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Senate

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

PRAYER

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

Let us pray.

Lord, You reign in robust majesty, and we face our labors with joy in knowing that You are always with us. We rely on Your word and celebrate Your holiness, mercy, and love.

Use our Senators today to accomplish Your will on Earth. Help them to remember that You desire to use them to speak and live for You, so that others may find in them the way to You. Be their defender and the keeper of body and soul all the days of their lives. Imbue their minds with Your vision of what is best for our Nation and world.

We pray in Your faithful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 7, 2012.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012—MOTION TO PROCEED—Resumed

Mr. REID. Mr. President, I move to proceed to Calendar No. 415, S. 3240.

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

The bill clerk read as follows:

Motion to proceed to Calendar No. 415, S. 3240, a bill to reauthorize the agricultural programs through 2017, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, we are now on the motion to proceed to the farm bill.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. Mr. President, the time until 10:30 a.m. will be equally divided between the two leaders or their designees. At 10:30 a.m. there will be a cloture vote on the motion to proceed to the farm bill. We hope we can reach agreements on the amendments today.

The hour following the cloture vote will be equally divided, with the Republicans controlling the first half and the majority controlling the final half.

Mr. President, here we are again on these endless, wasted weeks because the Republicans are preventing us from going to legislation. We should have been legislating on this bill. This is a bipartisan bill. It is managed by two very good Senators. One is a Democrat, DEBBIE STABENOW, chairman of that committee, and PAT ROBERTS from Kansas, who in the past has been chairman of the committee and is ranking member of the committee today. They have come up with a very good bill. It saves the country $23 billion. It gets rid of a lot of wasted subsidies. It is a fine piece of legislation.

We hear the hue and cry constantly from our Republican friends to do something about the debt. This bill does it. It saves the country $23 billion. We are going to have a cloture vote on the ability for us to proceed to the bill, and on the ability for us to start legislating.

I don't need to give a lecture to the Presiding Officer about how vexatious this is, that we have to do this every time. The Presiding Officer wanted to do something to change this process at the beginning of this Congress. I will bet, Mr. President, if we maintain our majority—and I feel quite confident we can do that and the President is reelected—there are going to be some changes. We can no longer go through this on every bill. There are filibusters on bills they agree with. It is a waste of time to prevent us from getting things done. So enough on that. It is such a terrible waste of our time.

MEASURES PLACED ON THE CALENDAR—S. 3268 AND S. 3269

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The leader is correct. The clerk will read the titles of the bills for the second time.

The bill clerk read as follows:

A bill (S. 3268) to amend title 49, United States Code, to provide rights for pilots, and other purposes.

A bill (S. 3269) to provide that no United States assistance may be provided to Pakistan until Dr. Shakil Afridi is freed.

Mr. REID. Mr. President, I would object to any further proceedings with respect to these bills, en bloc.

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

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar under rule XIV.

Mr. REID. Mr. President, would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved. Under the previous order, the time until 10:30 a.m. will be equally divided and controlled between the two leaders or their designees.

Mr. REID. Mr. President, I ask unanimous consent that the Chair start calling the roll, with the time equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

STUDENT LOANS

Mr. MCCONNELL. Mr. President, it has been a week now since the Republican leadership in the Senate and the House sent several good-faith, bipartisan proposals to the White House in an effort to resolve the student loan issue. And what has the White House done? Absolutely nothing. The President has not yet responded. One can only surmise he is delaying a solution so he can fit in a few more campaign rallies with college students while pretending someone other than himself is actually delaying action.

Today the President is taking time out of his busy fundraising schedule to hold an event at UNLV, where, once again, he will use students as props in yet another speech calling on Congress to act. What the President won't tell these students is that the House has already acted and that Republicans in both Chambers are ready to work on solutions as soon as the President can take the time. All the President has to do is to pick up his mail, choose one of the bipartisan proposals we laid out in a letter to him last week—proposals he has already shown he supports, with pay-fors he has recommended—and then announce to the students that the problem has been solved.

Unfortunately, the President is apparently more interested in campaigning for the students at UNLV than actually working with Congress to find a solution.

Mr. President, I would suggest you open your mail. Just open your mail, and you will find a letter there from the Speaker and from the majority leader in the House and from Senator KYL and myself laying out a way to pay for the extension of the current tax rates for student loans for another year that you yourself previously recommended. The only people dragging their feet on the issue are over at the White House itself—dragging their feet to fit in yet another college visit.

Republicans here in Congress have been crystal clear on this issue for weeks. We are ready to resolve the issue. It is time the President showed some leadership and worked with Congress to provide the certainty young people and their parents need. I encourage the President, if he really wants to do something to help students, to join us in working to find a solution. This is really pretty easy. We all agree that we ought to extend the current student loan rates for a year.

We have recommended to you, Mr. President, the way to pay for it that you have already adopted. This isn't hard.

Every day he is silent on solutions is another day closer to the rapidly approaching deadline here at the end of the month.

TAX RATE EXTENSION

Mr. President, I stood with the Speaker of the House yesterday and his conference leadership and called for at least a 1-year extension of current tax rates to provide certainty to families and job creators around the country that their taxes will not be going up on January 1.

In the Obama economy, we are facing a looming fiscal crisis that some have called the most predictable in history. Millions are unemployed, millions more are underemployed, and the country is facing the largest tax hike in history at the end of this year.

This tax hike the President wants would hit hundreds of thousands of small businesses. To put that in perspective, this tax hike would hit job creators who employ up to 25 percent of our workforce, and we really can't allow that to happen. I think we all know we cannot allow that to happen. The economy is far too fragile right now.

Former President Bill Clinton said we are in an economic recession, and earlier this week, before the Obama campaign got to him, he was for temporarily extending current tax rates. Yesterday the Democratic Senate Budget Committee chairman came out and said he was for temporarily extending current tax rates. And I would remind everyone that it was the President himself in December of 2010 who said that you don't raise taxes in a down economy. Well, the economy is slower now than it was when he last agreed with us to extend current tax law back in December of 2010. In fact, the rate of growth in our economy is slower now than it was in December 2010 when the President agreed with us that at that point we ought to do a 2-year extension of the current tax rates. We are experiencing slower growth now than then. The same arguments apply now.

This is the time to prevent this uncertainty and the largest tax increase in American history—right in the middle of a very fragile economy. It really doesn't make any sense to do otherwise. Let's extend all the current tax relief right now—before the election. Let's show the American people we are actually listening to them. Let's send a message that in these challenging economic times, taxes won't be going up for anyone at the end of this year. And let's not stop there. Let's tackle fundamental, progrowth tax reform. This is something upon which there is bipartisan agreement. I think we all agree it has been over 25 years since we did comprehensive tax reform in this country. It is time to do that again. We all agree on that. The President thinks that and Republicans and Democrats in the Congress think that. The time to act is now. If the President is serious about turning the economy around, preventing taxes from going up at the end of the year is one bipartisan step he could take right now.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, today the Senate will vote to move forward on the Agriculture Reform, Food, and Jobs Act, also known as the farm bill. I hope my colleagues will vote to join us and begin the debate officially on this important jobs bill because it is so important to 16 million people who get their jobs from agriculture.

Our economy has seen some tough times, as we all know. Certainly we know that in Michigan. But agriculture has been one of the really bright spots. It is an underpinning of our economic recovery, and we want to keep it that way. If we fail to pass a new farm bill before the current one expires in September, it would cause widespread uncertainty and result in job losses in a very important part of our economy that is critical to keeping our recovery going.

Agriculture is one of the only parts of the economy, if not the only part, that has a trade surplus—$42.5 billion in 2011—the highest annual surplus on record. We know that for every $1 billion in exports, 8,400 people are working. So this is a jobs bill.

Thanks to the farm bill, tonight American families will sit down around the kitchen table and enjoy the bounty of the world's safest, most abundant, and most affordable food supply. I think it is too easy for all of us to take that for granted. The men and women who work hard from sunrise to sunset every day to put that food on our tables deserve the economic certainty this bill provides.

The farm bill before us today makes major reforms. We are cutting subsidies. We are ending direct payments. We cut the deficit by over $23 billion. As my friend and ranking member has said, this is voluntary. This is a real cut, as my budget chairman would say, and it is more than double what was

recommended in the Simpson-Bowles Commission. So this is serious. This is real. And we in agriculture—the first authorizing committee to recommend real deficit reduction cuts—are serious about making sure we are doing our part and that the families and ranchers and people involved in agriculture are doing their part as well. They are willing to do that. We have to have economic certainty because we are talking about creating jobs all across America, in rural areas and in urban areas.

This farm bill gives farmers new export opportunities so they can find new global markets for their goods and create jobs. This farm bill helps family farmers sell locally. We are tripling support for farmers markets, which are growing all over this country, and new food hubs to connect farms with schools and other community-based organizations.

This farm bill provides training and mentoring and access to capital for new and beginning farmers to get their operations off the ground. The bill really is about the future of agriculture in our country. As I have said so many times, this is not your father's farm bill. This is about the future.

We had three young farmers visiting with Senator ROBERTS and me yesterday, and I can tell my colleagues they were so impressive—I feel very confident about the future—but they were saying loudly and clearly that we need to get this done now so they can plan for themselves and their families.

We are also for the first time offering new support and opportunities for our veterans who are coming home. The majority of those who have served us in such a brave and honorable way in Iraq and Afghanistan come from small towns all across America, and they are now coming home. Many of them want the opportunity to stay at home, to be able to go into farming, to be able to have their roots back in their communities. We are setting up new support in this farm bill to support our veterans coming home.

The farm bill supports America's growing biomanufacturing businesses, where companies use agricultural products instead of petroleum to manufacture products for consumers. I am so excited about this because in my State of Michigan, we make things and grow things, and biomanufacturing is about bringing that together. As we move through this bill, I look forward to talking more about that.

This bill moves beyond corn-based ethanol into the next generation of biofuels that use agricultural waste products and nonfood crops for energy. This bill provides a new, innovative way to support agricultural research—the men and women who every day fight back against pests and diseases that threaten our food supply—with a new public-private research foundation to stretch every dollar and get the most results.

We extend rural development with a new priority for those proposing to maximize Federal, State, local, and private investment so that smalltown mayors—such as those who came before our committee—across the country can actually understand and use the programs. We are simplifying it. We are going from 11 different definitions of ''rural'' down to 1 so that it is simple and clear and so that smalltown mayors and local officials have better tools to use to support their communities.

Finally, let me say one more time that this bill is a jobs bill. Sixteen million people work in this country because of agriculture. We are creating jobs. We are cutting subsidies. We are reducing our deficit by over $23 billion. I hope our colleagues will join with us this morning in a very strong vote to move forward on this bill.

Can the Chair announce the time remaining on both sides?

The ACTING PRESIDENT pro tempore. There is 18 minutes on the Republican side and 11½ minutes on the Democratic side.

Ms. STABENOW. Let me first yield, if I might—I know Senator NELSON also wishes to speak—7 minutes, if that is appropriate, to our distinguished budget leader.

In introducing the Senator from North Dakota, I wish to say that we would not have the thoughtful approach on the alternative in the commodity title that we have today—we know we are going to be working more to strengthen that as we move through the process, but we would not have the strong risk-based approach we have without the senior Senator from North Dakota, our budget chairman. We also would not have the energy title we have that creates jobs without his amendment and his hard work. Frankly, this is somebody whom I looked to on every page of the farm bill because of his wonderful expertise.

I have to say one more time that I am going to personally and, as a Senator and chair of the committee, greatly miss him when he leaves at the end of the year. I think I may be locking the door so he can't leave.

So I yield 7 minutes to the Senator from North Dakota.

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

Mr. CONRAD. Mr. President, I want to say that the Senator has provided brilliant leadership on this legislation. I am in my 26th year here. I have never seen a chairwoman so personally and directly engaged to make legislation happen in an extraordinarily difficult and challenging environment.

When the history of this legislation is written, Senator STABENOW, the chairwoman of our committee, will be in the front rank of those who made this happen. I want to express my gratitude to her on behalf of farm and ranch families all across America for the extraordinary leadership she has provided.

Farm policy has many critics, and they perpetuate a myth about the farm bill: that it only benefits a handful of wealthy farm and ranch families. The truth is much different. The critics, who often look down their noses at hard-working farm families who feed this country, do not seem to understand the competition farmers face in the international arena and what an extraordinary success this farm policy has been.

The simple fact is, our agricultural policy benefits every consumer in America. As a share of disposable income, Americans have the cheapest food in the history of the world. Americans spend less than 10 percent of their disposable income on food, which is far less than any other country. As the Senator, the chairwoman of the committee, Ms. STABENOW, says very clearly, this is not only good for consumers, this is a jobs bill. Sixteen million people in this country have jobs because of an agricultural policy that has been a stunning success.

It is also a bill that helps us compete around the rest of the world. The 2008 farm bill has been a tremendous success by any measure—record farm income, record exports, record job creation. That is the history of the 2008 bill. It has contributed to the strong economic performance of American agriculture. As you may recall, it passed with an overwhelming bipartisan majority and it was paid for. It was paid for. We actually reduced a little bit of the deficit with that legislation.

That strong safety net created by the 2008 bill has enabled American farmers to continue to produce food for our Nation, even while facing tremendous market and weather risks.

Critics of farm policy also imply that the farm bill is busting the budget. That is simply false. Farm bill spending is only a tiny sliver of the overall Federal budget. Total outlays for the new farm bill are about 2 percent of total Federal spending; and of the farm bill spending, only about 14 percent—14 percent—goes to commodity and crop insurance programs. The vast majority of the spending in this bill goes for nutrition. Mr. President, 79 percent of the spending in this bill goes for nutrition programs. Only 14 percent goes for what could traditionally be considered farm programs. The farm provisions constitute less than one-third of 1 percent of total Federal spending. That is a bargain for American consumers and taxpayers.

The truth is, our producers face stiff international competition. In 2010, our major competitors—the Europeans—outspent us almost 4 to 1 in providing support for their farmers and ranchers. And the EU is not the only culprit. Brazil, Argentina, China, and others are gaining unfair market advantages through hidden subsidies such as currency manipulation, market access restrictions, and input subsidies that the WTO is incapable of disciplining.

The reality is that farming is a risky business. Not only do farmers and ranchers have to deal with unfair global competition, they also have to face

natural disasters and unpredictable price fluctuations.

The Senate Agriculture Committee, working together in a bipartisan way, will contribute over $23 billion to deficit reduction. That is twice as much as the Simpson-Bowles fiscal commission recommended—twice the savings that the Simpson-Bowles commission recommended. In so doing, the committee has provided more than its fair share of fixing this country's deficit and debt problems. If the rest of the committees of Congress did what this committee has done under the leadership of Senator STABENOW, there would be no deficit and debt problem. That is a fact.

This is also a reform bill. This is the strongest reform bill that has gone through a committee of Congress in the history of farm legislation, and the chairwoman and ranking member can be incredibly proud of the leadership they have provided.

This legislation streamlines conservation programs, reducing the number of programs, and making them simpler to understand and administer. It reauthorizes important nutrition programs for 5 years, helping millions of Americans.

I also want to thank Senator LUGAR and Senator HARKIN and the eight other sponsors on the Ag Committee for joining me in an amendment to continue funding for key rural energy programs. We are spending almost $1 billion a day importing foreign energy. How much better off would we be as a Nation if that money stayed here in the United States, instead of looking to the Middle East, if we could look to the Midwest for our energy supplies? This legislation will help move us in that direction.

In addition, I want to thank Senator BAUCUS and Senator HOEVEN for working with me to pass an amendment that will improve the bill for farmers in our part of the country. I am also pleased the new farm bill will continue the livestock disaster programs that are so important to our ranchers when feed losses or livestock deaths occur due to disaster-related conditions.

This legislation is the product of countless hours of deliberation, and to reach this point was no easy task. However, I still have some concerns about this legislation.

I am concerned that the new Agriculture Risk Coverage, or ARC, program will not do enough if agriculture prices collapse again, as they have done so many times in the past.

For those of you who do not believe that crop prices can fall again, I will tell you that I have heard that argument before. In 1996, many said that we had reached a new plateau of high prices, so Congress put in place the freedom to farm legislation that removed price supports. Two years later, Congress had to pass the largest farm disaster program in history because prices had crashed and farmers were going under. I will continue to work to ensure that we improve these provisions before the final passage of this bill so that we do not find ourselves in that situation again.

It is vital that we pass a farm bill, and it is just as vital that we make sure these programs continue to work for American producers and consumers.

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

The PRESIDING OFFICER (Mr. MANCHIN). The Senator's time has expired.

Mr. CONRAD. I thank the chairwoman and I thank the Presiding Officer.

Mr. ROBERTS. Mr. President, how much time do we have on the Republican side?

The PRESIDING OFFICER. Eighteen minutes.

Mr. ROBERTS. Eighteen?

The PRESIDING OFFICER. Eighteen.

Mr. ROBERTS. I thank the Presiding Officer.

Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ROBERTS. Mr. President, I rise today in support of the cloture vote on the motion to proceed to the farm bill. Let me point out what the distinguished chairwoman and the distinguished Senator who has just spoken have already pointed out—and it bears repeating; I know it is somewhat repetitive if people have been paying attention to the remarks we have had here prior to this vote—but this is a reform bill at a time in which reforms are demanded. It saves $23.6 billion in mandatory spending. They are real cuts. They are real deficit savings. It accomplishes this by reforming, reducing, and streamlining programs.

We eliminate four commodity programs. These programs are very difficult to go through at the FSA office, the Farm Service Agency we have. So when farmers have come in to try to wade through the four commodity programs, they have always been terribly difficult and complex.

We streamline the 23 conservation programs into 13 and eliminate duplication. We tighten a major loophole in nutrition programs. We cut 16 rural development authorizations. We cut over 60 authorizations in the research title and streamline programs.

In whole, we cut and/or streamline over 100 programs. Show me another committee that has done that on a voluntary basis. There is not any in the House or the Senate.

We have had speech after speech after speech after speech—heartfelt speeches—why can't you work together back there in Washington and do what is right for the American people and quit spending money we do not have? We had a supercommittee that worked on this for a considerable amount of time. I do not question anybody's intent who had that tough job. At that time, we offered to the supercommittee a package that could have been done at that particular time. But we did it—''we'' meaning the chairwoman and myself and members of the committee, and staff as well, who worked extremely hard.

So there has not been anybody else who has come forward and said: Here is real deficit reduction. That is why we should support the motion to proceed. We have made the tough decisions because that is what you do in rural America—whether it is in Michigan, Kansas, the Dakotas, or Nebraska. Because that is what you do when budgets are tight and you need to get things done.

Those in rural America are also why we need to get this bill done. The current law expires September 30. How many things around here are in purgatory? Tax extenders, the tax bill, what we call the tax cliff that we are looking at over here if we do not get things done, the specter of a lameduck Congress—in 3 weeks trying to get things done like that. And you put folks in purgatory where they cannot make any decisions.

Well, it would be a disaster in rural America if we do not pass this law before we revert back to the permanent 1949 law. That law in no way reflects current production or domestic and international markets. And I would say, even if we extend the current law, it does not reflect what we need as of today. That law goes back to base acres of 25 years ago. We are talking about planted acres as of today. So basically it would be government-controlled agriculture on steroids, and it would also mean that virtually all programs in the current law would expire.

We cannot let that happen. We need certainty. Farmers need certainty. Ranchers need certainty. Bankers need certainty. Everybody up and down every Main Street in rural America needs certainty. Agribusiness needs certainty. We need it because our farmers and ranchers and their bankers need to know what the farm bill and the programs are going to look like.

In farming, you have to go to your banker every year to get an operating loan for the coming year. We raise winter wheat in Kansas. We are known for that. Kansas is known as the ''wheat State.'' It will be planted in September. That means farmers will be going to their bankers as early as late July—next month—or early August to get their operating notes for the coming year. Without certainty in the farm bill, it is more difficult to make any economic projection, and it is more difficult for farmers to obtain loans and for bankers and farm credit to provide that credit. That is why we need to get it done now in their behalf. Rural America needs to know the rules of the game.

Just as importantly, American taxpayers are demanding government reforms and reduced deficit spending. This bill delivers on both fronts. It is true reform.

Let's get this bill done. I urge my colleagues to vote for the motion to proceed.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, before turning to the distinguished Senator from Nebraska, I want, one more time, to say what a pleasure it has been—and continues to be—to work with the senior Senator from Kansas. This has been a partnership effort. It has been a strong bipartisan effort. And I look forward to continuing to have that be the case as we move to get this bill done.

Now I wish to yield up to 5 minutes to the Senator from Nebraska. And I thank Senator NELSON for his strong advocacy for rural development, for helping us make these true reforms. He has been a strong advocate for the reforms in the commodity title, moving us to a risk-based system. He has been a strong advocate for crop insurance and for conservation, EQIP—things that are important, I know, to Nebraska.

This is also someone whom we are going to dearly miss on the committee and in the Senate at the end of the year. I think I may put the Senator from Nebraska and the Senator from North Dakota in a room together, lock the door, and not let them leave, because they are both so invaluable.

I yield to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. NELSON of Nebraska. I thank the Senator for her strong efforts in bringing together this very important reform bill. We are moving in the right direction now with farm policy, moving away from protectionism, moving away from outmoded programs to something that certainly is, in today's world, important; that is, a safety net but a safety net that involves risk management as opposed to direct farm payments.

This is particularly important to the State of Nebraska and all our producers. We are No. 1 in production of many commodities, from red meat to great northern beans; second in the Nation in the production of ethanol, pumping more than 2 billion gallons of this homegrown fuel into our energy supply every year.

Our productive farmers and ranchers in Nebraska make us fifth in the Nation in agricultural receipts. While nearly one-third of all Nebraska jobs are related to agriculture, it is our No. 1 industry. Given that importance to my State, I truly appreciate the work that has been done and the strong bipartisan support of 16 to 5 to get this bill out from the committee to the floor.

Truly it is about reform. It creates a market-oriented safety net. It eliminates direct farm subsidy payments. It streamlines and simplifies and consolidates programs and at the same time creates jobs, helping our economy grow.

I would like to emphasize one point again. This major reform moves us away from government controls on production and moves us toward the private market to help sustain American agriculture, going in the right direction. It does all that while also making, as it has been noted, a substantial contribution, more than $23 billion, to deficit reduction. That sets the example of how Washington can begin to get our fiscal house in order. Our bipartisan work in the agriculture bill is important. It demonstrates that we can work together, particularly when it comes to deficit reduction and finding new ways to do things in a different way.

Turning to the reforms, by ending duplication and consolidating programs, the bill eliminates more than 100 programs or authorizations. It contains strong payment limitation language. Funding programs for those who do not need them is nothing short of agricultural welfare. Producers in my State understand we cannot keep funding programs for those who do not need them, nor should we.

They understand we do need to fund programs for those who are in need, particularly given our national fiscal problems. We need to prioritize better. So the bill ends those outdated subsidies, ensuring that farmers will not be paid for crops they are not growing on land they are not planting, and ends direct farm payments, saving taxpayers $15 billion on that program alone. That is a lot of money, even in Washington terms.

As we end those subsidies, the farm bill establishes that crop insurance will be the focal point of risk management, as it should, by strengthening crop insurance and expanding access so farmers are not wiped out by a few days of bad weather. This allows farmers and ranchers on their own to select the best risk management for their production needs, rather than having to rely on the sometimes good will of the government to bail them out in periods of volatility.

At the same time, one of the greatest challenges farmers face is the risk that prices will decline or collapse over several years. When things are good, people never expect them to go bad. When they are bad, they are worried they will never go good. Insurance will not cover multiyear price plunges. This leaves farmers exposed to high costs and low prices, and that can put them out of business.

In the Agriculture Committee, we worked to address this risk by creating the Agricultural Risk Coverage Program, a program that provides producers with a very simple choice to determine how best to manage their operation's risk. It seeks to strike a better balance with this market-oriented approach. We want farmers to stay in farming, but we do not want them to farm Federal programs.

To conclude, this is a solid reform-minded start. In my mind, it strikes the right balance between the need to cut spending while maintaining a strong safety net to ensure a stable supply of food, feed, fuel, and fiber. It is my hope that we will act on this bill soon and that the House will follow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I suggest the absence of a quorum and ask unanimous consent that time be charged equally to both sides.

The PRESIDING OFFICER. Only the Republicans have time remaining.

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ROBERTS. Mr. President, I yield the remaining time to the distinguished chairwoman and thank her so much for this team effort that has brought this excellent farm bill to the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, as we bring this time to a close, I just once again wished to thank my ranking member and friend Senator ROBERTS. I wish to thank all the members of the committee. We had some tough negotiations. We had a strong bipartisan vote. As with any farm bill, there are still improvements we can make, and we are committed to doing that as we move forward.

But, overall, what we see before us is a true reform bill, cutting over $23 billion from the deficit, the first authorizing committee to do that, cutting or consolidating about 100 different authorizations or programs. That, frankly, is unheard of. We have done that while strengthening the farm safety net, moving to a risk-based system, strengthening conservation. I am very proud that we have 643 different conservation groups supporting this bill. All together, we are moving forward on a strong agriculture, reform, food and jobs bill.

I hope colleagues will join us in a very strong vote to proceed to this bill.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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 debate on the motion to proceed to Calendar No. 415, S. 3240, a bill to reauthorize agricultural programs through 2017, and for other purposes.

Harry Reid, Debbie Stabenow, Carl Levin, Kent Conrad, Jeff Bingaman, Herb Kohl, Patrick J. Leahy, Michael F. Bennet, Christopher A. Coons, Al

Franken, Max Baucus, Barbara A. Mikulski, Ben Nelson, Amy Klobuchar, Sherrod Brown, Jeff Merkley, Robert P. Casey, Jr.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—90

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

NAYS—8

Coburn	Hatch	Johnson (WI)
Cornyn	Heller	Lee
DeMint	Inhofe	

NOT VOTING—2

Kirk	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 90; the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, there will be an hour of debate equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Iowa.

HEALTH CARE RULING

Mr. GRASSLEY. Mr. President, political leaders on the Democratic side of the aisle are now preemptively charging the Supreme Court with judicial activism if that Court would strike down President Obama's health care law as unconstitutional. I cannot remember when such a significant threat to judicial independence was made in attempting to affect the outcome of a pending case. It is an outrageous attack on the separation of powers.

Democrats claim unless the Court rules in accordance with the policy preferences of a particular speaker, the Court's decision would be illegitimate. This is dangerous and this is wrong.

President Obama wrongly argued it would be unprecedented for the Supreme Court to strike down a law that a large congressional majority passed. He was wrong on the size of the majority, and he was wrong about the Supreme Court's history in striking down laws they consider unconstitutional. The President of the United States knows better because he is a former constitutional law lecturer. He should know the Supreme Court has done just that on many occasions over more than two centuries, and it is just not the case, as Democrats claim, that the Supreme Court can strike down ObamaCare only by failing to follow established commerce clause jurisprudence.

When the Judiciary Committee held a hearing last year on the constitutionality of the law, I asked whether the Supreme Court would need to overturn any of its precedents to strike down the individual mandate part of the health care reform. None of the witnesses—and most of those witnesses were selected by the majority Democrats—could identify a single precedent that would have to be struck down. No matter how many times liberals repeat the statement, it is just not so—the Supreme Court would not be an activist court if it struck down health care reform.

What is unprecedented is health care reform's infringement on personal liberty. The Constitution establishes a very limited Federal Government. But when the Supreme Court asked him the obvious question of what limit to Federal power would exist if the individual mandate were upheld, the Solicitor General, arguing for the government and in support of the constitutionality, could not and did not provide an answer.

So the Obama administration believes the Federal Government can force Americans to purchase broccoli or gym memberships, and don't believe anyone who says otherwise once we start down that road of unprecedented power of the Federal Government under the commerce clause.

Critics contend that the whole body of law allowing Federal regulation of the economy would be threatened if the Supreme Court struck down the health care reform bill. They even say that such a ruling would harm the legitimacy of the Supreme Court. That is just plain nonsense. The Supreme Court has never addressed a law like this. Striking down ObamaCare would have no effect on any other existing law.

The real change in the law—and to the country as a whole—would be if the health care reform bill were upheld as constitutional. People understand this instinctively. A recent Gallup poll found that 72 percent of Americans—including even 56 percent of people who call themselves Democrats—believe the individual mandate is unconstitutional. So they clearly would accept the legitimacy of a ruling striking down the individual mandate.

There is a constitutional law professor I am familiar with who leans on the conservative side. He rarely discusses his work with his young children. But the health care case has generated such attention that his 8-year-old son asked him about it. The father explained that the case involved whether the government could make people buy health insurance. This is what his 8-year-old son said: ''They can't do that. This is a free country.'' So even 8-year-olds understand the overreach of health care reform.

Unlike the supporters of ObamaCare, who really never bothered to think through the law's constitutionality before passing it, most Americans understand that this law threatens our freedom unlike any previous law. And I expect that the Supreme Court will agree. They understand that the law is not compatible with the Constitution and must be struck down.

It is ridiculous to claim that striking down this law would be judicial activism. A ruling that ObamaCare is unconstitutional would recognize that the law departed from the text of the Constitution, the very structure of our federalism, and even against the history of our country.

As former Judge McConnell has written, judicial activism cannot be defined one way when the meaning of actual constitutional text is at issue and another way when the words of the Constitution are silent on questions such as same-sex marriage and abortion. This is what Judge McConnell wrote:

[T]here cannot be one set of rules for liberal justices and another set for conservatives.

By threatening the Court in advance, the critics are showing that they now have real doubts that the health care reform bill is constitutional. Whether addressed to an individual Justice or to the Court as a whole, claims that only one possible result can be reached or the Court's ruling would be illegitimate are shockingly improper attempts to influence a pending case.

But all the Justices seem to have agreed to combat what they see as any threat to their judicial independence. I suspect that inappropriate attempts to influence the Court's decisions on pending cases will backfire. They will make the Justices more determined than ever to show that they are adhering to their oath to defend the Constitution without regard to popular opinion. They will never want their rulings to appear to have been the result of political browbeating. So let the

Justices undertake their proper responsibility in deciding the constitutionality of health care reform. Let them do it without threatening to pillory them in advance if we do not like the outcome. There is always time for reasoned criticism after any ruling and particularly this ruling.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Utah is recognized.

Mr. LEE. Mr. President, I stand today to respond to what I believe are irresponsible and dangerous attacks on the legitimacy of the Supreme Court of the United States.

Over a 3-day period, beginning on March 26 of this year, the Supreme Court held more than 6 hours of oral argument to address the constitutionality of the Affordable Care Act. I was privileged to attend each of those sessions, and I can say that as a lifelong student of the Constitution and as one who served as a law clerk at the Supreme Court of the United States, I was very interested to not only watch the arguments but also to read many of the briefs and follow each of the proceedings very closely.

Like so many others who watched or read those proceedings, I was most impressed by the quality of the questions, the quality of the advocacy, and the overall discussion that took place in the Supreme Court. Through their questions, the Justices showed keen interest in the nature of the arguments made in support of ObamaCare. For example, Justice Kennedy asked whether, under the administration's theory of the commerce clause, there could be any meaningful limitation on the Federal Government's power under the commerce clause. He asked specifically, ''Can you create commerce in order to regulate it?'' Such questions and hypotheticals are common and they are a useful way by which lawyers and judges tend to test the basic principled limits enshrined in our Constitution.

If the Federal Government may compel commerce so that it may regulate the resulting commercial activity, there would arguably be little, if any, limit to the scope of Federal power. There would be no aspect of our individual lives that the Federal Government could not dictate and control. Such an all-powerful authority is, of course, flatly inconsistent with the Constitution's doctrine of enumerated powers—this principle that is perhaps more well-settled than any other principle within our almost 225-year-old founding era document.

Based on the Justices' questions and oral argument, many commentators—myself included—have predicted that the Supreme Court may well choose to invalidate the individual mandate of the Affordable Care Act. Apparently anticipating this possible outcome, some of my colleagues, as well as President Obama, have made statements suggesting that it would somehow be improper for the Supreme Court to invalidate the Affordable Care Act. They have asserted that striking down an act of Congress such as this one would somehow amount to judicial activism and that that would otherwise be wildly inappropriate. They have criticized some of the questions asked by individual Justices, and they have even gone so far as to suggest that those Justices who might vote to invalidate the Affordable Care Act would do so for reasons representing bias or partisan political motivations. This reminds me of the old saying that you can often tell in a particular game which team is losing by which side happens to be yelling at the referee.

In response to these false and, frankly, reckless statements, I would like to make three points.

First, attempts to manipulate or to bully the Supreme Court, especially during deliberations in a particular proceeding, are irresponsible, and they tend to threaten the very fabric of our constitutional Republic. Each Justice has sworn an oath to support, defend, and bear true faith and allegiance to the Constitution and to discharge his or her duties faithfully and impartially.

From time to time, politicians and others may disagree with the Court as to important constitutional issues or even on the merits of a particular case. I certainly feel that way myself from time to time. But it is simply inappropriate for elected representatives—who themselves have sworn an oath to the Constitution—in a spirit of partisanship, to question the honesty and impartiality of our Nation's highest Court in what could be perceived as part of an effort on the part of those elected politicians to influence a case pending before the Supreme Court.

Second, criticisms of the well-established principle of judicial review grossly misrepresent how our constitutional Republic functions.

President Obama and some Members of this body have suggested that the judiciary—which they sometimes denigrate as a group of unelected people—should simply defer to Congress. But, of course, each branch of government, including the judiciary, has an essential duty under the Constitution to police its own actions, to make sure that its own actions comply with the text, the spirit, and the letter of the Constitution.

Congress and the executive branch should police themselves to make sure they don't transgress those limits. But when the political branches happen to overstep their own boundaries, their own legitimate limits—as I believe happened with the individual mandate—the Supreme Court can and indeed must enforce the Constitution.

