at least those making over $750,000 a year, we are going to trim the Federal subsidy by 15 percentage points. How many farmers would be affected by this nationwide—15,000 farmers out of 1.5 million.

The Thune amendment says: We cannot reduce this subsidy, even though it saves us $1 billion. We cannot reduce this subsidy—in his language—if it adds any administrative expense. So if it costs $1 to even figure out who the 15,000 farmers are, no way we are going to save $1 billion.

Vote against the Thune amendment and then vote for Durbin-Coburn. Voting for both does not get the job done.

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

Mr. THUNE. Mr. President, I ask unanimous consent to be able to respond to the comments of the Senator from Illinois.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, how much time does he have remaining?

The PRESIDING OFFICER. No time is remaining.

Is there objection?

Mr. DUBIN. Objection.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

Ms. STABENOW. Mr. President, I would support the yeas and nays and just strongly urge a ''yes'' vote on the Thune amendment.

Mr. ROBERTS. Mr. President, I will support the yeas and nays and stand with the chairwoman and Senator THUNE.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—44

Alexander	Heller	Nelson (NE)
Barrasso	Hoeven	Nelson (FL)
Begich	Hutchison	Reid
Blunt	Inhofe	Risch
Casey	Isakson	Roberts
Chambliss	Johanns	Sanders
Coats	Johnson (SD)	Schumer
Collins	Klobuchar	Shelby
Cornyn	Landrieu	Snowe
Crapo	Leahy	Stabenow
Enzi	Lugar	Tester
Feinstein	McCaskill	Thune
Gillibrand	McConnell	Vitter
Hagan	Moran	Wicker
Hatch	Murkowski	

NAYS—55

Akaka	DeMint	Mikulski
Ayotte	Durbin	Murray
Baucus	Franken	Paul
Bennet	Graham	Portman
Bingaman	Grassley	Pryor
Blumenthal	Harkin	Reed
Boozman	Inouye	Rockefeller
Boxer	Johnson (WI)	Rubio
Brown (MA)	Kerry	Sessions
Brown (OH)	Kohl	Shaheen
Burr	Kyl	Toomey
Cantwell	Lautenberg	Udall (CO)
Cardin	Lee	Udall (NM)
Carper	Levin	Warner
Coburn	Lieberman	Webb
Cochran	Manchin	Whitehouse
Conrad	McCain	Wyden
Coons	Menendez	
Corker	Merkley	

NOT VOTING—1

Kirk

The amendment (No. 2437) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2439

Mr. COBURN. I call up amendment No. 2439.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. DURBIN, proposes an amendment numbered 2439.

The amendment is as follows:

(Purpose: To limit the amount of premium subsidy provided by the Federal Crop Insurance Corporation on behalf of any person or legal entity with an average adjusted gross income in excess of $750,000, with a delayed application of the limitation until completion of a study on the effects of the limitation)

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.''.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this is an amendment that both Senator DURBIN and I have offered. It is not nearly as severe as the GAO's recommendation for this program.

The very wealthiest of farmers, in terms of income in this country, are the people most likely to buy less crop insurance, not more. Yet we subsidize them at the same rate as we do the middle-income and lower income farmers.

This is straightforward. If you want to save $1 billion, if you want to tackle the debt, here is a way that will allow us to save $1 billion and not put anybody at risk. Highly capitalized farmers don't insure at the same rate as lower capitalized farmers.

This will be the only program, if this amendment doesn't pass, that doesn't have a payment limitation on it in terms of adjusted gross income. So there should be no question we should do this just in terms of fairness of all the sacrifices we are going to ask everybody else in this country to make in the coming years. This ought to be part of this farm program.

I yield back.

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

Who yields time? The Senator from Kansas.

Mr. ROBERTS. Mr. President, on behalf of Chairwoman STABENOW, myself, Senator THUNE, and every farm organization and commodity group in America, I rise in opposition to this amendment. It will impact every single producer in the program, not those that exceed this arbitrary limit or ''rich producers.'' The rest will pay higher premiums when they are out of the program because that is what happens with an insurance pool.

I have no doubt, just as sure as I am standing here and the Senator from Oklahoma is sitting there and contemplating this, that under this amendment we will soon return to the days of low crop insurance participation, multibillion-dollar ad hoc disaster programs, just as in the 1990s—$36 billion over 10 years, $11 billion in 1 year. These are a disaster to plan, to legislate, and to implement.

If you are for these ad hoc disaster programs, you better hide for at least 6 weeks in your office. We just passed two where you are hiding for 2 and 4. Now you are going to have to hide in your office for 6 weeks. Don't hide in your office for 6 weeks. Vote no.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 66, nays 33, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—66

Akaka	Feinstein	Mikulski
Alexander	Franken	Murkowski
Ayotte	Graham	Murray
Begich	Grassley	Nelson (FL)
Bennet	Harkin	Paul
Bingaman	Hatch	Portman
Blumenthal	Heller	Reed
Boxer	Inouye	Reid
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Johnson (WI)	Rubio
Burr	Kerry	Schumer
Cantwell	Klobuchar	Sessions
Cardin	Kohl	Shaheen
Carper	Kyl	Shelby
Casey	Lautenberg	Snowe
Coburn	Lee	Toomey
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Manchin	Warner
Corker	McCain	Webb
DeMint	Menendez	Whitehouse
Durbin	Merkley	Wyden

NAYS—33

Barrasso	Hagan	Moran
Baucus	Hoeven	Nelson (NE)
Blunt	Hutchison	Pryor
Boozman	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Sanders
Cochran	Landrieu	Stabenow
Cornyn	Leahy	Tester
Crapo	Lugar	Thune
Enzi	McCaskill	Vitter
Gillibrand	McConnell	Wicker

NOT VOTING—1

Kirk

The amendment (No. 2439) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, we have made a lot of progress on this legislation. We are down to 10 or 11 amendments. We are going to come in tomorrow and finish this bill. We are going to try to get permission—I understand we can—to have a cloture vote tomorrow.

We have to figure out where we are going on flood insurance. It is obvious, with all the problems we are having with flood insurance, we are not going to finish that tomorrow or the next day; but we have to work toward completing that as quickly as we can next week. Remember, the program expires at the end of the month—and the end of the month is coming very quickly. We have two voice votes, but this will be the last recorded vote. We will come in tomorrow and work through these. We will have the staff work with the requests people have for time on the floor and other things that need to be done.

We don't know exactly what time we are coming in tomorrow or what time the votes will start, but as soon as we can. There will be votes all through the lunch hour. Everybody should understand that. We hope to be able to finish by 3 p.m. tomorrow afternoon.

AMENDMENT NO. 2340

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I call up Chambliss amendment No. 2340.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for himself and Mr. ISAKSON, propose an amendment numbered 2340.

The amendment is as follows:

(Purpose: To move the sugar import quota adjustment date forward in the crop year)

On page 69, strike line 15 and insert the following:

(2) SUGAR IMPORT QUOTA ADJUSTMENT DATE.—Section 359k(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk(b)) is amended—

(A) by striking ''APRIL 1'' each place it appears and inserting ''FEBRUARY 1''; and

(B) by striking ''April 1'' each place it appears and inserting ''February 1''.

(3) EFFECTIVE PERIOD.—Section 3591(a) of

Mr. CHAMBLISS. Mr. President, the amendment I am offering has a very focused and modest reform objective—specifically, to accelerate by 60 days the date on which USDA may increase the import quota, if in the agency's judgment such action is needed to adequately supply the Nation's demand for sugar.

The current farm bill prohibits the USDA from adjusting the minimum sugar quota imports until April 1 of the crop year unless there is an emergency shortage of sugar that is caused by war, flood, hurricane, or other natural disaster, or other similar event as determined by the Secretary.

Experience with the April 1 date has been very unsatisfactory to independent domestic sugar refiners and their refined sugar customers who have annually experienced shortfalls in the supply of sugar and endured the elevated prices that ensue from inadequacy of timely supply. The April 1 date leaves precious little time in the balance of the sugar crop year for USDA's complex bureaucratic process.

I ask support for this amendment.

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

The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask that we take this as a voice vote. We have an agreement to proceed to do that.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 2340) was agreed to.

AMENDMENT NO. 2432

Mr. CHAMBLISS. Mr. President, I ask that my amendment No. 2432 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 2432.

The amendment is as follows:

(Purpose: To repeal mandatory funding for the farmers market and local food promotion program) In section 10003(7), strike subparagraph (A).

Mr. CHAMBLISS. Mr. President, this amendment simply strikes $20 million annually in mandatory funds from the Farmers Market Promotion Program. The program will still retain its authorization for annual appropriations at $20 million per year.

I understand the important role that farmers markets play in connecting consumers with the farmers who grow their food. However, this is a grant program that should be funded with discretionary appropriations. We can't give every program in the farm bill mandatory money at a time of fiscal crisis.

The number of farmers markets in the United States has grown exponentially over the last 5 years. The Agriculture Marketing Service reports that in mid-2011, there were 7,175 farmers markets in the United States. This was a 17-percent increase over 2010.

This amendment will save the government $200 million over the next 10 years while still allowing the program to retain its integrity. I ask for consideration and for an affirmative vote.

Ms. STABENOW. Mr. President, I strongly oppose this amendment. This relates to a very important growth area in agriculture regarding farmers markets. We now have farmers markets all across the country in every community, providing the chance for local growers to come together, for families to receive healthy food and have access to local food in their communities.

I know in Michigan for every $10 families spend at a farmers market we have $40 million in economic activity—just in Michigan alone, for $10.

I strongly urge a ''no'' vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2432) was rejected.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I first want to say thank you to all of our colleagues for their wonderful work today—and apologize. I think when I was speaking a moment ago I was not exactly clear, after numerous hours on the floor. It is true that if a family spends $10 at a farmers market, it generates economic activity in Michigan of $40 million—that is if every family in Michigan spent $10. I don't know if that is any clearer, but I apologize. I think at the end of the day I was not clear.

Before going to a unanimous consent request, I thank the leader—both our leaders for their patience and diligence and for supporting our efforts. We have had a long day. People have worked very hard. We are near the end. We are going to have a farm bill. We are going to have major reform, $23 billion in deficit reduction. We are doing it altogether through a process where we propose amendments and vote on amendments, and the Senate is operating in regular order. We appreciate everybody's hard work, hanging in there with us as we get this done, which we are on the path to do tomorrow.

AMENDMENT NO. 2202

I ask unanimous consent that the Bennet-Crapo amendment No. 2202 be agreed to.

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

The amendment (No. 2202) was agreed to, as follows:

(Purpose: To improve agricultural land easements)

On page 205, line 4, insert ''by eligible entities'' after ''purchase''.

On page 207, lines 10 and 11, strike ''contiguous acres'' and insert ''areas''.

On page 208, line 24, insert ''if terms of the easement are not enforced by the holder of the easement'' before the semicolon at the end.

EASEMENT AND INSECT INFESTATION

Mr. BENNET. Mr. President, I rise today to speak in strong support of the farm bill we have on the floor, and to recognize chairwoman STABENOW and ranking member ROBERTS for constructing a bill that passed the Committee with strong, bipartisan support.

I would like to express my strong support for the bill's work on conservation including a reformed and stronger conservation title, and a provision known as ''sodsaver'' that was authored by Senator THUNE of South Dakota. I was a proud cosponsor of the provision when we marked up the bill in committee, and I am glad to see it in the package on the floor.

I would also thank the Chair for including the Bennet-Crapo amendment regarding conservation easements in the consent agreement, and I look forward to the amendment's expected passage later today.

Finally, I hope to continue to work with the chair and ranking member on two topics.

The first is easement policy. In my State of Colorado, easements are an important tool for protecting environmentally vital and valuable grasslands. We did a lot of great work in committee to simplify this program and make it easier for the administration, partner entities, and landowners to use. One great thing S. 3240 does is provide a waiver for grasslands of significance, making it easier for the Secretary to enter into agreements to conserve these areas. The west is experiencing grassland loss, which impacts soil and water quality. Anything we can do to make it easier to protect this land is needed.

The second issue centers on treating insect infestations in our national forests. My State and others are experiencing epidemic levels of insect infestations causing unbelievable levels of tree mortality. I have been working with Senator BINGAMAN, Senator BAUCUS, Senator WYDEN, Senator MARK UDALL and others to make sure we have the right policies in place to react to the situation.

It is my understanding that the chairwoman would be willing to work with me on these important issues; is that correct?

Ms. STABENOW. I thank the Senator for his leadership as chairman of our conservation subcommittee. I have been glad to work with the Senator on this legislation and I am committed to continuing to work with him on easement and forestry issues.

CONSERVATION EASEMENT PROGRAM

Mrs. SHAHEEN. Mr. President, I ask permission to engage in a colloquy with the Senators from Michigan and Vermont, Senators STABENOW and LEAHY. I wish to address a problem that affects many farmers and agricultural producers in States, including New Hampshire, with significant forest cover. Agricultural producers face tremendous development pressures as the value of land increases. As chairwoman of the Agriculture Committee, I know Senator STABENOW has a great familiarity with this issue.

Ms. STABENOW. I thank my friend, the senior Senator from New Hampshire, for bringing attention to this important matter and for her incredible leadership on forestry issues. Since she was first sworn into the Senate, we have worked together on forest conservation efforts, which are so important for the Granite State and the Great Lakes State. As my friend knows, development and sprawl are certainly pressuring our productive agricultural lands. One critical component of the Agriculture Reform, Food, and Jobs Act of 2012, the Agricultural Conservation Easement Program, provides continued funding to allow farmers and ranchers to voluntarily purchase easements on their land to keep it in agricultural use.

Mrs. SHAHEEN. I agree that easement programs are an essential part of the effort to keep land available for agriculture. In New Hampshire, the Farmland Protection Program has provided a crucial backstop against development pressures, but the program has not been as effective as it can be. I know Senator LEAHY helped to create the Farmland Protection Program when he was chairman of the Agriculture Committee and his State has used this program very effectively.

Mr. LEAHY. Like New Hampshire, Vermont is one of the most forested States in the country. Even farms with a significant amount of open space tend to have significant forested acreage and both are feeling tremendous development pressures. While many agricultural producers in my state would like to purchase easements to keep

their lands working, a 2008 Natural Resource Conservation Service rule prohibited the agency from protecting tracts with more than two-thirds of their acres under forest cover. This rule has hampered conservation efforts in Vermont. Has it had a similar effect in Michigan?

Ms. STABENOW. It has. Like New Hampshire and Vermont, Michigan is heavily forested and this NRCS rule has impacted the ability of agricultural producers to purchase on their working lands. I would like to clarify that it is not the intent of Congress to limit eligibility for critical easement programs based on the forested acreage of otherwise eligible land.