In a recent appearance before the Judiciary Committee, Justice Breyer explained, ''We are the boundary patrol.'' The Constitution sets boundaries, of course. That is what is at issue here. This foundational principle applies to popular laws just as much as it applies to unpopular laws.

The vast majority of Americans—about 74 percent, according to one recent poll—oppose the ObamaCare individual mandate. The Supreme Court will not strike it down merely because it is unpopular, but the Court must do so if the mandate exceeds the authority granted to Congress under the Constitution. That is what is at issue.

Third and finally, it simply is not the case that a court can properly be described as activist just because it enforces the Constitution's structural limits on Federal power. In this context, it is not altogether helpful to focus the discussion of whether the Court is acting properly on the contours of the words ''activist'' or ''activism.'' We have to remember that, for the Supreme Court, not acting to invalidate an unconstitutional law is every bit as bad, is every bit as repugnant to the rule of law and to the Constitution as it is for the Court to act to invalidate a law that is entirely justified on a constitutional basis. Both represent, both are the product of a betrayal of the Supreme Court's duty to decide cases according to the laws and to the Constitution of the United States of America.

When the Supreme Court acts to enforce the Constitution's limits on Federal power—as I expect it may do in the Affordable Care Act case—it does so pursuant to specific textual provisions of the Constitution. Enforcing the law in this undeniably legitimate matter is not activist; rather, it is an essential function of the judiciary in preserving the liberties guaranteed by our Constitution. Among those liberties, of course, are those protected by perhaps the most important fundamental component of the Constitution, this notion that we are all protected when the power of Congress and the power of the Federal Government as a whole is restricted. This is why James Madison appropriately observed that it was with good reason that the Founding Fathers reserved to the States powers that he described as numerous and indefinite, while describing those powers that were vested in this body as few and defined. We are all safer, we are all more free, we are all more prosperous to the extent that we stand by this most important fundamental precept of the Constitution. That is what is at issue in this case.

I hope and I trust that, moving forward, President Obama and my colleagues in this body will refrain from attempting to bully the Supreme Court or seeking to misrepresent the Court's important work in fulfilling its constitutional duties. Let's stop yelling at the referees and let the Supreme Court do its job while we do ours.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I wish to speak to this same question. As everyone knows, a ruling on the constitutionality of ObamaCare is expected

later this month. I think it is important that it be done in the right context. A lot of our Democratic colleagues have made clear their view that if the ruling doesn't go the way they want it to, it is not because they passed an unconstitutional law but rather, in their view, because it is some kind of a partisan activity by judicial activists and a lot of attention has been specifically focused on Chief Justice Roberts. This should not stand.

The President himself actually started this, I think, when he said:

I'm confident that the Supreme Court will not take what would be an unprecedented, extraordinary step of overturning a law that was passed by a strong majority of a democratically elected Congress.

Never mind it was not passed by a strong majority—and, by the way, the chairman of the Judiciary Committee said something very recently, basically issuing a warning to Chief Justice Roberts on the floor of the Senate, stating that a 5-to-4 decision to overturn the law would be controversial. ''I trust he will be a Chief Justice for all of us and that he has a strong institutional sense of the proper role of the judicial branch.'' In other words, the intimation here is if the decision doesn't go their way, the Court's reputation, and specifically the reputation of Chief Justice Roberts, is on the line.

The Wall Street Journal wrote about this, and others have, talking about threats by the President and certain other members of his party with warnings that:

Mr. Roberts has a choice—either uphold ObamaCare, or be portrayed a radical who wants to repeal the New Deal and a century of precedent.

Let's clear up a few things. First of all, as I said, the law was not passed by a strong majority of Congress, it was passed exclusively by Democrats. Not a single Republican supported it. It was the first time in history that major domestic legislation was passed by one party.

That is not the key point in terms of the constitutionality of the law, however. The key point is that the Court's job is, as Chief Justice Roberts said at his confirmation hearing, to work as an umpire, calling the balls and strikes as the Court sees them. Nonlegal arguments, such as the Court's decisions have to be popular or unanimous—those are just unserious and frankly political rhetoric.

We all know that in 1803, in the Marbury v. Madison case, the U.S. Supreme Court established the review of congressional action under article III of the Constitution. Since then, courts have overturned hundreds of laws. It would hardly be, therefore, unprecedented or extraordinary for the Court to overturn a congressional enactment as the President has said. As the Supreme Court noted in that case, courts determining whether acts of the legislative branch are consistent with the Constitution is ''of the very essence of judicial duty.'' The Court further noted that ''the Constitution is superior to any ordinary act of the legislature.'' If the two conflict, ''the Constitution and not such ordinary act must govern the case to which they both apply.''

The actual substance of the case which Democrats seem eager to avoid talking about is that ObamaCare, if upheld, empowers the Federal Government to order its citizens to purchase particular goods and services that the government believes its citizens must have. That sort of all-powerful Federal Government is at odds with the concept of enumerated powers, as is creating commerce in order to regulate it, as Justice Kennedy intimated at the oral argument.

This is why a significant majority of Americans dislike the law. They know the Constitution is meant to place limits on the power of our Government in order to protect the freedom of the people.

I can't guess how the Court is going to rule. It may not agree with my views. But I suggest that political leaders in the executive and legislative branches need to cool their rhetoric, as my colleague said, stop yelling at the umpire and stop the thinly veiled threats and react to the ruling after it is rendered, rather than before.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, would the Chair advise me when 5 minutes have elapsed.

I wish to add a few more words to what has already been said by some of our most distinguished lawyers in the Senate; that is, it is not controversial that, since 1803, the doctrine of judicial review, as decided by the U.S. Supreme Court, has held in essence that it is the responsibility of the judiciary, the Supreme Court, to say what the law is. Congress has its role and the Court has its role and they are different. We can tell one reason they are different is because Congress is elected every 6 years in the Senate, every 2 years in the House. We are accountable to the people for our decisions, for the policies we vote for and against. That is why we are called the political branches of government, as is the executive branch. The President stands for election. In essence, every Presidential election, every congressional election is a referendum on the people and the policies they embrace.

The role of the Supreme Court and Federal courts is very different, as we all know. It is kind of remarkable to me that we are having this conversation, but it is necessitated by the fact that the President and the distinguished chairman of the Senate Judiciary Committee have—at different times and different places—questioned the legitimacy of the Supreme Court performing this function, which Chief Justice John Marshall wrote about in 1803 in Marbury v. Madison, that it is the role, the emphatic duty of the Court to say what the law is.

If it is Congress's responsibility to write the policies and to write legislation, how is it different from the judiciary? Sometimes the judiciary interprets that legislation, trying to figure out what Congress intended. But in the area of constitutional review, more fundamentally they want to make sure Congress has stayed within the limits imposed upon it by the American people when they ratified the U.S. Constitution. Of course, that is the big decision in the health care case.

It is almost unprecedented. We probably have to go back to the 19th century to find where the Supreme Court gave so much time for advocates to argue a Supreme Court case. Ordinarily, it is very strict time limits. But here the Court set 3 days' worth of arguments down because of the importance of the case and importance of the issues that the Court will be called upon to decide.

My colleagues have already talked about the fact that the individual mandate has been the focus of so much attention. It is not the only issue. There is another very important issue in terms of whether the Congress and the Federal Government can commandeer State resources through a huge expansion in Medicaid, which is then forced down on the States that they then have to accommodate within their State balanced budget requirements. But on the individual mandate, certainly we saw how the Solicitor General of the United States stumbled, not because he is inarticulate or incapable—he is very articulate, he is a very capable lawyer—but he simply did not have a good argument to make when he was asked what is the principle limitation on the Federal Government's authority under the commerce clause if the Federal Government can do this. Stated another way, what is it that the Congress cannot do, the Federal Government cannot do, if they can force us to buy a government-approved product and then fine us if we do not do that, which is the individual mandated argument.

I don't think it is a controversial topic, and I am surprised we even find ourselves here, responding to the Congress's remarks and the chairman of the Judiciary Committee's remarks questioning the authority that existed since 1810 in Marbury v. Madison, the doctrine of judicial review and the role of the judiciary to say what the fundamental law of the land allows and does not allow in terms of Federal power.

There is another argument being made; that is, that if the Supreme Court comes out and disagrees with Congress on the health care law, that somehow its legitimacy will be jeopardized. I do not think public opinion polls have or should have anything to do with the way the Supreme Court decides an issue because their focus should be on the Constitution and not on the policy arguments. In other words, they should not interfere with our role to make policy because, of course, we are then held accountable to the voters while they are given life tenure and they are given the protection

of no reduction in their salary during their service on the bench—exactly for the reason they need to be protected from public opinion because their role is to focus on the Constitution.

I close by saying, according to a recent poll, 74 percent of Americans want the Court to strike down the individual mandate. Were the Court to do that, it would hardly undermine the legitimacy of the Court if the Court happened to, by coincidence, render a decision that the majority of Americans would agree with.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are on the motion to invoke cloture on the motion to proceed to the agriculture bill.

Mr. DURBIN. I ask consent to speaking as in morning business.

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

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, I listened carefully to the speech given on health care reform, and I would like to put in perspective what the challenge is that faces America. Absent health care reform, absent a change in the growing increase in the cost of medical care, not only families but businesses and governments will find it impossible to adequately fund the health care Americans need. If we do not come together, as we tried with our health care reform bill, and dedicate ourselves to reducing the increase in the growth of the cost of medical care and do it with an assurance of quality being protected, then the net result of all this, I am afraid, is going to end up with America with medical bills it cannot pay.

We find as we look at government programs—Medicare, Medicaid, veterans programs, for example—that if we do not change the projected rate of growth of cost in these programs, in just a short period of time, the Federal budget of America will be consumed by health care costs and interest on the national debt to the exclusion of everything else.

I just heard my friend, the Senator from Texas, speak against individual mandates. The word ''mandate,'' I am sure, rubs many people the wrong way. But let's take a look at what that individual mandate is. From my point of view, it is a question of individual responsibility, whether individuals in this country have a responsibility to have health insurance.

Some argue of course not; they do not. Yet the reality is that if we do not have some sort of individual responsibility, the people without health insurance will get sick, present themselves at the hospital, be taken care of, and their expenses will be shifted to all the rest of us, to everyone else. So to argue that people have no responsibility to have health insurance is an argument against individual responsibility and an argument that others should have to pay for the medical bills of those who have no insurance. That, to me, is unfair as well.

We had, within the Health Care Reform Act, protection against expensive premiums. We limited the amount an individual would have to pay for health insurance to 8 percent of their income. We provided special help to those in lower income categories. I think that in itself is an effort to strike the right balance.

I have been given a note by the staff that the Republican side has time left. I see my colleague, the Senator from Alabama, has come to the floor. I will yield to him at this point and resume after he has finished.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I know the Senator is the assistant leader. The majority has a lot of things to do. If he would like to finish now, I would be pleased to yield.

The American people are all worried about the direction of our country and for a good reason; they have witnessed a growing disregard for the Constitution and the limits that it places on the federal government. Our Government is a government of limited powers. In essence, I hear my friend and colleague and able advocate Senator DURBIN say the question is about medical care. The question is about, he thinks, that it is unfair that some people do not buy insurance and therefore we ought to make them buy insurance. He thinks that is unfair.

We had a nearly year-long debate in this Congress, and Senator DURBIN prevailed by a single vote, before Senator BROWN could be confirmed to kill the health care bill. They were able to pass it through with an interim Senator by a single vote and it passed. But that is not what I and Senator CORNYN and others are here to talk about today. The point today is, Should the Supreme Court of the United States decide this question as a matter of law and principle or should they divine what they think the people want—although the polls show the American people consistently oppose this legislation and never supported it, ever, but it was rammed through anyway. So they want to say: This is important. We think it is unfair—even though the polling data shows people don't want this law—and the Supreme Court should uphold the law and shouldn't worry about a little thing like the Constitution and limited powers.

So that is what I want to talk about today. I want to affirm the duty of the Supreme Court of the United States, and that duty is to fairly and objectively interpret the Constitution and to render justice, not based on polling data and not based on congressional desire.

Polling data shows that the American people overwhelmingly think the law is an impermissible, unconstitutional regulation, so it is difficult for me to say this is such a matter that the Supreme Court has to acknowledge a minority view and approve it even if the Constitution doesn't agree. I don't think that is an argument that can be sustained, in my view.

Since the oral arguments in the case, in my view—and a lot of my colleagues share this view—the President himself, Democrats in the House and the Senate, their friends in the media and liberal government, pro-health care advocates have stepped up undignified and unjustified attacks on the Court, which seems to me to be a pretty transparent effort to try to influence the decision of an independent branch of government. It also seems to me an attempt—since I have been a student of this for some time now—to lay the groundwork and to declare that the Supreme Court is somehow illegitimate if they don't render a verdict in line with one that my colleagues think should be rendered.

I will say parenthetically that 2 years ago when this passed 60 to 40, it took 60 votes to pass it. It wouldn't pass today. It wouldn't even come close to having 60 votes today because the American people spoke and sent home a lot of people who voted for this bill when they didn't want them voting for it. That was a big deal in the election, frankly, if you want to talk about that.

So this philosophy that we hear advocated is a dangerous philosophy of law and jurisprudence. It is results-oriented. It is political, not law, and it surely is contrary to the great heritage of law that this country has been so blessed with. It may be that my colleagues are concerned because when pressed by the Supreme Court Justices during oral argument, the Solicitor General of the United States seemed to be utterly incapable of identifying any limiting principle on government power. The Solicitor General proffered various reasons why health care is unique, but not one of them was effectively grounded on any constitutional text, principle, or theory—at least in my view.

People can disagree. The Justices will have the final word on it. The nonlegal argument that the Court should not overturn a popular law suggested by many is, of course, irrelevant, not only because this health care law is, in fact, unpopular, but because popularity does not translate into constitutionality. Of course, under the popularity theory, it would be wrong for the Court to strike down the Defense of Marriage Act, which the administration has decided is unconstitutional and refuses to defend in court, even though the law was so popular that it passed 342 to 67 in the House and 85 to 14 in the Senate. So making the popularity argument revealed the lack of legal argument. It condemns such advocates as advocates against law, not for law.

Supporters of the health care law have disdainfully and consistently dismissed the notion, and it was done during the debate, that the legislation raised serious constitutional questions. I remember the debate in the Senate. This disdain was no more starkly demonstrated than when a reporter asked then-Speaker of the House of Representatives NANCY PELOSI what the constitutional basis was for the statute, and she condescendingly replied: Are you serious?

Is our time up?

The PRESIDING OFFICER. The time has expired.

Mr. REID. How much time does the Senator need?

Mr. SESSIONS. Mr. President, how long might the majority leader expect to be, and if it is possible to have consent to speak an additional 5 minutes after the majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Alabama be recognized for another 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alabama is recognized for 5 minutes.

Mr. SESSIONS. I know the majority leader is extremely busy, and I appreciate his courtesy and respect with the difficult duty he has here.

She said: Are you serious? Well, when the Solicitor General of the United States was being grilled by the Justices, I have to say it looked serious then. It is axiomatic that the Commerce clause—which is the provision in the Constitution that the law's supporters argue gives the government the power to take over health care—was never understood to grant unlimited power to the Federal Government. The Federal Government, without doubt, is a government of limited powers.

It certainly never meant that Congress could regulate noncommerce under the power to regulate commerce. We can't regulate noncommerce when the only power the Federal Government is given is the power to regulate commerce. Give me a break.

As distinguished Judge Roger Vinson stated in his opinion in this case when he struck this bill down:

> It would be a radical departure from existing law to hold that Congress can regulate inactivity under the Commerce clause. If it has the power to compel an otherwise passive individual into a commercial transaction with a third party merely by asserting—as it was done in the Act—that compelling the actual transaction is itself ''commercial and economic in nature, and substantially affects interstate commerce,'' it is not hyperbolizing to suggest that Congress could do almost anything it wanted . . . If Congress can penalize a passive individual for failing to engage in commerce, the enumeration of powers in the Constitution would have been in vain, for it would be ''difficult to perceive any limitation on federal power'' (Lopez), and we would have a Constitution in name only. Surely this is not what the Founding Fathers could have intended.

It is a serious question. The Supreme Court needs to decide it, and they don't need to have Congress trying to pressure them one way or the other.

The President of the United States, President Obama, might think that it is, in his words ''unprecedented'' or ''extraordinary'' for the Court to strike down a clearly unconstitutional statute, but it is not. The Supreme Court has a duty under the Constitution and under the powers of the judiciary to speak clearly if Congress passes a law that violates the Constitution, that assumes powers Congress does not have, and that attempts to act in ways on behalf of the Federal Government that the Constitution never gave the government the power to do. They have a duty to strike it down.

The Court's reputation would be damaged if it bows to political bullying, but it won't be damaged if it follows the Constitution. I think it is wrong to disparage and threaten the Court during the pendency of a case in order to influence the outcome. I don't have any problem with criticizing a decision if I disagree with it, but to try to politically pressure the Court I think is wrong for us to do.

These are important questions of law. I have an opinion, but the Court has a duty. That duty is to decide the case before them impartially, as a neutral umpire, and without regard to the crowd noise. I believe they will do their duty, and we all await the outcome.

I thank the Chair, and I thank the majority leader.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

PRODUCTIVITY OF CONGRESS

Mr. REID. Mr. President, the last Congress was the most productive in the history of the country. Some say not the most productive, but certainly no one disagrees that it is the most productive since Franklin Roosevelt was President during his first term. But since there is a new majority in the House, this Congress has been altogether different and that is an understatement.

Consistently this Congress has taken weeks or months to pass even simple, commonsense legislation and proposals that would have previously passed in minutes. The Senate has wasted literally months considering bipartisan bills only to have those bills smothered to death under nonrelevant Republican amendments.

Congressional Republicans have held even the most important jobs measures hostage to extract votes on unrelated ideological amendments—despite the minority leader's own call to ''stop all the showboats.'' Those were his words.

The Democrats and American people have endured this blatant obstruction all year—in fact, for 18 months. What is it we are talking about? Obstruction. If you look in the dictionary, it says it all. I did that this morning. The dictionary says that obstruction is a condition of being clogged or blocked. Doesn't that define what has happened here in this wonderful body we call the Senate? Republicans have clogged or blocked everything we have tried to do, even things they have agreed on.

Yesterday we read that we will have to endure it every day for the rest of the year—every day for the rest of this Congress. And this came from Congressman CANTOR, the No. 2 person in the Republican-dominated House of Representatives. House Republican leaders admit they have given up on actually running the country. Despite the work that remains to keep our country on the right track and continue 27 months of private sector job growth, they say they are done legislating for the year, and in spite of the fact the President is working to create 4.3 million private sector jobs.

But listen to this report from the political publication Politico yesterday, and I quote:

> Serious legislating is all but done until after the election . . . The rest of this year, Cantor said, will likely be about sending ''signals. . . .''

Let's try that again. Because it is hard to comprehend that someone who is supposedly running the other body would say such a thing, but he did.

> Serious legislation is all but done until after the election. The rest of this year, Cantor said, will likely be about sending ''signals. . . .''

So rather than work with Democrats to strengthen our economy and create jobs, congressional Republicans will put on a show designed to demonstrate the extreme ideological direction in which they would lead this country.

Majority Leader CANTOR's candor is frightening. He said out loud what practically every Republican on Capitol Hill has been thinking all along: They care more about winning elections than creating jobs. We just don't usually hear them say so in public when reporters are listening.

Just a short month ago, Speaker BOEHNER urged Congress ''to roll up your sleeves and get to work.'' To an audience of conservatives, the Speaker said, ''We can't wait until after the election to legislate.''

Less than a week after, he said Leader MCCONNELL urged us to ''stop the show votes that are designed to fail. Let's stop the blame game. Let's come together and do what the American people expect us to do.''

The statements of Speaker BOEHNER and Leader MCCONNELL are Orwellian. They do exactly the opposite of what they say.

Republican Senator OLYMPIA SNOWE, by all means a moderate Senator, who is retiring amid frustration of increasing partisanship in Washington, wrote to me in April to urge quick Senate action on many of the challenging issues facing us. It was a letter crying out for help—but not for help from us, not for help from Democrats. She was speaking to the Republicans. She knew they were holding up virtually everything we were trying to do. I am sure that is one reason this fine woman is leaving the Senate.

Leader CANTOR's remarks provide a window into the true Republican agenda. It seems when congressional Republicans forget the world is watching, they say what they really mean. They are more interested in putting on a partisan sideshow than in solving the real problems facing this Nation. In truth this comes as no surprise. It is just more of the same.

Republicans have launched a series of attacks on access to health care for women, even contraception, and have filibustered legislation to ensure American women get equal pay for equal work.

In my desk—I haven't used this in a while, but I knew it was here all the time. Filibuster, filibuster, filibuster, filibuster. That is what obstruction is all about. ''Filibuster,'' from the dictionary:

One of a class of piratical adventurers who pillaged the Spanish colonies in the West Indies during the 17th century; one who engages in unauthorized and irregular warfare against foreign States; a pirate craft.

Now, it is also defined as:

To obstruct progress in legislative assembly; to practice obstruction.

That is what they have done. They have filibustered legislation to ensure American women get equal pay for equal work. Who could be against that? The American people—if we take a poll, no one is against it. Republicans aren't against it, except Republicans in the Congress of the United States.

They have stopped us from restoring fairness to the Tax Code to ensure billionaires don't pay a lower tax than middle-class families. They put women at risk by holding the Violence Against Women Act in limbo. They blocked a bill to hire more teachers, cops, firefighters, and first responders. They have stalled important jobs measures such as the aviation bill. We had 22 short-term extensions of that.

Finally, they shut down the government on one occasion—the government as it relates to the Federal Aviation Administration—putting tens of thousands of people out of work. They have stalled for months and months work done on a bipartisan basis by two fine Senators: Senator BOXER, the chairman of that committee, and Senator INHOFE, the ranking member. It doesn't matter. They are stalling the highway bill. Millions of jobs. We can't get it done.

For months, congressional Republicans have actively worked against any piece of legislation that might create jobs or support economic growth. We don't need to take my word for it, just look at the record. Democrats have known all along that congressional Republicans' No. 1 goal isn't to improve the economy or to create jobs. It is to defeat President Obama.

People say: Oh, come on. You don't really mean that, do you? I mean every word of it. Here is why: The leader of the Republicans in the Senate said it. I didn't make it up. The minority leader, the senior Senator from Kentucky, said so plainly in another one of those moments of candor. Here is what he said:

The single most important thing we want to achieve is for President Obama to be a one-term President.

He said that in October of 2010 when this country was mired in monumental challenges, rather than saying let's work together and do some things. How many jobs could we have created if we had some semblance of help from the Republicans in Congress? Not 4.3 million jobs. Remember, 8 million or 10 million were lost in the Bush administration. We have struggled to get some of them back. We could have created millions more jobs just with a little help, but here is where they are headed. They are headed toward doing everything they can, no matter what it takes, to try to make President Obama a one-term President.

We are fighting back from the greatest recession since the Great Depression. Yet Republicans' top priority hasn't been to create jobs; their top priority wasn't to help businesses to grow and to have people hire workers. It wasn't to train the next generation of skilled employees or to hire more cops and firefighters or to put construction crews back to work building those roads and bridges we need. We have 70,000—not 7,000—70,000 bridges that are in trouble in this country. They need help.

We have a bridge in Reno, NV, where they will not have the kids stay on the schoolbus. They take them out, drive the bus over the bridge, and have the kids walk across the bridge. That is not the only place; all over the country that is happening. But we are getting no help. No, that wasn't their top priority, to help create those construction jobs. It was to drag down the economy in the hopes of defeating President Obama. Thanks to Leader CANTOR's candor, today we know Republican priorities haven't changed one single bit.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I wish to thank the majority leader for that statement. He comes to the floor with the other members of the leadership team to call to the attention of the Nation a statement made yesterday by the majority leader of the House Republicans, ERIC CANTOR of Virginia.

Many people remember, I say to the majority leader, that it was ERIC CANTOR who was appointed to the deficit task force the President created, chaired by Vice President JOE BIDEN—a bipartisan effort to try to deal with the deficit—and people will remember there came a moment after several weeks when Mr. CANTOR stood up and said: I am leaving. He walked out, literally walked out of this highest level negotiation on deficit reduction. He said: I want no part of it.

Well, we have another walkaway. ERIC CANTOR, the majority leader in the House, has announced we are finished for business this year. There is nothing more we are going to do. We are going to politic and campaign and posture. To him, I guess, that is an important responsibility. To the rest of America it is an abdication of responsibility—an abdication of responsibility.

This morning, the Chairman of the Federal Reserve, Ben Bernanke, appeared before the Joint Economic Committee. They wanted to talk to him about what more could be done at the Federal Reserve on monetary policy dealing with interest rates to get the economy moving forward. It is a legitimate policy question. But if Mr. Bernanke could have turned the tables for a moment, he might have asked the Members of Congress: Well, what are you doing to get the economy moving forward? I think that is a reasonable question.

Let me suggest to Mr. CANTOR, who thinks we are finished for business this year, that there are many elements of outstanding business that can help create jobs in America. Let's start with the first one: the Transportation bill. The Transportation bill will create 2.8 million jobs in America. What kind of jobs? As the majority leader said, jobs to repair bridges and highways, to build our airports, to make sure America has a safe infrastructure upon which to build our economy.

Well, in the Senate, we came to an agreement. Senator BARBARA BOXER, the chairman of the Environment and Public Works Committee, and Senator JIM INHOFE from Oklahoma, the ranking Republican member, reached an agreement and brought a bill to the Senate floor. We went through the long process of amendments, and it passed. I think the final rollcall was 74 to 22. It was an overwhelming bipartisan vote that extended for 2 years highway construction in America and created 2.8 million jobs.

Well, obviously, that is something that is good for America. The question that should be asked is, Well, where was the House Transportation bill? The honest answer is they never produced one—never. They couldn't agree on a bill. The House Republicans failed to pass the Transportation bill. Ultimately, they passed a measure to extend the current highway trust fund and taxes that are collected to July 1, just a few weeks from now.

Then the majority leader appointed a conference committee, and I am honored to be on that committee with a number of my colleagues. I can't tell my colleagues how hard Senator BOXER and Senator INHOFE have worked on that committee. This bipartisan effort, Democrats and Republicans, has resulted in a compromised counteroffer which they personally hand-delivered to the Chairman of the Transportation and Infrastructure Committee JOHN MICA. They understand we have a July 1 deadline. They understand the urgency to take it up and move it to create and keep 2.8 million jobs in America.

What was the response of Speaker BOEHNER? Well, it was warming and

welcoming, but the fact is as of today, maybe tomorrow—the House is gone for a week. So in this critical period of time when we are up against a July 1 deadline, when millions of American jobs are on the line, the House Republicans are leaving and the Republican majority leader, ERIC CANTOR of Virginia, said it doesn't make any difference if they stayed because they are not going to do anything significant. They are just going to politic and posture.

How do we explain that to the families of all of these workers across America—workers who need a job at a time when the economy is tough? I guess people living paycheck to paycheck now have to accept this furlough that the majority leader has announced for the rest of the year.

There is important work to be done, and it isn't just the Transportation bill. The majority leader raised some questions and issues that are still pending between us. Let me also add another one to the list: cybersecurity.

I attended a meeting, I guess it was about 2 months ago, the likes of which I have never seen since I have been in the Senate. We had a request by the administration—in fact, it started with Senator MIKULSKI asking them for it—to ask all of the Senators, Democrats and Republicans, to go to a classified setting—a secret setting—for a briefing on cybersecurity. There was a large turnout, Democrats and Republicans, and they spelled out to us the threat to the United States of America from China, Russia, other countries, and individual actors who are trying to invade our information technology to steal the secrets not only of our government but also of major companies, to burrow into our systems such as the utilities of America and be prepared at a moments' notice to destroy the capacity of the U.S. economy or worse.

We went through the exercise, and it really spelled out for us what might happen; what might happen if there were a cybersecurity attack into the United States and it literally turned out the lights on the great city of New York. What would happen? Well, it would take days before we could restore service. In the process, people would die, the economy would be crippled, and we are at risk of that happening.

So the administration has produced a cybersecurity bill to keep America safe from that kind of attack. Well, unfortunately, it doesn't meet Mr. CANTOR's test. He has told us we can't do anything the rest of the year. All we can do is campaign, politic, and give speeches.

We have a responsibility as Members of the Senate and the House to accept the challenges facing this Nation; No. 1, to create jobs, invigorate the economy, and get this country moving forward; second, keeping America safe.

I might say to Mr. CANTOR from Virginia, take some time during your next recess—which is next week—and go over to the Central Intelligence Agency and sit down with them and talk about cybersecurity and the danger to the United States, and ask them if we can wait 6 months or a year to get back to this issue. I know what they are going to say. They are going to remind him he swore to defend and uphold this great United States of America. And if he is going to do it, he ought to roll up his sleeves and go to work instead of coming up with another excuse for political campaigning and delay.

This comes down to a basic question. ERIC CANTOR, House Republican majority leader, has all but predicted that 2012—this year—is substantively over. We are finished. No more heavy lifting. It reminds me of when I was a kid on the last day of school before summer vacation. Remember that? It is usually a half day. You could not wait to race out the front door, screaming and hollering and throwing things in every direction, jumping up and down with your buddies, saying: We are going to go swimming tomorrow. And get your bike out. We are going to go have some fun. It was 3 months, at least, of pure unadulterated joy, no responsibility.

Well, Majority Leader CANTOR has announced that school is out for the House Republicans. They are finished for the year. But America is not finished. Our agenda is still there.

I want to commend the Senate Republicans who have joined us in passing this transportation bill. And I want to say to Speaker BOEHNER: When you return from the next recess, next week, roll up your sleeves and get to work. Put 2.8 million Americans to work with this bipartisan transportation bill. Have the courage to bring it for a vote on the floor of the House of Representatives so we can put America to work and make certain they know we take our job seriously.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from New York.

Mr. SCHUMER. Madam President, I rise in support of the words of the majority leader and the majority whip. Many of us have been frustrated lately by the glacial pace of activity in the House of Representatives. The Senate is supposed to be the cooling saucer, but, these days, the House is where jobs bills and other important measures go to die.

They are dragging out negotiations on a highway bill that would put millions to work. They refuse to even allow a conference on a bipartisan Violence Against Women Act reauthorization, even though the Senate produced a bill with 68 votes. They have refused to act at all on a bipartisan bill that cracks down on China's unfair currency practices—something which their own party's nominee for President claims to support.

Why the stalling? Well, we got our answer in the pages of Politico 2 days ago.

ERIC CANTOR, who controls the floor schedule in the House, has decided to forgo legislating in favor of politicking full time.

Despite all the major challenges this Congress faces—despite the crisis of confidence that may hit our markets in the fall due to uncertainty over the looming fiscal cliff—ERIC CANTOR has declared a moratorium on any serious legislating until after the fall elections.

The House of Representatives is like a computer that has been turned on sleep mode, and it does not plan to be rebooted until after November.

This is a breathtaking admission by the No. 2 Republican in the House. I would not be surprised if Leader CANTOR wishes he could take his statement back. It contradicts the rhetoric from many on his own side.

Just last month, in a speech at the Peterson Institute, the Speaker of the House made a great show of calling on the administration and Congress to tackle tax cuts and the debt ceiling now—before the election. Here is what Speaker BOEHNER said:

> It's about time we roll up our sleeves and get to work.

Unfortunately, Leader CANTOR's comments seem to reflect House Republicans' true intentions more so than Speaker BOEHNER's quote. And that is a terrible shame. Leader CANTOR and the House Republicans are shrinking from a potentially historic moment.

I have a message for Leader CANTOR: You may have abandoned any intention to legislate this year, but we will not bow to election-year politics here in the Senate. The Nation needs us, and we have too much to do.

All around this Chamber, there are green shoots of bipartisan activity. In the last 2 months alone, we have overhauled the postal system, approved a multiyear transportation program, renewed the Violence Against Women Act, streamlined drug approval rules at the FDA, renewed the Export-Import Bank, and passed a bill to help business startups. We have confirmed 20 judges and put the Federal Reserve Board at full strength for the first time in 6 years. And just this morning, we moved to proceed to a farm bill—the first overhaul of agriculture in 5 years—by an overwhelming 90-to-8 vote.

Every one of the issues I mentioned had broad bipartisan support. Each would not have been accomplished without bipartisan support. These are items, certainly, that are not the same as the big challenges that await us on taxes and spending, but they are not trivial. They are not post office namings either. They are real accomplishments.

''The Senate is on something of a roll,'' the New York Times recently reported. These accomplishments could very well prove to be the building blocks for bipartisan compromise on the bigger issues that await our Nation. So the House may already have entered election mode, but, I daresay, the Senate may be starting to gel at just the right time.

In the Senate there is a hunger to legislate. Republicans and Democrats alike in this Chamber sense our Nation is at a crossroads, and their first instinct is not to pause to contemplate its political implications, but to get things done. For this, I must salute the growing number of my colleagues across the aisle who are seeking to work across the aisle.

Even as the loudest voices on the Republican side cite the President's defeat as their No. 1 goal, I believe there is a silent majority within the Republican Caucus that yearns to come together and address the Nation's problems, free of partisan politics.

Even after the extreme elements in their own party have claimed two of the most esteemed Members of this body—one by retirement; one in a contentious primary—a silent majority of brave Republicans still dares to believe that compromise is a virtue, not a vice.

My colleague from Tennessee, Senator ALEXANDER, is a Senator I admire. He has taken the lead in bringing Members together to tackle the big issues that await us at the end of this calendar year.

I was at a briefing this week organized by Senator ALEXANDER, a Republican, and Senator WARNER, a Democrat. Believe me, no one in that room thinks, as Leader CANTOR apparently does, that these issues should be put off till the election. The conversations were quite preliminary, for sure, but the motivations of all the Senators who attended were pure.

Senator COBURN is another brave Republican. I may disagree with TOM COBURN on most issues, and even on many of his tactics, but I admire the courage he displays on a daily basis by standing up to even the most powerful special interests in his party. He does not talk the talk about bucking his party's orthodoxy on revenues. He walks the walk. Just this morning, I watched him on one of the morning news programs making great sense about the need for both parties to show leadership in confronting the big issues. He also made a point of saying that, unlike Leader CANTOR, he does not believe these issues should wait till the election.

My colleague from South Carolina, Senator GRAHAM, is another such brave Republican. We have our differences on many issues, but he is a statesman, plain and simple. He has been quite vocal on his wish to overturn the defense cuts in the sequester. But while others in his party propose to replace these cuts on entirely their own terms, Senator GRAHAM has bravely signaled an openness to make the tradeoffs needed to help bridge the partisan divide. Asked by the New York Times recently about the potential for tapping revenues to replace some of the sequester cuts, Senator GRAHAM bravely bucked his party's orthodoxy. ''I have crossed the Rubicon on that [one],'' he said. Be assured, Senator GRAHAM is someone we can negotiate with.

Senators ALEXANDER, COBURN, and GRAHAM are not alone. There are others who realize the need to act in a bipartisan fashion.

Senator ALEXANDER's colleague from Tennessee, Senator CORKER, recently called out his own party for famously rejecting a deal, a hypothetical deficit deal with a 10-to-1 ratio of spending cuts to tax increases.

Senators ISAKSON and COLLINS said in the same Politico article that they, too, would be open to supporting a grand bargain that includes revenues as well as spending cuts.

And my colleague from Oklahoma, Senator INHOFE, is featured in the pages of Roll Call today for his Herculean efforts to get House Republicans to be reasonable on a long-term highway bill, along with his colleague and our friend Senator BOXER.

I suggest that the House majority leader reconsider his remarks to Politico and take a page from the book of these brave Republicans. The House may be in an all-politics mode, but the Senate is not done legislating—not by a long shot. And let's be honest: If a solution to these big issues is at all possible in the lameduck, or maybe even before the election, it is not going to come from the House. It is going to come out of the Senate.

So I suggest to Leader CANTOR, Washington does not need an election to bridge our differences. It needs the Senate.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I come today to talk—as my colleagues have discussed—about the fact that Republicans in the House of Representatives seem ready to pack it in for the year.

Led by their majority leader and by the ''my way or the highway'' philosophy they have stuck to all year, they have signaled that they have given up on the work of the American people.

From our yearly responsibility to pass appropriations bills, to legislation that would create thousands of good-paying construction jobs, to efforts to stop an impending student loan hike, to a bill that would protect vulnerable American women from violence, House Republicans have now indicated they would rather kick the can down the road.

It is unfortunate that this is their attitude—not just for our college students or construction workers looking for jobs or women at risk, but it is statements such as the one the House majority leader made that make every American shake their head. That is because as American families come together around their kitchen table to make tough decisions about their mortgage or how to make tuition payments or even about how they are going to afford groceries, they want to see us coming together to make similarly tough decisions.

But as Leader REID and my other colleagues have made clear: It is tough to legislate from only one side of Capitol Hill. It is tough to address the issues affecting everyday Americans when House Republicans are more interested in drawing dividing lines than coming to the middle. It is pretty tough to create jobs and help our economy rebound when House Republicans are more focused on next year than on the bills that are stuck in their Chamber today. And it is impossible to do anything about the looming fiscal cliff we face when House Republicans continue to show they do not get that it will take a balanced approach to fix.

The bottom line is we need a partner in legislating, and it appears from comments such as those that were made this week that hope is quickly fading.

What is particularly concerning about House Republicans wanting to shutter their Chamber for the year is the fact that bipartisan, commonsense Senate legislation is languishing there. Bills that have gotten support from overwhelming majorities, and that were carefully crafted over months of negotiations, are in limbo for no good reason.

In fact, what I would like to do today is highlight two important numbers to illustrate what I mean. The first number is 68. Madam President, 68—that is the number of Senators who voted to pass a bipartisan, inclusive bill to reauthorize the Violence Against Women Act. It is a total that includes 15 Republican Senators who, like the vast majority of Americans, agreed with us that we not only need to reaffirm our commitment to protect those at risk from domestic violence but that we also need to improve and expand protections. Those are 68 Senators who came together to say that our commitment to saving the lives of victims of domestic violence should be above politics; 68 Senators who said we cannot allow partisan considerations to decide which victims we help and which we ignore; 68 Senators who sent a strong bipartisan message to the House that we can come together to strengthen protections for all victims, regardless of where they live or their race or their religion or gender or sexual orientation. Unfortunately, it is a message that Republicans in the House have ignored. True to form, instead of taking up our bipartisan bill, Republicans have passed a bill that leaves out both the additional protections for vulnerable women and the delicate compromises we achieved.

Men and women across our country see the headlines that Leader REID pointed out earlier. They know their protections are at risk, and they are at risk not because the Senate cannot come together but because House Republicans refuse to join us.

The second number I wanted to highlight today is 74. That is the number of Senators who came together to send a bipartisan transportation jobs bill to the House; 74 Senators who voted for a bill that will create or save millions of jobs in the country today; 74 Senators

who said that politics should not get in the way of our economic recovery or the need to fix our crumbling infrastructure; 74 Senators who got behind a bill that was the product of intense and long negotiation between Senators we know often did not see eye to eye but who did come together to pass a bill that could truly be called a compromise.

Yet here we are, months after this bill was passed with overwhelming bipartisan support, and it, too, is now the subject of political games in the House. Another bill that should never be considered political has become part of their grandstanding routine. It does not have to be this way. If Republicans can set aside politics and stand up to their tea party base, we can protect victims of domestic violence. We can pass a transportation bill. We can stop those tuition hikes. We can pass our appropriations bills.

In fact, we can even come together on the big issues that House Republicans have indicated they believe can only be resolved after an election. If Republicans are ready to admit it will take a balanced and bipartisan deal to avoid that fiscal cliff, we can make a deal tomorrow. But on this issue, Republicans have not just refused to meet us in the middle. They will not even come out of their corner.

We all know a bipartisan deal is going to be required to include new revenue along with spending cuts. Unfortunately, Republicans are singularly focused on protecting the wealthiest Americans from paying a penny more in taxes. Democrats are ready. We are willing to compromise. We know it is difficult, but we have to have a partner to do that.

Republicans need to understand that the fiscal cliff is not simply going to disappear if they close their eyes and wish hard enough. We are going to have to act, and Republicans should not let politics stop them from working with us now on a balanced and bipartisan deal which middle-class families expect and deserve.

Statements such as the one made by the House majority leader only reaffirm what American families fear the most, that at a time when they deserve a government at their backs, they are being abandoned. In the Senate, we have shown we can come together around bipartisan solutions. But we cannot do it alone. House Republicans need to send the American people a clear message they are willing to be a partner in compromise.

It is time for them to take up our bipartisan legislation to protect women and put workers back on the job. It is time to work with us in the appropriations process and help our Nation too. It is time to realize that a solution to the impending fiscal cliff will require a balance. It is certainly not time to give up.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I appreciate very much the wonderful statements by Senators DURBIN, SCHUMER, and MURRAY. We have a problem in this country based on what CANTOR said. Here are the headlines: ''Congress switches from policy to politicking.'' All we have said here today has been based on fact. That is too bad. It is too bad we have someone who is running the House of Representatives who is trying to kill these important pieces of legislation Senator SCHUMER outlined that we have passed over here. We have passed all these things, worked very hard to get them done.

Because of politicking, and not policy, the majority leader of the House of Representatives is killing all this legislation for reasons we all understand.

ORDER OF PROCEDURE

Madam President, cloture has been invoked on the motion to proceed to the farm bill by an overwhelming vote of 90 to 8. Senators STABENOW and ROBERTS are now, as we speak, working on an agreement to amendments to the bill. I am hopeful they can make significant progress over the weekend. There will be no more rollcall votes today. Monday at 5:30 we will have a vote on Andrew Hurwitz to be a Ninth Circuit judge.

I hope we can get the farm bill done next week and lock in an agreement on flood insurance, which is also vitally important to this country.

The PRESIDING OFFICER. The Senator from Oregon.

LEGISLATING

Mr. WYDEN. Madam President, I came to the floor to talk about legislating. I was struck, in fact, by the comments recently because what I am here to talk about is essentially the yeoman's bipartisanship we have seen with Senator STABENOW and Senator ROBERTS on the farm bill. I am going to talk about some specific ideas, each of which I believe could win bipartisan support and help strengthen the legislation as we go forward in the Senate.

I believe it is hard to overstate the importance of writing the best possible farm bill in the Senate. When America desperately needs more jobs, and 1 in every 12 American jobs is tied to agriculture, this bill is an opportunity for the private sector to grow more jobs. When obesity rates are driving the American health care challenge, this bill can promote healthier eating without extra cost to taxpayers. When we are concerned about the threat to our treasured lands and air and water, this bill is our primary conservation program. When our rural communities are especially hard hit, and the Presiding Officer knows about this because she has a lot of rural country in her State, these rural communities are walking on an economic tightrope, and this bill can be a lifeline.

I spent much of last week in rural Oregon. In my State, Oregonians do a lot of things well, but what we do best is grow things—lots of things. Oregon grows more than 250 different crops, including everything from alfalfa seed to mint and blueberries. Several weeks ago, the Oregon Extension Service reported that agricultural sales in my home State increased more than 19 percent in 2011.

Agriculture in Oregon is now more than a $5 billion industry annually, and much of this is driven by high prices for wheat and cattle and dairy products, fruits, vegetables, and other specialty crops. The fact is, agriculture is the lodestar to prosperity for many rural Oregon communities. Nationwide, there are many other towns in a similar position to the small communities I have the honor to represent in the Senate.

That is what is apropos about this talk and the need for bipartisanship. Senator SCHUMER listed a number of these bipartisan areas. I consulted with the chair of the Agriculture Committee, Senator STABENOW, and the ranking member, Senator ROBERTS, who I also served with in the other body. After getting their counsel, I selected 28 Oregonians, from every corner of my State and across all types of agriculture, to help serve as an advisory committee on ways to improve the economic opportunities for Oregon, specifically through this bill.

We have the good fortune to have the committee chaired by Mrs. Karla Chambers, who owns a farm in the Willamette Valley, Stahlbush Farms, and also Mike Thorne, a wheat farmer in eastern Oregon.

From the outset, this advisory committee did not talk at all about politics, did not talk about whether there was a Democratic way to write a farm bill or a Republican way to write a farm bill. What they did talk about was the importance of the issues I have just outlined: jobs, health care, conservation, rural communities. That is what they spent their time focused on and particularly the jobs issue was central to their discussion.

There are about 38,000 farms in my home State which roughly support 234,000 jobs. That is about 11 percent of our State's employment. As much as 80 percent of the agricultural goods produced in Oregon are sold out of State. Half of that is exported to foreign countries. That is especially important to me because I chair the trade subcommittee of the Senate Finance Committee. So what I have taken as the centerpiece of my approach to agriculture and to our country's economy is that we ought to do our very best to: grow things in the United States, to add value to them in the United States, and then ship them somewhere.

It is especially important for Oregon agriculture. As I just noted, 80 percent of the agricultural goods that are produced in our State are sold out of State.

Abroad, our producers are doing very well. Nationally, each $1 billion in agricultural exports is tied to approximately 8,400 American jobs. These growing overseas markets represent a

way to create and sustain good-paying jobs that rely on export sales. In fact, agriculture is one of the only sectors with a trade surplus, and in 2011, it boasted a surplus totaling $42.5 billion—the highest annual surplus on record.

That is why I was honored to have a chance—when Chairman BAUCUS was tied up in discussions with respect to the super committee—to manage a significant part of the debate on the three recently passed free-trade agreements, which again give us a chance, as I have indicated, to build on that proposition that I have outlined, where we grow things here, add value to them here, and then ship them somewhere else.

Nothing says that more than giving those opportunities to producers from Oregon to Florida. They sell their fruits and vegetables, their wheat, their beef, their nursery crops, and other high-value products at home and abroad. The farm bill continues those programs that American producers rely on to help market their goods in foreign markets. I think it is important again to stress the bipartisanship associated with making sure there are bountiful opportunities for American agriculture and particularly for Oregon agricultural goods.

The second area my agriculture advisory committee focused on was stressing the importance of healthy nutrition here at home. Of course, the USDA, our Department of Agriculture, has recommended eating five fresh fruits and vegetables daily.

What that means is that from Burns, OR, to Bangor, ME, farm programs need to make it easier for those with low incomes to be able to eat healthier. There never ought to be a tradeoff between health and affordable food. So I think we have to look at some fresh approaches to promote healthy nutrition in this country. I believe it is not just an economic threat to our economy, it is also a national security threat to our Nation because we have seen, regrettably, that many Americans who would like to wear the uniform of the United States, patriots, have not been able to pass the health standards necessary to serve in our military.

In the past three decades, obesity rates have quadrupled for children ages 6 to 11. More than 40 percent of Americans are expected to be obese by 2030. The Centers for Disease Control reports that in 2008 alone, the United States spent $147 billion on medical care related to obesity. Obesity is the top medical reason one in four young people cannot join the military, and it has been identified by the Department of Defense as a threat to national security. It doesn't have to be this way.

I wish to outline some specific ideas for changing that and to promote good health in our country without adding extra costs to taxpayers. One opportunity for change is through the Farm to School Program. Again, without costing taxpayers additional money, it ought to be easier for delicious pears, cherries, and other healthy produce, grown just a few miles down the road, to make it into our schools. This ought to be a national approach. Schools from Springfield, OR, to Savannah, GA, currently purchase their fruits and vegetables from USDA—the Department of Agriculture—warehouses, which may be hundreds of miles away. Many of our farmers and our producers would like to sell their goods to local schools, and many schools would like to source their produce locally. The farm bill ought to promote that.

When I was in Oregon last week, I had a chance to meet with the management of Harry & David. They are a major employer in my State, and an Oregon pear producer. They told me they want to sell their fruit to schools down the street, but instead a complex maze of Federal rules and regulations has created a hassle for them, and the process sounds like bureaucratic water torture. So I am going to offer an amendment that would make it less of a hassle for producers such as Harry & David and farmers to sell directly to local schools, all without spending additional Federal dollars.

A second opportunity to improve our Nation's health lies with the SNAP program, the Supplemental Nutrition Assistance Program, better known as food stamps. This program currently spends over $70 billion a year. This is the big expenditure in the farm bill, and there is no way to really determine whether it promotes good nutrition. Think of all of the possibilities for helping our country, all the possible benefits if the SNAP program did more to improve nutritional outcomes for those who use the program.

Let me make clear that I am not for cutting benefits. I understand the crucial lifeline this program provides for millions of our people. What I am interested in doing is seeing that, through that $70 billion, it is possible to improve nutritional outcomes, all while getting the best value out of that enormous expenditure.

One of the ways we could do it would be to allow States to obtain a waiver from the SNAP program when they bring their farmers, their retailers, their health specialists, and their beneficiaries together and say: We have a consensus for improving the nutritional outcomes in our State, for those on the Food Stamp Program, the SNAP program. They ought to be able to get a waiver in order to do that and help us produce more good health in America. That is not some kind of national nanny program. That is not telling people they can only eat this or that. It is just common sense to have farmers, retailers, those on the program, and health specialists look, for example, to try to create some voluntarily incentive to promote better nutrition with this enormous expenditure, and I intend to offer an amendment to do that.

A third opportunity for improvement is through what is known as gleaning. Historically, gleaners gathered leftover produce from the fields, but today gleaners play a crucial role in reducing the staggering amount of food that goes to waste each year. At a time when food waste is the single largest category of waste in our local landfills—more than 34 million tons of food—again, without spending extra taxpayer money, we can do more to ensure that this unwanted food is used to tackle hunger in America.

Led by the dedicated work of local food banks, many are striving to put America's food bounty to better use. In Portland, OR, Tracy Oseran runs a wonderful nonprofit organization known as Urban Gleaners. They are poised to collect surplus food—hundreds of thousands of pounds of food—from grocers, restaurants, parties, and all kinds of social organizations, and they redistribute those hundreds of thousands of pounds of food to organizations that serve the hungry. Urban Gleaners is doing great work, but they could be doing a lot more.

Without spending a dime of extra money, we can advocate for gleaners all across America by making it possible for them to receive loans through the Microloan Program. If someone is trying to set up a gleaning program in a small town and they have to borrow, say, $20,000 to start a refrigeration program to preserve the quality of the food, let's make it possible for the gleaners to do that.

I am not proposing—and I discussed this with the chair of the committee, Senator STABENOW, and Senator ROBERTS, the ranking minority member—to allocate one additional dime to the program. I think it is a fine program. I simply want to say that when we have gleaners in our country who are telling us about the enormous amount of food that is still wasted despite their tremendous efforts, let's not pass up an opportunity to, with this bill, make it possible to promote gleaning in our country.

To produce the healthy food needed to feed America, we need fertile agricultural land, and conservation plays a central role in that. Roughly 28 percent of Oregon's land mass is devoted to agricultural production. Maintaining this land is crucial for our long-term productivity. For more than half a century, the farm bill has supported infrastructure modernization and conservation projects. They give, once again, the opportunity for collaboration, and that is key to our natural resources.

I see my friend from Arizona, Senator MCCAIN, here. We talked about doing this in the forestry area years ago. We ought to be promoting collaborative projects to boost rural economies. It is the Oregon way, and we ought to build on that in this farm bill as well.

The time is also ripe to promote farmers markets and locally grown food, which will lead to greater awareness of local markets, roadside stands, and community-supported agriculture.

This farm bill expands those opportunities, and I think these types of local initiatives give us the opportunity to change the trajectory—the tragic and staggering trajectory—of obesity in this country, and to ensure the viability of these programs, the land required to produce nutritious foods must be addressed.

I plan to offer, as I have indicated in these comments, a number of amendments to the farm bill, each of which I have discussed with the chair of the committee, Senator STABENOW, and ranking member, Senator ROBERTS.

The farm-to-school amendment that I will offer would not spend additional taxpayer money, but it would make it easier for schools to purchase locally for the breakfast, lunches, and snacks they serve children.

My second amendment would allow States across this country to get a waiver under the SNAP program, so they can consult with their farmers, their retailers, their health specialists, and those who use it, and try to come up with a way to get more good health and nutrition out of the $70 billion that is spent on the program. States ought to have an opportunity to do that so that the SNAP program can be a launch pad for healthier eating rather than just a conveyor belt for calories. With a waiver, States with innovation and effective ideas could improve nutritional outcomes and put their good ideas into action.

Third, I intend to offer an amendment—again, it doesn't spend additional taxpayer money—to promote gleaning through the Microloan Program.

Finally, based on the recommendations of the Institute of Medicine, I will offer an amendment to make it possible to advance some of the recommendations of the Institute of Medicine to look at the relationship between agriculture policy, the diet of the average American, and how we can reduce childhood obesity. This amendment would give us a chance to advance the recommendations of the Institute of Medicine. They have made a number of thoughtful proposals that I think will give us a chance to reduce obesity and promote our national security, and we certainly should pursue them through this farm bill.

The last comment I will make is that I think Oregonians got it right, and I think we ought to be building on the work done by Senator STABENOW and Senator ROBERTS. At a crucial time in American history, this bill can help us grow more jobs, it can help us improve the health of the people of our country without spending additional money, and it is an opportunity to protect our treasured land and air and water. Finally, it is a lifeline for rural communities—these communities that I have described as walking on an economic tight rope.

I intend to work with my colleagues on a bipartisan basis. I have heard all this talk about how the legislating is over. We ought to build on the work that has been done already and get this important bill across the finish line because it will be good for our economy, for our national security, and it will be good for our health and for our environment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Madam President, I ask unanimous consent to address the Senate as in morning business.

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

TRIBUTE TO FALLEN HEROES

Mr. MORAN. Madam President, last week on Memorial Day, Americans remembered our Nation's fallen troops who laid down their lives for our Nation. We are blessed to live in a country where individuals volunteer to defend our Nation and our freedoms—no matter the cost. Because of the sacrifices of our Nation's veterans, we have the opportunity to live in the strongest, freest, and greatest Nation on Earth.

Today at Arlington National Cemetery, 30 U.S. servicemembers will be honored for their service and sacrifice to our country. These men were killed last August when insurgents fired upon their helicopter as it was rushing to aid troops in a firefight in Wardak Province in Afghanistan. More than 20 U.S. special operations forces were killed when the helicopter crashed—the deadliest single loss of American forces in the war in Afghanistan.

Among those lost were brave soldiers who called Kansas home: CWO Bryan Nichols of Hays, SPC Spencer Duncan of Olathe, and SGT Alexander Bennett of Tacoma, WA, who was stationed in New Century, KS. These men will be given full honors during a special memorial service and laid to rest at Arlington National Cemetery.

We lost 30 American heroes on that tragic day—brave men who answered the call to defend our country. Our Nation is forever indebted to these young men for their service and sacrifice. Especially today, we think of their families and the loved ones they left behind. May God comfort them in their time of grief and be a source of strength for them.

Yesterday, in Kansas, another soldier's life was remembered. PFC Cale Miller of Olathe was killed just 2 weeks ago during a combat mission in Afghanistan when the vehicle he was driving was struck by an improvised explosive device.

It has been said that the ''American soldier does not fight because he hates who is in front of him, he fights because he loves those who are behind him.'' This passage was read during Cale's service in Olathe, and it is a fitting description of this young man's devotion to his country.

Cale was raised in Olathe and was a 2007 graduate of Olathe Northwest High School, where he was a member of the football and track teams and played trumpet in the marching and jazz bands. Three years after graduation, Cale joined the Army and was assigned to Ft. Lewis in Washington State.

Cale was known as a fierce warrior on the battlefield and was one of ''the best of the best.'' Among his buddies he had a reputation for being a hard worker, someone who would go above and beyond to accomplish the task at hand. Cale's battalion commander said he was known as ''everyone's protector'' and was ''hands down, the best Stryker driver he ever had seen.''

More importantly, his sergeant said Cale had the unique ability of knowing the right thing to say at the right moment. He was a source of strength that pulled his sergeant and his squad mates through many difficult days.

Cale loved the Army, but he was also devoted to his family. He loved to laugh and had a great sense of humor, which helped his family find the bright side of every situation. His stepfather Dave is known for giving sound and practical advice and served as a role model for Cale. In fact, Cale once told his mom he was turning into the ''Dave'' for his buddies since they often turned to him for advice or encouragement. Cale had a close relationship with his sister Courtney and loved his mother deeply. He spoke of her often to his buddies.

My heart goes out to the entire Miller family, and I ask that all Kansans, all Americans, join me in remembering them in our thoughts and prayers during this difficult time.

On Monday, Cale was given a hero's welcome upon his return to Kansas. Volunteers placed flags along 151st Street in Olathe and hundreds of people stood in silence waving those flags and signs that read ''Community 4 Cale'' to honor this young man and his service to our country. This demonstration of support comes naturally to Kansans who respect and honor those who volunteer to defend and serve our Nation.

Today we honor Cale Miller, Brian Nichols, Spencer Duncan, and Alexander Bennett, who laid down their lives for our country. We thank God for giving us these heroes, and we remain committed to preserving this Nation for the sake of the next generation so they, too, can pursue the American dream with freedom and liberty. We are indebted to our veterans to do nothing less.

May God bless our service men and women, our veterans, and the country we all love.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I would like to thank Senator MORAN of Kansas for a very moving tribute to those who have served and sacrificed. I know the people of Kansas join him in expressing their gratitude for their service and sacrifice, and I thank the Senator from Kansas for a very eloquent and moving statement. God bless.

Mr. MORAN. Madam President, I thank the Senator from Arizona for his tremendous service.

Mr. MCCAIN. Madam President, I ask unanimous consent that the Senator from Connecticut and I be permitted to join in a colloquy on the situation in Syria.

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

SYRIA

Mr. MCCAIN. Before entering into our colloquy, I would like to make some brief remarks.

It should come as no surprise to any of our colleagues—and it certainly comes as no surprise to me—that the civil war raging in Syria has only deteriorated further over the past 2 weeks. On Saturday, May 26, we read the horrific news of a massacre that Bashar al-Assad's forces committed in the Syrian town of Houla. At least 108 civilians—the majority of them women and children—are now believed to have been killed, some from repeated shelling by Assad's tanks and artillery, but most slaughtered in their homes and executed in the streets. Survivors describe a scene so gruesome that even after 16 months of bloodshed and more than 10,000 dead, it still manages to shock the conscience.

There are now reports of another massacre by Assad's forces with as many as 78 Syrians dead and that Syrian authorities are blocking access to the scene for the U.N. monitors on the ground. These massacres of civilians are sickening and evil, but it is only the latest and most appalling evidence there is no limit to the savagery of Assad and his forces. They will do anything, kill anyone, and stop at nothing to hold on to power.

What has been the response of the United States and the rest of the civilized world to this most recent atrocity in Syria? More empty words of scorn and condemnation. More hollow pledges that the killing must stop. More strained expressions of amazement at what has become so tragically commonplace.

Indeed, as Jeffrey Goldberg has noted, administration officials are now at risk of running out of superlative adjectives and adverbs with which to condemn this violence in Syria. They have called it ''heinous,'' ''outrageous,'' ''unforgivable,'' ''breathtaking,'' ''disgraceful,'' and many other synonyms for the same. I don't know what else they can call it. Yet the killing goes on.

The administration now appears to be so desperate they are returning to old ideas that have already been tried and failed. Let me quote from a New York Times article that appeared on May 27.

> In a new effort to halt more than a year of bloodshed in Syria, President Obama will push for the departure of President Bashar al-Assad under a proposal modeled on the transition in another strife-torn Arab country, Yemen. . . . The success of the plan hinges on Russia, one of Mr. Assad's staunchest allies, which has strongly opposed his removal.

This is a case of history repeating itself as farce. Trying to enlist Russia in a policy of regime change in Syria is exactly what the administration spent months doing earlier this year, and that approach was decisively rejected by Russia when it vetoed a toothless sanctions resolution in the U.N. Security Council in February.

How is this recycled policy working out? Well, last week, a human rights organization disclosed that on May 26, a Russian ship delivered the latest Russian supply of heavy weapons to the Assad regime in the Port of Tartus. Last Friday, the Russian Foreign Ministry issued a statement on the Houla massacre—and blamed it on the opposition. President Putin, after blowing off a trip to Washington in favor of a visit to Europe, suggested that foreign powers were also to blame for the Houla massacre. He went on to reject further sanctions on the Assad regime and to deny Russia is shipping any relevant weapons to Assad.

Not to be outdone, last week the Russian Foreign Minister also described the situation in Syria this way.

> It takes two to dance—although this seems less like a tango and more like a disco, where several dozens are taking part at once.

One might think this alone would be enough to disabuse the administration of its insistence, against all empirical evidence, that Russia is the key to ending the violence in Syria. One might think so, but one would be wrong. Asked last week whether he could envision some kind of military intervention in Syria without a U.N. Security Council resolution, which is subject to a Russian and Chinese veto, the Secretary of Defense said, no, he cannot envision it.

Similarly, the White House spokesman, Jay Carney, rejected the idea of providing weapons to the Syrian people to help them defend themselves, saying that would lead to—get this, get this: If we supplied weapons to the Syrian resistance, it would lead to ''chaos and carnage,'' and it would militarize the conflict. It would militarize the conflict. After more than 10,000 have been slaughtered by Bashar al-Assad with Russian weapons, Iranians on the ground, it would militarize the conflict.

It is difficult even to muster a response to statements and actions such as these. U.S. policy in Syria now seems to be subject to the approval of Russian leaders who are arming Assad's forces and who believe the slaughter of more than 10,000 people in Syria can be compared to a disco party. Meanwhile, the administration refuses even to provide weapons to Syrians who are struggling and dying in an unfair fight, all for fear of ''militarizing the conflict.'' If only the Russians and the Iranians and al-Qaida shared that lofty sentiment.

I pray that President Obama will finally realize what President Clinton came to understand during the Balkan wars. President Clinton, who took military action to stop ethnic cleansing in Bosnia and did so in Kosovo without the U.N. Security Council mandate, ultimately understood that when regimes are willing to commit any atrocity to stay in power, diplomacy cannot succeed until the military balance of power changes on the ground.

As long as Assad and his foreign supporters think they can win militarily, which they do, they will continue fighting and more Syrians will die. In short, military intervention of some kind is a prerequisite to the political resolution of the conflict we all want to achieve.

The question I would pose to my colleague from Connecticut and to the administration is this: How many more have to die? How many more have to die? How many more young women have to be raped? How many more young Syrians are going to be tortured and killed? How many more? How many more before we will act? How many more?

I would like to also ask, When will the President of the United States speak up in favor of these people who are fighting and dying for freedom?

I thank my colleague from Connecticut for his continued involvement. He has shared the same experiences I have in refugee camps, meeting people who have been driven out of their homes, family members killed, tortured, young women raped as a matter of policy and doctrine of Assad's brutal forces.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, it is an honor to join in this colloquy with my friend from Arizona, though I obviously take no pleasure in it because it is an outcry—a cri de coeur—an outcry of the heart about the slaughter going on in Syria now, once again, with a government killing its own people to maintain its own presence and power. It is an outcry because for more than a year now the rest of the world, including the United States, has offered these victims of the brutal violence of the Bashar al-Assad regime in Damascus essentially words—words of condemnation, words of sympathy. But those words—or the few cell phones we have given those Syrian freedom fighters—don't stand up against Assad's tanks, his guns, and the brutality of his forces.

So I would say the answer to the question my friend from Arizona posed—how many more people have to be killed?—obviously, too many people have already been killed. It is time for the United States to show some leadership.

Senator MCCAIN and I are not calling for American troops on the ground in Syria. We are not calling for the United States alone to take action. There is a coalition of the willing. If we continue to say we are not going to take action to help the victims of Assad's brutality until and unless we get authorization from the U.N. Security Council, there is never going to be any help to go to these victims in

Syria because the Russians and probably the Chinese will veto any U.N. resolution.

Every time we say we have to go to the U.N., we raise the power of Russia to protect its ally in Damascus. But there is a coalition of the willing ready throughout the Arab world, and I think some in Europe and elsewhere, which will not act until the United States shows some leadership.

I want to just briefly put this in a historical context. After the Nazi Holocaust of the last century, the world said, ''Never again.'' ''Never again.'' We have kept that pledge in some cases, such as Bosnia and Kosovo, although it took us too long—too many people were killed before the world acted—and in other places, such as Rwanda, we turned away from the slaughter of people there.

Once again, we are challenged to show the victims whether we are true to our words. I read something a few days ago in the Washington Post. An article was drawing parallels between the genocide in Bosnia during the 1990s and the killing that is taking place in Syria today. There was a 37-year-old survivor of the Srebrenica massacre in Bosnia that finally got the world to get involved, who said:

> It's bizarre how ''never again'' has come to mean ''again and again.'' It is obvious that we live in a world where Srebrenicas are still possible. What is happening in Syria today is almost identical to what happened in Bosnia two decades ago.

So what is the world waiting for? A Syrian Srebrenica when thousands are killed on a single day by their own government before we act? I hope not. And that is why we speak out today.

Just within the hour, a story was posted on Reuters news service out of Beirut:

> Six hours after tanks and militiamen pulled out of Mazraat al-Qubeir, a Syrian farmer said he returned to find only charred bodies among the smoldering homes of his once-tranquil hamlet.
>
> ''There was smoke rising from the buildings and a horrible smell of human flesh burning'' said a man who told how he watched Syrian troops and ''shabbiha'' gunmen attack his village as he hid in his family olive grove.
>
> ''It was like a ghost town'' he told Reuters, . . .''

Senator MCCAIN and I have been explicit for some period of time. We have been both to Turkey and Lebanon to talk to leaders of the opposition and people in the refugee camps, and they simply say to us: As Americans, you are our only hope. This is from a people whose government has been determined in its anti-American posture, the Assad government, and yet the people now turn to us—as people always do in a time of crisis around the world—and say, This is what America is about. America has a moral government that cares about people's right to life and liberty, and we will not be saved unless you get involved.

I hope the latest events move our government to go beyond words to actions. And immediately. Again, Senator MCCAIN and I have talked about actions we would support: arms to the opposition fighters, training of the opposition fighters, safe havens in Turkey, and perhaps other neighboring countries to Syria, where they can be trained and equipped; provision of intelligence that we have, which will help the opposition fight to defend themselves and their families.

Frankly, if it were up to us—and I know I can speak for Senator MCCAIN—I think if we wanted to help and turn the tide quickly without a lot of unnecessary loss of life, we would use allied air power, Americans and our allies, and we would hit some targets important to the Assad government. I think that would break their will, and it would increase the number of defections from Assad's army and from the very important business community, and would result in a much sooner end to this terrible waste of lives.

So that is our outcry, and that is my answer to the question of my friend from Arizona. I thought the Senator was particularly right in condemning the idea that if we get involved, it militarizes the conflict—the conflict is already militarized on one side. Russia and Iran are providing Assad with all the weapons he needs. In the meantime, the opposition is scrounging around, paying exorbitant prices just for bullets which they have been running out of.

I ask my friend from Arizona, people say that intervention in Syria will be much harder than it was in Libya. I wonder if he would respond to that argument against us getting involved.