Mrs. SHAHEEN. I thank my friend for making that critical clarification. Agricultural producers in New Hampshire and many other States work primarily on small farms. They may actively use only a small number of their acres at any given time, and the rest of their parcels tend to be forested. We need to ensure that Federal programs are tailored to fit local conditions and doing away with restrictions on forested land is an important part of making NRCS easement programs as effective as they can be.

Mr. LEAHY. I completely agree. We need to ensure that Federal programs are carried out in a manner that ensures we keep as much agricultural land in working production as we possibly can. In Vermont, our forests are an important part of that agricultural landscape, especially with our maple syrup producers who depend on these productive and working forestlands. According to USDA, the Northeast and many other heavily forested regions of the country have experienced long-term declines in cropland and forestland use as a result of urban pressures.

Ms. STABENOW. That is exactly right. Once rural land is developed it rarely reverts back to agricultural uses, which is why Federal programs are such a critical part of giving farmers alternatives to converting their land to nonagricultural uses. Our agricultural producers should be able to access these tools regardless of the percentage of their land they keep forested.

Mrs. SHAHEEN. I couldn't agree more. I thank the Senator from Michigan and the Senator from Vermont for engaging in this colloquy to address the importance of allowing agricultural producers who own heavily forested tracts to access NRCS easement programs. This issue is of critical importance to farmers in New Hampshire, Michigan, and many other States.

MULTI-YEAR PRICE DECLINES

Mr. REID. Mr. President, I would like to engage in a colloquy with my good friends and colleagues the Senator from Michigan and Chair of the Agriculture Committee, Senator STABENOW, and the Chairman of the Finance Committee, Senator BAUCUS from Montana.

The Senate has been working the past few weeks to get an agreement to move forward and complete our work on the Farm Bill. The Senate Agriculture Committee passed a strong bipartisan bill out of the committee under the strong leadership of Senator STABENOW.

The Farm Bill is a reform bill which cuts federal spending by $23 billion. This is a rare example, this Congress, of Senators working across the aisle to pass a bill which helps to expand our markets abroad, keep food on the table for working families, and ensure our conservation dollars are funding projects to protect the land for years to come.

With all of the changes in the farm bill the largest changes have been made to the Commodity Title of the Farm Bill.

Congress has eliminated direct payments for a market-based safety net which will pay producers when they actually experience a loss, known as the Agricultural Risk Coverage program. As direct payments are eliminated in this farm bill, how does the bill protect producers against multi-year price declines?

Mr. BAUCUS. I agree with my good friend, the majority leader, that this farm bill is a reform bill. And I would like to answer your questions about how it addresses—or struggles to address—multi-year price declines.

I worked very closely with Chairwoman STABENOW, through the Senate Agriculture Committee markup this spring, along with my colleagues, Senators CONRAD and HOEVEN, to ensure the Agricultural Risk Coverage program worked for farmers in the Northern Great Plaines—not just the Midwest.

I commend the Chairwoman for working with me through that markup, and supporting my amendment which improved the farm level coverage option and her commitment for continued work to improve the bill for grain farmers in my home State of Montana.

One of the lingering questions is what happens to the Agricultural Risk Coverage program should we have a few years of consecutive price collapses in the market. I agree that the Agricultural Risk Program should follow market signals, and I commend this bill for doing just that. But when the market fails, there has to be a failsafe to prevent our farm policy from driving off a cliff—taking jobs and food security with it.

So although the bill is a step forward in creating a market-oriented safety net, it does not provide optimal protection for multi-year price declines. I filed an amendment which would have added price protection should we have multi-year price declines while ensuring it does not distort the marketplace.

This is a remaining concern I have with the Agricultural Risk Coverage program and I ask the majority leader and Chairwoman STABENOW for the continued commitment to ensure any agreement which comes out of a conference report with the House addresses this weakness in the Agricultural Risk Coverage program.

Mr. REID. I thank Senator BAUCUS. I look forward to working with the Senator to ensure any final measure on the farm bill will address the Senators remaining concerns on multi-year price declines. It is vital to our farmers across the country that their safety net is not actually a rug that can be pulled out from underneath them.

Ms. STABENOW: I thank the majority leader and Senator BAUCUS for their continued work and advocacy for ensuring the farm bill works for parts of the country and all commodities.

Through the committee process, Senator BAUCUS has been true a leader to improve the Agricultural Risk Coverage program so it offers an adequate safety net to all farmers.

I think we have made great strides through the Senate Agriculture Committee markup in April but I understand that is the beginning of the process and not the end.

I believe the amendment Senator BAUCUS filed is thoughtful and would provide the Agricultural Risk Coverage program with an additional layer of protection from several years of steep price declines. I will continue to work with my colleague from Montana to ensure as the process moves forward Senator BAUCUS has my full support to address this issue in conference and include a market-based solution to multi-year price declines.

The farm bill supports over 16 million jobs nationwide. The farm bill is the truest jobs bill Congress has considered in the 112th Congress. As Senator BAUCUS said, we need to guarantee that our farmer's safety-networks for every farmer and rancher in America.

VOTE EXPLANATIONS

Ms. MCCASKILL. Mr. President, Senator NELSON of Nebraska's amendment No. 2242 to S. 3240 passed the Senate today by voice vote. I was not in the Senate chamber at the time the voice vote on the amendment was taken. Had I been present or had the amendment been subject to a roll call vote, I would have voted ''present.''

Mr. TESTER. Mr. President, had there been a recorded vote on amendment No. 2457 I would have opposed it. This amendment creates new and unnecessary reporting requirements that will burden rural broadband companies and could slow down the growth of broadband expansion in states like Montana.

Ms. STABENOW. Mr. President, I believe we are waiting on another possibility of an agreement on amendments that may come tomorrow. But at this point, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, if I ask unanimous consent to speak for 5 minutes to introduce a bill, not anything related to the farm bill, is that appropriate?

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

Ms. LANDRIEU. Mr. President, first let me say thank you to the Senator from Michigan and the Senator from Kansas for conducting another very long session today on agriculture. They did an extraordinary job helping us move through this important bill. I thank them very much, and I know we are going to take that up tomorrow.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 3321 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that following my comments, which will not be more than about 10 minutes, Senator BROWN of Ohio follow me for 10 minutes.

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

CALL FOR A SPECIAL COUNSEL

Mr. CHAMBLISS. Mr. President, 2 weeks ago, I stood in this Chamber and joined with Senator MCCAIN calling for the appointment of a Special Counsel to investigate the recent series of leaks of classified information that are so damaging to our national security. Despite the bipartisan support for a Special Counsel, the Attorney General chose instead to appoint 2 United States Attorneys who will act under his supervision and conduct separate investigations of just two of these leaks.

I believe the American people, our Intelligence Community, and our allies deserve a better response from the Attorney General and from this Administration. These leaks have violated the public trust and potentially damaged vital liaison relationships we can ill afford to lose in our fight against ongoing threats from terrorism and hostile nations.

As I understand it, one prosecutor will investigate the leak on the AQAP bomb plot; the other, the leak on STUXNET. That's a real problem. This means other leaks, including the ''kill list'' story, will not be investigated. Yesterday, the Washington Post published a story that attributed information about apparent joint U.S.-Israeli cyber efforts to a former high-ranking U.S. intelligence official. It would sure be helpful if a Special Counsel had jurisdiction to look at all of these cases.

The timing, substance, and sourcing of these stories have also raised questions about whether they came from the White House and whether there is a pattern of leaks. It's hard to imagine how two U.S. Attorneys who work for this administration will be able to investigate this aspect of the case without being perceived as biased by those who are unhappy with what they ultimately find. We need a Special Counsel who will be trusted, no matter what he finds.

I am not questioning in any way the qualifications of these U.S. Attorneys to do the jobs for which they were confirmed by this Senate. I know questions have been raised about the prior political activities of the U.S. Attorney for the District of Columbia and whether he might be too deferential to the White House. I have no specific reason to question the capabilities or integrity of either of these men. But the very serious nature of these leaks demands an investigation that is conducted in a manner totally above reproach and without any possible inference of bias.

Unfortunately, because these U.S. Attorneys must answer to the Attorney General, they cannot conduct independent investigations. With each key decision they make—whether to subpoena a journalist, what investigative techniques should be used, what charges can be brought—they will be subject to the Attorney General and his direction. That is hardly independent.

Last week, the Attorney General testified before the Senate Judiciary Committee that appointing a U.S. Attorney was the same thing that was done in the Valerie Plame case. I submit that was an entirely different scenario because in that case, Mr. Fitzgerald, who was a special counsel appointed, insisted on getting written confirmation that he would be truly independent from the then-acting Attorney General. He got that confirmation in writing from then-Acting Attorney General Comey.

Significantly, the Plame case involved a single leak of classified information, and was deemed serious enough to warrant an independent investigation. The former President also ordered his staff to come forward with any information they had about the source of the leak.

In this case, there have been a series of incredibly damaging leaks in articles citing ''senior Administration officials'' and White House ''aides.'' We have seen no clear instructions from this Administration for officials to come forward. This situation seems to create a greater appearance of a conflict of interest for the Attorney General than was presented in the Plame investigation and calls out for the appointment of Special Counsel.

The Attorney General also testified that he could always appoint these U.S. Attorneys as Special Counsel if they needed to investigate acts outside their jurisdictions. Others have made the argument that we have to wait to see if these U.S. Attorneys do their jobs well before appointing a Special Counsel. Neither argument makes sense to me. Why on earth would we wait?

All of these leaks should be investigated together—not separately—and they must be investigated now. The leaks are relatively recent and the trail is still somewhat fresh. But if we have to wait to see how these men measure up, or if the trail takes us to a district outside their specific jurisdiction, we run the risk of losing evidence or memories fading. Those aren't risks anyone should be willing to take.

This is not, and must not become, political. It's about finding these criminals who have jeopardized our national security and ensuring that they are brought to justice in an independent, objective, apolitical investigation.

Again, I call on the Attorney General to do now what should have been done 2 weeks ago. This series of leaks should not be treated as business as usual. As Congress considers legislative solutions to put a stop to these leaks, the administration needs to step up its response. Appointing a special counsel who can independently and comprehensively investigate all of these leaks and find who is responsible for any and all of them is the best way to restore the public trust in our government and our government officials.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

CHILD NUTRITION

Mr. BROWN of Ohio. Mr. President, for many Ohio children, schools have let out for the year, and summer vacation is just beginning. During the school year, in my State—a State of about 11 million people—840,000 Ohio children receive some nutrition assistance through free or reduced-price school lunches or breakfasts during the school year. It is a statistic that tells the story of families struggling to get by. In many of these children's cases their parents have jobs but simply are not making enough money. It is a statistic that tells a story of how children are often helpless victims in a challenging economy. Many of these children come from the 18 percent of Ohio families—about 1 out of 6—who are food insecure. Essentially it means they are unsure where their next meal may actually come from. When the school year comes to a close, many of these children go hungry.

Where can these 840,000 students go? Where do they turn for nutritious meals when their school cafeterias are closed for the summer? The answer is the Summer Food Service Program run through the U.S. Department of Education and administered in my State by the Ohio Department of Education. For Ohio parents and guardians and school administrators, the Summer Food Service Program is available for them to find healthy meals for children during the summer. But too many Ohio families don't know about this critical program, and that is why it is so important to raise awareness and increase access to the program for all Ohio children regardless of where they live. Summer break shouldn't mean a break from good nutrition.

At the beginning of this talk, I mentioned that 840,000 Ohio children benefit from free and reduced school breakfast and lunch programs—840,000. But, unfortunately, last year in the

summer only 66,000 Ohio children utilized the Summer Food Service Program. Only 66,000 when there are 800,000 eligible. I believe last year Ohio was slightly above the national average. So in State after State, of those students who were benefiting from the free and reduced-price breakfasts and lunches at the school, less than 10 percent of those children benefit in the summer.

In Ohio, only 66,000 children utilize this program. Obviously hundreds of thousands need to receive nutrition assistance during the school year. Ensuring that our children have access to healthy food during the summer is so important, especially as more families slip into poverty. The Summer Food Program is a vital program that helps stem the crippling cycle of food insecurity by providing school-aged children breakfast, lunch, or a snack during the summer.

In some sites children can receive these meals while participating in educational activities or organized games. The Presiding Officer was a superintendent of one of the great school districts in the country. We know particularly how low-income students during summer months slide back in their educational attainment. In the beginning of the school year, the teachers have to sort of reteach what was taught perhaps in April and May. We also know that in families with a little higher income, the children often have activities in the summer which include exposure to books, magazines, vacations, and cultural events to help those children continue to advance in the summer.

Many of these students who are not getting proper nutrition in the summer also are not getting the educational challenges they need. That is why at these sites children—while they receive these meals—participate in educational activities or organized games. The good news is there are more sites this year for Ohio families to turn to. There are more than 1,700 sites across 77 counties.

Nonetheless, 11 counties out of the 88 in Ohio still lack feeding sites. It is not too late for program sites to be established. The official deadline was May 31. Interested sponsors and volunteers can still work with the Ohio Department of Education to establish new centers for children to get meals.

Understand the difficulty here. Somebody needs to step forward, such as a teacher, an administrator, someone in the school district, someone in a church, someone in a recreation center of some type has to step forward every May or June and set up one of these programs and take it down again in August or September. So it is unlike the school district which has this built into its process.

At existing sites, such as schools, summer camps, churches, community centers, and recreation centers, volunteers spend their time ensuring our children have the food they need to succeed.

The Federal Government will reimburse local groups small amounts of money for the breakfast, snack, or lunch for these children, but volunteers need to come forward.

Two years ago I co-hosted a first-of-its-kind hunger summit at the Mid-Ohio Foodbank in Columbus with leading antihunger advocates across Ohio. This past year the USDA Under Secretary Kevin Concannon came to Ohio to hold the second summit.

We continue to reach out to organizations such as the AmeriCorps and VISTA Summer Association Partnership that can help with volunteers through AmeriCorps and can set up the programs and provide meals to the children in need.

This summer will be an important few months to learn how far we have come and how far we have to go in serving our State's children. Outreach and public awareness are critical components to ensure that the end of the school year doesn't mean the end of children getting the nutrition they need for the summer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called 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, before going into wrap-up and the unanimous consent requests this evening, I wish to say one more time how appreciative I am of everybody's hard work and patience with us. We made tremendous progress on a very important bill that helps 16 million people in this country have a job and keeps the safest, most affordable food system in the world going. So thanks to everyone. Thanks to my ranking member who has been a terrific partner with me.