Mr. MCCAIN. I thank my colleague. I also want to point out that traveling in the region and meeting with the leaders in these various countries, it cries out for American leadership, I think my colleague would agree, in a coordinated partnership with these countries. But they cry out for American leadership. And meanwhile, the President of the United States, as this slaughter goes on, is silent. His spokesman says they don't want to militarize the conflict. How in the world could you make a statement like that when 10,000 people have already been slaughtered? That, to me, is so bizarre. I am not sure I have ever seen anything quite like it.

There is always the comparison, I say to my friend from Connecticut, about Libya. There is an aspect of this issue. Libya was not in America's security interests. Libya was clearly a situation where we got rid of one of the most brutal dictators who was responsible for the bombing of Pan Am 103 and the deaths of Americans. But if Syria goes on the path to democracy, it is the greatest blow to Iran in 25 years. Hezbollah is broken off. Russia loses its last client state. Iran loses the most important ally it has in the region.

Finally, I would say to my friend we keep hearing over and over again that extremists will come in; Al Qaida will come in. We heard that in Tunisia, we heard that in Libya, we are hearing that in Egypt, and we are hearing that again—neglecting the fact that al Qaida and extremists are the exact antithesis of who these people are. These people believe in peaceful demonstrations to bring about change—they have been repressed through brutality—whereas al Qaida, as we know, believes in acts of terror.

I agree with my colleague, if we provided a sanctuary for these people in order to organize and care for the wounded, to have a shadow government set up as we saw in Libya, then I think it is pretty obvious that it would be a huge step forward.

Again, as my friend from Connecticut has often said so eloquently, probably the most immortal words ever written in English are: We hold these truths to be self-evident, that all of us are endowed—all—by our Creator with certain inalienable rights.

The people of Syria who are suffering under this brutal dictatorship and are being slaughtered as we speak I believe have those inalienable rights. The role of the United States has not been to go everywhere and fight every war, but it has been the role of the United States of America, when it can, to go to the assistance of people who are suffering under dictatorships such as this, one of the most brutal in history. And for us to now consign them to the good graces of Russia and whether they will veto a U.N. Security Council resolution as to whether we will act on behalf of these people is a great abdication of American authority and responsibility.

Finally, I wish to say that Senator LIEBERMAN and I have visited these places. We have seen these people. I wish all of our colleagues—I wish all Americans—could have gone to the refugee camp where there are 25,000 people who have been ejected from their homes, the young men who still had fresh wounds, the young women who had been gang raped, the families and mothers who had lost their sons and daughters. It is deeply moving. It is deeply, deeply moving. And, as my friend from Connecticut said, they cry out. They cry out for our help.

We should be speaking up every day on their behalf, all of us, and we should be contemplating actions that stop this unprecedented brutality.

Mr. LIEBERMAN. Madam President, I thank Senator MCCAIN. I think he spoke with real clarity and strength, and this is exactly what we need to continue to do.

I want to go to the point he made. Some people say we shouldn't get involved in Syria because we don't know who the opposition is; therefore, we should be cautious before helping them.

We have had the opportunity to meet the opposition and their leadership, both the political opposition and the military opposition. And I would tell you, to the best of my judgment—I believe it is our judgment—these aren't extremists. These are Syrian patriots.

As Senator MCCAIN said, this whole movement started peacefully. They went out into the squares in big cities in Syria. They were asking for more freedom. They actually weren't at the beginning asking for an overthrow of the Assad government. But what was Assad's response to them? He turned his guns on them and started to kill them wantonly. And when they decided there was no peaceful course—because he rejected every compromise alternative that intermediaries put in—they took up arms such as they could find.

The danger here is not that the people who are the leaders of the opposition are extremists or terrorists; the danger is that the extremists and terrorists will take over this movement if we and the rest of the civilized world don't get involved, and the Syrian opposition will be sorely tempted to take their support because they have no alternative. We simply can't let that happen.

I know there is a lot going on in our country. I know people are worried about the economy, as we are, of course. But America's strength and credibility in the world has actually always been not only what we are about by our founding documents and our history but what maintains our credibility and strength in the world, which is a foundation of our economic strength. The longer we give words but no action in response to the murder and rape of victims in Syria, the lower our credibility is. And we can't afford that.

Senator MCCAIN said, and I want to emphasize, the main reason to get involved here is humanitarian. It is what America is about. It is about the protection of life and liberty. But it happens to be that this makes a lot of strategic sense, too, because the No. 1 enemy we have in the world today is Iran. If Assad goes down, Iran will suffer a grievous blow.

Some people said, and some still say it—including high officials of our government—that it is not a question of whether Bashar al Assad will fall but when. I don't agree. Having been over there talking to the opposition, watching what is happening, this is a profoundly unfair fight. Assad has most of the guns and systems, and the freedom fighters have very little. He will keep doing this as long as he has to, and this war will go on a long time, with thousands and thousands and thousands of more innocent people killed as they were earlier today in the Mazraat al-Qubeir.

The facts cry out for us to take action. I hope and pray we will. Senator MCCAIN and I and others have. Senator RUBIO has an op-ed in the Wall Street Journal today that speaks to some of the points we have made, and others on both sides I hope will continue to speak out until finally there will be action to save the lives of innocents.

I ask unanimous consent to have printed in the RECORD a series of questions that opponents of our involvement raised, and the answers I would offer to those questions arguing for our involvement with a coalition of the willing.

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

Providing weapons to the opposition will only ''militarize'' the situation in Syria further and add to the chaos there.

Our policy must be based on the reality of the situation in Syria as it is, not as we might wish it to be—and the reality in Syria today is that the conflict has already militarized. It has militarized not because of the Syrian opposition—which began last year by holding peaceful protests—but because of Bashar al Assad himself, who responded to peaceful protests by unleashing tanks, artillery, militias and attack helicopters to slaughter the Syrian people, and will keep doing so until he is stopped.

Bashar's regime has been enabled and encouraged in its campaign of violence by Russia, by Iran, and by Hezbollah. They are providing and resupplying Assad with weapons. They are providing funding to sustain his killing machine. They are providing training and instruction to Assad's forces. There are even reports that Iranian operatives are on the ground in Syria. In fact, an IRGC Quds force commander acknowledged this last week.

That is why the situation has militarized in Syria. And right now, it is not a fair fight. While Assad is being armed and resupplied by Russia, Iran, and Hezbollah, the Free Syrian Army has only light weapons to defend itself. When Senator McCain and I traveled to southern Turkey in April to meet with Syrian refugees and opposition fighters, we were told that opposition fighters were running out of ammunition. Getting communications equipment to the opposition in Syria, as the United States has pledged to do, will be helpful. But radios alone will not protect the Syrian people against tanks and helicopters.

Providing weapons and intelligence and other lethal support to the Syrian opposition therefore won't militarize the situation in Syria. The conflict already has been militarized, because of Assad. What we can do is give the Syrian people the chance to defend themselves against Assad, by providing them with weapons. This will give the Syrian people a chance to fight back and change the military balance on the ground in Syria.

And let me add: it has been almost a year since President Obama said that Assad must go. And still he remains in power. We all agree that there will be no peace or stability in Syria as long as Assad is in charge. But there is absolutely no prospect that he will leave power until the military balance of power in Syria turns against him. As of now, Assad thinks that he is winning. The only way to change the military balance of power is to begin to provide the opposition with the means to turn the tide of this fight against him. Until that happens, Assad will stay, and the Syrian people will continue to die.

Syria is not Libya. Intervention in Syria will be much harder and more complicated.

It is true that there are differences between Syria and Libya. Syria's air defenses are far more sophisticated. The population of Syria is larger and more diverse than the population of Libya. And the opposition in Syria does not have a safe zone—although it is worth remembering that the only reason the opposition in Libya had a safe zone was because of our intervention. Had we not stepped in when we did, Qaddafi's forces would have overrun Benghazi and slaughtered the people there—just as Bashar al Assad did after the opposition briefly took over Homs and Hama and other cities in Syria. Likewise, if we were to intervene as we did in Libya, we could create a safe zone for the Syrian opposition to organize.

But here is another difference between Libya and Syria that is even more important. The stakes in Syria are dramatically higher than they were in Libya.

First, let's remember: Bashar al Assad is Iran's most important ally in the Arab world. His regime is the critical linchpin that connects Iran and Hezbollah. As General Mattis told the Senate Armed Services Committee earlier this year, the fall of Assad would represent ''the biggest strategic defeat for Iran in 25 years.'' It would make it harder for Tehran to ship weapons to Hezbollah, including the tens of thousands of rockets that are pointed at our ally Israel. That is why the Iranians are doing everything in their power to help Assad crush the opposition and stay in power. The fight in Syria, therefore, is fundamentally about Iran. If Assad stays in power, it will be viewed by everyone in the Middle East as a huge victory for Iran, and a defeat for the United States.

Second, if things continue on their current path in Syria, it is increasingly clear that the country will descend into a sectarian civil war. The result could be a failed state in the heart of the Middle East, and the perfect environment for al Qaeda to establish a toehold. In addition, we are already seeing signs that chaos in Syria is spilling over and destabilizing Lebanon. This will likely get worse, threatening not only Lebanon but also Syria's other neighbors, including Jordan, Turkey, Iraq, and of course Israel. In short, if Syria collapses, it will be a threat to the entire Middle East, including some of our closest friends there. Add to this that the Syrian regime has one of the largest stockpiles of chemical weapons in the world.

For all of these reasons, the United States has vital national interests at stake in Syria—much more than we did in Libya. We cannot afford to let Iran prevail in Syria. We cannot afford to let Syria become a failed state with weapons of destruction that threaten its neighbors. We cannot afford to allow Syria to become a new base for al Qaeda. And yet, in the absence of our intervention, these are precisely the outcomes that are most likely to happen.

Unlike in Libya, there is no international consensus for intervention in Syria.

Let's be absolutely clear. The United States should not act unilaterally in Syria. Nor do we need to put any boots on the ground there. On the contrary, our key partners in the Middle East have the money, resources, and territory that are needed for a full-scale effort to train, equip, arm, and organize the Syrian opposition against Assad—and they are ready to do so. What has been missing is leadership, organization and strategy, which only the United States can provide.

Senator McCain and I have personally traveled to the Middle East on several occasions this year. We have spoken to the leaders of our key partners in the region. They are ready to work with us to help the opposition. They have also said so publicly. Saudi Arabia and Qatar have called for providing weapons to the Syrian resistance. The Kuwaiti parliament has called on its government to do the same. The leader of Turkey has spoken openly about the need for establishing safe zones. Most importantly, Syrians themselves have for months been calling for international intervention, including military intervention.

Now it is true we cannot get a UN Security Council resolution authorizing military

intervention in Syria. That is because of Russia and China, whose governments made clear long ago that, for their own reasons, they will veto any meaningful resolution related to Syria. There is no sign that is going to change.

But let's also remember: NATO took military action in Kosovo in 1999 without UN authorization. Then, as now, a dictator was slaughtering innocent people. Then, as now, the dictator was a close ally of Moscow, which made clear it would not allow the UN to authorize the use of force. Thankfully, this did not stop President Clinton from rescuing Kosovo. At the time, he argued, correctly, that the UN Security Council was not the sole path to international legitimacy and instead worked through NATO to save Kosovo.

The same is true today. And there is no reason why the Arab League or the Gulf Cooperation Council (GCC) or perhaps the Friends of Syria Contact Group couldn't provide the legitimacy for military measures to save Syria, just as NATO did in 1999.

Why not just let Syria's neighbors take the lead in helping the Syrian opposition? Why does America need to be involved?

It's true that many of our partners in the Middle East want to help the Syrian opposition by providing them with weapons. But they want and need America to work with them in this effort. They recognize that only the United States can provide the leadership, the organization, and the strategy to ensure that these efforts to support the Syrian opposition are successful.

That being said, I don't doubt that, in the absence of U.S. leadership, some countries in the region will try to supply the Syrians with weapons on their own. Likewise, the Syrian fighters themselves are trying to find weapons wherever they can—including through the black market and criminal networks. And can we blame them for doing so? They are in a fight for their very lives.

So the question is not whether weapons are going to flow to the opposition. The question is whether we the United States play a role in this process, or whether we take a hands-off approach and just let the chips fall where they may. The question is, which path is more likely to allow us to protect our interests and encourage a decent outcome in Syria? Which path is more likely to be successful?

If we stand back, it is much more likely that the people in Syria who will end up with weapons will not be the people we want to see empowered. It will not be the elements in the opposition who respect human rights and reject terrorism.

By contrast, if we get involved, we will be in a much stronger position to influence the conduct of the Syrian opposition, to empower the responsible elements inside the country and sideline those on the fringes who commit human rights abuses or who have ties to al Qaeda.

The Russians can be persuaded to abandon Assad. We should focus on attention on diplomacy with Moscow, rather than aiding the opposition.

For months, the Obama Administration has told us that Russia is on the brink of changing its position and abandoning Assad. For months, we have been told that Moscow is coming around to seeing things our way. And as we've waited and waited for the Russians, thousands more Syrians have been killed, the situation inside Syria has deteriorated, and nothing has changed.

Mr. President, it is time to stop waiting for Putin. The Russians are not going to abandon Assad—especially as long as he seems to be winning on the battlefield. If there is any chance to get Moscow on board, it will only happen when the Russians realize that Assad is going to lose—and that it is therefore in their interest to work with us to hasten his departure in exchange for protecting their interests in post-Assad Syria.

Finally, let me add, even if Putin is somehow persuaded to abandon Assad, it is far from clear that he has the means to deliver. Last year, the Turkish government—which had previously been one of Assad's closest partners in the world—turned against him as the violence in Syria escalated. This had absolutely no effect on Assad, who continued his campaign of terror. The same very well could prove to be the case with Russia as well.

We don't know who the opposition is, and we should therefore be cautious before helping them.

Mr. President, we hear again and again that we don't know who the Syrian opposition is. This astonishes me. It has been nearly a year and a half since this uprising began. If we don't know who the Syrian opposition is by now, it is only because of a willful refusal on the part of the Obama Administration to find out who they are.

The truth is, we do have a good idea of who these people are. Senator McCain and I have met with them—here in Washington, in Turkey, Lebanon and elsewhere in the region. We have met the leaders of the Syrian National Council and of the Free Syrian Army. We have met with young Syrian activists who have been going back and forth into Syria. We have met with the refugees who have fled the killing fields of Hama and Homs and Deraa into neighboring countries.

So there is no great mystery here. These people are not al Qaeda. They are Syrians who are desperately trying to free themselves from a terrible dictatorship.

Now it is unquestionably true that al Qaeda is trying to exploit the situation in Syria. They want to get a foothold there. But that is precisely why we must help the opposition. The fact is, the longer this conflict goes on, the more the Syrian people are going to be vulnerable to radicalization. And if responsible nations abandon the people of Syria, al Qaeda will stand a better chance of making inroads.

The opposition is too divided, and therefore we can't effectively help them until they unify and get organized.

It is true that there are divisions in the Syrian opposition. But it is worth remembering that the Libyan opposition also was divided. It was our intervention that helped them to unite, not least because we ensured that they had the safe zone in which to do so.

People who therefore argue that we shouldn't help the Syrian opposition until they are united have it exactly backwards. It is precisely by helping the Syrian opposition that we can unite them.

A U.S.-coordinated train-and-equip mission would provide the leverage to better unify and broaden the opposition, incorporate all of the key stakeholders in Syrian society, and influence their conduct. The benefit for the United States in helping to lead this effort directly is that it would allow us to more effectively empower those Syrian groups that share our interests and our values.

Syrian fighters who want our help must reject al-Qaeda and terrorism; refrain from human rights abuses and revenge killings; place themselves under civilian-led opposition command-and-control; and secure any weapons stockpiles that fall into their hands.

The American people are tired of war. We can't afford to get involved in another fight in the Middle East.

Mr. President, Senator McCain and I know that the American people are tired of war. But the fact is, the United States remains the leader of the world. We are the indispensable nation. And we have vital national interests in the world that we need to uphold, and we have values that we have to stand for. Everyone in the world knows that there is only one nation on earth that can stop the killing in Syria, if it chooses to do so, and that is us. And if we fail to do so, then the responsibility for that failure and that continued killing will also rest with us—just as it did with Rwanda.

Let me close, Mr. President, by asking a simple question: how many people must die before the United States puts an end to this slaughter? More than 10,000 have been killed. More than 1,000 have died just since the Annan plan was announced two months ago. How many more must be killed before we do something meaningful to hasten the end of the Assad regime?

A few days ago, the Washington Post ran a story about the parallels between the genocide in Bosnia during the 1990s, and the killing that is taking place in Syria today. The Post interviewed a 37-year old survivor of the Srebrenica massacre, who said: ''It's bizarre how 'never again' has come to mean 'again and again.' It's obvious that we live in a world where Srebrenicas are still possible. What's happening in Syria today is almost identical to what happened in Bosnia two decades ago.''

That is sadly true. Shame on us if we fail to stop history from repeating itself.

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

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. WHITEHOUSE. I ask permission to speak as in morning business.

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

GASPEE DAY

Mr. WHITEHOUSE. Madam President, we are always wise in this Chamber to reflect with reverence and gratitude on those who risked their lives fighting to establish this great Republic. Today I would like to recognize and celebrate the 240th anniversary of one of the earliest acts of defiance against the British Crown in our American struggle for independence.

Most Americans remember the Boston Tea Party as one of the major events building up to the American Revolution. I see the pages in front of me nodding knowledgeably: Yes, I do know about the Boston Tea Party.

We learned that story of the spirited Bostonians—literally spirited Bostonians, I am told—clamoring onto the decks of the East India Company's ships and dumping those tea bags into Boston Harbor to protest British taxation without representation.

However, there is a milestone on the path to the Revolutionary War that is too often overlooked, and that is the story of 60 or so brave Rhode Islanders who challenged British rule more than

a year before the Tea Party in Boston. Today I rise to honor those little-known heroes who risked their lives in defiance of oppression on one dark night in Rhode Island 240 years ago.

In the year before the Revolutionary War, as tensions with the American Colonies grew, King George III stationed revenue cutters, armed customs patrol vessels, along the American coastline to prevent smuggling and force the payment of taxes and impose the authority of the Crown. One of the most notorious of these ships was stationed in Rhode Island's Narragansett Bay. The HMS *Gaspée* and her captain, Lt William Dudingston, were known for destroying fishing vessels, seizing cargo, and flagging down ships only to harass, humiliate, and interrogate the colonials.

Outraged by this egregious abuse of power, the merchants and shipmasters of Rhode Island flooded civil and military officials with complaints of the *Gaspée*, exhausting every diplomatic and legal means to stir the British Crown to regulate Dudingston's conduct. Not only did British officials ignore the Rhode Islanders' concerns, they responded with open hostility. The commander of the local British fleet, Adm John Montagu, warned that anyone who dared attempt acts of resistance or retaliation against the *Gaspée* would be taken into custody and hanged as a pirate, which brings us to June 9, 1772, 240 years ago this week.

Rhode Island ship captain Benjamin Lindsey was en route to Providence from Newport in his ship, the *Hannah*, when he was accosted and ordered to yield for inspection by the *Gaspée*. Captain Lindsey and his crew ignored that command and raced northward up Narragansett Bay—despite the warning shots fired by the *Gaspée*. As the *Gaspée* gave chase, Captain Lindsey knew that his ship was lighter and drew less water, so he sped north toward Pawtuxet Cove, toward the shallow waters off Namquid Point. The *Hannah* shot over the shallows, but the heavier *Gaspée* grounded and stuck firm.

The British ship and her crew were caught stranded in a falling tide and would need to wait many hours for a rising tide to free the hulking *Gaspée*. Spotting this irresistible opportunity, Captain Lindsey proceeded on his course to Providence and enlisted the help of John Brown, a respected merchant from one of the most prominent families in the city. The two men rallied a group of Rhode Island patriots at Sabin's Tavern in what is now the East Side of Providence. Together, the group resolved to put an end to the *Gaspée*'s reign over Rhode Island waters.

That night, the men, led by Captain Lindsey and Abraham Whipple, embarked in eight longboats quietly down Narragansett Bay. They encircled the *Gaspée* and called on Lieutenant Dudingston to surrender his ship. Dudingston refused and ordered his men to fire upon any who tried to board. Refusing to yield to Dudingston's threats, the Rhode Islanders forced their way onto the *Gaspée*'s deck, wounding Dudingston with a musket ball in the midst of the struggle. Right there in the waters of Warwick, RI, the very first blood in the conflict that was to become the American Revolution was drawn.

As the patriots commandeered the ship, Brown ordered one of his Rhode Islanders, a physician named John Mawney, to head immediately to the ship's cabin to tend to Dudingston's wound. In their moment of victory, Brown and his men showed mercy to a man loathed for his cruelty, a man who had threatened to open fire on them only moments before.

Allowing the *Gaspée*'s crew time to collect their belongings, Brown and Whipple took the captive Englishmen to the shore before returning to the despised *Gaspée* to rid Narragansett Bay of her presence once and for all. They set her afire. The blaze spread to the ship's powder magazine, setting off explosions like fireworks, the resulting blast echoing across the bay as airborne fragments of the ship splashed down into the water.

The site of this historic victory is now named Gaspée Point in honor of these audacious Rhode Islanders. So I come again to this Senate floor to share this story and to commemorate the night of June 9, 1772, and the names of Benjamin Lindsey, John Brown, and Abraham Whipple, a man who went on to serve as a naval commander in the Revolutionary War. I do know that these events and the patriots whose efforts allowed for their success are not forgotten in my home State. Over the years, I have enjoyed marching in the annual Gaspée Day Parade in Warwick, RI, as every year we recall the courage and zeal of these men who fired the first shots that drew the first blood in that great contest for the freedoms we enjoy today. They set a precedent for future patriots to follow—including those in Boston who more than a year later would have their Tea Party.

But don't forget, as my home State prepares once again to celebrate the anniversary of the Gaspée incident, that while Massachusetts colonists threw tea bags off the deck of their British ship, we blew ours up and shot its captain more than a year before. We are little in Rhode Island, but, as Lieutenant Dudingston discovered, we pack a punch.

I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Indiana.

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

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

JOBS

Mr. COATS. Madam President, I just returned from a week back home in Indiana where I had the opportunity to meet with Hoosiers from all parts of our State and on all kinds of different issues. One of the common themes that came out of my week back home was the sentiment that we just are not growing as fast as we need to as a nation in order to get people back to work.

We held a job fair in Lafayette, IN. About 2,200 people showed up at this job fair looking for work opportunities. While many walked away with job offers in hand, clearly there are not enough viable opportunities out there to get the people back to work who really want to get back to work.

As I talked to businesspeople across the State, particularly with small business owners, there was a common theme that came forward: they are very reluctant to hire. It is not that their businesses aren't improving. We have seen some significant improvement, particularly in Indiana, with some drop in the unemployment rate. But they say it is not specifically that they don't have the work, it is that they are afraid to hire. They are afraid to hire new people because there is so much uncertainty about what their taxes are going to be, what new regulations are going to come forward, what new items are going to be imposed upon them by the regulatory authorities in Washington, DC, and by the health care reform bill which puts some new mandate on them.

To hire new employees, they say, we have to factor in all of these various uncertainties in terms of our ability to continue this business on a profitable basis. So whether it is talking to farmers in southern Indiana who are upset about the various proposed regulations affecting their businesses or whether it is manufacturers in northwest Indiana or to small business people across the State, I am hearing this repetitive response—that Washington is trying to impose too much, and there is too much uncertainty about their ability to deal with the future and make decisions about hiring.

One of the latest things we have been hearing is that the EPA is imposing significant new regulations relative to the Clean Air Act on emissions that will affect Indiana utilities in a very significant way. Another thing our businesspeople mentioned is they don't know what their utility rates are going to be in the future because of these new regulations coming out, and the utilities are basically telling them they are going to have to pay more in the future because of these new regulations.

I stand here as someone who voted for the Clean Air Act and supports the Clean Air Act. We are all for clean air. However, there are those of us who are trying to propose reasonable ways of achieving that goal without negatively impacting our ability to hire people and the ability of consumers to pay their utility bills and the ability of corporations and businesses to have reasonable rates so they can compete

worldwide in producing products. They are not asking for a return to dirty skies. They are not asking for a return to dirty water. They are citizens of the United States. They breathe the same air we all breathe. What they are saying, however, is that they need a solution to the problem handled in a responsible, reasonable way, and an affordable way that gives them time to implement these regulations. There has been a lot of talk recently about two items the EPA has been imposing on the power industry, and after visiting with Indiana utilities it is clear the EPA timeline will result in more job loss and skyrocketing rates. So, again, while we all want to support clean air, doing so in a way that also keeps our people at work and keeps our utility rates at a reasonable level is not being considered by the EPA.

I joined with a Democrat, JOE MANCHIN of West Virginia, to bring forward legislation that meets the standards and meets the goals but does so in a way that gives those power-producing utilities the opportunity and time and cost opportunity to be able to accomplish that. All we have done is just extend, in the case of one of the regulations, for 2 years, and in the case of another, for 3 years to give those utilities time to comply because the immediate compliance requirements of the EPA on these utilities means they are going to have to shut down the plants.

Some of them are in retrofit as we speak; however, that retrofit may not meet the EPA deadline. Therefore, they are asking for the right to get a waiver for an extension. That is what Manchin-Coats—Coats-Manchin—does. It provides a reasonable way of achieving the goals of clean air, but doing so in a way that doesn't have a devastating impact on our States as these regulations would do.

One is the CSAPR Rule, which deals with sulfur and nitrogen oxide emissions, and the other is called Utility MACT, which reduces mercury emissions. In particular, there is a movement underway now to remove mercury from these emissions. But if we don't do it in a responsible way, the consequences of the EPA regulations coming down hard mean closing up to six powerplants in Indiana and a skyrocketing of utility rates.

There is a particular impact on small business. Small business, as we know, provides most of the hiring and those small businesspeople don't have the backroom support to comply with all the written and required regulations that are being imposed on them. I have talked to so many people who have said instead of being out on the showroom floor, being out front at the counter, they have to be back half the time in their business complying with regulations. A hospital administrator told me of the 12,000 people under their employ, 6,000 provide care and 6,000 fill out paperwork for compliance with regulations, compliance with reimbursement, administrative costs, many of which are imposed by legislation or regulation, in most cases, that comes out of Washington.

So as we look at opportunities in the Senate to responsibly address some of these issues, in this business it is always tempting to politicize the process so that if someone doesn't immediately step up and salute the latest EPA regulation, we are harming people here or denying people there; that there are safety concerns, and we are risking harm to people and so forth. All we are asking for is a reasonable way to go forward to meet reasonable health and safety standards. What we are saying is that the surge of regulations that is pouring out of Washington upon our people and upon our businesses within the last 2 or 3 years is staggering, and it is clearly holding down growth. It is clearly holding down economic recovery. It is clearly holding down the ability of businesses to hire and put more people back to work.

So whether it is the Inhofe resolution of disapproval, which I strongly support, or any of a number of other proposals, I am going to support those. The blank check that has been given to regulatory agencies, because it is not possible for this administration to pass it through Congress as they did in 2009 and 2010 with a total majority no longer exists. Therefore, the regulatory agencies appear to have been given a blank check, and they have just run amok with regulations. So as we look at these regulations, let's take a reasonable look in terms of what we need to accomplish and in terms of providing for the health and safety of our people and what the consequences are of trying to do it in a way that jeopardizes our economic recovery and getting people back to work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I rise today to speak on S. 3240, the legislation to reauthorize the farm bill. As a former chairman and former ranking member of the Agriculture Committee in the Senate, I recognize how difficult it is to combine all of the diverse interests into legislation that meets the needs of all crops, regions, and rural and urban communities that the farm bill impacts. This bill before us is no exception. I am disappointed that at this time I am not able to support this bill because of its current form.

I wish to take a moment to commend the chairman and the ranking member for their efforts in putting a farm bill together in the very difficult budget time we are in. We all understand that agriculture has to pay its fair share of deficit reduction. Frankly, for what it is worth, it is going to be at the lead of the pack when it comes to participating in deficit reduction. We are one of the first agencies out of the box to make a commitment to do so.

That being said, it is my hope that at the end of the day, I will be able to support this bill as we complete the legislative process. However, as of today, the bill is filled with inequities and is unbalanced. Contrary to statements made on this floor over the last several days, the bill under consideration seeks to place a one-size-fits-all policy on every region of the country. It works for some regions, but it does not work for other regions. Because the distribution of benefits is skewed to one particular region, it fails the basic test of fairness that we all seek in legislation that moves through this Chamber.

I believe the farm bill needs to provide an effective safety net for farmers, ranchers, and rural communities in times of deep and sustained price decline. It should also responsibly provide nutrition assistance to those in need in all parts of the country, urban and rural alike.

The farm bill initially, and remains, focused on farmers and ranchers, helping them manage a combination of challenges, much out of their own individual control, such as unpredictable weather, variable input costs, and market volatility. All combined determine profit or loss in any given year. The 2008 farm bill continues today to provide a strong safety net for producers, and any follow-on legislation must adhere to and honor the same commitment we made to our farmers and ranchers across America 4 years ago.

At the same time, I believe the agriculture sector can contribute to deficit reduction, and the bill before us provides savings and mandatory spending programs. The key, though, is to do this in an equitable and fair manner throughout all titles and areas of the bill. The nutrition benefits in this bill, which are already inflated by the President's failed stimulus package, are reduced by only one-half of 1 percent, while the commodity title is cut by roughly 15 percent. By this account, it is clear that the Agriculture Committee carefully determined how best to contribute to deficit reduction to ensure an undue burden was not placed on those truly in need.

This farm bill will be my fourth as a Member of Congress, and each has had its own unique challenges and opportunities. Balancing the needs and interests of all agriculture requires patience and an open ear. It is very important that we recognize the unique differences between commodities as well as different parts of the country.

As agricultural markets become more complex, we must be mindful that a one-size-fits-all program no longer works for U.S. agriculture. Regions are much more diverse than they ever were, and we need to recognize this diversity by providing producers with different options that best match their cropping and growing decisions.

My greatest concern with this bill is that the commodity title redistributes resources from one region to another not based on market forces or cropping decisions, but based on how the underlying program—the Agriculture Risk Coverage Program—was designed.

After deducting a share for deficit reduction, certain commodities receive more resources than others, and crops such as peanuts and rice are left without any safety net whatsoever.

There are many reports illustrating the lopsidedness of this bill. Among the biggest losers in budget baseline are wheat, barley, grain, grain sorghum, rice, cotton, and peanuts. We should not convince ourselves that this is not going to have an enormous negative consequence for many regions of the country. Put simply, by making the bill too rich for a few at the expense of many it lacks balance.

Some will say planting shifts are responsible for much of the change in the budget baseline, and that is partly true. But it does not take away the injury that would be inflicted on regions of the country nor does it tell the whole story. By squeezing all crops into a program specially designed for one or two crops, this bill will force many growers to switch to those crops in order to have an effective safety net. This is the very planting distortion caused by farm policy that we seek to avoid in any farm bill.

But there is another very serious problem with this bill: It is not going to be there when farmers really need it. Whether offered on an on-farm or area-wide basis, offering farmers a narrow 10-percent band of revenue protection will not provide a safety net if crop prices collapse—and we know they will. Under this bill, a farmer has an 11-percent deductible, then the next 10 percent of losses is covered, but then farmers are left totally exposed to a plunge in crop prices all the way down to the loan rate. If that happens, Congress will be asked to pass ad hoc disaster programs again. We should seek to avoid such disaster packages, and farm bills give us the opportunity to do that, not create ad hoc disaster opportunities. Crop insurance can cover the production side of the risk if you can afford to buy higher coverage, but it does not cover year-on-year low prices. Even the 10-percent revenue band the bill does cover has problems. Because the revenue guarantee is based on the previous 5 years' price and production, the guarantee is only as good as those previous 5 years. If they were bad or they become bad, the guarantee is also bad. This is not an effective safety net.

Just last week, my staff and I traveled throughout south Georgia, and we witnessed crop damages and in some cases total losses of crops which were the result of a hailstorm that occurred across a 40-mile stretch of Georgia. It is estimated that well over 10,000 acres have been damaged or totally lost. I do not see how a small band of revenue protection, provided for in this bill, that is limited to $50,000, is helpful to some farmers who lost over $1 million in one field. The ARC proposal in this bill is simply not an effective safety net.

Members have come to the floor championing the commodity and crop insurance programs included in the bill, as well as stating that we were solving the problem with commodity programs by eliminating direct payments. I have seen quotes in the press criticizing southern commodities, stating we are too closely tied to direct payments.

Well, let me be very clear. I have never been a fan of direct payments, and back in 1996, as a Member of the House, I supported a much different proposal. Let me also state clearly that from my point of view, direct payments were always difficult to defend and we needed to find a different way to provide a safety net, while doing it in a fiscally responsible way. Southern growers have not asked for direct payments at any time during the current discussions. My criticism stems entirely from the fact that this farm bill shoehorns all producers into a one-size-fits-all policy. Producer choice based on a producer's inherent risk is the better course to follow.

The University of Georgia's National Center for Peanut Competitiveness evaluated the ARC Program, which is the fundamental safety net that is provided for in this farm bill, and they determined that it is of little utility to peanut producers. The center has a database of 22 representative farms spread throughout Oklahoma, New Mexico, Texas, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia. Based on the analysis provided, this farm bill does not provide the same level of protection as for midwestern growers who will be growing corn and soybeans. That is a fact.

I want to work with the chair and ranking member with respect to trying to make the bill more balanced and more equitable, but, frankly, all of our offers to this point in time have been rejected. Peanut producers have offered no proposal that includes direct payments, yet they are labeled as ''unwilling to change from the status quo.'' The ARC Program is not new; it is a derivative of a program in the 2008 farm bill that experienced low participation. In fact, when producers had a choice, they chose something other than this type of program.

In spite of all this, I should point out that this bill includes a new program for cotton that complies with our international commitments and will show our trading partners that we will abide by our international agreements.