MORNING BUSINESS

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

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

CONGRATULATING KENTUCKY'S NATIONAL HISTORY DAY WINNERS

Mr. MCCONNELL. Mr. President, I rise to pay tribute to a group of Kentucky's brightest students who, by winning a number of prestigious awards for studying history, have proven themselves to be the leaders of the future. I am referring to the Kentucky winners of the National History Day 2012 contest, which was recently held at nearby College Park, MD, June 10 to 14.

The contingent of students from Kentucky that made the trip was selected by the Kentucky Junior Historical Society, which held a statewide history contest in Frankfort, the State capital, last April. At that event, 68 Kentucky students qualified for the national finals.

In all, 62 Kentucky students from the 6th through 12th grades made the trip to our Nation's capital region, accompanied by about 40 family members and teachers. I was very pleased to have a chance to visit with them during their trip.

The group faced stiff competition. At National History Day 2012, there were 2,800 students competing, representing all 50 States and four international schools. Six Kentucky students stood out from their peers and garnered nationwide recognition for their history projects. Those students are:

Joanna Slusarewicz, of Winburn Middle School and Fayette County, winner of the Salute to Freedom Award and third place, individual documentary, junior division. Her entry was titled ''Respectfully Submitted, Dorothea Dix.''

Neha Kadambi and Jamie Smith, of Winburn Middle School and Fayette County, winners of the Leadership in History Award for group exhibit, junior division. Their entry was titled ''The Fight Without a War: India's Revolutionary Road to Independence.''

Meenakshi Singhal and Daryn Smith, of Winburn Middle School and Fayette County, winners of Best of State: Junior Division. Their entry was titled ''Charles Darwin: What Do You Mean Survival of the Fittest?''

Emma Roach-Barrette, of Menifee County High School and Menifee County, winner of Best of State: Senior Division and individual documentary, senior division finalist. Her entry was titled ''Dead Men Do Tell Tales.''

Every student from Kentucky who made this trip can be immensely proud of his or her accomplishments, and I hope they will continue to engage in the study of history for the remainder of their time in school and beyond. History plays such a large role in the events of today. We continue to be influenced by historic decisions made in this very Chamber.

I also appreciate these students' teachers for helping to foster their love of history, specifically, Theresa Buczek and Michelle Cason of Winburn Middle School and Debra Craver of Menifee County High School. And I want to thank the Kentucky Junior Historical Society and its parent body, the Kentucky Historical Society, for sponsoring this competition and making the trip possible for these students. Established in 1836, the Kentucky Historical Society is committed to helping Kentuckians understand, cherish, and share history.

I know my U.S. Senate colleagues join me in recognizing the accomplishments of Kentucky's winners of the National History Day 2012 contest and of every Kentucky student who competed.

We wish them well in their future studies and are proud they represent the Bluegrass State.

REQUEST FOR CONSULTATION

Mr. COBURN. Mr. President, I ask unanimous consent that my letter to the minority leader dated May 29, 2012, be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, May 29, 2012.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL, I am requesting that I be consulted before the Senate enters into any unanimous consent agreements regarding calendar #714, the nomination of Heidi Shyu to be an Assistant Secretary of the Army for Acquisitions, Logistics, and Technology.

Ms. Heidi Shyu has been the Acting Assistant Secretary for the position to which she has been nominated for nearly one year. Her office directly oversees the Program Executive Office for soldier weapons. I remain concerned with the Army's plans for the improvement of its small arms weapons while our soldiers are at war. For example, I have not seen the Army make sufficient progress on the directive of the then-Secretary of the Army Pete Geren to conduct a competition to replace its individual carbine rifle no later than the end of FY2009.

Thank you for protecting my rights on this nomination. I will keep you informed of my continued effort to work with the Army on the nomination of Ms. Shyu as we ensure that our soldiers have the very best modern small arms that American manufacturers can provide.

Sincerely,

TOM. A. COBURN, M.D.,
U.S. Senator.

TRIBUTE TO FRANCES WILLIAMS PRESTON

Mr. LEAHY. Mr. President, I would like to pay tribute to Frances Williams Preston, a trailblazing businesswoman, a dedicated humanitarian, a mother, a grandmother, a great-grandmother, and a friend. I was saddened when she passed away on June 13.

Frances began her career as a receptionist at a radio station in Nashville, TN. She quickly moved up within the music community, and in 1958 she was hired to open a regional office for Broadcast Music Inc., BMI, in Nashville, representing songwriters and composers. Glass ceilings had no chance at constraining Frances. In 1964, she became Vice President of BMI, reportedly making her the first woman corporate executive in Tennessee. In 1986, she became CEO and remained CEO of BMI until 2004.

Her work at BMI transformed not only the company, but also the hundreds of thousands of songwriters and composers BMI represents. She tripled the revenues at BMI and advocated for strong copyright protections to benefit artists. BMI under her tenure also helped the city of Nashville to blossom into the leading center for songwriters and the arts that it is today.

Frances's dedication to the songwriters and her industry, and her passion for ensuring they could make a living in their chosen profession, was unrivaled. Kris Kristofferson famously dubbed her the ''songwriter's guardian angel.''

I worked closely with Frances and the songwriting community to ensure that the rights of composers are protected, but I will remember her most for her humanitarian efforts. She was president of the T.J. Martell Foundation for Leukemia, Cancer and AIDS research, and her name precedes the research laboratories at the Vanderbilt-Ingram Cancer Center.

I could go on at length about the various music and humanitarian awards and honors Frances has received, from being inducted into the Country Music Hall of Fame in 1992 to twice receiving the Humanitarian Award from the International Achievement in Arts.

The current president of BMI probably best captured her essence by simply describing Frances as ''a force of nature.'' She will be missed by those who knew her, and remembered always by those whom she nurtured as songwriters and composers.

The music industry has lost a legend and I ask unanimous consent that the Wall Street Journal article ''From Receptionist to Music-Royalty Guarantor'' by Stephen Miller be entered into the RECORD.

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

[From the Wall Street Journal, June 14, 2012]

FROM RECEPTIONIST TO MUSIC-ROYALTY GUARANTOR

(By Stephen Miller)

Frances Preston rose from radio-station receptionist to chief executive of Broadcast Music Inc., a performing-rights group that helps guarantee that songwriters and music publishers get paid when their songs are played on the radio or in places like restaurants.

Ms. Preston, who died Wednesday at the age of 83, founded BMI's Nashville, Tenn., office and signed up thousands of artists, many of whose careers she shepherded personally.

The deals she struck helped nurture country, rock 'n' roll and jazz, emerging genres that the American Society of Composers, Authors and Publishers, BMI's older rival, had neglected in favor of traditional pop music.

By the time Ms. Preston retired in 2004, BMI represented 300,000 music composers and copyright owners and disbursed more than a half-billion dollars to them annually.

''They never paid royalties to the songwriters for performances until Frances Preston came along,'' country star Eddy Arnold told The Wall Street Journal in 2004. ''She put the hammer on!''

''A lot of them didn't realize that they could get paid for having their music played,'' Ms. Preston told Amusement Business magazine in 1991. She built a fanatical following among Nashville's performing elite.

Singer-songwriter Kris Kristofferson, whom Ms. Preston signed to a $1 million songwriting deal in the 1970s, once called her ''our guardian angel.''

Raised in Nashville, Ms. Preston studied at George Peabody College for Teachers. But shortly before taking a classroom job, she went to work at WSM, the radio home of the Grand Ole Opry, where her duties included answering Hank Williams's mail. She moved on to running the station's promotions department and got to know the country stars of the era.

In 1958, she founded BMI's Nashville office—at first in her parents' garage. A few years later she opened a new office on fledgling Music Row. Thanks in part to BMI's presence, it soon became the home to recording studios and music publishers and the hub of the Nashville country scene.

Ms. Preston moved to BMI's home office in New York City, where she became chief executive in 1986. She oversaw the transition to the digital age as complex new media like the Internet and ringtones joined radio and television as major sources of revenue. She also lobbied Congress as copyright laws were changed.

''It's a constant fight to educate those people [that] music is not just out there in the air for you to pick out for free, because if the creator isn't compensated, there's not going to be that music,'' she told Billboard in 2004.

Ms. Preston was lionized in Nashville, where she was a glamorous personification of the business side of the music industry. When she was inducted into the Country Music Hall of Fame in 1992, it dubbed her ''the most influential country-music executive of her generation.''

Always one to keep things in sensible perspective, Ms. Preston was proud to be remembered as the author of a Nashville motto: ''It all begins with a song.''

RECOGNIZING HOUSE OF HEROES

Mr. BLUMENTHAL. Mr. President, today, I wish to recognize the important work of House of Heroes—a growing organization that honors veterans with dignity, gratitude, and an improved quality of life.

Over Memorial Day weekend, I had the great opportunity to witness the Connecticut chapter of House of Heroes' first projects as it fixed, renovated, and remodeled the homes of three of our country's most deserving veterans. Over $30,000 of materials and time were donated by local organizations and generous individuals.

House of Heroes is on a mission to help the service men and women of our previous wars and their families—heroes who may not always receive the recognition they deserve. Frequently, our courageous veterans are unable to maintain their homes due to physical disability or financial limitations.

During their inaugural build, the founders and volunteers of Connecticut's House of Heroes chose to honor three Americans, who have continued to dedicate their lives to serving our country and preparing for our future even after their war service. Frederick Joseph Miller served as a Sergeant in the U.S. Army Air Corps during World War II—and in 1945, searched the legendary crash of Flight 19 in the Everglades. Upon leaving the service, he dedicated his talent and skills to Pratt & Whitney as an equipment and facilities engineer. On Memorial Day in 1991, Miller's wife passed away from cancer, and maintaining his Hamden house has been a challenge.

Private First Class Maura Rettman of Meriden served in Germany between 1977 and 1979 where she suffered a life-altering car accident. Now, she takes care of her grandson with the hope that he can have a bedroom of his own. Sergeant Rudolph Pistey of Stratford served in the Army National Guard during World War II. Now, at 93, he is well-known in his community, always ready to lend a hand or shoot a smile to his neighbors.

Since 2000, House of Heroes has spread influence and awareness from its founding chapter in Columbus, GA, across the country. In Connecticut, co-founders are Steve Cavanaugh of Biltmore Construction and Billy May, a U.S. Army Veteran, Black Hawk test pilot, and business development and strategy leader at Signature Brand Factory. They seek to complete 10 projects in 2012 and to double this number each subsequent year. Both Mr. Cavanaugh and Lieutenant Colonel May bring experience, skill, and dedication to House of Heroes. Their hope is that general contractors and subcontractors across the state and country will donate several hours a week to helping our Nation's veterans.

Amidst the sound of repairs, there were tears in all our eyes when the veterans were serenaded by Nashville singer and songwriter, Tim Maggart. The song—both solemn and celebratory with spiritual music and grounded lyrics—conveyed eloquently the emotion of everyone gathered:

You were young, scared Willing to go anywhere/ When your country called, you stood tall

You came home, scarred/Didn't think it would be so hard, You don't like to talk about what you saw/ Beyond what I can comprehend/ The sacrifice of the women and men who gave so much without applause/ I don't know you and you don't know me, but thanks to you, I wake up safe and free/I hope you never feel forgotten, because

Chorus: You've got a home, in the house of heroes/ Your name will live on in the house of heroes/I want to honor you/ it's been long overdue/You're right where you belong in the house of heroes

In a world, where Life's not always fair/ And sometimes we have to fight for what we believe

There's a price, paid I can't help be amazed /By the brave who gave their all for you and me.

At each House of Heroes project, the spirit of volunteerism, patriotism, and human connection was unwavering. As the tremendous energy of the House of Heroes' Connecticut chapter spreads across the country, this theme song will be an anthem for a national movement that touches the lives of one veteran at a time.

The volunteers and donors of House of Heroes convey a tremendous spirit—America's boundless appreciation and spirit. Through this great work, and its anthem, we show our veterans— who fought for our security—that America will join together to pay back our debt of gratitude by helping our veterans feel secure and safe.

Appreciative but slightly uncomfortable receiving rather than giving, these men and women were shown by House of Heroes how much we treasure and owe them as a Nation. Donning House of Heroes t-shirts and bobbing along to the music, fellow veterans and citizens showed their thanks—a fitting spirit now and in the future.

RECOGNIZING THE HARTFORD FOUNDATION FOR PUBLIC GIVING

Mr. BLUMENTHAL. Mr. President, today, I wish to congratulate the Hartford Foundation for Public Giving, which was awarded the 2012 Bronze Award by the Council on Foundations this past Spring as part of their Wilmer Shields Rich Awards Program. Every year, the Council on Foundations recognizes foundations around the country that have engaged in strategic communications strategies and innovative projects that inspire and inform other grantmakers.

Since 1925, the Hartford Foundation for Public Giving has been a thriving philanthropic institution where Connecticut nonprofit organizations can seek financial support and connect with givers throughout the State. This highly professional, industrious, and dynamic institution singularly impacts the Capitol Region of Connecticut, having granted $532 million since its beginning to address community needs. It fosters partnerships, assists nonprofits in developing their long-term plans and funding strategies, and hosts informational forums for the sharing of fresh perspectives. The Foundation is unique in its broad and diverse support for the Greater Hartford area, showcasing families on their website, who invite others to join them, advising ''We're not the Rockefellers. We're just a normal family . . . willing to take this step.''

The Council on Foundations recognized the Hartford Foundation for Public Giving specifically for its 2010 Annual Report, Creating Brighter Futures, which focused on the Foundation's efforts towards effective childhood development and education through its Brighter Futures Initiative. The great success of the Brighter Future Initiative has strengthened existing early education programs as well as inspired the development of innovative strategies around the country. In the report's introductory letter, President and Chief Executive Officer Lindy Kelly eloquently shares the groundbreaking changes she has witnessed in our Hartford-area schools. She tells the story of Lavarey—then a second-grader at Rawson School at risk for illiteracy. Through the Hartford Haskins Literary Initiative, he learned to read with joy. Ms. Kelly writes of her memory of Lavarey on stage during their annual Celebration of Giving ceremony, waving confidently at the 400-member audience, who in turn, mirrored Lavarey's happiness, proud to be part of the journey of a young boy who will soon become a contributing member of their community.

The Hartford Foundation's 2010 Annual Report—a large, comprehensive document that expertly weaves stories, accomplishments, and statistics—reflects the rich tapestry of the Hartford Foundation for Public Giving. By seamlessly inviting families, all levels of government, schools, nonprofit organizations, professional advisors, volunteers, and donors to join their mission for change, they evoke and provoke humanitarianism and patriotism.