As chairman and ranking member of the Agriculture Committee, I committed to finding a solution to the WTO Brazil case. I authored legislation in 2005 and again in 2008 that made significant changes in the cotton and export programs to bring us into compliance with our international commitments. We eliminated the Step 2 program, we reformed the cotton marketing loan program, and reduced the cotton countercyclical program unilaterally and in good faith.

We find ourselves again reforming the cotton safety net with what is called the Stacked Income Protection Plan for users of upland cotton, or the STAX program. The program in this bill is a significant departure from what is available to other covered commodities and puts us down the path of resolving the WTO dispute with Brazil. My hope now is that our Brazilian friends engage in a real and meaningful way and we can put this issue behind us.

At the end of the day, let's remember, the reason we are here is to represent the hard-working men and women who work the land each day to provide the highest quality of agricultural products in the world. I believe we have the opportunity to pass a bill that can be equal to their commitment in providing food, feed, and fiber that allow us to continue to be the greatest producer on the Earth.

Right now, this bill lacks the commitment and strength of those it was designed to support. I do not intend to impede the movement of the farm bill that, if repaired through an open amendment process—of which we have been assured at this point—has the potential of providing for all of America.

Farm bills are complex. They always consume a lot of floor time. But the farm policy is also very important. I look forward to the forthcoming debate over the next several days and weeks and, at the end of the day, to hopefully having a true, meaningful, and balanced farm bill that will provide producers an equitable opportunity of a safety net and at the same time continue to provide the world with the safest, most productive, and highest quality agricultural products there are today.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

MAJORITY CONTROL OF SENATE AGENDA

Mr. THUNE. Madam President, earlier today the majority leader and the majority whip came to the floor to decry and denounce, attack Republicans for what appeared to be literally everything bad that has happened in the world in the last several years, to the point you have to ask yourself, do they really believe what they are saying? They came down here to talk about how Republicans are blocking this, are blocking that.

I think it is important to point out that now for the past 6 years, the Democrats have been the majority party in the U.S. Senate. In fact, for 2 of those years, they had a filibuster-proof, 60-vote majority in the Senate. Filibuster proof—literally, they could do anything they wanted to in the Senate. They had a majority in the House of Representatives, and, of course, they got the Presidency.

If you look at the volume of the legislation that was produced at the time, most of the things that were accomplished with the 60-vote, filibuster-proof majority were things the American people disagreed with—I think as

evidenced now by what you see in terms of public opinion polling about the health care bill. Most people disagree with the individual mandate that was included in that legislation and disagree generally with many of the provisions in the bill.

But my point very simply is, for a period of time, the Democrats literally had the run of the tables here in Washington, DC, as we know it—a filibuster-proof, 60-vote majority in the Senate, a majority in the House of Representatives, and the Presidency—yet they come down and decry Republicans as being responsible for all the things that have or have not happened here in the Senate.

One of the things they point out is that there is this intent by Republicans to continue to filibuster legislation. I would argue that nothing could be further from the truth. In fact, everybody knows that in the Senate the majority leader is the person who is first to be recognized on the Senate floor, which allows him to use that power to offer a series of Democratic amendments to pending legislation in a way that prevents Republicans from offering their own ideas. It is called filling the tree—sort of a term of art that is used around here in the Senate. But filling the tree essentially is what the Democratic majority leader has the opportunity to do because he has the power of recognition and he can fill the amendment tree and prevent the Republican amendments from being offered and voted on.

Now, interestingly enough, Majority Leader REID once insisted that this practice ''runs against the basic nature of the Senate.'' Let me repeat that. Majority Leader REID once insisted that filling the amendment tree ''runs against the basic nature of the Senate.'' But by the way the Senate operates today, it is pretty clear that he has abandoned that assessment.

According to the Congressional Research Service, the CRS, Majority Leader REID has employed this tactic a record 59 times. He has used it to block minority input into legislation 50 percent more often than the past six majority leaders combined. I think that is worth repeating. This majority leader has used the filling-of-the-tree procedure 50 percent more often than the past six majority leaders combined. So the only option the minority is left with under that scenario is to basically try to get votes on amendments and to work with the majority, in which case the majority says: No, we are not going to give you any amendments; we have filled the tree. So a cloture motion is filed, and we end up having a vote on cloture.

What we have seen repeatedly now is the Senate sort of break down into this state of dysfunction simply because the majority does not want to make tough votes on amendments. We have seen this over and over and over again. As I say, it is historic and unprecedented in terms of the number of times it has occurred in the U.S Senate.

I would also suggest that the real reason, probably, that we do not have votes on amendments and that the filling of the tree is used repeatedly is because Members on the other side do not want to make the hard decisions, do not want to cast the tough votes. I think that is evidenced as well by the fact that for 3 years in a row now, we have not had a budget in the Senate.

If there was a real interest in solving problems, you would think the majority—again, which has the responsibility to put a budget on the floor—would bring a budget to the floor that would set a direction for the future of this country and ask the Members of the Senate to vote on it, to vote on amendments, to have an opportunity to say to the American people: This is how we would lead the country. That has not happened now for over 1,100 days, for the past 3 years.

Now, Republicans are ready and willing to work with the majority, as we have evidenced on many occasions. In fact, we are going to debate, this next week, farm bill legislation—something for which there is bipartisan support in the Senate.

I would argue that there are many things we would like to see done. We would love to have an opportunity to vote on extending the tax rates that are in effect today—which is something that even President Clinton in the last few days has come out in support of—because we know—everybody here knows—we are facing this fiscal cliff. It could be very dangerous to our economy if steps are not taken to prevent and avoid that. And we would be more than willing to work with the majority on extending the tax rates to give some certainty to our job creators and our small businesses.

We would also like to work with them on the sequester that is going to happen at the end of the year, in redistributing those cuts in a way that does not completely decimate our national security budget.

There are lots of things the Republicans are ready to work on with our colleagues on the other side when it comes to trying to grow the economy and create jobs. But, frankly, we believe it is important that we at least have an opportunity to get amendments debated and voted on. That simply has not happened, as I pointed out by the number of times the majority leader has filled the tree.

So I am not suggesting there is not plenty of blame to go around in Washington for the state of the situation we are in. All I am simply saying is that for the majority leader to come down here and suggest that somehow Republicans are responsible for gridlock here in the U.S. Senate is a complete denial of reality and a denial of the facts.

As I said before, they had a period here for a few years where they had the complete run of the place. They had a 60-vote, filibuster-proof majority in the Senate, a majority in the House of Representatives, and the Presidency, enabling you to do literally anything you wanted to do. They still have the majority in the U.S. Senate, the ability to control the agenda and to determine what does and does not come to the floor, what amendments are allowed, and the use of the filling of the tree in an unprecedented way. It is pretty clear to me that to suggest for a moment it is Republicans who are attempting to slow things down around here or keep the majority from working its will is completely contrary to the facts and the reality, as I think most Senators—all Senators, I think—know.

I know my colleague from Wyoming is someone who is somewhat new here, but he has been here long enough now to have seen many times where the majority has prevented the minority from actually offering amendments, getting votes on amendments on the floor of the Senate. I would just suggest to him and allow him to make some observations with regard to this subject as well because it strikes me, at least, that he and I both—and many of our colleagues—are very interested in working with the majority on things that would actually put people back to work, get our economy growing again.

We would love to have that opportunity.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I would just like to comment on that. Because it does not matter how long one is here, all we need do is pick up the newspaper or pick up the National Journal. I agree with my colleague from South Dakota.

At the beginning of this year, the National Journal, big article, picture of the majority leader, and the headline is: ''Reid's New Electoral Strategy.'' ''Forget passing bills'' is the subheadline. ''Forget passing bills. The Democrats just want to play the blame game in 2012.''

That is exactly what we saw this morning on the floor of the Senate. This is not some piece of fiction. This is something that actually the majority leader told 40 Democrats from the House about his goal, his intentions for the 2012 year in Congress. It goes on to say:

> Working with the White House, Senate Democrats are applauding a 2012 floor agenda driven by Obama's reelection campaign. . . .

It goes on.

> Senate floor action will be planned less to make law—

We have 8.2 percent unemployment, and this party admits—the leader admits in this piece the Senate action will be planned less to make law—

> than to buttress Obama's charge that Republicans are obstructing measures. . . .

That is what their goal is? That is a year's plan, as outlined to Democrats in the House from the majority leader.

It goes on to say:

> . . . Democrats will push legislation that polls well and dovetails with Obama's campaign. . . .

With 8.2 percent unemployment, that is not polling so well. With the New York Times reporting today that over two-thirds of Americans want to find that the health care law is unconstitutional—New York Times, two-thirds of Americans, unconstitutional health care law. That is what the people are saying.

Nothing this President and this administration and the Democrats are doing is polling very well. We ought to look back at the history of this great institution. The Senate is a unique legislative institution. No matter who the majority is, it is designed to guarantee the minority party, and therefore a large block of Americans whom it represents, that that party has a voice.

Traditionally, this body functions well when the majority party works to find consensus with the minority party on the process and the substance of legislation—consultation, compromise, and both parties working together. Historically, that has been the rule, not the exception, as we have seen in recent years.

I sit here and look at the seat, the empty seat a couple rows ahead of me and off to the other side of the aisle where Robert Byrd sat.

Senator Byrd understood the importance of allowing for a full debate and amendment process in order to preserve the Senate as a unique institution in our democracy—''the one place in the whole government where the minority is guaranteed a public airing of its views.'' The Senate, he taught, ''was intended to be a forum for open and free debate and for the protection of political minorities.'' Indeed, ''as long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure.''

I would say allowing the minority to debate and amend legislation has given way to what we see now as Democrat's election-year political strategy of blaming Republicans as obstructionists. The minority and the majority need to work together. Majority Leader REID has done all these things in terms of the strategy and the blaming by preventing Republicans from amending pending legislation, ending debate before it starts, and bypassing the committee process.

He has made a habit of squelching the voice of the minority by curtailing its ability to amend legislation. The majority leader is always the first to be recognized on the Senate floor. He can use that power to offer a series of Democratic amendments to pending legislation in a way that prevents Republicans from offering any of their ideas. It is called filling the tree.

How often does it happen? Let's think first about the history. The majority leader once insisted that this practice of filling the tree, he said, ''runs against the basic nature of the Senate.'' By the way the Senate operates today, however, it is clear he has abandoned that previous assessment.

According to the Congressional Research Service, Majority Leader REID has employed this tactic a record 59 times. He has used it to block minority input in legislation 50 percent more often than the past five majority leaders combined. The minority's only option, under these circumstances, is to oppose ending debate on legislation known as invoking cloture in order to convince the majority to allow it to offer amendments to legislation and thereby represent the interests of their constituents.

This is a very bad practice. When one takes a look at Congress after Congress, whether it was George Mitchell, Bob Dole, Trent Lott, Tom Daschle, Bill Frist, combined, here we have Senator REID 50 percent more than all the others combined.

So here we are. We have come to the floor of the Senate to respond to what we heard from the majority leader this morning about obstructionism, and what do we see? It is just a page from the majority leader's playbook of the electoral strategy for 2012 from the leader of the majority. Forget passing bills, the Democrats just want to play the blame game in 2012. That is exactly what we saw today.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

THE HIGHWAY BILL

Mrs. SHAHEEN. Mr. President, actually, I am not here to play the blame game. I am here to talk about a place where we in the Senate have found real bipartisan consensus. It is an issue that is critical to us in the State of New Hampshire and to all the Senators because, in 23 days, our country's surface transportation programs are going to shut down unless Congress can come to an agreement on critical legislation.

Nearly 3 months ago, 74 Senators voted to pass a measure that would reauthorize these programs through the end of fiscal year 2013, providing much needed certainty to our States and to private industry. In this Chamber, Senators from vastly different ideologies were able to lay aside those differences and come up with bipartisan ways to pay for this bill, to streamline Federal programs, and to make our transportation investments more efficient, so we spend less on overhead, more on roads and bridges and other transportation projects.

This process was not easy, as everyone remembers. It required compromise from both sides to ensure that we could put together legislation that would bring America's transportation policies into the 21st century. But if JIM INHOFE from Oklahoma, the ranking member on the Environment and Public Works Committee, and BARBARA BOXER, the chair of that committee, can come together and figure out how to put together a transportation bill, there is no reason why our adjoining body over in the House cannot do the same thing.

I have been very disturbed by recent news that the House is less interested in finishing this bill than in approving a host of unrelated policies. There is a time and a place for us to consider whether some of the amendments that have been proposed on the Transportation bill in the House, such as whether coal ash should be regulated as a hazardous material, but the Transportation bill is not one of those places.

We need to focus on policies that will encourage the types of investment in our highways, in our railroads, in our bridges that put Americans back to work and spur economic growth. We just heard the unemployment rate went up slightly for the last month. We have legislation pending that came out of the Senate that would put people back to work.

Every billion dollars we spend in transportation funding puts 28,000 people to work, and we have the House fiddling while construction workers all over this country are out of work. The conference committee needs to focus on transportation policies that will reduce congestion, that will create jobs, and that unleash economic development.

We have a project similar to that in New Hampshire. It is one of our most important roads. It is the corridor that goes from our largest city of Manchester down to the border with Massachusetts. It has too much traffic on it today. It is a safety concern. We need to finish this road. We are being held up from doing that because of the failure of the House to be willing to go along with what the Senate did and reach agreement.

Our Department of Transportation in New Hampshire has said that work on just a single portion of this highway, Interstate 93, will put to work 369 people in the construction industry, which is still struggling. That is the industry in this country that still has the biggest impact from this recession. Last year in Nashua and Portsmouth, NH, construction employment declined by 7 percent. Job creation in that industry remains stagnant in New Hampshire and nationwide and we need this legislation to get these folks back to work.

It is not only construction jobs that depend on Federal investments in transportation; it is our economy as a whole. The deteriorating condition of America's infrastructure, its roads, its railroads, its bridges, costs businesses more than $100 billion a year in lost productivity, and this is a bill that a broad coalition of people are behind. Both the AFL–CIO and the U.S. Chamber of Commerce agree that we need transportation legislation.

Despite the importance of this spending to American workers and businesses today, the House plans to vote on a motion to cut Federal transportation investment by one-third. The Federal Highway Administration found that cutting funding so severely would put 2,000 people in New Hampshire alone out of work, one-half million people in the country out of work.

This is a time when we should be creating jobs, not destroying them. Cutting funding at this time would be so shortsighted. Brazil, China, and India are all spending about 9 percent of their GDP per year on infrastructure, roads, bridges, public transportation. What we are spending in the United States is roughly 2 percent. That is half of what we were spending in the 1960s when there was real bipartisan support for policies from both President Kennedy and President Dwight Eisenhower to invest in projects such as our Interstate Highway System.

Both Republicans and Democrats agree that investment in our Interstate Highway System was one of the best decisions in our Nation's history. Members of both parties need to come together as we have for decades and focus on reasonable bipartisan policies that will end the uncertainty that States and private industry are facing when it comes to our transportation legislation.

On June 30, it will have been 1,000 days since our last Federal Transportation bill expired. Congress needs to come together now and pass a transportation reauthorization bill before we get to the end of those 1,000 days.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise to speak in support of the farm bill which is now before the Senate. As a member of the Senate Agriculture Committee, I worked, together with my fellow committee members, on a bipartisan basis to put forward what we believe is a sound farm bill for this country. We passed the bill out of committee on a strong bipartisan vote, 16 to 5. So it comes to the Senate floor for deliberation. The bill is entitled ''The Agriculture, Reform, Food and Jobs Act of 2012.''

I would like to begin with just a simple question. Why is the farm bill so important? Why is the farm bill so important? I think the first chart I have sums it up. This is the most important point I will make today. I am going to begin and I am going to conclude my comments with it as well. U.S. farmers and ranchers provide the highest quality, lowest cost food supply in the world. Our farmers and ranchers today provide the highest quality, lowest cost food supply in the world.

Not only do they provide the highest quality, lowest cost food supply in the world, but in the history of the world. That is vitally important to every single American. So when we pass a farm policy that supports our network of farmers and ranchers throughout this great country, we are doing something that makes a fundamental difference every day for every American and for millions of people beyond our borders.

There are other aspects to the farm bill that are very important as well. For example, we have a tremendous number of jobs in farming and ranching across this country—every State in this country, throughout our heartland and beyond. There are not just direct jobs in farming and ranching but there are indirect jobs, from food processing to retail, to transportation, to marketing—you name it. We could say it is an incredible jobs bill, which it is. There is no question about it. When we provide a good, sound, solid farm program for our farmers and ranchers, we are also very much passing a jobs bill as well.

We can also talk about it in terms of a favorable balance of trade. The United States has a deficit in its trade balance, but agriculture has a positive balance of trade. We export millions in food products all over the world to feed hungry people, and it generates a positive return for this country in a big way.

We can talk about it in terms of national security. Think about how important good farm policy is for national security. We produce not only the food we need, but far more than the food we need for our citizens, we provide food for many citizens in other countries as well. Think about the national security implications if we had to depend on other countries for our food supply—maybe even countries that don't necessarily share our interests or values, which is currently the case with energy. We certainly don't want to be in that situation when it comes to feeding our people. So it is truly an issue of national security. We want to be in the position to make sure we have farmers and ranchers who will supply not only the food we need in this country but food that people consume in many countries throughout the world.

For all those reasons this is an incredibly important bill. It is not just incredibly important to farmers and ranchers, it is incredibly important for every single one of us—for all those reasons and more.

The second point I want to make is this farm bill is cost-effective. It is not only cost-effective, but we provide real savings to help to reduce the deficit and the debt. It provides strong support to our farmers and ranchers, but it does it the right way. It does it in a way where we provide savings that will go to reduce the deficit and debt. Our farmers and ranchers are stepping up and not only doing an amazing job for this country in terms of what they do in food supply and job creation, but they are helping meet the challenge of our deficit and debt as well.

The second chart is an example of what I am talking about in terms of the farm program being cost-effective. I will use this and several other charts to go into the actual numbers to show that the farm program—particularly this bill we have crafted—is not only cost-effective, but it provides real savings as well. At the same time, it provides enhanced support for our farmers and ranchers throughout the country.

Looking at the chart, if you think of the total Federal budget as this cornfield, the portion that goes to the farm bill would be similar to this ear of corn out of the cornfield. If you think of the total cornfield as the Federal budget, the farm bill would be about one ear of corn. The portion of the farm bill that goes to farmers and ranchers to support what they do would be one kernel of corn out of the entire cornfield. To put those numbers into perspective—and these are analyzed numbers—you are talking about Federal spending of about $3.7 trillion, in that range. You are talking about a farm bill that, on an annualized basis, is about $100 billion. So it is $100 billion out of $3.7 trillion. Then if you talk about the portion that actually goes to support farmers and ranchers and support that network, you are talking about less than $20 billion out of $3.7 trillion. That is why I use this frame of reference.

If we go to the next chart, we will go into some of the numbers and how that funding is broken out in the farm bill itself. This pie chart shows the CBO scoring. Of course with any legislation you need the CBO scoring that shows the actual cost. We try to do that in a consistent way across all of the legislation we pass. CBO uses a 10-year scoring period. On that basis, this entire pie, the farm program score, over a 10-year period is $960 billion. Of that, almost $800 billion is nutrition programs. Almost 80 percent goes to nutrition. I mean by that, primarily SNAP, nutritional assistance payments, or food stamps. So nutrition programs comprise 80 percent of the total cost in the farm bill.

Only about 20 percent actually goes for farming and ranching, for farm programs, and for conservation. So in the scoring, that is only about $200 billion. We know the bill is not a 10-year bill, it is a 5-year bill. So the actual cost is $480 billion, or half of the score. That means approximately $400 billion goes for nutrition programs, food stamps, and so forth; and less than $100 billion goes for farm programs and conservation programs. So we are talking about an annual cost of this farm program—a program that supports farmers and ranchers who feed this country and much of the world—of about $20 billion—actually less.

Let's go to the next chart on how the program actually provides savings, how farmers and ranchers are providing real savings for deficit reduction in this country. This bill saves more than $23 billion—$23.6 billion is the savings generated by this farm bill; $15 billion comes from the farm programs themselves; $6 billion comes from conservation programs; only about $4 billion comes out of nutrition programs. So 80 percent of the cost in the bill is nutrition programs, which is $400 billion over 5 years. Only $4 billion comes out of the nutrition programs; close to $20 billion comes out of the agriculture portion of the bill. Going back to my prior chart, if you go back to the crop insurance provisions and commodity,

which comprise the farm support network, that is about $150 billion in the CBO scoring. Remember, I said $15 billion comes out of that $150 billion. My point is that 10-percent reduction. So farmers and ranchers are stepping up in the farm bill and saying, OK, we are going to help meet the deficit and the debt challenge. They are, in essence, taking 10 percent less.

Think about that, if throughout all aspects of the Federal budget everybody stepped up the way farmers and ranchers are in this legislation and said, OK, here is a 10-percent reduction we are going to take to help get the deficit under control and the debt under control. My point is, very clearly, in this legislation we have real savings, and that savings is being provided by our farmers and ranchers.

At the same time—this is my third point, and it is very important—this farm bill provides the kinds of support our farmers and ranchers need by providing the risk management tools our farmers need. This farm bill provides strong support for our farmers and ranchers, and it does it the right way. It does it right, with sound risk management tools. What are those risk management tools? I have them here on the chart. It enhances crop insurance. Second, a new Agriculture Risk Coverage—or ARC—Program. It includes also reauthorization of the no-net-cost sugar program. It improves and extends the livestock disaster assistance program. These are the kinds of risk management tools our farmers and ranchers have asked for. They are cost-effective and a market-based approach. They provide the sound, solid safety net our farmers and producers need to continue to produce the food supply for this country.

I will go into more detail on the next chart on crop insurance. As I travel around the State, and as myself and others who are members of the Ag Committee travel the country, one thing our farmers and ranchers say to us over and over again is that they want enhancements to crop insurance. We worked on the safety net for our farmers, and as we worked on the tools for them, they said the heart of the farm bill needs to be enhanced crop insurance. That is exactly what we have done with this legislation. That is the heart of the bill.

Enhanced crop insurance involves a number of things. First, farmers can buy individual crop insurance, and do buy it, at whatever level they deem appropriate. They look at their farm operation and decide how much crop insurance they are going to buy to cover that farm operation. But as they insure at higher levels, the cost to buy that insurance gets more and more expensive. One of the things we tried to do in terms of enhancing crop insurance is figure out how we can help insure at a higher level at an affordable price. That is one of the new innovations. It is called the supplemental coverage option, or SCO. It enables farmers to insure or cover their farming operation at a higher level, but still at an affordable price.

The way it works is, the farmer buys his normal, individual, crop insurance that he would normally purchase. But then, in addition, on a countywide basis, he can buy supplemental coverage, with the supplemental coverage option, on top of his existing insurance. If he typically insures up to, say, 60, 65, or maybe a 70-percent level, he can buy additional insurance on top of his regular policy at a reasonable premium. His regular policy is an individual, farm-based policy, and this is a county-based policy that provides additional coverage at a reduced rate—again, management tools on a market-based approach to cover their farming operation.

The second innovation on the next chart is a program called Agriculture Risk Coverage, or ARC. Very often, farmers—obviously, one of the challenges they face is due to weather. When they face weather challenges, oftentimes we can get in a wet cycle or a dry cycle. So the problem they have with weather may not be limited to one year. You may have a number of years where they face real weather challenges.

In addition, what may happen is that it may trigger losses in their farming operation that are not severe enough to trigger their regular crop insurance, but still cause them losses. You can have repetitive or shallow losses. Over time, those can make an incredible difference in terms of farmers being able to continue in farming and continue their operation. We add shallow loss coverage, or the agriculture risk coverage, to help them protect against these repetitive losses, which they often face due to weather conditions. That is the agriculture risk coverage. It covers between 11 and 21 percent of historical revenue.

How do you calculate that percentage? That is a 5-year average—the last 5-year average—based on price and yield, the revenue they generate on their farming operation. You take out the high year and the low year, and you average the other three. The way it works is, when you have a year where the farmer's crop insurance may not trigger, they still have help when they have a loss, but a loss that may not trigger on their crop insurance. In other cases, it works with their crop insurance to make sure they are adequately covered so they can continue their farming operation. Again, an enhanced risk management tool, cost-effective, focused on a market-based approach to make sure our farmers and ranchers have the coverage they need to continue their operation.

One other point I want to make in wrapping up is that this bill also continues strong support for agricultural research. Agricultural research is making a tremendous difference for our farmers in terms of what they are doing to increase productivity. Obviously, we all know technology has done amazing things to help productivity. But at the same time, agricultural research has made an incredible difference in not only food production—productivity when it comes to food production—but energy production as well.

So that is it. That is how this legislation works. It provides strong support to our farmers and ranchers. It provides that support on a cost-effective basis. The bill emphasizes a market-based approach, focused on crop insurance, which is exactly what producers have told us they want. At the same time, this legislation provides real savings—$23.6 billion—to help reduce the Federal deficit and the debt. It is bipartisan, and it received strong committee support.

I know some of our southern friends are still looking for more help with price protection, and we are working with them. It is likely the House Agriculture Committee will seek to do more in that area as well. But this is legislation that we need to move forward. This is legislation that supports our farmers and our ranchers the right way as they continue to provide—and I am going to go back to my very first chart—support our farmers and ranchers as they provide the highest quality and the lowest cost food supply for every single American.

As I said, this is where I started my comments, and this is where I will conclude. When we are talking about a farm bill, we are talking about something that is important to every single American—every single American. We do it the right way here, and I ask all of my fellow Senators on both sides of the aisle—we worked together in a great bipartisan way in the committee—to work together in a great bipartisan way on the Senate floor and pass this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HEALTH CARE COST REDUCTION ACT OF 2012

Mr. HATCH. Mr. President, today the House of Representatives will vote on the Health Care Cost Reduction Act of 2012. I want to say a few words about that bill, which repeals two of the more counterproductive of the many components of the President's health care law.

Specifically, it repeals the restrictions on the use of FSAs and HSAs in the purchase of over-the-counter medications, as well as the medical device tax.

I want to thank my colleagues in the House for advancing this legislation. Repeal of the onerous OTC restrictions and the device tax are priorities of

mine as well. I have introduced legislation that specifically repeals the medical device tax, and my bill—the Family and Retirement Health Investment Act—includes the repeal of the limitations on the purchase of over-the-counter medication.

Others in the Senate, including my friend and colleague Senator HUTCHISON, have also been working to repeal the OTC restrictions. My friends from Massachusetts and Pennsylvania, Senators BROWN and TOOMEY, have been strong advocates for repeal of the medical device tax. I appreciate working with them and all Members who are committed to the repeal of the President's health care law.

I appreciate the hard work of Chairman CAMP and Speaker BOEHNER in moving the Health Care Cost Reduction Act through committee and onto the floor. I also want to thank, in particular, my friend Congressman ERIK PAULSEN of Minnesota for his hard work. We have partnered on both the OTC repeal and the medical device repeal, and he has been tireless in fighting not only for his constituents but for all Americans who are burdened by these misguided policies.

Despite some weak protestations to the contrary from the White House, neither of these provisions serve any health policy purpose. They exist for one reason: to bankroll the $2.6 trillion in new spending that is the real soul of ObamaCare. There is no good that can come of ObamaCare. The bad and ugly are plenty, however.

The restriction on the purchase of over-the-counter medications—what some have called a medicine cabinet tax—inconveniences patients and busy families, increases burdens on primary care providers, reduces patient choice, and may actually increase health care utilization and spending. So much for bending the cost curve down.

The medical device tax, in addition to harming patients, is a job killer at a time when our country needs all the good jobs it can get. Together, they are also clear violations of the President's pledge not to raise taxes on families making less than $250,000 a year.

With respect to the restrictions on the purchase of over-the-counter medications, ObamaCare now requires the holders of health savings accounts and flexible spending arrangements to obtain a physician's prescription before using those accounts to purchase over-the-counter medicine. In some respects, this policy, more than any other, represents the incredible arrogance and wrongheadedness of the President's signature domestic achievement.

When President Obama and his allies touted the virtues of this law, they mentioned increased access and lower costs. Yet to pay for the law's coverage expansions, they included this medicine cabinet tax, which will do nothing but burden medical providers, undermine access to health care, and increase costs for patients and businesses.

It is worth noting that in yesterday's Statement of Administration Policy announcing President Obama's opposition to the House bill, they did not even describe this provision in detail, much less defend it. It seems clear to me the administration is embarrassed by this tax on patients, and they should be.

A study from the Consumer Health Products Association determined that 10 percent of office visits are for minor ailments, and 40 million medical appointments are avoided annually through the self-care enabled by over-the-counter drugs.

According to a study by Booz & Company, the availability of these over-the-counter medications saves $102 billion annually in clinical and drug costs. Yet ObamaCare deliberately restricts their availability.

With respect to the medical device tax, we all know how bad this tax policy is. I am sure the President knows how bad this policy is as well, but he and his allies continue to defend it. Beginning next year, ObamaCare imposes a tax on the sales of medical device makers—not the profits, the sales.

With this excise tax, even unprofitable firms will be responsible for a 2.30-percent tax on sales of their devices. It is difficult to overstate the damage to patients and our economy this tax will wreak.

According to one analysis, this ObamaCare tax will kill between 14,000 and 47,000 jobs. We wonder why we are having trouble with unemployment. According to another analysis by Benjamin Zycher, it will reduce research and development by $2 billion a year. The resulting collapse in innovation will undermine care for not only the elderly but all patients. Zycher has determined that the effect of this tax will be 1 million life-years lost annually—one million life-years lost annually.

Between 1980 and 2000, new diagnostic and treatment tools, such as improved scanners, catheters and tools for minimally invasive surgery, helped increase life expectancy by more than 3 years. Medical devices helped to slash the death rate from heart disease by a stunning 50 percent and cut the death rate from stroke by 30 percent.

From 1980 to 2000 the medical device industry was responsible for a 4-percent increase in U.S. life expectancy, a 16-percent decrease in mortality rates, and an astounding 25-percent decline in elderly disability rates, according to a study by MEDTAP International.

Why on Earth would anyone vote for a targeted tax on an industry that provides such enormous value and security to patients?

For those who vote against repealing this tax today and stand against its repeal in the Senate, it is worth recalling last week's jobs report. In the month of May, our economy created only 69,000 new jobs. That is, frankly, pathetic. It is barely keeping up with population growth, much less digging us out of our jobs deficit.

I think there is little doubt the mere threat of this tax on medical devices is contributing to these paltry numbers. In other words, this tax is undercutting a key industry, creating deep uncertainty, and hindering job creation.

Since President Obama signed this tax into law, the dollar amount of venture capital invested has declined more than 70 percent. The $200 million raised last year is the lowest level of medical device startup activity since 1996.

This industry is one of the engines of our economy. According to the Lewin Group—a highly respected group—the medical technology industry contributes nearly $382 billion in economic output to the U.S. economy every year. In 2006, it shipped over $123 billion in goods, paid $21.5 billion in salaries to 400,000 American workers, and was responsible for a total of 2 million American jobs.

It pays its employees on average $84,156—that is 1.85 times the national average—and more than 80 percent of medical device companies are small businesses employing 50 people or less. Yet this is the industry President Obama decided to target? This is the industry every Senate Democrat voted to tax when Obamacare passed the Senate?

There are over 120 medical device companies in my home State of Utah alone. Let me tell you, they know what is going to happen if this tax goes into effect, and it is not going to be pretty. I think the President must know this. He and his advisers must know what a disaster the medicine cabinet tax and the medical device tax are as both fiscal and health policy. But yesterday they doubled down on it. Their Statement of Administration Policy threatened a veto of the House bill. It is clear to everyone that the USS Obamacare is a sinking ship, but the President seems committed to going down with it.

Obamacare needs to go. All of it. The law created a web of unconstitutional, misguided, unrealistic, and costly regulations, taxes, fees, and penalties. That web must be pulled down in its entirety, whether by the Supreme Court, or by a Republican Congress and President Romney.

There are few policies more emblematic of that law's failures than the medical device tax and restrictions on the purchase of over-the-counter medications, and I commend my friends in the House for repealing them today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. COONS pertaining to the introduction of S. 3275 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRASSLEY. Mr. President, since we are talking about farm legislation as well as nutrition legislation, I think I should be very transparent when I talk about this and talk about my background and lifetime in farming. I don't want to say something about farm bills and then have people who don't know where I am coming from find out later that I am a farmer and might benefit from some of the farm programs. So in the vein of transparency and accountability, I will just say that since 1960, when my father died, I have been involved in farming. Since 1980, I have been involved with my son Robin renting my farmland, farming with what we call in Iowa 50–50 farming. Others might call it crop share. Basically, that means that he and I are partners, and I pay for half the expenses, and I get half of the crop to market, and he gets the land rent-free. When you are crop-sharing or when you are 50–50, that means I am not an absentee landowner collecting cash rent, that I have risks. With risks, you assume that maybe you might get a crop or not get a crop, and if you don't get a crop, you don't get your rent as a landlord. It is the same for my son. He has risks as well. If he doesn't get a crop, he won't have to pay rent, but he isn't going to have anything to live on if he doesn't have a crop. So that is kind of the situation I have been in since 1960 when I was farming on my own and then in partnership with my son.

In the last 7 or 8 years, we have had a grandson, Patrick Grassley, who is a member of the State legislature, join our farming operation, and what I found out, with having a grandson in the farming operation, they don't have a lot of work for a grandfather to do. So last year about all I did was fall tillage with what we call in Iowa chisel plowing.

With that background, I want to go to my statement.