I invite my Senate colleagues to join me in congratulating the Hartford Foundation for Public Giving for bringing hope and help to Connecticut's institutions, programs, and citizens that need it the most.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. ROBERT BELL

• Mr. ALEXANDER. Mr. President, I would like to congratulate Dr. Robert Bell on his outstanding record of service to Tennessee. Dr. Bell will be retiring as president of Tennessee Technological University at the end of this month and has served the university for 36 years.

He has served as president of Tennessee Tech since 2000, and before becoming the university's president, he served as both a professor and dean of the College of Business.

During his time at Tennessee Tech, Dr. Bell has fostered both an increase in student enrollment and university recognition, while ensuring that student education remained affordable.

His contributions to Tennessee extend beyond the university level. He has served as a member of the board of directors for the Tennessee Center for Performance Excellence since 1993 and chairs the Cookeville Industrial Development Board. He is also a proud member of the executive committee of the Middle Tennessee Boy Scouts of America, an organization dedicated to helping young men achieve their potential.

I want to add my appreciation for his years of service to Tennessee Tech and wish him well in his retirement.

I ask to have the following resolution printed in the RECORD.

The resolution follows.

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF DR. ROBERT R. BELL TO THE TENNESSEE BOARD OF REGENTS

Whereas, Dr. Robert R. Bell has thirty-six years of service with the Tennessee Board of Regents system and Tennessee Tech University, serving as a professor in TTU's College of Business, then as dean, then as President of the University since 2000,

Whereas, as President of TTU, he oversaw 12 straight years of enrollment growth, with TTU's enrollment approaching 12,000,

Whereas, he chaired a TBR Vision of Teaching Excellence committee in 2004 to establish future teaching standards and led his University to develop and expand extended education, distance learning and virtual classrooms,

Whereas, he supported the Regents Online Degree Program and championed degree innovations at TTU to increase access to education and to respond to industry needs in order to improve the education and economic progress in the state,

Whereas, as President he set his sights on a program to prepare the state's teachers, from Pre-K to college levels, to teach science, technology, engineering and mathematics by establishing The Millard Oakley STEM Center and providing it a state-of-the-art home in the new 26,000-square-foot Ray Morris Hall in 2010,

Whereas, he recognized the need for a nursing school in rural Tennessee and garnered support from the state legislature, U.S. Congress and private and corporate donors to fund the construction of a multi-million dollar Nursing and Health Services Building,

Whereas, he kept his promise as President to upgrade facilities to increase recruitment and retention and oversaw the construction and completion of two residence halls—New Hall South and New Hall North,

Whereas, under his guidance TTU established Learning Villages, which aim to bring students and faculty together around a common interest and bridge the gap between the living and learning segments of campus and to encourage college completion,

Whereas, the University's endowment has doubled during Bell's presidency to nearly $60 million,

Whereas, under his leadership in a difficult economic environment, TTU has remained affordable. Students graduate with the lightest debt load in the region, according to U.S. News & World Report, and sixty percent of 2010 TTU graduates left school debt free,

Whereas, the Tennessee Board of Regents grants President Emeritus status to Dr. Robert R. Bell for his continued support of the system, now, therefore, be it

Resolved That the Tennessee Board of Regents expresses its sincere appreciation to Dr. Robert R. Bell for his outstanding contributions and leadership to the system and wishes him the very best in his retirement.●

REMEMBERING GOVERNOR NORBERT TIEMANN

● Mr. JOHANNS. Mr. President, today I wish to pay tribute to a dedicated public servant and true leader in Nebraska politics, Gov. Norbert Tiemann, whose recent death saddened all who knew him. Gov. Norbert Tiemann, or ''Nobby,'' as he was affectionately known, served as Governor of Nebraska from 1967 to 1971. It is a privilege to take this opportunity to remember the life of Governor Tiemann and his many contributions to our State and Nation.

Prior to being elected Governor, Tiemann served three terms as mayor of Wausa in northeast Nebraska. He would later serve as Federal Highway Administrator for the U.S. Department of Transportation under the Nixon and Ford administrations. Ever service-oriented, Tiemann's public service extended well beyond elected office. He bravely fought in World War II and was later stationed in Korea.

Tiemann had an incredible passion for governing and played an active role in the lawmaking process. His leadership as Governor left a lasting impact on our great State. Scholars consider him to be among the most influential Nebraska Governors for transforming the governorship in our State from its traditional caretaker role to one that led public policy discussions.

As we look back on Tiemann's legacy, we will remember a dedicated public servant who cared deeply about Nebraska. I could not be more grateful for his lifetime of service and, on behalf of all Nebraskans, offer my sincerest condolences to his family.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:16 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 404. An act to modify a land grant patent issued by the Secretary of the Interior.

S. 684. An act to provide for the conveyance of certain parcels of land to the town of Alta, Utah.

S. 997. An act to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

At 2:36 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2578. An act to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes.

H.R. 2938. An act to prohibit certain gaming activities on certain Indian lands in Arizona.

At 4:27 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, with amendment, in which it requests the concurrence of the Senate:

S. 3187. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

MEASURES REFERRED

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

H.R. 2578. An act to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2938. An act to prohibit certain gaming activities on certain Indian lands in Arizona; to the Committee on Indian Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 20, 2012, she had presented to the President of the United States the following enrolled bills:

S. 404. An act to modify a land grant patent issued by the Secretary of the Interior.

S. 684. An act to provide for the conveyance of certain parcels of land to the town of Alta, Utah.

S. 997. An act to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6565. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Office of the Assistant Secretary of the Army for Financial Management and Comptroller, account 2182010, during fiscal year 2008 and was assigned Army case number 10–02; to the Committee on Appropriations.

EC–6566. A communication from the Secretary of the Commission, Division of Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Swap Data Recordkeeping and Reporting Requirements: Pre-Enactment and Transition Swaps'' (RIN3038–AD48) received during adjournment of the Senate in the Office of the President of the Senate on June 15, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6567. A communication from the Secretary of the Commission, Division of Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Core Principles and Other Requirements for Designated Contract Markets'' (RIN3038–AD09) received in the Office of the President of the Senate on June 19, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6568. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Acquisition of Tents and Other Temporary Structures'' ((RIN0750–AH73) (DFARS Case 2012–D015)) received in the Office of the President of the Senate on June 18, 2012; to the Committee on Armed Services.

EC–6569. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Australia; to the Committee on Banking, Housing, and Urban Affairs.

EC–6570. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

''Wassenaar Arrangement 2011 Plenary Agreements Implementation: Commerce Control List, Definitions, New Participating State (Mexico) and Reports'' (RIN0694–AF50) received in the Office of the President of the Senate on June 18, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–6571. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste'' (RIN3150–AG41) received in the Office of the President of the Senate on June 19, 2012; to the Committee on Indian Affairs.

EC–6572. A communication from the Director of Congressional Affairs, Office of the Chief Financial Officer, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Fee Schedules; Fee Recovery for Fiscal Year 2012'' (RIN3150–AJ03) received in the Office of the President of the Senate on June 19, 2012; to the Committee on Environment and Public Works.

EC–6573. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Failure to Attain the One-Hour Ozone Standard by 2007, Determination of Current Attainment of the One-Hour Ozone Standard, Determinations of Attainment of the 1997 Eight-Hour Ozone Standards for the New York-Northern New Jersey-Long Island Nonattainment Area in Connecticut, New Jersey and New York'' (FRL No. 9682–7) received in the Office of the President of the Senate on June 13, 2012; to the Committee on Environment and Public Works.

EC–6574. A communication from the Commissioners of the Medicaid and CHIP Payment Access Commission, transmitting, pursuant to law, a report entitled ''Report to Congress on Medicaid and CHIP''; to the Committee on Finance.

EC–6575. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12–039, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–6576. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, an Information Transmittal pursuant to 308(a) of the Intelligence Authorization Act (OSS–2012–1018); to the Committee on Foreign Relations.

EC–6577. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, the report of a determination pursuant to Section 620H of the FAA, and Section 7021 of the Department of State, Foreign Operations, and Related Appropriations, 2012 (Div. I, P.L. 112–74) regarding U.S. assistance (OSS–2012–1017); to the Committee on Foreign Relations.

EC–6578. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12–047, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–6579. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12–076, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–6580. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to defense articles and defense services that were licensed for export under Section 38 of the Arms Export Control Act for fiscal year 2011 (OSS–2012–1019); to the Committee on Foreign Relations.

EC–6581. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, notice of proposed permanent transfer of significant military equipment pursuant to section 3(d) of the Arms Export Control Act (Transmittal No. RSAT–12–2930); to the Committee on Foreign Relations.

EC–6582. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, notice of proposed permanent transfer of significant military equipment pursuant to section 3(d) of the Arms Export Control Act (Transmittal No. RSAT–12–2931); to the Committee on Foreign Relations.

EC–6583. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12–016); to the Committee on Foreign Relations.

EC–6584. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12–058); to the Committee on Foreign Relations.

EC–6585. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12–087); to the Committee on Foreign Relations.

EC–6586. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12–082); to the Committee on Foreign Relations.

EC–6587. A communication from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Standard for All-Terrain Vehicles'' (16 CFR Part 1420) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6588. A communication from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Safety Standards for Portable Bed Rails: Final Rule'' (16 CFR Part 1224) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6589. A communication from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Testing and Labeling Pertaining to Product Certification'' (16 CFR Part 1107) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6590. A communication from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Consumer Registration of Durable Infant or Toddler Products'' (16 CFR Part 1130) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6591. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Halibut and Sablefish Individual Fishing Quota Program'' (RIN0648–AX91) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6592. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–AC013) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6593. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (12); Amdt. No. 3481'' (RIN2120–AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6594. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (111); Amdt. No. 3480'' (RIN2120–AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6595. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (20); Amdt. No. 3479'' (RIN2120–AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6596. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (60); Amdt. No. 3478'' (RIN2120–AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6597. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (45); Amdt. No. 3477'' (RIN2120–AA65) received in the Office of the President of the

Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6598. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (210); Amdt. No. 3476'' (RIN2120–AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6599. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (25); Amdt. No. 3471'' (RIN2120–AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6600. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (186); Amdt. No. 3470'' (RIN2120–AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6601. A communication from the Attorney Advisor, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision'' (RIN2125–AF43) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6602. A communication from the Attorney Advisor, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision; Final Rule'' (RIN2125–AF41) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6603. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled ''Procedures for Transportation Workplace Drug and Alcohol Testing Programs: 6-acetylmorphine (6-AM) Testing'' (RIN2105–AE14) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6604. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Operations In Class D Airspace'' ((RIN2120–AK10) (Docket No. FAA–2011–1396)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6605. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of VOR Federal Airways V–10, V–12, and V–508 in the Vicinity of Olathe, KS'' ((RIN2120–AA66) (Docket No. FAA–2012–0055)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6606. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Restricted Area R–2101; Anniston Army Depot, AL'' ((RIN2120–AA66) (Docket No. FAA–2012–0510)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6607. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and E Airspace; Baltimore, MD'' ((RIN2120–AA66) (Docket No. FAA–2012–0014)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6608. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Cocoa Beach, FL'' ((RIN2120–AA66) (Docket No. FAA–2012–0099)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6609. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Springhill, LA'' ((RIN2120–AA66) (Docket No. FAA–2011–0847)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6610. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Baraboo, WI'' ((RIN2120–AA66) (Docket No. FAA–2011–1403)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6611. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Maryville, MO'' ((RIN2120–AA66) (Docket No. FAA–2011–0434)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6612. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Pender, NE'' ((RIN2120–AA66) (Docket No. FAA–2011–1103)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6613. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Monahans, TX'' ((RIN2120–AA66) (Docket No. FAA–2011–1400)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6614. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Branson West, MO'' ((RIN2120–AA66) (Docket No. FAA–2011–0749)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6615. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Eldon, MO'' ((RIN2120–AA66) (Docket No. FAA–2011–1104)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6616. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; New Philadelphia, OH'' ((RIN2120–AA66) (Docket No. FAA–2011–0607)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6617. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Houston, MO'' ((RIN2120–AA66) (Docket No. FAA–2011–0903)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6618. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Leesville, LA'' ((RIN2120–AA66) (Docket No. FAA–2011–0608)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6619. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Red Cloud, NE'' ((RIN2120–AA66) (Docket No. FAA–2011–0426)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6620. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Freer, TX'' ((RIN2120–AA66) (Docket No. FAA–2011–0904)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6621. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Rock Springs, WY'' ((RIN2120–AA66) (Docket No. FAA–2012–0131)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6622. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0384)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6623. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Services B.V. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1169)) received in the Office of the President of the Senate

on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6624. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0998)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6625. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0534)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Res. 385. A resolution condemning the Government of Iran for its continued persecution, imprisonment, and sentencing of Youcef Nadarkhani on the charge of apostasy.

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Res. 402. A resolution condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield.

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 429. A resolution supporting the goals and ideals of World Malaria Day.

S. Res. 473. A resolution commending Rotary International and others for their efforts to prevent and eradicate polio.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Army nomination of Brigadier General Edward M. Reeder, Jr., to be Major General.

Army nomination of Lt. Gen. John F. Mulholland, Jr., to be Lieutenant General.

William B. Pollard, III, of New York, to be a Judge of the United States Court of Military Commission Review.

Scott L. Silliman, of North Carolina, to be a Judge of the United States Court of Military Commission Review.

Marine Corps nominations beginning with Colonel Edward D. Banta and ending with Colonel Eric M. Smith, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Navy nomination of Capt. Janet R. Donovan, to be Rear Admiral (lower half).

Navy nomination of Capt. Barbara W. Sweredoski, to be Rear Admiral (lower half).

Navy nomination of Capt. Kirby D. Miller, to be Rear Admiral (lower half).

Navy nominations beginning with Captain Michael J. Dumont and ending with Captain Scott B. J. Jerabek, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2012.

Navy nomination of Rear Adm. (lh) Clinton F. Faison III, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Jonathan A. Yuen, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Katherine L. Gregory and ending with Rear Adm. (lh) Kevin R. Slates, which nominations were received by the Senate and appeared in the Congressional Record on March 5, 2012.

Navy nominations beginning with Rear Adm. (lh) Sandy L. Daniels and ending with Rear Adm. (lh) Christopher J. Paul, which nominations were received by the Senate and appeared in the Congressional Record on March 5, 2012.

Navy nomination of Rear Adm. (lh) Bruce A. Doll, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) David G. Russell, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Elizabeth L. Train, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Richard D. Berkey, to be Rear Admiral.

Navy nomination of Capt. Douglas G. Morton, to be Rear Admiral (lower half).

Navy nomination of Capt. Terry J. Moulton, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. David R. Pimpo and ending with Capt. Donald L. Singleton, which nominations were received by the Senate and appeared in the Congressional Record on March 21, 2012.