Growing up on my family farm outside of New Hartford, IA, where I still live today, I grew to appreciate what it means to be a farmer. The dictionary defines a farmer as ''a person who cultivates land or crops or raises animals.'' But that definition doesn't come close to fully describing what a farmer is. Being a farmer means someone willing to help a cow deliver a calf in the middle of the night when it might be 5 degrees outside. A farmer is someone who is willing to put all of their earthly possessions at risk just to put a bunch of seed in the ground and hope the seed gets rain at just the right time. Farmers work hard cultivating their crops and get the satisfaction of seeing the result of their hard work at the end of each crop season. They take great pride in knowing they are feeding this Nation. A farmer in Iowa produces enough food to feed 160 other people. So obviously we export about one-third of our agricultural production.

Farmers tend to be people who relish the independence that comes with their chosen profession. They are people with dirt under their fingernails, and they also work very long hours. Often they are underappreciated for what they do to put food on America's dinner table, and they receive an ever-shrinking share of the food dollar.

At this point, I would speak about a fellow Senator. I won't name the fellow Senator, but he is from an urban State.

Throughout our years of service here, I like to say to him: Do you know that food grows on farms?

And he says: Oh, does it?

Well, the other night at the spouses' dinner we had, he came up to my wife and he said: I know food grows in supermarkets, but CHUCK thinks it grows on farms.

So that is the sort of camaraderie we have around here on agriculture, and I am very glad to have it.

I always say that agriculture is probably a little easier in the Senate because I believe every Senator, even in Alaska, Hawaii, and New Hampshire, represents agriculture to some degree—maybe not as much as in the Midwest, where I come from, or California or Texas, but every State has some agriculture, and there is an appreciation of it. In the other body, our House of Representatives, I don't know an exact figure, but I would imagine that there are probably only 50 districts that really are agriculture-oriented districts and the rest of them are very urban or suburban. So we have an understanding of agriculture and how important it is. When I talk about it, I don't mean to talk down to my colleagues, but I do think I understand agriculture. It is not to say that other Senators don't understand agriculture, but I think if you have been involved in it for a lifetime the way three or four of us here in the Senate have been, it means a little more.

Farmers have chosen a line of work that comes with risk. It is a risk that is inherent in farming and often out of their control. The risk inherent in farming is why we have farm programs.

If I may digress a little bit here, from memory, just to show how there are a lot of issues with agriculture that are beyond the control of farmers—I am not just talking about natural disasters such as hail or drought. In 1972 Nixon wanted to get reelected so bad that he froze the price of beef. It was only for a short period of time, maybe 3 or 4 months, because they found out it was not working the way he wanted. He didn't care about the farmers. Iowa was No. 1 in beef production up to that time. After that, everybody got squeezed out of the beef business because of the freeze. We went from No. 1 down to No. 13. Now I think we are about fifth or sixth in the production of beef.

Another example is when soybeans were being exported and they got up to $13 a bushel in 1973 or 1974—let's see. I am just trying to think. It was either when Nixon or Ford was President. At the time, one of them decided it was going to drive up the price of food in America, so they forbid the export of soybean. Soybean prices fell from $13 down to $3.

Another time, Carter decided that it was wrong for Russia to invade Afghanistan. At that time, we were selling them wheat, until the decision was made that we were not going to sell them any more wheat, so the price dropped.

I suppose I ought to think of things a lot more recent, but there are a lot of international politics that affect farming. Right now it is with Iran sanctions and oil. I am not sure to what extent that affects the price of energy, but agriculture is a big user of energy.

So what I am trying to say with just a few examples—and I ought to have more from memory—is that there are so many things that are beyond the control of farmers that if you ever wonder why we have a farm safety net, that is why.

Why do we have a farm safety net? For national security. As Napoleon said, an Army marches on its belly. We have to have food. Why do you think Japan and Germany protect their farmers so much today? Because they found in World War II that if they don't have food, they don't have very good national security. Or how long can a nuclear submarine stay underwater? Forever. Except if it runs out of food, it has to come up. Or what about the old adage of being nine meals away from a revolution? In other words, as a mother and dad, if you can't get food for your kids for 3 days, and they are crying, you might take any action to make sure they get food.

So I think having a secure supply of food is very essential to the social cohesion of our society.

We don't worry about that in America, do we? We go to the supermarket and the shelves are full, but there are a lot of places in the world where they don't have that. There are a lot of places in the world where they pay more than 50 percent of disposable income for food, and in America it is about 9, 10, or 11 percent.

So there are plenty of reasons to make sure we have a sound agricultural system in America, and we ought to make sure we take it seriously, both from a national security standpoint and for our social betterment.

If we want a stable food supply in this country, we need farmers who are able to produce it. When they are hit by floods, droughts, natural disasters, wild market swings, or unfair international barriers to their products, farmers need the support to make it through because so much is beyond the control of farmers. Most farmers I know wish there wasn't the need for a government safety net, but they appreciate that safety net when they do need it. For decade after decade, Congress has maintained farm programs because the American people understand the necessity of providing a safety net for those providing our food.

That is not to say that each and every farm program ever created needs to continue. In fact, there is a lot in this farm bill we have before us that brings reform, and some programs not reauthorized, that prove what I just said—that just because we have had some for 60 years doesn't mean we have to have them for the next 5 years in this farm program. Just as there are shifts in the market, sometimes public sentiment toward certain farm programs also shifts.

Take direct payments, for instance. There was a time and place for direct payments to help farmers through some lean years. But now times are OK in the agriculture industry, and the American people have rightly decided it is time for direct payments to end. With a $1.5 trillion deficit every year, it is also a reality that those payments can't continue from a budget point of view. So the Senate committee has responded, and we have proposed eliminating the direct payment program, and many farmers agree direct payments should go away as well.

There are other reforms the American taxpayers want to see. There is no reason the Federal Government should be subsidizing big farmers to get even bigger. I might repeat myself as I go through my statement, but I want to say that a farm safety net ought to protect the people who don't have the ability to get beyond these things that are beyond their control—whether it is domestic politics or whether it is a natural disaster or whether it is international politics or energy policies or all of the things that can happen.

There are some farmers who might not get over that hump because it is beyond their control—a problem that affects them financially. But there are some farmers who have that capability, and I think traditionally we have geared the farm program—not enough, from my point of view—but we have geared the farm program toward a safety net for small- and medium-sized farmers.

We have a situation where 10 percent of the farmers in recent years—the biggest farmers—are getting 70 percent of the benefits of the farm program. There is nothing wrong with getting bigger. I want to make that clear. In fact, in agriculture, with the equipment costs a farmer has to get bigger, but the Federal taxpayers should not be subsidizing farmers to get bigger. It isn't just a case of a principle not to do that; it is the economic impact. When we do that—provide the government subsidy to the big farmers—they go out and buy more land, which drives up the price of farmland or drives up the cash rent in a particular area. Consequently, it makes it very difficult for young people to get started farming.

We want to be able—we have to pass this on to the young farmers. Many farmers understand that in order for us to have a farm program that is defensible and justifiable, it needs to be a program designed to help these small- and medium-sized farmers who actually need the assistance to get through rough patches out of their control.

So what I have been trying to do for years, and it was finally put in this farm bill, is to put a hard cap on the amount of money one farming operation can get so, hopefully, we cut down that 10 percent of the largest farmers that gets 70 percent of farm payments, so it is more proportional to the benefit of small- and medium-sized farmers. That is in this bill at $50,000 per individual and $100,000 per married couple for the payments under the Agriculture Risk Coverage Program. It is in this bill. I know to a lot of people listening that $50,000 and $100,000 is too much, and it is even too much for most Iowans. But there are some sections of this country, such as the South and West, where we will find our fellow Senators—I don't know how open they are going to be about this, but behind the scenes they are raising Cain about this $50,000 cap. I just about had this put in the present farm bill in 2008, except I had 57 votes, and we know how things work around here. We have to have 60 votes to get something done if people want to push the point. So I didn't get 60 votes. Now it is in the farm bill. I don't know who is negotiating around here on amendments, but there is going to be somebody trying to take this out of here—somebody from the South, I would imagine—trying to take this $50,000 cap out.

I expect to have the same considerations to this not being taken out by a 60-vote margin as I was kept from putting it in 5 years ago because if it had been put in 5 years ago, we would have saved $1.3 billion over that period of time.

Taxpayers are tired of reading reports about how so many nonfarmers receive farm payments. I have been working to get reforms on the farm payment eligibility for years, and just as the tide has turned on the status quo for direct payments, the tide has turned on program eligibility. The bill contains crucial reforms to the ''actively engaged'' requirements. These reforms will ensure farm payments go to actual farmers. The American people are not going to stand idly by anymore and watch farm payments head out the door to people who don't farm. In other words, if they aren't out there working the land—if they are on Wall Street or something and have farmland in the Midwest—they shouldn't be collecting these farm payments.

There have been some people complaining about the payment limit reforms I have talked about. They complain it will detrimentally change the way some farm operations do things. Well, if they mean it will not allow nonfarmers to skirt around payment eligibilities and line their pockets with taxpayers' money meant for actual farmers, then the answer is, yes; that is what those reforms will do.

Let me make it perfectly clear. The reforms contained in this bill will not impact a farmer's ability to receive farm payments. Furthermore, the reforms will not affect the spouse rule. In other words, if the husband and wife are together in the farming operation, and some Senator comes around and says the spouse who is working beside the other spouse in this farming operation can't get the benefit of it, they are wrong.

These reforms reflect what we hear from the grassroots, which is Congress needs to be a better steward of the taxpayers' dollars. That is true if we are talking about farm programs or any other Federal program.

Those who are against these reforms are asking the American people to accept the status quo and to continue to watch as farm payments go to megafarms and nonfarmers. We cannot and will not accept the status quo. In other words, 10 percent of the biggest farmers getting 70 percent of the benefits of the farm program ought to end.

The Agriculture Committee should be proud of the improvements we are making to payment limitations in this bill. With these reforms we bring defensibility and integrity to this farm bill. In addition, it is probably the only bill that is going to pass this year that is going to cut any programs, and it is going to do that by $23 billion. In fact, without these reforms in the farm program, I wouldn't be able to support this bill.

I urge my colleagues to voice their support for these important payment limitation provisions and join with me in resisting any attempt to weaken these reforms, particularly from people in the Southern States who say somehow we ought to still continue to allow these megafarmers to get these millions of dollars of payments.

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

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I want to discuss today several amendments I have to the farm bill that is now before the Senate. What might surprise many people to learn is that the overwhelming majority of funds in the farm bill are not spent on anything to do with farmers or even agriculture production. For instance, crop insurance amounts to—which is a big part of the new bill and is progress, I think—the crop insurance provisions amount to just 8 percent of what we will be spending. Horticulture is less than 1 percent. But a full 80 percent of the farm bill spending goes to the Federal food stamp program. Yet only 17 percent of the small savings that are found in this proposal comes from food stamps. Out of the $23 billion in cuts, none of which

occurs next year, out of almost $1 trillion in spending over 10 years. So about $23 billion in cuts. Most of that is taken from the farm provisions, but only 20 percent of it goes to that. At the same time, food stamp spending is virtually untouched. I believe they propose $4 billion in savings after 80 percent of the cost of this bill is in the food stamp program. The other $17 billion comes out of the 20 percent—not the food stamps.

Overall, the legislation will spend $82 billion on food stamps next year—$82 billion, and an estimated $770 billion over the next 10 years. To put these figures in perspective—and they are so large it is difficult to comprehend—we will spend, next year, $40 billion on the Federal highway program, but $80 billion on the food stamp program.

Food stamp spending has more than quadrupled—four times. It has increased fourfold since the year 2001. It has increased 100 percent since President Obama took office, doubled in that amount of time. There are a number of reasons for this arresting trend. While the poor economy has undeniably increased the number of people who qualify for food stamps, this alone does not explain the extraordinary growth in the program.

For instance, between 2001 and 2006, food stamp spending doubled, but the unemployment rate remained around 5 percent. So from 2001 to 2006, we had a doubling of food stamps while unemployment is the same. When the food stamp program was first expanded nationwide, about 1 in 50 Americans received food stamp benefits. Today, nearly one in seven receive food stamp benefits.

We need to think about that. This is a very significant event. We need to ask ourselves, is this good policy? Is it good for America? Not only is it a question of, do we have the money, the second thing is, is it going to the right people? Is the money being expended wisely? Is it helping people become independent? Is it encouraging people to look for ways to be productive and be responsible themselves for their families? Or does it create dependency, part of a series of government programs that, in effect, are not beneficial to the people who actually benefit from them in the short term?

Three factors help explain this increase. First is that eligibility standards have been significantly loosened over time with a dramatic drop in eligibility standards in the last few years. Second, it has been the explicit policy goal of the Federal bureaucracy to increase the number of people on food stamps. Bonus pay is even offered to States that sign up more people. States administer this program.

And, third, the way the system is arranged with States administering the program but the Federal Government providing all of the money, all of it, they do not have—States do not match food stamps. States have an incentive, do you not see, to see their food stamp budget grow, not shrink, because it is more Federal money coming into the State which they pay no part of.

That means overlooking, I am afraid, I hate to say, dramatic amounts of fraud and abuse, because the enforcement and supervision is given over to the States. So I filed a modest package of food stamp reforms to the farm bill which will achieve several important goals: save taxpayer dollars, which is a good thing; reduce the deficit; achieve greater accountability in how the program is administered; confront widespread waste; direct food stamps to those who truly need them; and help more Americans achieve financial independence.

I guess I am the only person in the Senate who has ever dealt with fraud in the food stamp program. Shortly after law school, when I was a young Federal prosecutor, I prosecuted fraud in the food stamp program. Later I came back as a U.S. attorney, and we saw drug dealers selling food stamps, we saw various other manipulations of it. As attorney general of Alabama for a period, I was involved in enforcing integrity in the program. So I know the benefits food stamps play to people in desperate need. I know it is helpful. But I know, Americans know, they see it every day, that there are abuses in this program. It is the fastest growing entitlement program bar none. We need to look at it. I understand there are some who oppose even saving $4 billion over 10 years out of the food stamp program.

We are spending 80 a year. Four years ago, we were spending 40. We cannot do better than that?

Food stamps is the second largest Federal welfare program following Medicaid. If food stamp spending were returned next year to the 2007 funding level, and you agreed to increase it for 10 years at the rate of inflation, that would produce an astonishing $340 billion in savings for the U.S. Treasury. And we have to have some savings because we don't have the money to continue spending at the rate we are.

Food stamps are 1 of 17 Federal nutritional support programs and 1 of nearly 80 Federal welfare programs. So there is no confusion, these figures count only low-income support programs. They don't include Medicare, Social Security, or unemployment benefits.

Collectively, our Federal welfare programs constitute about $700 billion in Federal spending and $200 billion in State contributions to the same programs. That is about $900 billion on the Federal-State combined—most of it Federal—and $900 billion is about one-fourth of the entire Federal budget.

An individual on food stamps may receive as much as $25,000 in various forms of financial assistance for their household from the Federal Government—as much as $25,000—in addition to whatever salary they may earn in part- or full-time work, or any support they may receive from their families or communities. In other words, this is not normally the only source of income for the person.

Changes in eligibility have also eliminated the asset test for food stamp benefits, which brings me to the first of four amendments I have filed.

No. 1, let's restore the asset test for food stamps. This change has been quite significant. Through a system known as categorical eligibility, States can provide benefits to those whose assets exceed the statutory asset limit, as long as they receive some other Federal benefit. Why is that? I don't know; it makes no sense to me. If you qualify for another program, you automatically get food stamps. Categorically, you are eligible for them. One State went so far as to determine that individuals were food-stamp eligible solely because they received a brochure for another benefit program in the mail. Well, that meant there is more money from the Federal Government coming into their State, more benefits. I guess they see it as an economic benefit. It didn't cost them any money; the money came from Washington.

According to the CBO, the simple process of going back and restricting the categorical eligibility problem that is now springing up would produce $12 billion in savings for taxpayers over the next 10 years and should not eliminate a single person who qualifies for food stamps under the statutory restrictions for the program. All it would mean is that if you qualify for food stamps and fill out the proper form, you get it, like everybody else has to do.

Second, there is the heating subsidy loophole. Fifteen States are using a loophole in order to get more food stamp dollars from the Federal Government. They do this by mailing a very small check—get this—often less than a dollar a month—under the Low Income Home Energy Assistance Program, LIHEAP. Anyone who receives that check, which may be as little as a few dollars a year, becomes eligible to claim a lower income on the basis of home energy expenses—even if they don't pay those expenses.

This reform will require households that receive food stamps to provide proof of payment for their heating or cooling in order to qualify for the income deduction. If the government is paying for your heating, you should not say I need food stamps because I have a big heating bill. But this is a clever maneuver designed by States—frankly, deliberately—to extract more money from Washington—free money for their States, and it is not good policy for America. It is not right that some States get more under the food stamps program by using this technique than others who don't use this abusive practice. Closing this loophole will produce $14 billion in savings over the next 10 years. That is a lot of money.

No. 3, let's end the bonus payments going to States for increasing the number of people who sign up. We ought to

be giving bonuses to people who identify people who are abusing the problem and bringing those down, if anything.

States currently receive bonus payments for enrolling individuals in the food stamp program. Those bonus payments highlight the perverse incentive States have to expand food stamp registration rather than to reduce fraud and help more people achieve financial independence. We need to be focusing on helping people to get work and to be more productive and to bring in more money for their families than food stamps would bring in. That is what the focus of American vitality and growth should be.

No. 4, let's implement the SAVE Program for food stamp usage. This amendment would simply require the government to use a very simple SAVE Program, similar to the E-Verify Program, to ensure that adults receiving benefits are in fact lawfully in the country. This is a commonsense thing to do at a time when we have to borrow 40 cents out of every dollar we spend in this government. We spend $3,700 billion and we take in $2,400 billion. We borrow the rest every year. We cannot afford to be providing incentives, benefits, bonuses, and payments to reward people who have entered the country illegally. We just don't have the money.

Ultimately, beyond first steps, the best way to achieve integrity in the food stamp program is to block-grant it to the States. Send so much for the program, a fair percentage to each State, and let them distribute it. This will provide States with a strong incentive to make sure each dollar is being properly spent. They don't have that today. It does no damage to a State if somebody is getting the money improperly, or getting more than they are entitled to. If a State is administering the program and some people are getting too much and others are not getting enough, then the State has an incentive to make sure the abuses stop and the aid goes to the people who need it. That is the kind of program we need in America—one that works and has incentives built in to make the program have integrity.

The House budget adopts this reform. They like to complain about the House and say the House doesn't know what they are doing. This is a commonsense reform. I am proud of what the House did. They did exactly the right thing. Senate Democrats, of course, have not even written a budget in 3 years. It has become clear that if we had gone through a financial analysis, a budget debate in this Congress, we could save a lot of money by ending the abuses in the Food Stamp Program, and it would help us do other things the government needs to do. It would also become clear that we will run out of money to pay for this program if we don't make changes soon. We are in a financial situation that is so grave that every expert has told us we are on an unsustainable path and we have to get off of it. If we don't, we can have another financial catastrophe, like in 2007, and like they are having in Europe today. That is very possible. So we have to reduce our deficit and our abusive spending.

Reforming the way we deliver welfare is the compassionate course. It is not mean-spirited to say that people who are not entitled to the benefits don't need the benefits and should not get them. There is nothing wrong with that. There is nothing wrong with having incentives in your program, not to see how many people you can get on food stamps but to see how many we can get to work and be productive and take care of themselves.

The result of welfare reform in 1996, if you remember that—and many of you do—was less poverty, more growth, less teen pregnancy, more work, and more people successfully caring for themselves. We have slipped back, in my opinion. We moved back from some of the progress we made from the 1996 provision.

Unfortunately, since 1996, Members in both parties have failed to protect these gains. The welfare budget has swelled dramatically. Oversight has diminished. Standards have slipped. We now find ourselves in need of welfare reform for the 21st century. We do. That is the nature of any government, where once programs are established, they go beyond rationality and need to be reformed periodically.

It is time to re-engage the national discussion over how the receipt of welfare benefits can become damaging, not merely to the Treasury but also to the recipient.

Left unattended, the safety net can become a restraint, permanently removing people from the workforce. And Federal programs, unmonitored, can begin to replace family, church, and community as a source of aid and support.

We need to reestablish the moral principle that Federal welfare should be seen as temporary assistance, not permanent support. The goal should be to help people become independent and self-sufficient.

Such reforms, made sincerely and with concern for those in need, will improve America's social, fiscal, and economic health. Empowering the individual is more than sound policy; it remains the animating moral idea behind the American experience, our national exceptionalism. We believe in individual responsibility. We believe in helping people in need, but we don't believe in creating circumstances where decent, hard-working people, who work extra and save their money, who give up vacations and going out to eat so they can take care of their family, are also required to support people who are irresponsible. That is not a healthy situation for us to be in.

We need to strike the right balance. We can help those people in need and create a government and a social assistance program in America that benefits the people we seek to benefit and benefits the State treasuries at the same time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BROWN of Ohio. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

STUDENT LOANS

Mr. BROWN of Ohio. Mr. President, I come to the floor fairly often to share letters I get from people in Ohio and especially when it is an issue that is on the tips of so many young people's tongues and on the minds of so many in our State.

I spent much of the last month visiting with students on college campuses at Wright State University in Dayton, at Hiram College in Portage County in northeast Ohio, at the Cuyahoga County Community College in Cleveland, at the University of Cincinnati, and Ohio State University. Just this last Monday, I was at Owens Community College in Toledo. I hear over and over and over about the debt that far too many of our young people bear when they get out of school.

Today is the last session day for our pages from the winter term, and I hope the burden of debt on them—they are still several years away from absorbing the debt from college and going on to the workplace. But I worry for them, as I worry for so many of my constituents from Cleveland to Cincinnati and Ashtabula to Middletown and Gallipolis to Wauseon because the average Ohio student who is graduating from a 4-year school and who has borrowed money owes $27,000. This is a small step, but it is one more piling on of debt. If we are not able to freeze interest rates on Stafford loans—which is what my legislation will do, with Senator REED of Rhode Island, Senator HARKIN of Iowa—to freeze interest rates for at least another year, these students will be faced with another $1,000, in addition to what they are already facing.

It has become a moral issue. If we turn things over to these young people when they come out of school and they face this kind of debt, it means they are less likely to buy a house, it means they are less likely to start a business, and it means they are less likely to start a family. Do we want to do that to this generation of smart, young, enthusiastic, talented people, instead of giving them a better launch for their lives in their twenties and thirties? That is why it is essential we do this.

Two years before the Presiding Officer came to the Senate, in 2007, we

passed this freeze; President Bush signed legislation that Senator Kennedy and I and others in the Health, Education, Labor, and Pensions Committee worked on to freeze interest rates for Stafford subsidized loans at 3.4 percent. There is a 5-year freeze. If we don't act by July 1, 2012, 5 years after we passed it, that will mean these loans are going to double.

I wish to share a couple letters I have gotten from people in Ohio. This doesn't just affect the students; there are some 380,000 college students in my State whom it affects. But it doesn't just affect these students; it affects their families. Their parents, sometimes their grandparents, send us letters about how serious this is for them. I will read two letters.

Jeff from Lorain—which happens to be my home county:

I've been a lifelong resident of Lorain, OH. My daughter graduated top of her class from Southview in 2008. She just graduated from Hiram College with a bachelor in Mathematics and minor in Political Science Cum Laude. She maxed out her Stafford loans each year, and these help her to attend college. I've worked in factories all my life, the last 20 years at Avon Lake Ford so we are able to help some but the major work was done by our daughter with her focus and hard work. She is moving on to grad school but at some point she will have to start repaying these loans. Do we want to burden these young bright minds with loan payments that are so large they will weigh them down financially for a large portion of their young adult lives? Were these loans designed to help students who don't come from families with large disposable incomes? Or are they to be used as a way to make money off our young people trying to reach their potential?

One of the good things President Obama did about this was he helped people get into the Federal Direct Loan Program so they would no longer be borrowing from banks at much higher interest rates. College is too expensive. The States don't put enough money into colleges so that the colleges don't charge such high tuitions. Tuitions have gone up like this over the years. But at least we were able to make a big difference on interest. This is our chance to do it again, and we shouldn't let Jeff and his daughter down and others.

The other letter I will read is from Marcelline from Wilberforce.

I am 60 years old. I went back to school to get a job that would not continue to destroy my physical health. My previous job for companies like BP and Wal-Mart were devastatingly hard on me all with little or no medical help. I also returned in hopes of obtaining employment that will position me to be gainfully employed for the next 15 to 20 years. I am supporting my two grandchildren both are aspergers and my son while he tries to gain a degree of his own. I see no possibility of retiring before I die. I also see no possibility of paying off my education before I die. When I started my education I could justify the cost, but I have seen it going up yearly to the point I see no way of paying for it now, especially if interest rates continue to climb. I cannot conceive how the young people will be able to repay their debts. I am very concerned for them. The burden this will place on them as they go forward is heartbreaking.

This is the story the Presiding Officer hears in Anchorage, in Fairbanks, in Nome. I hear it in Toledo. I hear it in Lima. I hear it in Mansfield. I hear it in Sandusky. It is incumbent upon us—it is a moral question—not to load more debt on these young people so they can develop their talents in a way that not only will help them individually, not only will help their families but will help our society prosper.

We know what the GI bill did in the 1940s and 1950s and 1960s. It not only helped millions of service men and women and their families, it also lifted the prosperity of the United States of America. We owe this generation no less than that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF ANDREW DAVID HURWITZ, OF ARIZONA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

Mr. REID. Mr. President, I ask unanimous consent to proceed to executive session to consider Calendar No. 607, the nomination of Andrew David Hurwitz, of the State of Arizona, to be United States Circuit Judge for the Ninth Circuit.

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

The clerk will report the nomination.

The legislative clerk read the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk with respect to that nomination.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the 9th Circuit.

Harry Reid, Patrick J. Leahy, Al Franken, Daniel K. Inouye, Bill Nelson, Amy Klobuchar, Jeff Bingaman, Michael F. Bennet, Herb Kohl, Patty Murray, Robert P. Casey, Jr., Tom Udall, Richard Blumenthal, Benjamin L. Cardin, Sheldon Whitehouse, Christopher A. Coons, Mark Begich.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived; that at 4:30 p.m. on Monday, June 11, there be up to 60 minutes of debate on the motion to invoke cloture on the nomination, equally divided between the two leaders, or their designees; that upon the use or yielding back of time, the Senate vote on the motion to invoke cloture on the nomination; further, that if cloture is not invoked on the nomination, the Senate resume legislative session and the motion to proceed to S. 3240 be agreed to at 2:15 p.m., Tuesday, June 12; finally, if cloture is invoked, that upon disposition of the Hurwitz nomination, the Senate resume legislative session and the motion to proceed to S. 3240 be agreed to.

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

LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent that we now resume legislative session.

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

MORNING BUSINESS

Mr. REID. I ask unanimous consent that we 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.

TRIBUTE TO WARREN B. LEWIS III

Mr. BURR. Mr. President, I want to honor the life of Investigator Warren ''Sneak'' B. Lewis III of the Nash County Sheriff's Office. On June 9, 2011, Investigator Lewis' life was cut short when he was fatally wounded while attempting to apprehend a fugitive wanted for murder in Kinston, N.C. I want to take a moment to remember him as we near the anniversary of his death.

Investigator Lewis began his career in law enforcement in 2002, when he joined the Nash County Sheriff's Office as a deputy. Through his hard work and dedication, he was promoted to Investigator where he first served with the Narcotics Division and was later assigned to the U.S. Marshals Service's Eastern District of North Carolina Violent Fugitive Task Force. On this assignment, Investigator Lewis helped the Task Force with the difficult and important work of locating and arresting fugitives throughout eastern North Carolina.

Investigator Lewis was dedicated to protecting the people of North Carolina, and today we remember him as he gave his life in service to our State. I want his wife Shannon Lewis, daughters Lauren and Ashley Lewis, father Warren Lewis, and mother Ann Lewis to know that my thoughts and prayers are with them on this day. I know that Investigator Lewis will be forever missed, and his service and sacrifice will not be forgotten.

ADDITIONAL STATEMENTS

REMEMBERING JOHN D. WRAY

● Mr. BENNET. Mr. President, today I wish to honor a former Tuskegee University professor whose efforts to support this country during the First World War, with the help of the hard-working young people he recruited for agricultural clubs, have gone largely unacknowledged until recently.

After the United States entered World War I in April of 1917, Professor John D. Wray left his position at Tuskegee University and relocated to North Carolina to aid in the war effort. As a professor specializing in agricultural science, Wray utilized his unique skills to help grow food for servicemembers fighting abroad. He partnered with Black county agents to organize and encourage African-American farmers' children to join agricultural clubs, which became known as the Saturday Service League. Wray even created a newspaper, the Rural Messenger, which was advertised as ''the only Negro farm journal in the world.''

In the first issue, Wray wrote that the children ''were told why they should engage in this work as a necessary defense for their country; that they could greatly assist by growing food to feed the boys who had gone to the trenches.'' In just 1 year's time, Wray had increased participation in North Carolina agricultural clubs tenfold, growing enrollment from 1,400 to more than 14,000. The Saturday Service League produced more than 17,000 chickens, 30,000 eggs, 23,000 pounds of pork, 700 bushels of wheat, 500 bushels of peas, 1,800 bushels of peanuts, 32 bales of cotton, 45,000 bushels of corn, and 700 bushels of potatoes in a single year.

Even after the war ended in 1919, many of the youth were inspired by Wray's patriotism and continued to work in the clubs to help feed the hungry and displaced peoples of Europe. By World War II, the clubs were nicknamed the ''Victory Volunteers.''

Born in 1889, Wray grew up on a tobacco farm near Durham and moved to Greensboro, NC, to attend the Agricultural and Technical College, where he received his degree in agricultural science. There he met his wife and developed a passion for community organizing. Utilizing the agricultural skills he learned at the college, Wray taught the youth he organized modern farming techniques that increased yields 10 times over, actively improving the utility of each farmer he encountered. In 1915, the North Carolina Agricultural Experiment Station offered him a job with a salary of $1,200 per year, making him the first African-American agent for the North Carolina Extension Service. He also became an advocate for young Black men who were mistreated while serving their country in military service.

While many wartime stories focused on the front lines of combat, it is equally important to recognize Americans who worked to support them. Professor John D. Wray knew exactly what he could do to maximize his support for the United States in one of our greatest times of need. I learned of Professor Wray through his granddaughter, Kathryn Green, who now resides in Denver, CO. She and her family take great pride in his contributions to our Nation's war effort during World War I. I join them and all Americans today in offering our gratitude and thanks to Professor Wray's outstanding commitment to country, community, and the agricultural sciences.●

TRIBUTE TO CHUCK LANGE

● Mr. BOOZMAN. Mr. President, today I wish to honor Chuck Lange, who recently retired as the executive director of the Arkansas Sheriff's Association after more than two decades of service at the ASA and a lifetime of dedication to safety and law enforcement.

As executive director of ASA, Chuck worked for the sheriffs of Arkansas but he shared his expertise in law enforcement with many more people. Chuck's passion for law enforcement and the lessons he learned at the University of Arkansas, the Southwest Texas State's Crime Prevention Institution, and the FBI National Academy benefitted Arkansans during his 43 years in law enforcement and security-related services.

Chuck's professional achievements are far-reaching and his accomplishments continue far beyond the office. He passed along his decades of law enforcement knowledge to others. As a volunteer, Chuck conducts training sessions for rape victim advocates, earning him accolades from Rape Crisis, Inc. Having also taught women's self-defense classes, it is evident that Chuck has a true commitment to making sure Arkansans understand how to protect themselves and stay safe.

Chuck shares his strong commitment to law enforcement as a member of several boards and task forces including the Arkansas Law Enforcement Memorial Board; executive board at the Criminal Justice Institute; Arkansas Coalition Against Domestic Violence Board; Governor's Strategic Prevention Framework Advisory Board and Governor's Task Force on After School Programs.

I congratulate Chuck Lange for his outstanding achievements and success in law enforcement and I ask my colleagues to join me in honoring him on his retirement. I wish him continued success in his future endeavors. We are all grateful for his years of service and leadership to Arkansas.●

REMEMBERING KATIE BECKETT

● Mr. WHITEHOUSE. Mr. President, I rise today to pay tribute to the courage of Katie Beckett, whose recent passing bids us pause to remember the challenges faced by families with children with long-term care needs, and the support we can provide to them.

Katie and her family will forever be known as heroes who fought for fair Medicaid benefits for every child. Before their advocacy work, Medicaid did not cover at-home treatment for children with disabilities or special health care needs. As a child suffering from viral encephalitis, Katie was forced to live in a hospital in order to receive treatment under Medicaid. Her mother went to work lobbying on behalf of Katie and other children in the same situation. As a result of her efforts, President Reagan passed a waiver that would allow children on Medicaid the option to receive medical care in their homes.

To this day, the waiver—which is referred to as the ''Katie Beckett Waiver''—enhances the quality of life of thousands of children across the Nation, including many in my home State of Rhode Island.

Caroline Friedman of Portsmouth, RI weighed 2 pounds, 15 ounces when she was born. In order to survive, Caroline must receive cardiac medicine through a central line in her heart. Because of the Katie Beckett Waiver, Caroline receives her life-sustaining treatment outside of the hospital. She is now 9 years old, and is living a full life attending school, joining Girl Scouts, and even taking karate classes.

Because of the Katie Beckett Waiver, Jacob Vandal of Little Compton, RI, who suffers from a rare genetic disorder, was able to receive home-based therapy services. Receiving this treatment at home made a huge difference to his developmental progress. Now, Jacob is a well-adjusted 27 year old who works in a supported employment program—something his parents say would not have been possible without the at-home care afforded to him by the Katie Beckett Waiver.

Katie Beckett and her family paved the way for Caroline, Jacob, and so many others like them to receive their treatment at home with their family, where they most wanted to be. I know these individuals and their families will be forever grateful for the difference the Beckett family has made to their lives. On behalf of all Rhode Islanders, I extend my heartfelt condolences to the Beckett family for their loss.●

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 withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:32 a.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, without amendment:

S. 292. An act to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

S. 363. An act to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

ENROLLED BILLS SIGNED

At 4:12 p.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. 292. An act to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

S. 363. An act to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3268. A bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 3269. A bill to provide that no United States assistance may be provided to Pakistan until Dr. Shakil Afridi is freed.

ENROLLED BILLS PRESENTED

The Secretary of the Senate announced that on today, June 7, 2012, she had presented to the President of the United States the following enrolled bills:

S. 292. An act to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

S. 363. An act to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

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–6383. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenamidone; Pesticide Tolerance; Technical Amendment'' (FRL No. 9351–5) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6384. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Asian Longhorned Beetle; Quarantined Areas in Massachusetts, Ohio, and New York'' (Docket No. APHIS–2012–0003) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6385. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the National Defense Authorization Act for fiscal year 2012 (OSS Control No. 2012–0717); to the Committee on Armed Services.

EC–6386. A communication from the Chairman of the Joint Chiefs of Staff, transmitting, pursuant to law, a report relative to military construction requirements related to antiterrorism and force protection (DCN OSS No. 2012–0654); to the Committee on Armed Services.

EC–6387. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report entitled ''2011 Military Working Dog Disposition Report''; to the Committee on Armed Services.

EC–6388. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Ronald L. Burgess, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6389. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of five (5) officers authorized to wear the insignia of the grade of major general and brigadier general, respectively, in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–6390. 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; Title 41 Positive Law Codification—Further Implementation'' ((RIN0750–AH55) (DFARS Case 2011–D003)) received in the Office of the President of the Senate on June 4, 2012; to the Committee on Armed Services.

EC–6391. 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; Contractors Performing Private Security Functions'' ((RIN0750–AH28) (DFARS Case 2011–D023)) received in the Office of the President of the Senate on June 4, 2012; to the Committee on Armed Services.

EC–6392. A communication from the Acting Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a Selected Acquisition Report (SAR) for the Evolved Expendable Launch Vehicle (EELV) program; to the Committee on Armed Services.

EC–6393. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2012–0003)) received during adjournment of the Senate in the Office of the President of the Senate on May 30, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–6394. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''U.S. Treasury Securities—State and Local Government Series'' ((31 CFR Part 344) (Department of the Treasury Circular, Public Debt Series No. 3–72)) received in the Office of the President of the Senate on June 4, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–6395. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6396. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–6397. A communication from the Secretary of Energy, transmitting, pursuant to law, a report concerning operations at the Naval Petroleum Reserves for fiscal year 2011; to the Committee on Energy and Natural Resources.

EC–6398. A communication from the Director of Congressional Affairs, Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Risk-Informed Extension of the Reactor Vessel Nozzle Inservice Inspection Interval'' (WCAP–17236–NP, Revision 0) received during adjournment of the Senate in the Office of the President of the Senate on May 31, 2012; to the Committee on Environment and Public Works.

EC–6399. A communication from the Director of Congressional Affairs, Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Regulatory Guide 8.33, 'Quality Management Program''' (Regulatory Guide 8.33) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Environment and Public Works.

EC–6400. A communication from the Director of Congressional Affairs, Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Health Physics Surveys During Enriched Uranium-235 Processing and Fuel Fabrication'' (Regulatory Guide 8.24, Revision 2) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Environment and Public Works.

EC–6401. A communication from the Director of Congressional Affairs, Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Guidelines for Performing Verification Walkdowns of Plant Flood Protection Features'' (Endorsement of NEI 12–07) received in the Office of the President of the Senate on June 5, 2012; to the

Committee on Environment and Public Works.

EC–6402. A communication from the Director of Congressional Affairs, Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Seismic Walkdown Guidance for Resolution of Fukushima Near-Term Task Force Recommendation 2.3: Seismic'' (Endorsement of EPRI 1025286) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Environment and Public Works.

EC–6403. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of waiver authority for Turkmenistan; to the Committee on Finance.

EC–6404. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of waiver authority for Belarus; to the Committee on Finance.

EC–6405. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Rev. Rul. 2006–57–Issues for Public Comment'' (Notice 2012–38) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Finance.

EC–6406. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Customs Broker Recordkeeping Requirements Regarding Location and Method of Record Retention'' ((RIN1515–AD66) (formerly RIN1505–AC12)) received in the Office of the President of the Senate on June 5, 2012; to the Committee on Finance.

EC–6407. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to implementation of menu and vending machine labeling; to the Committee on Health, Education, Labor, and Pensions.

EC–6408. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2011 Medical Device User Fee and Modernization Act (MDUFMA) Financial Report''; to the Committee on Health, Education, Labor, and Pensions.

EC–6409. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Implementation of Section 3507 of the Patient Protection and Affordable Care Act of 2010''; to the Committee on Health, Education, Labor, and Pensions.

EC–6410. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a financial report relative to the Animal Generic Drug User Fee Act for fiscal year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–6411. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a financial report relative to the Animal Drug User Fee Act for fiscal year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–6412. A joint communication from the Secretary of Agriculture and the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to Thefts, Losses, or Releases of Select Agents and Toxins for Calendar Year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–6413. A communication from the Executive Analyst, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel, Department of Health and Human Services, Office of General Counsel; to the Committee on Health, Education, Labor, and Pensions.

EC–6414. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–6415. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Sterility Test Requirements for Biological Products; Correction'' ((RIN0910–AG16) (Docket No. FDA–2011–N–0080)) received during adjournment of the Senate in the Office of the President of the Senate on May 31, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–6416. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, ''2010 Impact and Effectiveness of Administration for Native Americans (ANA) Projects Report''; to the Committee on Indian Affairs.

EC–6417. A communication from the Director of the Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Servicemembers' Group Life Insurance Traumatic Injury Protection Program—Genitourinary Losses'' (RIN2900–AO20) received during adjournment of the Senate in the Office of the President of the Senate on May 31, 2012; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. FEINSTEIN, from the Select Committee on Intelligence, without amendment:

S. 3276. An original bill to extend certain amendments made by the FISA Amendments Act of 2008, and for other purposes (Rept. No. 112–174).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit.

Paul William Grimm, of Maryland, to be United States District Judge for the District of Maryland.

Mark E. Walker, of Florida, to be United States District Judge for the Northern District of Florida.

John E. Dowdell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

(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. KERRY:

S. 3271. A bill to provide all Medicare beneficiaries with the right to guaranteed issue of a Medicare supplemental policy; to the Committee on Finance.

By Mr. SANDERS:

S. 3272. A bill to improve access to oral health care for vulnerable and underserved populations; to the Committee on Finance.

By Mr. BROWN of Massachusetts:

S. 3273. A bill to establish a youth summer employment program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. CORKER, Mr. BROWN of Ohio, Mr. CHAMBLISS, Mr. SESSIONS, and Mr. BROWN of Massachusetts):

S. 3274. A bill to direct the Secretary of Commerce, in coordination with the heads of other relevant Federal departments and agencies, to produce a report on enhancing the competitiveness of the United States in attracting foreign direct investment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COONS (for himself, Mr. MORAN, Mr. TESTER, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mrs. SHAHEEN):

S. 3275. A bill to amend the Internal Revenue Code of 1986 to extend the publicly traded partnership ownership structure to energy power generation projects and transportation fuels, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3276. An original bill to extend certain amendments made by the FISA Amendments Act of 2008, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Ms. LANDRIEU (for herself and Mrs. SHAHEEN):

S. 3277. A bill to encourage exporting by small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BEGICH:

S. 3278. A bill to amend the Consolidated Farm and Rural Development Act to provide and improve housing in rural areas for educators, public safety officers, and medical providers, and their households, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 3279. A bill to provide for alternative financing arrangements for the provision of certain services and the construction and maintenance of infrastructure at land border ports of entry, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JOHANNS (for himself, Mr. ALEXANDER, Mr. BOOZMAN, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. ENZI, Mr. ISAKSON, Mr. PORTMAN, Mr. RUBIO, Ms. SNOWE, Mr. CHAMBLISS, and Mr. BURR):

S. 3280. A bill to preserve the companionship services exemption for minimum wage and overtime pay under the Fair Labor Standards Act of 1938; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. KERRY, and Mr. COBURN):

S. 3281. A bill to terminate the Federal authorization of the National Veterans Business Development Corporation; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mrs. SHAHEEN, and Mr. RUBIO):

S. Res. 486. A resolution condemning the PKK and expressing solidarity with Turkey; to the Committee on Foreign Relations.

By Mr. BEGICH (for himself, Mr. BENNET, Mr. BOOZMAN, and Mr. ISAKSON):

S. Res. 487. A resolution expressing the sense of the Senate that the ambush marketing adversely affects Team USA and the Olympic and Paralympic Movements and should not be condoned; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mrs. SHAHEEN, Mr. BLUMENTHAL, Mr. LIEBERMAN, Mr. KERRY, Mr. BROWN of Massachusetts, Ms. COLLINS, and Ms. AYOTTE):

S. Res. 488. A resolution commending the efforts of the firefighters and emergency response personnel of Maine, New Hampshire, Massachusetts, and Connecticut, who came together to extinguish the May 23, 2012, fire at Portsmouth Naval Shipyard in Kittery, Maine; considered and agreed to.

ADDITIONAL COSPONSORS

S. 67

At the request of Mr. INOUYE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 67, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 722

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 722, a bill to strengthen and protect Medicare hospice programs.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1244

At the request of Mr. INOUYE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1244, a bill to provide for preferential duty treatment to certain apparel articles of the Philippines.

S. 1301

At the request of Ms. AYOTTE, her name was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1613

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

S. 1947

At the request of Mr. BLUMENTHAL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1947, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 1989

At the request of Ms. CANTWELL, the names of the Senator from New York (Mr. SCHUMER) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1989, a bill to amend the Internal Revenue Code of 1986 to make permanent the minimum low-income housing tax credit rate for unsubsidized buildings and to provide a minimum 4 percent credit rate for existing buildings.

S. 2004

At the request of Mr. UDALL of New Mexico, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2004, a bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II.

S. 2036

At the request of Mr. BARRASSO, his name was added as a cosponsor 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. 2060

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

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Maine (Ms. SNOWE) 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. 2148

At the request of Mr. INHOFE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2148, a bill to amend the Toxic Substance Control Act relating to lead-based paint renovation and remodeling activities.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) 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. 2205

At the request of Mr. MORAN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2234

At the request of Ms. AYOTTE, her name was added as a cosponsor of S. 2234, a bill to prevent human trafficking in government contracting.

S. 2242

At the request of Mr. THUNE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2242, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 2282

At the request of Mr. INHOFE, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2282, a bill to extend the authorization of appropriations to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2017.

S. 2364

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2364, a bill to extend the availability of low-interest refinancing under the local development business loan program of the Small Business Administration.

S. 2371

At the request of Mr. RUBIO, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2371, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 3078

At the request of Mr. PORTMAN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Tennessee (Mr. CORKER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 3078, a bill to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District

of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on June 6, 1944, the morning of D-Day.

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 3078, supra.

S. 3203

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3203, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 3204

At the request of Mr. JOHANNS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3221

At the request of Mr. RUBIO, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 3221, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 3237

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3248

At the request of Mr. ENZI, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 3248, a bill to designate the North American bison as the national mammal of the United States.

S. 3270

At the request of Mr. WYDEN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 3270, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to consider the resources of individuals applying for pension that were recently disposed of by the individuals for less than fair market value when determining the eligibility of such individuals for such pension, and for other purposes.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 3270, supra.

S. CON. RES. 46

At the request of Mr. WEBB, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Con. Res. 46, a concurrent resolution expressing the sense of Congress that an appropriate site at the former Navy Dive School at the Washington Navy Yard should be provided for the Man in the Sea Memorial Monument to honor the members of the Armed Forces who have served as divers and whose service in defense of the United States has been carried out beneath the waters of the world.

S. RES. 402

At the request of Mr. COONS, the name of the Senator from Colorado (Mr. BENNET) 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.

AMENDMENT NO. 2156

At the request of Mrs. GILLIBRAND, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 2156 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2163

At the request of Mr. MCCAIN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 2163 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2165

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 2165 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Mr. BARRASSO, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 2165 intended to be proposed to S. 3240, supra.

AMENDMENT NO. 2187

At the request of Mr. KERRY, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of amendment No. 2187 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2188

At the request of Mr. KERRY, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of amendment No. 2188 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 3271. A bill to provide all Medicare beneficiaries with the right to guaranteed issue of a Medicare supplemental policy; to the Committee on Finance.

Mr. KERRY. Mr. President, approximately one in five Medicare beneficiaries—or 9 million people—purchase a Medigap supplemental insurance policy to protect against high out-of-pocket costs and to make health care costs more predictable. Current law includes a 'guaranteed issue right' to Medigap for beneficiaries age 65 or older, which means they cannot be denied Medigap coverage or charged a higher Medigap premium because of their medical condition.

Unfortunately, current law discriminates against Medicare beneficiaries with disabilities who are under age 65, as well as beneficiaries with kidney failure, End Stage Renal Disease or ''ESRD'' by denying them the same right that seniors have to guaranteed issuance of Medigap policies. This exposes individuals with disabilities and kidney failure to substantial out-of-pocket costs and poses a significant barrier to health care services. In the absence of equal opportunity and access to Medigap policies at the Federal level, 29 States have enacted guaranteed issue rights to disabled and ESRD beneficiaries.

Individuals with kidney failure are subject to an additional discriminatory provision in federal law that prohibits Medicare ESRD beneficiaries from joining Medicare Advantage plans. They are the only group of Medicare beneficiaries currently denied the same Medicare choices as other Medicare beneficiaries.

Today I am introducing the Equal Access to Medicare Options Act, a bill that improves coverage options to Medicare beneficiaries. My legislation would eliminate discriminatory treatment in the supplemental insurance market, bring more financial stability to Medicare beneficiaries with disabilities and ESRD with high out-of-pocket health care costs, and reduce reliance on Medicaid as the payer of last resort. Specifically, it would extend guaranteed issue of Medigap policies to all Medicare beneficiaries, including beneficiaries with disabilities and ESRD. It would ensure equal access to supplemental insurance for all Medicare beneficiaries, regardless of age, disability or ESRD status.

Additionally, my legislation recognizes that Medicare beneficiaries need flexibility to adjust their coverage as changes to their plans are made. It would give guaranteed issue rights to Medicare Advantage enrollees if they decide to switch to traditional Medicare during an enrollment period. Today, if a Medicare Advantage enrollee learns of premium increases or benefit reduction in their plan, they have the option of returning to traditional Medicare but they have no assurance they can buy Medigap coverage if they do so.

The Equal Access to Medicare Options Act would provide guaranteed

issue to dual-eligibles who lose their Medicaid coverage and find themselves in traditional Medicare without the cost protections of Medicaid and without supplemental coverage options. Finally, this legislation would—for the first time—give beneficiaries with end-stage renal disease the option of enrolling in Medicare Advantage plans.

I would like to thank the nearly 50 organizations who have been integral to the development of the Equal Access to Medicare Options Act and who have endorsed it today, including the California Health Advocates, Center for Medicare Advocacy, Dialysis Patient Citizens, Fresenius Medical Care, Medicare Rights Center, and the National Kidney Foundation.

The Affordable Care Act prohibits discrimination based on health status in the private health insurance market, beginning in 2014. It is inconsistent and unconscionable for federal law to allow insurers to discriminate based on health status in the Medigap market. All individuals, regardless of their health status, deserve the same access to comprehensive and affordable coverage options.

The reforms included in this legislation would finally end discriminatory Medicare policies in Federal law and would ensure that all Medicare beneficiaries regardless of their disability or age have equal opportunity and access to affordable Medicare options. I look forward to working with my colleagues in the Senate to achieve these goals in the context of health care reform.

By Mr. COONS (for himself, Mr. MORAN, Mr. TESTER, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mrs. SHAHEEN):

S. 3275. A bill to amend the Internal Revenue Code of 1986 to extend the publicly traded partnership ownership structure to energy power generation projects and transportation fuels, and for other purposes; to the Committee on Finance.

Mr. COONS. Mr. President, when it comes to America's energy policy, Republicans and Democrats alike have made it clear they support an all-of-the-above energy strategy.

As the Presiding Officer knows, serving on the Energy Committee along with me, there is broad agreement on the need for a comprehensive approach that will develop secure, homegrown, efficient energy sources for our next generation.

I believe an across-the-board policy that accepts the likely reality of our current dependence on our fossil-based fuels going forward, as well as the vital need to develop and deploy new, promising, clean energy fuels of the future, is essential. Such a policy will provide certainty to our markets, opportunities to our families and companies and communities, and ensure that we are not—as some would say—picking winners and losers in the energy space.

Yet there is today an obstacle standing in the way of a truly comprehensive strategy that at least both parties say they want. It is a provision in our Federal Tax Code that has its metaphoric thumb on the scale, tipping the balance in favor of traditional fossil fuels. That is why I am so glad I have been able to work with my colleague and friend Senator MORAN of Kansas to today introduce bipartisan legislation that will level the playing field and bring parity to one piece of Federal tax policy relating to energy.

Investors in oil, natural gas, coal, and pipelines have for nearly 30 years been able to form publicly traded entities called master limited partnerships, or MLPs. These partnerships include a passthrough tax structure that avoids double taxation and leaves more cash available to distribute to investors. They have for investors the liquidity and the return that is commonly associated with equity and the tax advantage that is associated with partnerships, and they have been able to aggregate and deploy a significant amount of private capital in the traditional fossil fuel marketplace, roughly $350 billion today across 100 MLPs. They have access to private capital at a lower cost, something that capital-intensive alternative energy projects in the United States badly need now more than ever.

As a result, MLPs should be a great source for raising private capital for clean energy projects as well as they have been for fossil fuel projects. The only problem is, under current law, only fossil fuel-based energy projects can attract this type of private energy investment. That is right—we are currently in our tax policies working against our broadly stated commitment as a country to an all-of-the-above energy policy with a statute that explicitly excludes clean energy projects from forming these MLPs. This inequity is starving a growing portion of America's domestic energy sector of the very capital it needs to build and grow and compete. So Senator MORAN and I, along with other colleagues, decided to fix it. We came together and said it was time to level the playing field.

Sometimes when I have the opportunity, I have gone for a run here in Washington or, even better, in my home State in Delaware. Something any runner can tell you is that going up and down hills is what saps your strength. When a surface is flat, you can go farther, you can go faster, and it is the same with our Federal Tax Code. When it comes to evening things out, we have two choices. We can either lower everything to a common level by eliminating MLPs—by saying this tax advantage shouldn't be given to its traditional beneficiaries in gas and oil and coal, or we can raise the level of opportunity and attract greater investment by broadening the fields that can take advantage of MLPs to include wind and solar, biomass, geothermal, cellulosic, biodiesel.

In my view, the better strategy, the better approach is the bipartisan one that takes our colleagues at their word and says we intend to stop picking winners and losers and, instead, embrace an all-of-the-above energy strategy. Senator MORAN and I have chosen this option and believe that rather than eliminating MLPs, bringing everything together and making renewables on the same level playing field with fossil fuels has a better promise for the future of the American energy economy.

This is a relatively straightforward proposal. Our bill, the Master Limited Partnerships Parity Act, will bring new fairness to the Tax Code in this specific area. It recognizes revenue from projects that sell electricity or fuels produced from clean energy sources as qualifying MLPs.

This change will encourage investment in domestic energy resources, and could bring substantial new private capital off the sidelines to finance renewable projects ranging from wind and solar to geothermal and cellulosic ethanol, just at a time when we so badly need it.

Harnessing the power of the private market is essential if alternative energy projects are to grow and create jobs all across America. Two experts in energy finance, Felix Mormann and Dan Reicher from Stanford's Steyer-Taylor Center for Energy Policy and Finance, wrote an op-ed this past week in the New York Times endorsing this legislation.

They said:

> If renewable energy is going to become fully competitive and a significant source of energy in the United States, then further technological innovation must be accompanied by financial innovation so that clean energy sources gain access to the same low-cost capital that traditional energy sources like coal and oil and natural gas enjoy.

In the search for common ground on energy policy, this kind of simple fairness is the sort of thing I hope we can all agree on. That is why the MLP Parity Act carries the strong support of a wide range of business groups, financial experts, and energy organizations.

David Crane is the CEO of Fortune 300 company NRG Energy. NRG has generating assets across a wide range of traditional fuel sources and clean and alternative energy sources. Mr. Crane said:

> The MLP Parity Act is a phenomenal idea. It's a fairly arcane part of the tax law, but it's worked well and has been extremely beneficial to the private investment in the oil and gas space. The fact that it doesn't currently apply to renewables is just a silly inequity in our current law.

We are also grateful for the support of national organizations such as the American Wind Energy Association, the Solar Energy Industries Association, the American Council on Renewable Energy, and many others, and thank them for their hard work in promoting this commonsense energy future for our country.

I also wish to specifically thank Dr. Chris Avery and Franz Wuerfmanns-

dobler who worked in my office so well in preparing this and moving this forward as public policy. And I wish to thank Josh Freed of Third Way for bringing this to our attention and producing one of the first policy papers on how master limited partnerships can be a great financing vehicle for clean energy.

I have no doubt there is significant growing opportunity worldwide in alternative fuels. There is a clean energy future coming. The only question is whether American workers, American communities, and American companies will benefit from this, or will simply be bystanders and watch our competitors pass us by. I think if we are going to lead, we have to work together. The private sector can and will provide the financing and the researchers to develop critical innovations and deploy them, but the Federal Government—the Congress in particular—must set a realistic and positive policy pathway to sustain these innovations and let the market work to its fullest potential. The Master Limited Partnerships Parity Act moves us toward that goal. By leveling the playing field for fair competition, this market-driven solution could provide vital and needed support for the kind of comprehensive energy strategy we need to power our country for generations to come.

Some of us who will support this bill also support things such as the ITC, the PTC, and other clean energy financing vehicles. Others may not. On the specific question of master limited partnerships, the bill we introduced today simply allows us to come together in a bipartisan way to open it up to all energy sources, and to build a sustainable energy financing future on this planet.

Once again, I want to thank my cosponsor, Senator MORAN. I look forward to working with all of my colleagues, on the Energy Committee and throughout the Senate and the House, to move forward this important legislation.

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

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

S. 3275

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Master Limited Partnerships Parity Act''.

SEC. 2. EXTENSION OF PUBLICLY TRADED PARTNERSHIP OWNERSHIP STRUCTURE TO ENERGY POWER GENERATION PROJECTS AND TRANSPORTATION FUELS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) of the Internal Revenue Code of 1986 is amended by striking '', industrial source carbon dioxide,'' and all that follows and inserting ''or of any industrial source carbon dioxide; or the generation, storage, or transmission to the electrical grid of electric power exclusively utilizing any resource described in section 45(c)(1) or energy property described in section 48, or the accepting or processing of such resource or property for such utilization; or the generation or storage of thermal power exclusively utilizing any such resource or property; or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426; or the production for sale by the taxpayer, the transportation, or the storage of any renewable fuel described in section 211(o)(1)(J) of the Clean Air Act (42 U.S.C. 7545(o)(1)(J)),''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

By Ms. SNOWE (for herself, Mr. KERRY, and Mr. COBURN):

S. 3281. A bill to terminate the Federal authorization of the National Veterans Business Development Corporation; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce legislation to cease federal involvement in the National Veterans Business Development Corporation.

This bipartisan bill would cease, once and for all, Federal involvement in the National Veterans Business Development Corporation, also known as The Veterans Corporation or simply TVC. Let me begin by thanking the bill's cosponsors, former Small Business Committee Chair KERRY and Senator COBURN. Senator COBURN, as most in this body will recognize, is a true leader in efforts to streamline the Federal Government. Recently he spoke with us about ideas for Federal entities or programs that could be eliminated and we readily provided TVC as an example of an entity that we had already identified that the Federal Government should sever its ties with.

I want to say at the outset that an amendment, with identical text as our legislation, passed the Senate by a vote of 99–0 in May of 2011, but the bill it was attached to did not pass. We are introducing this repeal as a standalone bill because TVC has been ineffective and controversial since its inception as part of the Veterans Entrepreneurship and Small Business Development Act, P.L. 106–50 in 1999. In December of 2008, former Small Business Committee Chairman KERRY and I investigated TVC, and issued a report detailing the organization's blatant mismanagement and wasting of taxpayers' dollars.

The report found, among other things, that TVC failed to support Veteran Business Resource Centers; had wasteful programs; lacked outcomes-based measurements; provided its employees with unacceptably high executive compensation; engaged in dubious expenditures, and failed to properly fundraise.

For instance, our report concluded that TVC had spent only 15 percent of the Federal funding that it had received on veterans business resource centers, which TVC was required to establish and maintain under law. In fiscal year 2008, the percentage dropped to about 9 percent. We also found that TVC's executives received unacceptably high levels of compensation given the organization's limited resources and reach. While an average of 15 percent of TVC's federally appropriated funds went to the Centers, 22 percent of TVC's fiscal year 2007 Federal appropriation dollars were spent on its top two executives' compensation packages alone. Moreover, the organization miserably failed to fundraise—which was required by law in order for it to become self-sufficient—and during fiscal years 2005 through 2007, TVC leaders spent $2.50 for every $1.00 they raised through the organization's fundraising efforts—almost entirely at the taxpayers' expense. Additionally, through broad decision-making powers granted to TVC's executive committee under the organization's bylaws, the committee approved a number of measures without proper approval or ratification from the full Board, including $40,000 in employee bonuses in 1 year alone.

Since the issuing of the Small Business Committee's report, Congress has appropriated no further funding for TVC, and the Small Business Administration, SBA, has incorporated the Veteran Business Resource Centers, VBRCs, that TVC previously funded into its existing network of Veteran Business Outreach Centers, VBOCs. These moves were publically supported by a variety of veteran service organizations, including the American Legion and the Veterans of Foreign Wars, VFW. For instance, in August of 2008, the American Legion passed a resolution at its national convention, Resolution No. 223, stating that the Legion ''. . . no longer support[s] the continuing initiatives or existence of the national Veterans Business Development Corporation.''

At present, TVC is still federally chartered. At the same time, it receives no Federal funds, has no Department or Agency oversight. In light of everything I have discussed, it is my belief that the Federal government must take the next step and fully sever all ties with the organization. I ask my colleagues to support this bipartisan bill.

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

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

S. 3281

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

SECTION 1. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking ''section 34(d)'' and inserting ''section 33(d)'';

(C) in section 33 (15 U.S.C. 657d), as so redesignated—

(i) by striking ''section 35'' each place it appears and inserting ''section 34'';

(ii) in subsection (a)—

(I) in paragraph (2), by striking ''section 35(c)(2)(B)'' and inserting ''section 34(c)(2)(B)'';

(II) in paragraph (4), by striking ''section 35(c)(2)'' and inserting ''section 34(c)(2)''; and

(III) in paragraph (5), by striking ''section 35(c)'' and inserting ''section 34(c)''; and

(iii) in subsection (h)(2), by striking ''section 35(d)'' and inserting ''section 34(d)'';

(D) in section 34 (15 U.S.C. 657e), as so redesignated—

(i) by striking ''section 34'' each place it appears and inserting ''section 33''; and

(ii) in subsection (c)(1), by striking section ''34(c)(1)(E)(ii)'' and inserting section ''33(c)(1)(E)(ii)'';

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42'';

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42''; and

(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking ''section 43'' and inserting ''section 42''.

(2) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking ''and the National Veterans Business Development Corporation''.

(3) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking ''any of the'' and all that follows and inserting ''any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).''.

(4) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking ''section 43 of the Small Business Act, as added by this Act'' and inserting ''section 42 of the Small Business Act (15 U.S.C. 657o)''.

(5) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking ''In cooperation with the National Veterans Business Development Corporation, develop'' and inserting ''Develop''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 486—CONDEMNING THE PKK AND EXPRESSING SOLIDARITY WITH TURKEY

Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mrs. SHAHEEN, and Mr. RUBIO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 486

Whereas, since 1984, the Kurdistan Workers' Party (PKK), also known as the Kongra-Gel, has waged a campaign of violence and terrorism against the people and Government of Turkey;

Whereas it is estimated that at least 30,000 people have been killed in PKK-associated violence since 1984;

Whereas the United States Government designated the PKK as a Foreign Terrorist Organization in 1997, as a Specially Designated Global Terrorist in 2001, and a Significant Foreign Narcotics Trafficker in 2008;

Whereas, in 2010 and 2011, the Department of the Treasury designated the top leaders of the PKK/Kongra-Gel as Significant Foreign Narcotics Traffickers, including the head of the PKK/Kongra-Gel Murat Karayilan and senior leaders Ali Riza Altun and Zubayir Aydar;

Whereas, in 2004, the Council of the European Union added the PKK to its list of terrorist organizations;

Whereas President George W. Bush in October 2007 characterized the PKK as a ''common enemy'' of the United States and Turkey, saying of the PKK, ''It's an enemy to Turkey, it's an enemy to Iraq, it's an enemy to people who want to live in peace.'';

Whereas President Barack Obama in April 2009 stated that, ''Iraq, Turkey, and the United States face a common threat from terrorism. . . And that includes the PKK'';

Whereas the Government of Turkey, under Prime Minister Recep Tayyip Erdogan, has begun to take historic steps to resolve sources of grievance among Kurds in Turkey that are exploited by the PKK;

Whereas the PKK has a safe haven in the Qandil Mountains of northern Iraq where many PKK fighters are currently based;

Whereas the Government of Turkey has been developing and deepening diplomatic, economic, and strategic ties with the Kurdistan Regional Government in northern Iraq;

Whereas Prime Minister Erdogan on April 20, 2012, stated, ''The stance of the Turkish state is clear: once [the PKK] lay down their arms, it is [our stance] to completely stop military operations'';

Whereas Masoud Barzani, President of the Kurdistan Regional Government in northern Iraq, stated on April 20, 2012, ''The PKK should lay down its arms. . . If the PKK goes ahead with weapons, it will bear the consequences.'';

Whereas the PKK has support networks in countries in Europe, which engage in illicit and deceptive activities to facilitate PKK recruitment, financing, logistical support, training, and propaganda, including satellite television broadcasting and print media that support the PKK's violent terrorist agenda;

Whereas, according to the 2011 EU Terrorism Situation and Trend Report, published by the European Police Office (EUPOL), the PKK is ''actively involved in money laundering, illicit drugs and human trafficking, as well as illegal immigration inside and outside the EU,'' and fundraises in the EU ''using labels like 'donations' and 'membership fees', but are in fact extortion and illegal taxation'';

Whereas the Europe-based satellite television channel, Roj TV, was banned from broadcasting in Germany by the German Interior Ministry in 2008 and, in January 2012, convicted by a court in Denmark for ''promoting terrorism'' as an undeclared propaganda arm of the PKK;

Whereas PKK-affiliated television channels continue to operate in European countries, including Sweden, Norway, and Denmark;

Whereas Turkey since 1952 has been a member of the North Atlantic Treaty Organization (NATO);

Whereas the armed forces of Turkey and the United States have served together as allies during the Korean War, in Kosovo, in Afghanistan, and in the 2011 NATO intervention in Libya, Operation Unified Protector;

Whereas President George W. Bush said of Turkey, ''[Turkey's] success is vital to a future of progress and peace in Europe and in the broader Middle East—and the Republic of Turkey can depend on the support and friendship of the United States''; and

Whereas President Obama said of Turkey, ''Turkey is a critical ally. Turkey is an important part of Europe. And Turkey and the United States must stand together, and work together, to overcome the challenges of our time'': Now, therefore, be it

Resolved, That the Senate—

(1) condemns the continued campaign of terrorism by the Kurdistan Workers' Party (PKK) and expresses solidarity with the victims of PKK violence;

(2) reaffirms that the PKK is a common enemy of the United States and Turkey, and all responsible countries and governments in the world;

(3) urges the PKK to lay down its arms, renounce violence, and pursue peaceful dialogue with the Government of Turkey;

(4) commends the historic steps taken by the Government of Turkey to address the sources of grievance and alienation that have been exploited by the PKK to justify acts of terrorism;

(5) welcomes efforts by the United States Government to support the Government of Turkey in developing and implementing a comprehensive strategy to eliminate the threat posed by the PKK;

(6) encourages the United States Government to make available diplomatic, military, and intelligence support to the Government of Turkey so that it can apprehend or eliminate irreconcilable violent elements of the PKK;

(7) applauds the deepening economic and political ties between the Government of Turkey and the Kurdistan Regional Government in Iraq;

(8) supports greater cooperation between and among the relevant authorities in Turkey, the United States, the Iraqi Kurdistan Region, and Iraq to end the PKK sanctuary in the Qandil Mountains of northern Iraq;

(9) urges increased intelligence and counterterrorism cooperation among the governments of the United States, Turkey, Germany, and other countries in Europe to disrupt and eliminate PKK support networks based in Europe, including PKK financing and fundraising; and

(10) urges the European Union and governments in Europe—

(A) to take measures to ensure the PKK cannot use their territories for fundraising, recruitment, financing, logistical support, training, and propaganda; and

(B) to ban and prevent from operating on their territory any media, including satellite broadcasting stations, that is financed, controlled, or coordinated by the PKK or that promotes the PKK's violent terrorist agenda.