Navy nomination of Capt. Paul A. Sohl, to be Rear Admiral (lower half).

Navy nomination of Capt. Bruce F. Loveless, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Brian K. Antonio and ending with Capt. Luther B. Fuller III, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 2012.

Marine Corps nomination of Maj. Gen. (Select) William M. Faulkner, to be Lieutenant General.

Air Force nomination of Lt. Gen. Michael R. Moeller, to be Lieutenant General.

Navy nomination of Rear Adm. Robin R. Braun, to be Vice Admiral.

Army nomination of Maj. Gen. William B. Garrett III, to be Lieutenant General.

Army nomination of Lt. Gen. Howard B. Bromberg, to be Lieutenant General.

Air Force nomination of Lt. Gen. Mark F. Ramsay, to be Lieutenant General.

Air Force nomination of Maj. Gen. Thomas W. Travis, to be Lieutenant General.

Air Force nomination of Maj. Gen. Darren W. McDew, to be Lieutenant General.

Air Force nomination of Lt. Gen. Stanley T. Kresge, to be Lieutenant General.

Army nomination of Maj. Gen. James L. Huggins, Jr., to be Lieutenant General.

Army nomination of Col. Barry D. Keeling, to be Brigadier General.

Army nomination of Col. Joseph E. Rooney, to be Brigadier General.

Navy nomination of Rear Adm. Paul J. Bushong, to be Vice Admiral.

Navy nomination of Rear Adm. (lh) James W. Crawford III, to be Rear Admiral.

Navy nomination of Rear Adm. Nanette M. DeRenzi, to be Vice Admiral.

Navy nomination of Rear Adm. Michael J. Connor, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Chance J. Henderson and ending with Jeffrey P. Tan, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Air Force nominations beginning with Jessica L. Weaver and ending with Jonelle J. Knapp, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nomination of Joseph F. Jarrard, to be Colonel.

Army nomination of Kevin J. Park, to be Major.

Army nomination of Charles R. Perry, to be Major.

Army nominations beginning with Anthony P. Digiacomo II and ending with Richard D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 2012.

Army nomination of Youngmi Cho, to be Lieutenant Colonel.

Army nomination of Richard M. Zygadlo, to be Lieutenant Colonel.

Army nomination of David H. Rittgers, to be Major.

Army nominations beginning with Eric S. Slater and ending with Marcus P. Wong, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Gaston P. Bathalon and ending with Kevin C. Reilly, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Jerry L. Bratu, Jr. and ending with Amos P. Parker, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Brett W. Andersen and ending with Michael D. Whited, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Casey Rogers and ending with Sharon A. Schell, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Dwayne C. Bechtol and ending with D005682, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Armando Aguilera, Jr. and ending with Dave St John, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Bruce J. Beecher and ending with D004871, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Renee D. Alford and ending with Pj Zamora, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Jude M. Abadie and ending with D010155, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Brian E. Abell and ending with D010333, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Marine Corps nominations beginning with Eduardo A. Abisellan and ending with William E. Zamagni, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Marine Corps nominations beginning with Omar A. Adame and ending with Christina F. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Navy nominations beginning with Jenniffer D. Gundayao and ending with Donald R. Wilkinson, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with David A. Adams and ending with John J. Zerr II, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Mark D. Larabee and ending with Richard J. Watkins, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Gregory D. Burton and ending with Joseph M. Tuite, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Michael N. Abreu and ending with Scott D. Tingle, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Trent R. Demoss and ending with Charles K. Nixon, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Roger L. Acebo and ending with Jeffrey D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Thomas F. Bolich, Jr. and ending with Donald R. Xiques, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Raymond I. Bruttomesso and ending with Mark R. Sands, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with William A. Baas and ending with James E. Puckett II, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Thomas J. Amis and ending with Sueann K. Schorr, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Jefferson W. Adams and ending with Robert B. Smith, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Robert W. Mulac and ending with William K. Salvin, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Colette E. Kokron and ending with Curtis L. Michel, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Tawnya J. Racoosin and ending with Todd D. White, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Elisabeth S. Stephens and ending with Sheryl L. Tannahill, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Donald W. Bosch and ending with Theresa M. Stice, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Darren E. Anding and ending with Steven K. Renly, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Jeff A. Davis and ending with Brenda K. Malone, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Mark R. Asuncion and ending with Philip W. Yu, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Marc C. Eckardt and ending with Robert W. Witzleb, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with William A. Dodge, Jr. and ending with Albert M. Musselwhite, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Allen L. Edmiston and ending with Jacqueline V. Mcelhannon, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Jason L. Ansley and ending with Louis T. Unrein, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with George A. Allmon and ending with Timothy G. Sparks, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with John P. Ayres and ending with Clay L. Wild, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nomination of Glenn E. Gaborko, Jr., to be Captain.

Navy nomination of Roger L. Blank, to be Captain.

Navy nominations beginning with Michael C. Barber and ending with David G. Oravec, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Joseph A. Davis and ending with Scott D. Eberwine, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with David H. Duttlinger and ending with Darcy I. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Frank J. Brajevic and ending with David E. Woolston, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Lauren D. Bales and ending with David A. Serafini, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Christopher J. Corvo and ending with Thomas J. Welsh, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Maria L. Aguayo and ending with Andrew J. Schulman, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with David O. Bynum and ending with Melvin H. Underwood, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Douglas J. Cohen and ending with Kevin P. Whitmore, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Richard S. Barlament and ending with John S. Sibley, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Brian E. Beharry and ending with Darrel G. Vaughn, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Patrick J. Blair and ending with Aaron D. Werbel, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with James T. Albritton and ending with Robert L. Williams, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Veronica G. Armstrong and ending with Maria A. Young, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Juliann M. Althoff and ending with John Wyland, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Casey S. Adams and ending with Karen G. Young, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nomination of Robert E. Bradshaw, to be Lieutenant Commander.

Navy nomination of Darren W. Murphy, to be Lieutenant Commander.

Navy nomination of Ling Ye, to be Lieutenant Commander.

Navy nomination of Gregory E. Ringler, to be Lieutenant Commander.

Navy nominations beginning with Craig S. Coleman and ending with Eduardo B. Rizo, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Paul D. Ginkel and ending with Gabriel S. Niles, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Michele M. Day and ending with Det R. Smith, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Steve M. Curry and ending with William R. Urban, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Amy L. Bleidorn and ending with Micah A. Weltmer, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Michael J. Barriere and ending with Matthew T. Wilcox, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Brian M. Baller and ending with Michael J.

Szczerbinski, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Heath D. Bohlen and ending with Matthew C. Young, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Dereck C. Brown and ending with Sherry W. Wangwhite, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Marc A. Aragon and ending with Robert A. Yee, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Kevin J. Behm and ending with Evan P. Wright, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Erik E. Anderson and ending with Christopher G. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Rene V. Abadesco and ending with Mark W. Yates, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with David J. Adams and ending with Kevin P. Zayac, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Brian P. Burrow and ending with Christopher A. Weech, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Derrick E. Blackston and ending with Derek A. Vestal, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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 Mr. CARPER (for himself, Ms. COLLINS, and Mr. LIEBERMAN):

S. 3315. A bill to repeal or modify certain mandates of the Government Accountability Office; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TOOMEY (for himself and Mr. BURR):

S. 3316. A bill to require the Secretary of Labor to carry out a pilot program on providing veterans with access at One-Stop Centers to Internet websites to facilitate online job searches, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FRANKEN (for himself, Mr. LEAHY, Mrs. MURRAY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. SANDERS, Mrs. BOXER, Mr. AKAKA, Mr. COONS, Mr. INOUYE, Mr. KERRY, Mrs. SHAHEEN, Mr. BINGAMAN, Mr. BROWN of Ohio, Mrs. GILLIBRAND, Mr. UDALL of New Mexico, Mr. DURBIN, Mr. WYDEN, Mr. MERKLEY, Ms. CANTWELL, Mr. UDALL of Colorado, and Mr. LAUTENBERG):

S. 3317. A bill to restore the effective use of group actions for claims arising under title VII of the Civil Rights Act of 1964, title I of the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, section 1977 of the Revised Statutes, and the Genetic Information Nondiscrimination Act of 2008, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. HARKIN, Mr. BEGICH, Ms. MIKULSKI, Mrs. MCCASKILL, Mr. DURBIN, Mrs. FEINSTEIN, Mr. BROWN of Ohio, Mr. LAUTENBERG, Mr. BLUMENTHAL, and Mrs. HAGAN):

S. 3318. A bill to amend title 38, United States Code, to prohibit the use of the phrases GI Bill and Post-9/11 GI Bill to give a false impression of approval or endorsement by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. KLOBUCHAR:

S. 3319. A bill to amend the National Trails System Act to revise the route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along the north shore of Lake Superior, in the Superior National Forest, and in the Chippewa National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 3320. A bill to authorize the Administrator of the Federal Emergency Management Agency to waive the 30-day waiting period for flood insurance policies purchased for private properties affected by wildfire on Federal lands; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. 3321. A bill to promote permanent families for children, privacy and safety for unwed mothers, responsible fatherhood, and security for adoptive parents by establishing a National Responsible Father Registry and encouraging States to enter into agreements to contribute the information contained in the State's Responsible Father Registry to the National Responsible Father Registry, and for other purposes; to the Committee on Finance.

By Mr. BROWN of Ohio (for himself, Mr. KERRY, Mr. LEAHY, Mr. COONS, Mr. HARKIN, Mr. BLUMENTHAL, Ms. MIKULSKI, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. FRANKEN):

S. 3322. A bill to strengthen enforcement and clarify certain provisions of the Servicemembers Civil Relief Act, the Uniformed and Overseas Citizens Absentee Voting Act, and chapter 43 of title 38, United States Code, and to reconcile, restore, clarify, and conform similar provisions in other related civil rights statutes, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself and Mr. CARDIN):

S. 3323. A bill to amend the Servicemembers Civil Relief Act to improve the protections for servicemembers against mortgage foreclosures, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWN of Massachusetts (for himself and Mr. BURR):

S. 3324. A bill to authorize the Secretary of Veterans Affairs to award grants to nonprofit organizations for the construction of facilities for temporary lodging in connection with the examination, treatment, or care of a veteran under laws administered by the Secretary of Veterans Affairs, 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 Mrs. MURRAY (for herself, Ms. SNOWE, Mr. AKAKA, Mr. BAUCUS, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CASEY, Ms. CANTWELL, Mr. COONS, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mrs. HAGAN, Mr. HARKIN, Mrs. HUTCHISON, Mr. INOUYE, Mr. KERRY, Mr. KIRK, Ms. LANDRIEU, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. WYDEN, Mr. LIEBERMAN, Ms. COLLINS, Mr. LAUTENBERG, Mr. ISAKSON, Ms. MURKOWSKI, Ms. AYOTTE, Mrs. MCCASKILL, and Ms. KLOBUCHAR):

S. Res. 500. A resolution celebrating the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, and recognizing the need to continue pursuing the goal of equal educational opportunities for all women and girls; considered and agreed to.

By Mr. CRAPO:

S. Res. 501. A resolution supporting National Men's Health Week; considered and agreed to.

By Mr. LEAHY (for himself, Mr. SANDERS, Mr. BROWN of Ohio, Mr. ROBERTS, Mr. ALEXANDER, Mr. GRAHAM, Mr. LEVIN, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. HUTCHISON, Mr. BENNET, Mrs. MURRAY, Mr. AKAKA, Mr. MORAN, Mr. CARDIN, Ms. STABENOW, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. BOOZMAN, Mr. RUBIO, Mr. BINGAMAN, Mrs. GILLIBRAND, Mr. SCHUMER, and Mr. PRYOR):

S. Res. 502. A resolution celebrating the 150th anniversary of the signing of the First Morrill Act; considered and agreed to.

ADDITIONAL COSPONSORS

S. 555

At the request of Mr. FRANKEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 555, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 811

At the request of Mr. MERKLEY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 811, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

S. 866

At the request of Mr. TESTER, the name of the Senator from Louisiana (Ms. LANDRIEU) 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. 881

At the request of Ms. LANDRIEU, the name of the Senator from Montana

(Mr. BAUCUS) was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Tennessee (Mr. ALEXANDER) 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. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from Idaho (Mr. RISCH), the Senator from Kansas (Mr. ROBERTS), the Senator from North Dakota (Mr. HOEVEN) and the Senator from Alabama (Mr. SHELBY) 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. 1880

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 2036

At the request of Mrs. GILLIBRAND, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Florida (Mr. NELSON), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Arkansas (Mr. BOOZMAN), the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Mr. CARDIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mr. CORNYN), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. GRAHAM), the Senator from North Carolina (Mrs. HAGAN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Ms. MIKULSKI), the Senator from Kansas (Mr. MORAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Nevada (Mr. REID), the Senator from Kansas (Mr. ROBERTS), the Senator from Wisconsin (Mr. JOHNSON), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2036, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

S. 2103

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

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. REED) 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. 2189

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal anti-discrimination and antiretaliation claims, and for other purposes.

S. 2239

At the request of Mr. NELSON of Florida, the names of the Senator from Montana (Mr. TESTER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors 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. 2325

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2325, a bill to authorize further assistance to Israel for the Iron Dome anti-missile defense system.

S. 3204

At the request of Mr. JOHANNS, the names of the Senator from Massachusetts (Mr. BROWN) and the Senator from Pennsylvania (Mr. TOOMEY) 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. 3233

At the request of Mr. CASEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3233, a bill to amend title 38, United States Code, to improve the enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 3235

At the request of Mr. PRYOR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor 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 Alaska (Mr. BEGICH) 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. 3289

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3289, a bill to expand the Medicaid home and community-based services waiver to include young individuals who are in need of services that would otherwise be required to be provided through a psychiatric residential treatment facility, and to change references in Federal law to mental retardation to references to an intellectual disability.

S. 3290

At the request of Mr. VITTER, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 3290, a bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes.

S. 3292

At the request of Mrs. MCCASKILL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3292, a bill to require the United States International Trade Commission to recommend temporary duty suspensions and reductions to Congress, and for other purposes.

S. 3313

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3313, a bill to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to women veterans, to improve health care furnished by the Department, and for other purposes.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as ''Juneteenth Independence Day''.

S. CON. RES. 48

At the request of Mr. LEAHY, the names of the Senator from Montana (Mr. TESTER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

S. RES. 401

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

S. RES. 402

At the request of Mr. COONS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 402, a resolution condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield.

S. RES. 446

At the request of Mr. RUBIO, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. Res. 446, a resolution expressing the sense of the Senate that the United Nations and other intergovernmental organizations should not be allowed to exercise control over the Internet.

S. RES. 473

At the request of Mr. DURBIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 473, a resolution commending Rotary International and others for their efforts to prevent and eradicate polio.

S. RES. 482

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. Res. 482, a resolution celebrating the 100th anniversary of the United States Chamber of Commerce.

S. RES. 489

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. Res. 489, a resolution expressing the sense of the Senate on the appointment by the Attorney General of an outside special counsel to investigate certain recent leaks of apparently classified and highly sensitive information on United States military and intelligence plans, programs, and operations.

S. RES. 490

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 490, a resolution designating the week of September 16, 2012, as ''Mitochondrial Disease Awareness Week'', reaffirming the importance of an enhanced and coordinated research effort on mitochondrial diseases, and commending the National Institutes of Health for its efforts to improve the understanding of mitochondrial diseases.

S. RES. 494

At the request of Mr. DURBIN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors 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.

At the request of Mr. CORNYN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 494, supra.

S. RES. 496

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. Res. 496, a resolution observing the historical significance of Juneteenth Independence Day.

AMENDMENT NO. 2202

At the request of Mr. BENNET, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of amendment No. 2202 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2295

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 2295 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2355

At the request of Mr. PRYOR, his name was added as a cosponsor of amendment No. 2355 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. CORKER, his name was added as a cosponsor of amendment No. 2382 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Mr. MERKLEY, the names of the Senator from Maine (Ms. SNOWE) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of amendment No. 2382 proposed to S. 3240, supra.

AMENDMENT NO. 2395

At the request of Mr. AKAKA, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 2395 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2417

At the request of Mr. UDALL of New Mexico, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 2417 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2445

At the request of Mr. BROWN of Ohio, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 2445 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2453

At the request of Ms. STABENOW, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2453 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2457

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 2457 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Mr. WARNER, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 2457 proposed to S. 3240, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN (for himself, Mr. LEAHY, Mrs. MURRAY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. SANDERS, Mrs. BOXER, Mr. AKAKA, Mr. COONS, Mr. INOUYE, Mr. KERRY, Mrs. SHAHEEN, Mr. BINGAMAN, Mr. BROWN of Ohio, Mrs. GILLIBRAND, Mr. UDALL of New Mexico, Mr. DURBIN, Mr. WYDEN, Mr. MERKLEY, Ms. CANTWELL, Mr. UDALL of Colorado, and Mr. LAUTENBERG):

S. 3317. A bill to restore the effective use of group actions for claims arising under title VII of the Civil Rights Act of 1964, title I of the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, section 1977 of the Revised Statutes, and the Genetic Information Nondiscrimination Act of 2008, and for other purposes; to the Committee on the Judiciary.

Mr. FRANKEN. Mr. President, our daughters' futures will be as bright as our sons'. That is the American promise. It is the American ideal—that one's opportunity to prosper—one's economic security—depends not on one's gender but instead on one's work ethic—one's character—one's God-given talents.

That men and women will be treated equally in America is a promise that was a made by Susan B. Anthony, who dedicated her life to women's suffrage and who famously said, shortly before her passing, that ''failure is impossible.'' History proved her right: 15

years later, women finally were given access to the ballot.

That men and women will be treated equally in America is a promise that was made a generation later, by thousands of women who—under the banner of Rosie the Riveter—took to the factories and carried our national economy through a period of world war.

That men and women will be treated equally in America is a promise that was made by Ruth Bader Ginsburg, who, in 1960, was passed over for a Supreme Court clerkship because she was a woman. Undeterred, she went on to start the Women's Rights Project at the ACLU, a platform from which she argued several landmark cases. In 1993, she was selected to serve as a justice on the very court that, years before, turned her away.

That men and women will be treated equally in America is a promise that is made today—by women like Senator BARBARA MIKULSKI and Senator PATTY MURRAY and Congresswoman ROSA DELAURO—women who have settled not for a mere presence in the halls of Congress but who instead have become among its most influential leaders.

Generations of women have rejected inferiority. Because of these pioneers, the promise of gender equality in America has become more than just a promise. It has become our law. It is enshrined in the documents by which we are governed.

This week, we celebrate the 40th anniversary of Title 9, a statute that guarantees equal educational opportunities for boys and girls—for men and women. In just a couple of years, we will mark the 50th anniversary of the Civil Rights Act of 1964, a landmark legislative achievement that codified our national commitment to ending discrimination in the workplace.

So, yes, in America we have made a promise that one's gender will not be the deciding factor between having opportunities and being denied opportunities—between getting a job and being denied one—between getting a promotion and being denied one. We have made that promise. And we've come a long way toward fulfilling it.

But we are not there yet. Even though women have been working outside the home for generations, they continue to face barriers in the workplace: Even though about half of all workers are women, only 12 Fortune 500 companies have female CEOs. The Equal Employment Opportunity Commission reports that, in 2011, it received nearly 100,000 complaints of discrimination. Statistics show that women still receive unequal pay for equal work.

Although this week marks the 40th anniversary of Title 9, it also marks the one year anniversary of the Supreme Court's decision in Wal-Mart v. Dukes, a decision that has had an enormous impact on workplace rights across the country. On its face, that case was about civil procedure—it was about litigation rules and legal technicalities. But, in a larger sense, the Dukes case was about the current state of our equal employment laws.

In that case, a group of women tried to band together to enforce their rights to be free from discrimination—rights afforded them by Title 7 of the Civil Rights Act. The women alleged that their employer's policies allowed bias—rather than performance and merit—to determine who would be promoted or given raises.

The evidence in the case indicated that women comprised 70 percent of the employer's hourly workforce but only 33 percent of its management team. The evidence indicated that women were paid less than men in each of the employer's 41 regions. It indicated that managers around the country relied on outdated stereotypes when making employment decisions. Both the trial court and the appellate court agreed that the women should be permitted to try their case as a group.

The trial court's and the appellate court's decisions were consistent with precedent. Governing rules said that a group of workers could band together if they first showed, among other things, that their cases shared a common issue of law or fact. This is known as the ''commonality'' requirement. The idea here is that if lots of workers raise a common issue, it's easier for the court to resolve that issue in one case than to resolve it over and over and over again in thousands of different cases.

In Dukes, the common, central issue was whether the employer's policy of giving managers unfettered discretion to make pay and promotion decisions resulted in a disparate impact on women. In other words, all of the workers alleged that the employer's policy allowed bias to determine conditions of employment. Because the workers had presented that common question, ''Is the employer's policy discriminatory''; the lower courts concluded that the group could proceed together.

But the Supreme Court concluded otherwise. Its rationale was unprecedented. In a 5 to 4 decision, the Court said that, to proceed as a group, the women had to show not only that they were united by a common issue, but also that they ultimately would prevail on that issue at trial. That is, to present their case, the women first had to prove their case. As Justice Ginsburg explained in her dissenting opinion, the Court's decision ''disqualifies the class from the starting gate.''

Since Dukes was decided, dozens of employment discrimination cases effectively have been stopped before they even started. This is a problem. When Congress passed the Civil Rights Act of 1964, the Committee responsible for the bill issued a report in which it said that ''[t]he Committee agrees with the courts that Title 7 actions are by their very nature class complaints, and that any restriction on such actions would greatly undermine the effectiveness of Title 7.''

But it doesn't take a Congressional Committee report to understand the effect of the Dukes decision. Betty Dukes, the lead plaintiff in the case, put it well when she testified before the Senate Judiciary Committee. She said that, quote, ''[o]ur civil rights are only as valuable as the means that exist to enforce them.'' It is one thing to pass a law saying that men and women should be treated equally. It is another thing to give that law some teeth—to say that we really mean it.

The Dukes decision makes it harder for women—for any group of workers, for that matter—to band together to enforce the Civil Rights Act. Unable to band together, many workers may not have access to legal representation. Unable to band together, many workers will choose not to challenge workplace discrimination at all, concluding that the personal costs of doing so—the potential for retaliatory actions—outweigh any possible benefits. Unable to band together, workers will be less able to use the courts to address employers' discriminatory policies on a company-wide basis.

So, today, on the one year anniversary of the Court's decision in Dukes, I rise to introduce the Equal Employment Opportunity Restoration Act. This bill will restore workers' ability to enforce effectively our Nation's antidiscrimination laws. Perhaps as importantly, this bill reaffirms the American promise of workplace equality.

The bill creates a new judicial procedure—called a ''group action''—which mirrors the class action procedures that were available to workers before Dukes was decided. Instead of disqualifying workers' cases at the starting gate, this bill says that workers can proceed together if they create a reasonable inference that they were subjected to a discriminatory employment policy or practice. It will be—as it always has been—left to a trial to determine the merits of the workers' allegations and the viability of the employers' defenses.

I am proud to introduce this bill with Congresswoman DELAURO and with my Senate colleagues, including Senators LEAHY, MIKULSKI, MURRAY, and HARKIN.

I am grateful to the many wonderful organizations in Minnesota and Washington that have worked with me on this bill. They include the National Partnership on Women and Families, the ACLU, the Leadership Conference on Civil and Human Rights, the National Women's Law Center, the American Association of University Women, and the Lawyers' Committee for Civil Rights Under Law.

Our daughters' futures will be as bright as our sons'. For more than a century, we have followed a path toward gender equality. The trail has been blazed by generations of women—women whose names are found in the history books, yes, but also by those whose names are not—the working mother who rises before dawn and punches a clock every day so she can

support her family—the young woman, fresh out of college, who defies stereotypes and pursues an engineering career—the small business-owner who hires dozens of people in her community.

We should continue along the path toward equality in the workplace. We should not stop now. We should not turn back now. The bill that we introduce today says that we won't.

Mr. LEAHY. Today, I am pleased to join Senator FRANKEN to introduce the Equal Employment Opportunity Restoration Act of 2012. This important legislation will respond to the Supreme Court's decision in Wal-Mart v. Dukes, and restore women's ability to challenge discrimination in the workplace.

Today marks the 1 year anniversary of that case—where just five Justices disqualified the claims of 1.5 million women who had spent nearly a decade seeking justice for sex discrimination by their employer, Wal-Mart. By a 5–4 decision, the Supreme Court ruled that the women did not share enough in common to support bringing a class action. Perhaps more troubling, just five Justices said that Wal-Mart could not have had a discriminatory policy against all of them, because it left its payment decisions to the local branches of its stores. In reaching this conclusion, the Supreme Court provided a clear path for corporations to avoid company-wide sex discrimination suits, and made it harder to hold corporations accountable under our historic civil rights laws.

Betty Dukes has worked for Wal-Mart, where she started as a part-time cashier in Pittsburg, California, for almost 20 years. Throughout her years at Wal-Mart, Betty expressed an interest in advancement and in the management track. Unfortunately, she was continually overlooked for promotions, receiving only one in her lengthy career there. Betty Dukes then learned of the pay disparities between the male and female employees at a Pittsburg Wal-Mart store. She decided to take a stand, and filed a class action lawsuit against Wal-Mart in 2001. Betty Dukes and the other women were appalled to learn that the pay disparities did not stop at the Pittsburg store. In fact, there was widespread gender discrimination occurring at Wal-Mart stores across the country.

Last year, I chaired a hearing on how Supreme Court rulings affect Americans' access to their courts. Betty Dukes came and shared her story at that hearing. She made it clear that she did not plan on giving up. In these tough economic times, American consumers and employees rely on the law to protect them from fraud and discrimination. They rely on the courts to enforce laws intended to protect them. Unfortunately, these protections are being eroded by what appears to be the most business-friendly Supreme Court in the last 75 years.

The Supreme Court's recent decisions make some wonder whether it has now decided that some corporations are too big to be held accountable. Whether it is Lilly Ledbetter suing her employer for gender discrimination, or a group of consumers suing their phone company for deceptive practices, an activist majority of the Supreme Court is making it more and more difficult for Americans to have their day in court.

We cannot ignore the fact that gender discrimination in the workplace persists. Earlier this month, I urged the Senate to pass the Paycheck Fairness Act, a bill that would have set a clear path to address the systemic problems that result from pay disparities. Unfortunately, the Senate could not overcome a partisan filibuster, and was not able to even debate the measure.

I believe that the ability of Americans to band together to hold corporations accountable, especially when it comes to workplace discrimination, has been seriously undermined by the Supreme Court. All people should be evaluated on the basis of their contribution to the workplace, not irrelevant factors like sex, gender, race, ethnicity, or disability. These decisions have been praised on Wall Street, but will no doubt hurt hardworking Americans on Main Street. I thank Senator FRANKEN for introducing this important bill, and urge all Senators to come together and support this effort to restore hardworking Americans' access to their courts.

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. 3321. A bill to promote permanent families for children, privacy and safety for unwed mothers, responsible fatherhood, and security for adoptive parents by establishing a National Responsible Father Registry and encouraging States to enter into agreements to contribute the information contained in the State's Responsible Father Registry to the National Responsible Father Registry, and for other purposes; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, I bring to the attention of the body a bill called the Protecting Adoption and Promoting Responsible Fatherhood Act of 2012. I introduced this bill on behalf of myself and Senator INHOFE, with whom I have worked with so closely on many issues involving adoption and the protection of children who are outside of family care, both here in the United States and abroad. I thank Senator INHOFE, the senior Senator from Oklahoma, for being an original cosponsor of this legislation. I also thank Congresswoman LAURA RICHARDSON for introducing a companion piece of this legislation in the House today.

We just celebrated Father's Day this past weekend. I know my father and my husband and men all over the country celebrated with their children and their families. We honor the extraordinary fathers in the world.

Parenthood is the ultimate gift. It is also an incredible responsibility. Many of us have benefited from really wonderful fathers who care for and support families and support children through their young years, their adult years, and even into their older years. When fathers are absent, when they abandon their responsibility to their children, they can make the mothers of their children and their children more vulnerable. Sometimes women will make a decision to place a child for adoption if they are unmarried, unwilling, unable—just at a vulnerable time in their life and not able to raise a child. Adoption can be a very positive option. There are some Members of our Congress who have adopted children and have adopted grandchildren, so we know the blessings of adoption.

This bill will help to facilitate and clear up some legal quagmires that occur until many States clear the way for women of any age to make a decision for adoption. There are many of us, across party lines, who have supported more domestic infant adoption, more domestic adoptions for children of all ages, and particularly adoption of special-needs children.

This bill really affects infant adoption. It sets up a voluntary registry that tracks what 38 States have already done. Any person, any male who has the intention of supporting and raising a child can register on this registry, and their will and wishes will be taken into consideration. But in the situation that often happens where this man is not interested in being the kind of responsible father he should be, then this registry helps to expedite, without a lot of legal quagmire but with protection to both the father and the mother, to expedite adoption.

It has gone through a vetting process with any number of outside organizations. I thank the American Bar Association. I want to particularly thank the Association of Adoption Attorneys, which helped to draft this important piece of legislation.

I wanted to come to the floor to introduce it. We will, of course, bring it up when the leadership allows us that opportunity. It may have to go through a committee process. We may be able to clear it with the support of both Republicans and Democrats, as is shown by the support of Senator INHOFE and myself. Hopefully we can get it done in a short period of time and provide a clear path to promote adoption in the United States.

By Mr. ROCKEFELLER (for himself and Mr. CARDIN):

S. 3323. A bill to amend the Servicemembers Civil Relief Act to improve the protections for servicemembers against mortgage foreclosures, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, today I introduce the Military Family Home Protection Act, a bill to strengthen the legal protections our military personnel are guaranteed under the Servicemembers Civil Relief Act, SCRA.

Entering military service can sometimes make it difficult or impossible for our Soldiers, Sailors, Airmen, and Marines to meet their civilian legal and financial obligations. In laws dating back to the Civil War, Congress has given active-duty military personnel special protections against legal actions that might be taken against them while they are away from home because of military service. The purpose of these laws, according to a 1943 Supreme Court decision, is ''to protect those who have been obliged to drop their own affairs to take up the burden of the nation.'' Congress re-wrote the World War II-era ''Soldiers and Sailor Relief Act'' in 2003, as full-time military, Reservists, and National Guard personnel were deploying in large numbers to Iraq and Afghanistan. This comprehensively updated statute was re-named the ''Servicemembers Civil Relief Act.''

Since the September 11 attacks, we have asked our military personnel—both our active-duty and reserve components—for unprecedented service and sacrifice. We have asked them to deploy multiple times to Iraq and Afghanistan, and we have asked their families to live without their loved ones for long periods of time. We have asked our National Guard and Reserve personnel—not just once, but sometimes two or three times—to leave their jobs, put their civilian lives on hold, and answer their country's call to service. The promise the SCRA makes to these Americans is that while they are engaged in the defense of our country, we will protect them and their families from adverse financial actions on the home front. One important way the SCRA protects these servicemembers is by lowering their mortgage interest rates while they are on active duty, and by prohibiting banks from foreclosing on their homes without first getting court approval.

Unfortunately, as I learned during a joint House-Senate forum I held in the Senate Commerce Committee hearing room in July 2011, not all banks have been following the law. In May 2011, for example, the Department of Justice settled lawsuits with the former Countrywide Home Loans, now a subsidiary of Bank of America, and Saxon Mortgage, a subsidiary of Morgan Stanley, for $22 million. In these lawsuits, DOJ alleged that the companies violated the SCRA by foreclosing on more than 170 servicemembers without court orders. At the House-Senate forum, which I organized with Representative ELIJAH CUMMINGS, the Ranking Member of the House Oversight and Government Reform Committee, we heard from two members of the military and other experts about how these SCRA violations can devastate military families. Mrs. Holly Petraeus, who is the Director of Servicemember Affairs at the Consumer Financial Protection Bureau, as well as the wife of General David Petraeus, told us that:

. . . [W]hile a foreclosure is devastating for any American family, it can be especially painful for military families. Both the family back home and the deployed servicemember, who feels helpless to take action to prevent the foreclosure, are put in a terrible situation. It is vital that servicemembers receive all the protections afforded to them by the SCRA.

At the time we held this forum, legislators in both houses were already hard at work on legislation to strengthen the SCRA and improve banks' compliance with the SCRA. In late 2010, Congress passed a new law, P.L. 111–275, that allowed deploying soldiers to terminate their cell phone contracts without penalties, and that gave the United States Attorney General new powers to enforce the SCRA against creditors. In June 2011, the Senate Veterans' Affairs Committee, on which I serve, approved a bill sponsored by Senator BEGICH, S. 941, which included a provision to extend the period of SCRA mortgage protections from nine months to twelve months after a servicemember leaves military duty. The Senate Veterans' Affairs Committee is also actively considering other proposals to improve the SCRA.

The legislation I am introducing today with Senator CARDIN was introduced in the House of Representatives as H.R. 5747 on May 15, 2012, by Ranking Member CUMMINGS, along with the Ranking Member of the House Armed Services Committee, Representative ADAM SMITH, and the Ranking Member of the House Veterans' Affairs Committee, Representative BOB FILNER. Two days later, it was adopted as an amendment to the National Defense Authorization Act by an overwhelming vote of 394–27.

Now that the House has expressed its bipartisan support for this legislation, I am introducing it in the Senate for consideration. The recent House vote shows that this is an issue that should rise above partisan politics. I hope that the House's recent action will give the Senate new momentum to look at what we can do to strengthen the SCRA and protect our military personnel and their families. A short summary of the bill is provided below.

The Military Family Home Protection Act expands the class of covered individuals under the SCRA's mortgage provisions to include: All servicemembers serving on the battlefield, regardless of when they bought their home. Servicemembers retiring 100 percent disabled due to service-connected injuries and surviving spouses of servicemembers who died in military service.

The act stays mortgage foreclosure proceedings against SCRA-covered persons for 1 year following their service; it also eliminates a current sunset provision that will reduce this protection to 90 days beginning January 1, 2013.

The Act doubles the civil penalty for SCRA mortgage violations to $110,000 for the first offense and $220,000 for subsequent violations.

The act protects servicemembers and their families against discrimination by banks and lenders on account of servicemembers' eligibility for SCRA protections. It also requires banks and lenders to take further steps to ensure SCRA compliance. These steps include: Designating an SCRA compliance officer. Requiring SCRA compliance officers to distribute information to servicemembers about their SCRA protections, and providing a toll-free telephone number and website to help servicemembers better understand their SCRA protections.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 500—CELEBRATING THE ACCOMPLISHMENTS OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, ALSO KNOWN AS THE PATSY TAKEMOTO MINK EQUAL OPPORTUNITY IN EDUCATION ACT, AND RECOGNIZING THE NEED TO CONTINUE PURSUING THE GOAL OF EQUAL EDUCATIONAL OPPORTUNITIES FOR ALL WOMEN AND GIRLS

Mrs. MURRAY (for herself, Ms. SNOWE, Mr. AKAKA, Mr. BAUCUS, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CASEY, Ms. CANTWELL, Mr. COONS, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mrs. HAGAN, Mr. HARKIN, Mrs. HUTCHISON, Mr. INOUYE, Mr. KERRY, Mr. KIRK, Ms. LANDRIEU, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. WYDEN, Mr. LIEBERMAN, Ms. COLLINS, Mr. LAUTENBERG, Mr. ISAKSON, Ms. MURKOWSKI, Ms. AYOTTE, Mrs. MCCASKILL, and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 500

Whereas 40 years ago, on June 23, 1972, title IX of the Education Amendments of 1972 (in this preamble referred to as ''title IX'') (20 U.S.C. 1681 et seq.) was signed into law by the President of the United States;

Whereas Representatives Patsy T. Mink and Edith Green led the successful fight in Congress to pass this legislation;

Whereas, on October 29, 2002, title IX was named the ''Patsy Takemoto Mink Equal Opportunity in Education Act'' in recognition of Representative Mink's heroic, visionary, and tireless leadership in developing and passing title IX;

Whereas title IX prohibits discrimination on the basis of sex in the administration of any education program receiving Federal financial assistance, including sports, and bars sexual and sex-based harassment, discrimination against pregnant and parenting students, and the use of stereotypes and other barriers to limit a person's access to a particular educational field;

Whereas remarkable gains have been made to ensure equal opportunity for women and girls under the inspiration and mandate of title IX;

Whereas title IX has increased educational opportunities for women and girls, including their access to professional schools and nontraditional fields of study, and has improved their employment opportunities;

Whereas title IX has increased opportunities for women and girls in sports, leading to greater access to competitive sports and building strong values such as teamwork, leadership, discipline, work ethic, self-sacrifice, pride in accomplishment, and strength of character;

Whereas, while title IX has been instrumental in fostering 40 years of progress toward equality between men and women in educational institutions and the workplace, there remains progress to be made;

Whereas, in the 2010-2011 school year, girls were provided 1,300,000 fewer opportunities to play high school sports than boys;

Whereas, in 2010, at the typical Division I Football Bowl Subdivision school, 51 percent of the students were women, but female athletes received only 28 percent of the total money spent on athletics, 31 percent of the money spent to recruit new athletes, and 42 percent of the total athletic scholarship funds;

Whereas research shows that more than 8 out of 10 successful businesswomen played organized sports as children;

Whereas, for girls who engage in sports, 80 percent are less likely to have a drug problem and 92 percent are less likely to have an unwanted pregnancy;

Whereas title IX seeks to protect students from sexual harassment and defend pregnant and parenting students from discrimination;

Whereas stereotypes and discriminatory barriers in the fields of science, technology, engineering, and mathematics persist and contribute to the low numbers of women and girls in those fields;

Whereas, in 2009, women comprised only 19 percent of students receiving baccalaureate degrees in physics, 18 percent of students receiving baccalaureate degrees in computer science, 16 percent of students receiving baccalaureate degrees in engineering and engineering technologies, and 22 percent of students receiving master's or doctorate degrees in engineering and engineering technologies; and

Whereas, while title IX has resulted in significant gains for women and girls in education, the law's full promise of equal educational opportunities for all women and girls has not yet been fulfilled: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the accomplishments resulting from the passage of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, in increasing opportunities for women and girls in many facets of education, including the magnificent accomplishments of women and girls in sports;

(2) reaffirms the commitment of title IX to ending all discrimination against women and girls in elementary, secondary, and higher education, and to equal opportunities for women and girls in athletics; and

(3) recognizes the continued importance of title IX in providing needed protections for women and girls.

SENATE RESOLUTION 501—SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. CRAPO submitted the following resolution; which was considered and agreed to:

S. RES. 501

Whereas, despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas, between ages 45 and 54, men are more than 1½ times more likely than women to die of heart attacks;

Whereas men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is 1 of the most common cancers in men aged 15 to 34, and, when detected early, has a 96 percent survival rate;

Whereas the number of cases of colon cancer among men will reach almost 50,000 in 2012, and more than half of those men will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men who develop prostate cancer in 2012 is expected to reach more than 241,740, and an estimated 28,170 of those men will die from the disease;

Whereas African-American men in the United States have the highest incidence of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if awareness among men of those problems was more pervasive;

Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men by a ratio of 4 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for those diseases;

Whereas appropriate use of tests such as prostate specific antigen exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of those problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 2 times more likely than men to visit their doctors for annual examinations and preventive services;

Whereas men are less likely than women to visit their health centers or physicians for regular screening examinations of male-related problems for a variety of reasons;

Whereas Congress established National Men's Health Week in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of all 50 States issue proclamations annually declaring Men's Health Week in their respective States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the United States that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespans and their roles as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups;

Whereas June 11 through 17, 2012, is National Men's Health Week; and

Whereas the purpose of National Men's Health Week is to heighten the awareness of preventable health problems and encourage early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

SENATE RESOLUTION 502—CELEBRATING THE 150TH ANNIVERSARY OF THE SIGNING OF THE FIRST MORRILL ACT

Mr. LEAHY (for himself, Mr. SANDERS, Mr. BROWN of Ohio, Mr. ROBERTS, Mr. ALEXANDER, Mr. GRAHAM, Mr. LEVIN, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. HUTCHISON, Mr. BENNET, Mrs. MURRAY, Mr. AKAKA, Mr. MORAN, Mr. CARDIN, Ms. STABENOW, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. BOOZMAN, Mr. RUBIO, Mr. BINGAMAN, Mrs. GILLIBRAND, Mr. SCHUMER, and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 502

Whereas July 2, 2012, marks the sesquicentennial of the signing of the Act of July 2, 1862 (commonly known as the ''First Morrill Act''; 7 U.S.C. 301 et seq.), which granted public lands to States and territories to support colleges in promoting education as a means of economic advancement and intellectual pursuit;

Whereas the genesis of the national focus on public higher education in the United States is attributed to the establishment of the land-grant institutions under the First Morrill Act;

Whereas United States Representative Justin Morrill of Strafford, Vermont, inspired by his own lack of a formal education, authored the legislation that would become the First Morrill Act to provide an ''opportunity in every State for a liberal and larger education to larger numbers, not merely to those destined to sedentary professions, but to those needing higher instruction for the world's business, for the industrial pursuits and professions of life'';

Whereas the 37th Congress sought to energize the vital intellectual resources of the United States by enacting legislation to make higher education accessible to the public and thereby apply those intellectual resources to stimulate the national economy, which at the time was based in agriculture and the mechanical arts;

Whereas, in the midst of the Civil War and domestic strife, President Abraham Lincoln supported, encouraged, and signed into law the First Morrill Act, which encompassed ideals that united the North and the South;

Whereas the First Morrill Act opened the doors of colleges and universities to all people with the ability and will to learn, irrespective of heredity, occupation, or economic status;

Whereas the United States leads the world in the quality of its public universities and has provided extraordinary opportunities for higher education to the people of the United States, thus enriching each State and the country as a whole;

Whereas the land-grant institutions and other public research universities of the

United States remain committed to providing accessible higher education and supporting learning, discovery, and engagement in the interest of the country;

Whereas the land-grant institutions and other public research universities of the United States conduct research and education in all 50 States, the District of Columbia, and 6 territories of the United States, and disseminate the results of those efforts throughout the country and the world, seeking solutions to economic, social, and physical challenges and enriching the cultural life of the people of the world;

Whereas the land-grant institutions and other public research universities of the United States educate more than 5,000,000 students and award nearly 1,000,000 degrees annually, serving as the single largest source of trained and educated workers in the United States;

Whereas the land-grant institutions and other public research universities of the United States award 200,000 degrees in science, technology, engineering, and mathematics (referred to in this preamble as ''STEM'') annually, including more than half of the advanced degrees in STEM awarded annually in the United States;

Whereas the land-grant institutions and other public research universities of the United States perform more than $37,000,000,000 worth of research annually and impart the discoveries from that research locally, regionally, nationally, and globally for the betterment of their communities, the country, and the world;

Whereas the Smithsonian Institute is marking the sesquicentennial of the signing of the First Morrill Act at the annual Folklife Festival on the National Mall during the summer of 2012, with displays and presentations by many land-grant institutions; and

Whereas many States are celebrating the sesquicentennial of the signing of the First Morrill Act with resolutions and proclamations, and many land-grant institutions are also commemorating the signing of the historic legislation: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 150th anniversary of the signing of the First Morrill Act by President Abraham Lincoln;

(2) encourages the people of the United States to observe and celebrate the 150th anniversary of the signing of the First Morrill Act;

(3) affirms the continuing importance and vitality of the land-grant institutions, which are the fruitful product of the extraordinary commitment to higher education in the United States that the First Morrill Act represents; and

(4) respectfully requests that the Secretary of the Senate transmit to the Association of Public and Land-grant Universities an enrolled copy of this resolution for appropriate display.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator TOM COBURN, intend to object to proceeding to the nomination of Heidi Shyum, of California, to be an Assistant Secretary of the Army, dated June 20, 2012.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 20, 2012, at 10 a.m., in room SD–115 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the United States Patent and Trademark Office: Implementation of the Leahy-Smith American Invents Act and International Harmonization Efforts.''

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

COMMITTEE ON THE JUDICIARY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 20, 2012, at 2:30 p.m., in room SD–115 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Holocaust-Era Claims in the 21st Century.''

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

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on June 20, 2012, at 9:30 a.m., to conduct a hearing entitled ''Examining the IPO Process: Is It Working for Ordinary Investors?''

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

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 20, 2012, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Risks, Opportunities, and Oversight of Commercial Space.''

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

RESOLUTIONS SUBMITTED TODAY

Ms. STABENOW. I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 500, S. Res. 501, and S. Res. 502.

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

Ms. STABENOW. I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements related to the resolutions be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 500

Celebrating the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, and recognizing the need to continue pursuing the goal of equal educational opportunities for all women and girls.

Whereas 40 years ago, on June 23, 1972, title IX of the Education Amendments of 1972 (in this preamble referred to as ''title IX'')(20 U.S.C. 1681 et seq.) was signed into law by the President of the United States;

Whereas Representatives Patsy T. Mink and Edith Green led the successful fight in Congress to pass this legislation;

Whereas, on October 29, 2002, title IX was named the ''Patsy Takemoto Mink Equal Opportunity in Education Act'' in recognition of Representative Mink's heroic, visionary, and tireless leadership in developing and passing title IX;

Whereas title IX prohibits discrimination on the basis of sex in the administration of any education program receiving Federal financial assistance, including sports, and bars sexual and sex-based harassment, discrimination against pregnant and parenting students, and the use of stereotypes and other barriers to limit a person's access to a particular educational field;

Whereas remarkable gains have been made to ensure equal opportunity for women and girls under the inspiration and mandate of title IX;

Whereas title IX has increased educational opportunities for women and girls, including their access to professional schools and nontraditional fields of study, and has improved their employment opportunities;

Whereas title IX has increased opportunities for women and girls in sports, leading to greater access to competitive sports and building strong values such as teamwork, leadership, discipline, work ethic, self-sacrifice, pride in accomplishment, and strength of character;

Whereas, while title IX has been instrumental in fostering 40 years of progress toward equality between men and women in educational institutions and the workplace, there remains progress to be made;

Whereas, in the 2010-2011 school year, girls were provided 1,300,000 fewer opportunities to play high school sports than boys;

Whereas, in 2010, at the typical Division I Football Bowl Subdivision school, 51 percent of the students were women, but female athletes received only 28 percent of the total money spent on athletics, 31 percent of the money spent to recruit new athletes, and 42 percent of the total athletic scholarship funds;

Whereas research shows that more than 8 out of 10 successful businesswomen played organized sports as children;

Whereas, for girls who engage in sports, 80 percent are less likely to have a drug problem and 92 percent are less likely to have an unwanted pregnancy;

Whereas title IX seeks to protect students from sexual harassment and defend pregnant and parenting students from discrimination;

Whereas stereotypes and discriminatory barriers in the fields of science, technology, engineering, and mathematics persist and contribute to the low numbers of women and girls in those fields;

Whereas, in 2009, women comprised only 19 percent of students receiving baccalaureate degrees in physics, 18 percent of students receiving baccalaureate degrees in computer science, 16 percent of students receiving baccalaureate degrees in engineering and engineering technologies, and 22 percent of students receiving master's or doctorate degrees

in engineering and engineering technologies; and

Whereas, while title IX has resulted in significant gains for women and girls in education, the law's full promise of equal educational opportunities for all women and girls has not yet been fulfilled: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the accomplishments resulting from the passage of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, in increasing opportunities for women and girls in many facets of education, including the magnificent accomplishments of women and girls in sports;

(2) reaffirms the commitment of title IX to ending all discrimination against women and girls in elementary, secondary, and higher education, and to equal opportunities for women and girls in athletics; and

(3) recognizes the continued importance of title IX in providing needed protections for women and girls.

S. RES. 501

Supporting National Men's Health Week

Whereas, despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas, between ages 45 and 54, men are more than 1½ times more likely than women to die of heart attacks;

Whereas men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is 1 of the most common cancers in men aged 15 to 34, and, when detected early, has a 96 percent survival rate;

Whereas the number of cases of colon cancer among men will reach almost 50,000 in 2012, and more than half of those men will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men who develop prostate cancer in 2012 is expected to reach more than 241,740, and an estimated 28,170 of those men will die from the disease;

Whereas African-American men in the United States have the highest incidence of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if awareness among men of those problems was more pervasive;

Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men by a ratio of 4 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for those diseases;

Whereas appropriate use of tests such as prostate specific antigen exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of those problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 2 times more likely than men to visit their doctors for annual examinations and preventive services;

Whereas men are less likely than women to visit their health centers or physicians for regular screening examinations of male-related problems for a variety of reasons;

Whereas Congress established National Men's Health Week in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of all 50 States issue proclamations annually declaring Men's Health Week in their respective States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the United States that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespans and their roles as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups;

Whereas June 11 through 17, 2012, is National Men's Health Week; and

Whereas the purpose of National Men's Health Week is to heighten the awareness of preventable health problems and encourage early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

S. RES. 502

Celebrating the 150th anniversary of the signing of the First Morrill Act

Whereas July 2, 2012, marks the sesquicentennial of the signing of the Act of July 2, 1862 (commonly known as the ''First Morrill Act''; 7 U.S.C. 301 et seq.), which granted public lands to States and territories to support colleges in promoting education as a means of economic advancement and intellectual pursuit;

Whereas the genesis of the national focus on public higher education in the United States is attributed to the establishment of the land-grant institutions under the First Morrill Act;

Whereas United States Representative Justin Morrill of Strafford, Vermont, inspired by his own lack of a formal education, authored the legislation that would become the First Morrill Act to provide an ''opportunity in every State for a liberal and larger education to larger numbers, not merely to those destined to sedentary professions, but to those needing higher instruction for the world's business, for the industrial pursuits and professions of life'';

Whereas the 37th Congress sought to energize the vital intellectual resources of the United States by enacting legislation to make higher education accessible to the public and thereby apply those intellectual resources to stimulate the national economy, which at the time was based in agriculture and the mechanical arts;

Whereas, in the midst of the Civil War and domestic strife, President Abraham Lincoln supported, encouraged, and signed into law the First Morrill Act, which encompassed ideals that united the North and the South;

Whereas the First Morrill Act opened the doors of colleges and universities to all people with the ability and will to learn, irrespective of heredity, occupation, or economic status;

Whereas the United States leads the world in the quality of its public universities and has provided extraordinary opportunities for higher education to the people of the United States, thus enriching each State and the country as a whole;

Whereas the land-grant institutions and other public research universities of the United States remain committed to providing accessible higher education and supporting learning, discovery, and engagement in the interest of the country;

Whereas the land-grant institutions and other public research universities of the United States conduct research and education in all 50 States, the District of Columbia, and 6 territories of the United States, and disseminate the results of those efforts throughout the country and the world, seeking solutions to economic, social, and physical challenges and enriching the cultural life of the people of the world;

Whereas the land-grant institutions and other public research universities of the United States educate more than 5,000,000 students and award nearly 1,000,000 degrees annually, serving as the single largest source of trained and educated workers in the United States;

Whereas the land-grant institutions and other public research universities of the United States award 200,000 degrees in science, technology, engineering, and mathematics (referred to in this preamble as ''STEM'') annually, including more than half of the advanced degrees in STEM awarded annually in the United States;

Whereas the land-grant institutions and other public research universities of the United States perform more than $37,000,000,000 worth of research annually and impart the discoveries from that research locally, regionally, nationally, and globally for the betterment of their communities, the country, and the world;

Whereas the Smithsonian Institute is marking the sesquicentennial of the signing of the First Morrill Act at the annual Folklife Festival on the National Mall during the summer of 2012, with displays and presentations by many land-grant institutions; and

Whereas many States are celebrating the sesquicentennial of the signing of the First Morrill Act with resolutions and proclamations, and many land-grant institutions are also commemorating the signing of the historic legislation: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 150th anniversary of the signing of the First Morrill Act by President Abraham Lincoln;

(2) encourages the people of the United States to observe and celebrate the 150th anniversary of the signing of the First Morrill Act;

(3) affirms the continuing importance and vitality of the land-grant institutions, which are the fruitful product of the extraordinary commitment to higher education in the United States that the First Morrill Act represents; and

(4) respectfully requests that the Secretary of the Senate transmit to the Association of Public and Land-grant Universities an enrolled copy of this resolution for appropriate display.

Mr. LEAHY. Mr. President, I commend the Senate for agreeing to this resolution celebrating the 150th anniversary of the signing of the First Morrill Act. The Morrill Act, named for its author, Justin Morrill of Strafford, VT, granted public lands to States and territories to support colleges in promoting education as a means of economic advancement and intellectual pursuit. This landmark legislation brought national attention to public higher education in the United States and made higher education accessible to the public by granting Federal land to each State to be used toward funding public agriculture colleges. It is difficult to overstate the profound impact and ways in which the core democratic vision behind the Morrill Act has improved the lives of Americans. Land grant institutions have opened the doors to affordable and accessible higher education for millions of students. These public institutions are the lifeblood of many communities, serving as hubs of research and innovation, as drivers of economic growth, and as laboratories for critical thinking and public debate.

The University of Vermont is the State of Vermont's land-grant university. It is fitting that representatives from the University of Vermont's Proctor Maple Research Center will be in town next weekend for the Smithsonian's 2012 Folklife Festival. This year, the annual event celebrates the spirit of the Morrill Act and the cultural impact of land-grant institutions. Timothy Perkins, Timothy Wilmont, Emily Drew, George Cook, and Brian Stowe will host a booth at the Festival on the maple industry and how maple research at the University of Vermont has provided new and improved techniques for efficient sap collection and evaporation systems which yield higher quality maple syrup, as well as research to improve understanding of the physiology and continued health of sugar maple trees. Just one example is a revolutionary maple tap developed by students and professors at UVM and now being manufactured in Vermont which nearly doubles the yield from each tree.

Justin Morrill's vision for a modern higher education infrastructure was centered in creating an opportunity for farmers, mechanics, artisans and laborers who too often lacked access to higher education. While time does not allow a comprehensive look at the contributions of UVM to the State of Vermont, I will note that given the focus of land grant institutions on agriculture, it is very appropriate that the UVM College of Agriculture and Life Sciences, known as CALS, is quartered in the original Morrill Hall at the center of campus. In addition to work on maple, CALS provides a number of world-class research and outreach efforts that are educating a generation of leaders in sustainable agriculture and food systems. And the acorn often falls close to the tree—with UVM graduates applying their skills to start businesses and nonprofits in Vermont. CALS graduates are owners and herd managers at dairy farms across Vermont and others are operating a growing number of diversified farms and CSA's across the region. Two examples are Shelburne Farms, a wonderful center for sustainability education and Vermont Natural Coatings—a private company manufacturing environmentally friendly paints—both being run by UVM alumni. Nutrition research at the school is informing cutting edge farm-to-school programs.

Students and researchers at the UVM School of Natural resources have been at the lead for many years in understanding and addressing water quality problems in Lake Champlain. Preparing students with a great basic education in environmental science and policy, these young people are then deployed to the UVM research vessel the Melosira, to the Rubenstein Lake Research Lab, and to watershed groups to put their skills to the test. It is not unusual to see UVM undergraduates coming off the lake, cold and wet on a cold fall day and burdened with nets, buckets, and boots—and smiling from ear to ear.

Vermont is a small State and could never have built such a fine and world-renowned research University but for the Morrill Land Grant Act. UVM is now an engine that helps to drive our state, and to benefit the Nation.

ORDERS FOR THURSDAY, JUNE 21, 2012

Ms. STABENOW. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m., on Thursday, June 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; and that following the remarks of the two leaders, the time until 11 a.m. be equally divided and controlled between the two leaders or their designees; further, that at 11 a.m., the Senate resume consideration of S. 3240, the farm bill, and the votes on the remaining amendments to the bill.

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

PROGRAM

Ms. STABENOW. There will be several rollcall votes beginning at approximately 11 a.m. tomorrow in order to complete action on the farm bill.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Ms. STABENOW. Mr. President, if there is no other business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Thursday, June 21, 2012, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

POLLY ELLEN TROTTENBERG, OF MARYLAND, TO BE UNDER SECRETARY OF TRANSPORTATION FOR POLICY, VICE ROY W. KIENITZ.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DAVID MASUMOTO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2018, VICE STEPHEN W. PORTER, TERM EXPIRING.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF COMMERCE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

THOMAS J. BRENNAN, OF MISSOURI
CHERYL J. DUKELOW, OF WASHINGTON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

YAMILEE M. BASTIEN, OF FLORIDA
ANDREW C. GATELY, OF THE DISTRICT OF COLUMBIA
JENNIFER GOTHARD, OF CALIFORNIA
STEPHEN GREEN, OF VIRGINIA
LOLA Z. GULOMOVA, OF THE DISTRICT OF COLUMBIA
JOHN HOWELL, OF VIRGINIA
ILONA SHTROM, OF VIRGINIA
PAUL A. TAYLOR, OF COLORADO

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

CHRISTOPHER BECKER, OF ILLINOIS
LINDA L. CARUSO, OF WISCONSIN
SARAH FOX, OF MARYLAND
JEFFREY W. HAMILTON, OF TEXAS
MATTHEW HILGENDORF, OF NEW HAMPSHIRE
KATJA S. KRAVETSKY, OF VIRGINIA
JESSE LAPIERRE, OF MASSACHUSETTS
RICARDO PELAEZ, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

STEPHEN GREEN, OF VIRGINIA
THOMAS HANSON, OF CALIFORNIA
MARTIN CLAESSENS, OF ILLINOIS
RICARDO PELAEZ, OF FLORIDA
THOMAS PEPE, OF VIRGINIA

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 20, 2012 withdrawing from further Senate consideration the following nomination:

PATRICIA M, WALD, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2019, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON APRIL 16, 2012.