SENATE RESOLUTION 487—EXPRESSING THE SENSE OF THE SENATE THAT THE AMBUSH MARKETING ADVERSELY AFFECTS TEAM USA AND THE OLYMPIC AND PARALYMPIC MOVEMENTS AND SHOULD NOT BE CONDONED

Mr. BEGICH (for himself, Mr. BENNET, Mr. BOOZMAN, and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 487

Whereas the London 2012 Olympic and Paralympic Games will occur on July 27

through August 12 and August 29 through September 9, respectively;

Whereas more than 10,500 athletes from 204 nations will compete in 26 Olympic sports, while 4,200 Paralympic athletes will compete in 20 sports;

Whereas Team USA athletes have spent countless days, months, and years training in hopes of earning a spot on the United States Olympic or Paralympic teams;

Whereas the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. 220501 et seq.)—

(1) made the United States Olympic Committee the coordinating body for all Olympic-related and Paralympic-related athletic activity in the United States; and

(2) gave the United States Olympic Committee the exclusive right in the United States to name, seals, emblems, and badges;

Whereas Congress also authorized the Committee to allow companies to use any trademark, symbol, insignia, or emblem of the International Olympic Committee, International Paralympic Committee, the Pan American Sports Organization, or the United States Olympic Committee in furtherance of the United States Olympic efforts;

Whereas Team USA is significantly funded by 35 sponsors who assure that the United States has the best team competing for the nation;

Whereas in recent years, a number of entities have engaged in ambush marketing as a marketing strategy, affiliating themselves with the Olympic and Paralympic Games without becoming sponsors of Team USA;

Whereas ambush marketing harms the Olympic and Paralympic Movements, undermines sponsorship activities, and allows competing companies an unfair and unethical advantage over companies who are officially sponsoring Team USA and providing funding for the elite athletes of the United States; and

Whereas efforts to prevent ambush marketing have enjoyed limited success as the strategies ambush marketers use continue to multiply: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) ambush marketing should not be condoned, especially those marketing efforts that adversely affect the ability of Team USA to attract and retain the necessary sponsorships to be successful at the 2012 Olympic and Paralympic Games in London, England; and

(2) corporations in the United States should be encouraged to cease all ambush marketing efforts, particularly related to the Olympic and Paralympic Movements.

SENATE RESOLUTION 488—COMMENDING THE EFFORTS OF THE FIREFIGHTERS AND EMERGENCY RESPONSE PERSONNEL OF MAINE, NEW HAMPSHIRE, MASSACHUSETTS, AND CONNECTICUT, WHO CAME TOGETHER TO EXTINGUISH THE MAY 23, 2012, FIRE AT PORTSMOUTH NAVAL SHIPYARD IN KITTERY, MAINE

Ms. SNOWE (for herself, Mrs. SHAHEEN, Mr. BLUMENTHAL, Mr. LIEBERMAN, Mr. KERRY, Mr. BROWN of Massachusetts, Ms. COLLINS, and Ms. AYOTTE) submitted the following resolution; which was considered and agreed to:

S. RES. 488

Whereas the USS Miami (SSN-755), a Los Angeles-class nuclear attack submarine with a crew of 13 officers and 120 enlisted personnel, arrived at Portsmouth Naval Shipyard on March 1, 2012, for 20 months of scheduled maintenance;

Whereas at 5:41 p.m. EDT on May 23, 2012, a 4-alarm fire occurred in the forward compartment of the USS Miami;

Whereas emergency response personnel, led by the firefighters of Portsmouth Naval Shipyard, worked for nearly 10 hours in tight, obstructed quarters filled with noxious smoke and searing heat—

(1) to prevent any loss of life;

(2) to bring the fire under control; and

(3) to successfully prevent the flames from reaching any nuclear material and allow the nuclear reactor to remain unaffected and stable throughout;

Whereas 23 fire departments and emergency response teams from the States of Maine, New Hampshire, Massachusetts, and Connecticut provided mutual aid support during the fire, including—

(1) Pease Air Force Base, New Hampshire;

(2) York County Hazardous Materials Response Team, Maine;

(3) Massachusetts Port Authority Logan Airport Crash Team;

(4) South Portland Fire Department, Maine;

(5) Eliot Fire Department, Maine;

(6) Lee Fire Department, New Hampshire;

(7) Dover Ambulance, New Hampshire;

(8) Portsmouth Fire Department, New Hampshire;

(9) Hampton Fire Department, New Hampshire;

(10) Kittery Fire Department, Maine;

(11) Newcastle Fire Department, New Hampshire;

(12) American Medical Response Ambulance, New Hampshire;

(13) Hanscom Air Force Base, Massachusetts;

(14) Naval Submarine Base New London, Connecticut;

(15) Rye Fire Department, New Hampshire;

(16) Greenland Fire Department, New Hampshire;

(17) York Fire Department, Maine;

(18) Newington Fire Department, Connecticut;

(19) Somersworth Fire Department, New Hampshire;

(20) Rollinsford Fire Department, New Hampshire;

(21) South Berwick Fire Department, Maine;

(22) York Ambulance, Maine; and

(23) York Beach Fire Department, Maine; and

Whereas the heroic actions of those firefighters, emergency response personnel, and the USS Miami crew and shipyard firefighters, 7 of whom suffered minor injuries during the fire, directly prevented catastrophe, and greatly limited the severity of the fire even in the most challenging of environments: Now, therefore, be it

Resolved, That the Senate—

(1) commends the exemplary and courageous service of all the firefighters and emergency response personnel who came together to successfully contain the fire, minimizing damage to a critical national security asset and ensuring no loss of life; and

(2) expresses support for the Navy and the exceptionally skilled workforce at Portsmouth Naval Shipyard in Kittery, Maine.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2190. Ms. SNOWE (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table.

SA 2191. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2192. Ms. AYOTTE (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2193. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2194. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2195. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2196. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2197. Mr. MCCAIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2198. Mr. MCCAIN (for himself, Mr. PAUL, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2199. Mr. MCCAIN (for himself, Mr. KERRY, Mr. COBURN, Mrs. SHAHEEN, Mr. CRAPO, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2200. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2201. Mrs. SHAHEEN (for herself and Mr. TOOMEY) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2202. Mr. BENNET (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2203. Mr. BENNET (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2204. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2205. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2206. Ms. MURKOWSKI (for herself, Mr. KERRY, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2207. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2208. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2209. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2210. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2211. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2212. Mr. JOHANNS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2213. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2214. Mr. COBURN (for himself, Mr. UDALL of Colorado, Mr. BURR, Mr. MCCAIN, Ms. AYOTTE, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2215. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2216. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2217. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2218. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2219. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2220. Mr. WYDEN (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2221. Mr. WYDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2222. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2223. Mrs. MCCASKILL (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2224. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2225. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2226. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2227. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2228. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2229. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2230. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2231. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2232. Mr. TESTER (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2233. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2234. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2235. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2236. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2237. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2238. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2239. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2240. Mr. THUNE (for himself, Mr. GRAHAM, Mr. RUBIO, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2241. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2242. Mr. NELSON of Nebraska (for himself, Mr. JOHANNS, Mr. JOHNSON of South Dakota, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2243. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2244. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2245. Mr. HARKIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2190. Ms. SNOWE (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, strikes lines 12 and 13 and insert the following:

PART IV—FEDERAL MILK MARKETING ORDER REFORM

SEC. 1481. REQUIRED AMENDMENTS TO FEDERAL MILK MARKETING ORDERS.

(a) AMENDMENTS REQUIRED.—

(1) IN GENERAL.—The Secretary shall amend each Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (in this part referred to as a ''milk marketing order''), as required by this section.

(2) RELATION TO OTHER LAWS.—Except as provided in section 1482, the Secretary shall execute the amendments required by this section without regard to any provision of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, as in effect on the day before the date of enactment of this Act.

(b) USE OF END-PRODUCT PRICE FORMULAS.—The Secretary shall eliminate the use of end-product price formulas for setting prices for Class III milk.

(c) ADMINISTRATIVE AUTHORITY.—In addition to and notwithstanding the authority provided under section 8d of the Agricultural Adjustment Act (7 U.S.C. 608d), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, the Secretary may—

(1) require handlers to report, maintain, and make available all information and records that the Secretary considers necessary for the administration of any milk marketing order; and

(2) adopt only such conforming amendments to milk marketing orders as the Secretary determines to be necessary to implement the amendments required by this section.

SEC. 1482. AMENDMENT PROCESS.

(a) PROCESS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments to milk marketing orders required to be made by section 1481 shall be subject to subsections (17) and (19) of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(2) NOTICE OF FINAL DECISION ON PROPOSED AMENDMENTS.—Not later than 270 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register notice of a final decision on the proposed amendments to be made to milk marketing orders in order to comply with section 1481.

(3) PRODUCER REFERENDUM.—

(A) REFERENDUM REQUIRED.—As soon as practicable after publication of the final decision on the proposed amendments under paragraph (2), the Secretary shall conduct a producer referendum regarding the final decision on the proposed amendments.

(B) TERMS OF REFERENDUM.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the producer referendum shall be conducted in the manner provided by section 8c(19) of the Agricultural Adjustment Act (7 U.S.C. 608c(19)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(ii) SINGLE REFERENDUM.—The referendum shall be a single referendum upon which approval or failure of the proposed amendments to all milk marketing orders shall depend.

(iii) APPROVAL REQUIREMENTS.—The proposed amendments shall require approval by ½ of participating producers or by volume of production (rather than ⅔) in order for the referendum to pass and the proposed amendments to take effect.

(C) EFFECT OF FAILURE.—If the referendum fails, the milk marketing orders shall remain in force as in effect before the proposed amendments were published.

(b) EFFECT OF COURT ORDER.—If the Secretary is enjoined or otherwise restrained by a court order from executing the amendments to milk marketing orders required by section 1481, the length of time for which that injunction or other restraining order is effective shall be added to any time limitation in effect under paragraph (2) or (3) of subsection (a), so as to extend those time limitations by a period of time equal to the

period of time for which the injunction or other restraining order is in effect.

(c) RELATION TO OTHER AMENDMENT AUTHORITY.—Nothing in this part affects the authority of the Secretary to subsequently amend milk marketing orders, or the ability of producers or other persons to seek such amendments, in accordance with the rulemaking process provided by section 8c(17) of the Agricultural Adjustment Act (7 U.S.C. 608c(17)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

PART V—EFFECTIVE DATE

SEC. 1491. EFFECTIVE DATE.

SA 2191. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 596, between lines 12 and 13, insert the following:

''(12) OTHER FEDERAL BENEFITS.—Notwithstanding any other provision of law, any cooperative organization or other entity that receives a loan or loan guarantee under this subsection for a wind energy project shall be ineligible for any other Federal benefit, assistance, or incentive for the project under any other provision of law.

SA 2192. Ms. AYOTTE (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 568, strike line 6 and all that follows through page 574, line 11, and insert the following:

''(b) VALUE-ADDED AGRICULTURAL PRODUCER GRANTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) MID-TIER VALUE CHAIN.—The term 'mid-tier value chain' means a local and regional supply network that links independent producers with businesses and cooperatives that market value-added agricultural products in a manner that—

''(i) targets and strengthens the profitability and competitiveness of small- and medium-sized farms that are structured as family farms; and

''(ii) obtains agreement from an eligible agricultural producer group, farmer cooperative, or majority-controlled producer-based business venture that is engaged in the value chain on a marketing strategy.

''(B) PRODUCER.—The term 'producer' means a farmer.

''(C) VALUE-ADDED AGRICULTURAL PRODUCT.—The term 'value-added agricultural product' means any agricultural commodity or product—

''(i) that—

''(I) has undergone a change in physical state;

''(II) was produced in a manner that enhances the value of the agricultural commodity or product, as demonstrated through a business plan that shows the enhanced value, as determined by the Secretary;

''(III) is physically segregated in a manner that results in the enhancement of the value of the agricultural commodity or product; or

''(IV) is aggregated and marketed as a locally produced agricultural food product; and

''(ii) for which, as a result of the change in physical state or the manner in which the agricultural commodity or product was produced, marketed, or segregated—

''(I) the customer base for the agricultural commodity or product is expanded; and

''(II) a greater portion of the revenue derived from the marketing, processing, or physical segregation of the agricultural commodity or product is available to the producer of the commodity or product.

''(2) GRANTS.—

''(A) IN GENERAL.—The Secretary may make grants under this subsection to—

''(i) independent producers of value-added agricultural products; and

''(ii) an agricultural producer group, farmer cooperative, or majority-controlled producer-based business venture, as determined by the Secretary.

''(B) GRANTS TO A PRODUCER.—A grantee under subparagraph (A)(i) shall use the grant—

''(i) to develop a business plan or perform a feasibility study to establish a viable marketing opportunity (including through mid-tier value chains) for value-added agricultural products; or

''(ii) to provide capital to establish alliances or business ventures that allow the producer to better compete in domestic or international markets.

''(C) GRANTS TO AN AGRICULTURAL PRODUCER GROUP, COOPERATIVE OR PRODUCER-BASED BUSINESS VENTURE.—A grantee under subparagraph (A)(ii) shall use the grant—

''(i) to develop a business plan for viable marketing opportunities in emerging markets for a value-added agricultural product; or

''(ii) to develop strategies that are intended to create marketing opportunities in emerging markets for the value-added agricultural product.

''(D) AWARD SELECTION.—

''(i) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to projects—

''(I) carried out by an applicant that has not previously received a grant under this subsection;

''(II) carried out by an applicant that has not received any Federal assistance for the prior fiscal year;

''(III) that contribute to increasing opportunities for operators of small- and medium-sized farms that are structured as family farms; or

''(IV) at least ¼ of the recipients of which are beginning farmers or socially disadvantaged farmers.

''(ii) RANKING.—In evaluating and ranking proposals under this subsection, the Secretary shall provide substantial weight to the priorities described in clause (i).

''(E) AMOUNT OF GRANT.—

''(i) IN GENERAL.—The total amount provided to a grant recipient under this subsection shall not exceed $150,000.

''(ii) MAJORITY-CONTROLLED, PRODUCER-BASED BUSINESS VENTURES.—The total amount of all grants provided to majority-controlled, producer-based business ventures under this subsection for a fiscal year shall not exceed 10 percent of the amount of funds used to make all grants for the fiscal year under this subsection.

''(F) TERM.—The term of a grant under this paragraph shall not exceed 3 years.

''(G) SIMPLIFIED APPLICATION.—The Secretary shall offer a simplified application form and process for project proposals requesting less than $50,000 under this subsection.

''(H) APPLICATION REQUIREMENTS.—As a condition of the receipt of a grant under this subsection, an applicant shall disclose or provide to the Secretary in the application for the grant—

''(i) the average adjusted gross income (as defined in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(a))) of the applicant;

''(ii) an estimate of the number of jobs and increased revenue expected to be created if a grant is awarded and implemented;

''(iii) all other Federal assistance received by the applicant for the previous fiscal year;

''(iv) all previous grants received by the applicant under this subsection; and

''(v) all previous loans, loan guarantees, and grants received by the applicant from the Secretary.

''(I) RECIPIENT REQUIREMENTS.—As a condition of the receipt of a grant under this subsection, a recipient shall disclose to the Secretary the adjusted gross income of the recipient for the previous year (as determined by the Secretary)—

''(i) on the completion of a grant agreement, in the final report of the recipient for the grant agreement; and

''(ii) on the date that is 3 years after the date of the submission of the final report described in clause (i).

''(J) LIMITATIONS.—

''(i) IN GENERAL.—The Secretary shall not provide a grant under this subsection to any producer that, during the 3-year period preceding the date of receipt of the application of the producer, has submitted a final grant report for another value-added agricultural producer grant.

''(ii) NO GRANTS TO PRODUCERS OF ALCOHOLIC BEVERAGES.—The Secretary shall not provide a grant under this subsection to any producer of an alcoholic beverage.

''(3) RETENTION OF RECORDS.—In carrying out the program under this subsection, the Secretary shall—

''(A) retain all records associated with the program under this subsection until the date on which the Office of the Inspector General of the Department determines which records need to be retained so as to conduct an audit of the program for the prior 10 years; and

''(B) after that date, continue to retain all records so determined by the Office of the Inspector General to be necessary for the audit.

''(4) AUDIT REQUIREMENTS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, the Office of the Inspector General of the Department and the Comptroller General of the United States shall initiate audits of the program under this subsection.

''(B) REQUIREMENT.—Audits under this paragraph shall include a determination of the percentage of entities continuing in operation 3 years after the date on which the projects of the entities under this subsection were completed, beginning with grants awarded in fiscal year 2006.

''(C) PROHIBITION ON USE OF FUNDS.—

''(i) IN GENERAL.—None of the funds made available to carry out this subsection may be used to initiate or carry out any application or review process for any fiscal year under this subsection prior to the completion and publication of audits conducted by the Office of the Inspector General of the Department and the Comptroller General of the United States in accordance with this paragraph.

''(ii) LACK OF PROGRAM SUCCESS.—None of the funds made available to carry out this subsection may be used to initiate or carry out any application or review process for any fiscal year under this subsection if a determination is made under subparagraph (B) that less than 60 percent of grant recipients are continuing in operation 3 years after date on which the projects of the grant recipients were completed.

''(5) WEBSITE.—Notwithstanding any other provision of law, for each fiscal year for which grants are awarded under this subsection, the Secretary shall publish in an electronically searchable format and clearly

identify on the rural development website of the Department—

''(A) the total number of grants awarded;

''(B) the total dollar amount of grants awarded;

''(C) the amount awarded to each grantee;

''(D) the name of each grant recipient;

''(E) a description of each grant; and

''(F) beginning on the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012—

''(i) an anonymous list of the average adjusted gross income (as defined in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(a)) of each grant recipient;

''(ii) an anonymous list of each grant recipient who filed final reports under paragraph (2)(I)(i), including—

''(I) the average adjusted gross income disclosed on the grant application of the grant recipient; and

''(II) the average adjusted gross income disclosed on the final report submitted by the grant recipient;

''(iii) an anonymous list of each grant recipient who reported average adjusted gross income 3 years after the date of the submission of a final report under paragraph (2)(I)(ii), including—

''(I) the average adjusted gross income disclosed on the grant application of the grant recipient;

''(II) the average adjusted gross income disclosed on the final report submitted by the grant recipient; and

''(III) the average adjusted gross income disclosed 3 years after the date of the submission of the final report; and

''(iv) the percentage of grant recipients in operation 3 years after the date on which the grant recipients submitted final reports, as determined using the average adjusted gross income information submitted under paragraph (2)(I)(ii).

''(6) ADJUSTED GROSS INCOME LIMITATION.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive a grant under this subsection if the average adjusted gross income of the person or legal entity exceeds $1,000,000, as those terms are defined in sections 1001(a) and 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a), 1308-3a(a)).

''(7) FUNDING.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 2013 through 2017.

''(B) RESERVATION OF FUNDS FOR PROJECTS TO BENEFIT BEGINNING FARMERS, SOCIALLY DISADVANTAGED FARMERS, AND MID-TIER VALUE CHAINS.—

''(i) IN GENERAL.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this subsection to fund projects that benefit beginning farmers or socially disadvantaged farmers.

''(ii) MID-TIER VALUE CHAINS.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this subsection to fund applications of eligible entities described in paragraph (2) that propose to develop mid-tier value chains.

''(iii) UNOBLIGATED AMOUNTS.—Any amounts in the reserves for a fiscal year established under clauses (i) and (ii) that are not obligated by June 30 of the fiscal year shall be available to the Secretary to make grants under this subsection to eligible entities in any State, as determined by the Secretary.

''(8) SENSE OF SENATE.—It is the sense of the Senate that—

''(A) the free flow of information from Federal agencies is critical to enable Congress to perform its constitutionally required oversight obligations; and

''(B) the Department of Agriculture should endeavor to achieve transparency, cooperation, and expediency in interactions with Members of Congress.

SA 2193. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATIONS ON BONUS AUTHORITY; REPORTS ON TRAVEL EXPENSES.

(a) LIMITATIONS ON BONUS AUTHORITY FOR EMPLOYEES UNDER INVESTIGATION.—

(1) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—LIMITATIONS ON BONUS AUTHORITY

''§ 4531. Employees under investigation

''(a) DEFINITIONS.—In this section—

''(1) the term 'adverse finding' relating to an employee of an agency means a determination that the conduct of the employee—

''(A) violated a policy of the agency; and

''(B) subjects the employee to removal;

''(2) the term 'agency' means—

''(A) an Executive department, as that term is defined under section 101; and

''(B) an independent establishment, as that term is defined under section 104; and

''(3) the term 'bonus' means any bonus or cash award, including—

''(A) an award under this chapter;

''(B) an award under section 5384; and

''(C) a retention bonus under section 5754.

''(b) ONGOING INVESTIGATIONS.—

''(1) IN GENERAL.—If an employee of an agency is the subject of an ongoing investigation by the Inspector General of the agency that may result in the removal of the employee, the head of the agency may determine to award a bonus to the employee, but may not pay a bonus to the employee.

''(2) CONCLUSION OF INVESTIGATION.—At the conclusion of an investigation described in paragraph (1) relating to an employee of an agency to whom the head of the agency determined during the period the investigation was ongoing to award a bonus—

''(A) if the Inspector General does not make an adverse finding relating to the employee, the head of the agency may pay the bonus to the employee; and

''(B) if the Inspector General makes an adverse finding relating to the employee—

''(i) that results in the removal of the employee, the head of the agency may not pay the bonus to the employee; and

''(ii) that results in an adverse action against the employee that is less severe than removal, the head of the agency may not pay the bonus, or award any bonus, to the employee during the 2-year period beginning on the date on which the Inspector General makes the adverse finding.

''(3) NOTICE.—The Inspector General of an agency shall notify the head of the agency if the Inspector General is conducting an investigation of an employee of the agency that may result in the removal of the employee.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—LIMITATIONS ON BONUS AUTHORITY

''4531. Employees under investigation.''.

(b) REPORTS ON TRAVEL EXPENSES.—Section 6506 of title 5, United States Code, is amended by adding at the end the following:

''(e) REPORTS ON TRAVEL EXPENSES OF TELEWORKERS.—

''(1) DEFINITION.—In this subsection, the term 'agency' means—

''(A) an Executive department, as that term is defined under section 101; and

''(B) an independent establishment, as that term is defined under section 104.

''(2) REPORTS TO COMPTROLLER GENERAL.—Not later than December 31, 2012, and each year thereafter, the head of each agency, and the head of each part of an agency, shall submit to the Comptroller General a report that certifies that all travel expenses that the agency (or part thereof) paid for teleworking employees during the most recent full fiscal year accurately reflect the actual travel expenses incurred by the employees while teleworking.''.

SA 2194. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. FIDUCIARY EXCLUSION UNDER ERISA.

Section 3(21)(A) of the Employee Retirement Income and Security Act of 1974 (29 U.S.C. 1002(21)(A)) is amended by inserting ''and except to the extent a person is providing an appraisal or fairness opinion with respect to qualifying employer securities (as defined in section 407(d)(5)) included in an employee stock ownership plan (as defined in section 407(d)(6)),'' after ''subparagraph (B),''.

SA 2195. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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.''.

SA 2196. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, strike line 13.

SA 2197. Mr. MCCAIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, strike lines 3 through 9.

SA 2198. Mr. MCCAIN (for himself, Mr. PAUL, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017,

and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 68, strike line 16 and all that follows through page 69, line 18, and insert the following:

Subtitle C—Sugar Program Repeal

SEC. 1301. REPEAL OF SUGAR PROGRAM.

Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is repealed.

SEC. 1302. ELIMINATION OF SUGAR PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) a processor of any of the 2013 or subsequent crops of sugarcane or sugar beets shall not be eligible for a loan under any provision of law with respect to the crop; and

(2) the Secretary of Agriculture may not make price support available, whether in the form of a loan, payment, purchase, or other operation, for any of the 2013 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or other funds available to the Secretary.

(b) TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.—

(1) IN GENERAL.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 344(f)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(f)(2)) is amended by striking ''sugar cane for sugar, sugar beets for sugar,''.

(c) GENERAL POWERS.—

(1) SECTION 32 ACTIVITIES.—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended in the second sentence of the first paragraph—

(A) in paragraph (1), by inserting ''(other than sugar beets and sugarcane)'' after ''commodities''; and

(B) in paragraph (3), by inserting ''(other than sugar beets and sugarcane)'' after ''commodity''.

(2) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting '', sugar beets, and sugarcane'' after ''tobacco''.

(3) PRICE SUPPORT FOR NONBASIC AGRICULTURAL COMMODITIES.—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking ''milk, sugar beets, and sugarcane'' and inserting '', and milk''.

(4) COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.—Section 167 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7287) is repealed.

(5) SUSPENSION AND REPEAL OF PERMANENT PRICE SUPPORT AUTHORITY.—Section 171(a)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(a)(1)) is amended—

(A) by striking subparagraph (E); and

(B) by redesignating subparagraphs (F) through (I) as subparagraphs (E) through (H), respectively.

(6) STORAGE FACILITY LOANS.—Section 1402(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7971) is repealed.

(d) TRANSITION PROVISIONS.—This section and the amendments made by this section shall not affect the liability of any person under any provision of law as in effect before the application of this section and the amendments made by this section.

SEC. 1303. ELIMINATION OF SUGAR TARIFF AND OVER-QUOTA TARIFF RATE.

(a) ELIMINATION OF TARIFF ON RAW CANE SUGAR.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 1701.13 through 1701.14.50 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1701.13, as in effect on the day before the date of the enactment of this section:

''	1701.13.00	Cane sugar specified in subheading note 2 to this chapter	Free		39.85¢/kg		
	1701.14.00	Other cane sugar	Free		39.85¢/kg		''.

(b) ELIMINATION OF TARIFF ON BEET SUGAR.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 1701.12 through 1701.12.50 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1701.12, as in effect on the day before the date of the enactment of this section:

''	1701.12.00	Beet sugar	Free		42.05¢/kg		''.

(c) ELIMINATION OF TARIFF ON CERTAIN REFINED SUGAR.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking the superior text immediately preceding subheading 1701.91.05 and by striking subheadings 1701.91.05 through 1701.91.30 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1701.12.05, as in effect on the day before the date of the enactment of this section:

''	1701.91.02	Containing added coloring but not containing added flavoring matter	Free		42.05¢/kg		'';

(2) by striking subheadings 1701.99 through 1701.99.50 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1701.99, as in effect on the day before the date of the enactment of this section:

''	1701.99.00	Other	Free		42.05¢/kg		'';

(3) by striking the superior text immediately preceding subheading 1702.90.05 and by striking subheadings 1702.90.05 through 1702.90.20 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1702.60.22:

''	1702.90.02	Containing soluble non-sugar solids (excluding any foreign substances, including but not limited to molasses, that may have been added to or developed in the product) equal to 6 percent or less by weight of the total soluble solids	Free		42.05¢/kg		'';

and

(4) by striking the superior text immediately preceding subheading 2106.90.42 and by striking subheadings 2106.90.42 through 2106.90.46 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 2106.90.39:

''	2106.90.40	Syrups derived from cane or beet sugar, containing added coloring but not added flavoring matter	Free		42.50¢/kg		''.

(d) CONFORMING AMENDMENT.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking additional U.S. note 5.

(e) ADMINISTRATION OF TARIFF-RATE QUOTAS.—Section 404(d)(1) of the Uruguay Round Agreements Act (19 U.S.C. 3601(d)(1)) is amended—

(1) by inserting ''or'' at the end of subparagraph (B);

(2) by striking ''; or'' at the end of subparagraph (C) and inserting a period; and

(3) by striking subparagraph (D).

(f) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 1304. APPLICATION.

Except as otherwise provided in this subtitle, this subtitle and the amendments made by this subtitle shall apply beginning with the 2013 crop of sugar beets and sugarcane.

SA 2199. Mr. MCCAIN (for himself, Mr. KERRY, Mr. COBURN, Mrs. SHAHEEN, Mr. CRAPO, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 12207. REPEAL OF DUPLICATIVE PROGRAM.

(a) IN GENERAL.—Effective on the date of enactment of the Food, Conservation, and Energy Act (7 U.S.C. 8701 et seq.), section 11016 of that Act (Public Law 110–246; 122

Stat. 2130) and the amendments made by that section are repealed.

(b) APPLICATION.—The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) and the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) shall be applied and administered as if section 11016 of the Food, Conservation, and Energy Act (Public Law 110–246; 122 Stat. 2130) and the amendments made by that section had not been enacted.

SA 2200. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 338, between lines 6 and 7 insert the following:

(c) STATE OPTION FOR CASH EQUIVALENTS FOR PURCHASE OF LOCALLY PRODUCED COMMODITIES.—Section 203B(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7505(a)) is amended—

(1) by designating the first and second sentences as paragraphs (1) and (2), respectively; and

(2) by adding at the end the following:

''(3) STATE OPTION FOR CASH EQUIVALENTS FOR PURCHASE OF LOCALLY PRODUCED COMMODITIES.—The Secretary shall allow a State the option of receiving a cash payment that is equal to 15 percent of the value of the commodities that the State would otherwise receive for a fiscal year under this Act, in lieu of receiving the commodities, to purchase locally produced commodities for use in accordance with this Act.''.

SA 2201. Mrs. SHAHEEN (for herself and Mr. TOOMEY) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 944, after line 23, add the following:

SEC. 11005. LIMITATION ON PAYMENT OF PORTION OF PREMIUM BY CORPORATION.

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

''(8) LIMITATION.—

''(A) IN GENERAL.—Notwithstanding any other provision of this title, the total amount of premium paid by the Corporation on behalf of a person or legal entity, directly or indirectly, with respect to all policies issued to the person or legal entity under this title for a crop year shall be limited to a maximum of $40,000.

''(B) RELATIONSHIP TO OTHER LAW.—To the maximum extent practicable, the Corporation shall carry out this paragraph in accordance with section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).''.

SA 2202. Mr. BENNET (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 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.

SA 2203. Mr. BENNET (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 206, line 17, strike ''50 percent'' and insert ''⅓''.

On page 206, line 19, strike ''In the case of'' and insert the following:

''(i) COST SHARE.—In the case of''.

On page 206, between lines 23 and 24 insert the following:

''(ii) SOURCE OF CONTRIBUTION.—The Secretary may enter into an agreement with an eligible entity that waives the requirements of subparagraph (B)(ii) for a project of special environmental significance.''.

SA 2204. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 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.''.

SA 2205. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 548, strike line 5 and all that follows through page 553, line 11 and insert the following:

''(B) LOANS AND GRANTS TO PERSONS OTHER THAN INDIVIDUALS.—

''(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to provide for the conservation, development, use, and control of water (including the extension or improvement of existing water supply systems) and the installation or improvement of drainage or waste disposal facilities and essential community facilities, including necessary related equipment, training, and technical assistance to—

''(I) rural water supply corporations, cooperatives, or similar entities;

''(II) Indian tribes on Federal or State reservations and other federally recognized Indian tribes;

''(III) rural or native villages in the State of Alaska;

''(IV) native tribal health consortiums;

''(V) public agencies; and

''(VI) Native Hawaiian Home Lands.

''(ii) ELIGIBLE PROJECTS.—Loans and grants described in clause (i) shall be available only to provide the described water and waste facilities and services to communities whose residents face significant health risks, as determined by the Secretary, due to the fact that a significant proportion of the residents of the community do not have access to, or are not served by, adequate affordable—

''(I) water supply systems; or

''(II) waste disposal facilities.

''(iii) MATCHING REQUIREMENTS.—For entities described under subclauses (III), (IV), or (V) of clause (i) to be eligible to receive a grant for water supply systems or waste disposal facilities, the State in which the project will occur shall provide 25 percent in matching funds from non-Federal sources.

''(iv) CERTAIN AREAS TARGETED.—

''(I) IN GENERAL.—Loans and grants under clause (i) shall be made only if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a county or census area—

''(aa) the per capita income of the residents of which is not more than 70 percent of the national average per capita income, as determined by the Department of Commerce; and

''(bb) the unemployment rate of the residents of which is not less than 125 percent of the national average unemployment rate, as determined by the Bureau of Labor Statistics.

''(II) EXCEPTIONS.—Notwithstanding subclause (I), loans and grants under clause (i) may also be made if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of—

''(aa) a rural area that was recognized as a colonia as of October 1, 1989; or

''(bb) areas described under subclauses (III) and (VI) of clause (i).

''(C) LOANS AND GRANTS TO INDIVIDUALS.—

''(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to individuals who reside in a community described in subparagraph (B)(i) for the purpose of extending water supply and waste disposal systems, connecting the systems to the residences of the individuals, or installing plumbing and fixtures within the residences of the individuals to facilitate the use of the water supply and waste disposal systems.

''(ii) INTEREST.—Loans described in clause (i) shall be at a rate of interest no greater than the Federal Financing Bank rate on loans of a similar term at the time the loans are made.

''(iii) AMORTIZATION.—The repayment of loans described in clause (i) shall be amortized over the expected life of the water supply or waste disposal system to which the residence of the borrower will be connected.

''(iv) MANNER IN WHICH LOANS AND GRANTS ARE TO BE MADE.—Loans and grants to individuals under clause (i) shall be made—

''(I) directly to the individuals by the Secretary; or

''(II) to the individuals through the rural water supply corporation, cooperative, or similar entity, or public agency, providing the water supply or waste disposal services, pursuant to regulations issued by the Secretary.

''(D) PREFERENCE.—The Secretary shall give preference in the awarding of loans and grants under subparagraphs (B) and (C) to entities described in clause (i) of subparagraph (B) that propose to provide water supply or waste disposal services to the residents of Indian reservations, rural or native villages in the State of Alaska, Native Hawaiian Home Lands, and those rural subdivisions commonly referred to as colonias, that are characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities.

''(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(i) for grants under this paragraph, $60,000,000 for each fiscal year;

''(ii) for loans under this paragraph, $60,000,000 for each fiscal year; and

''(iii) in addition to grants provided under clause (i), for grants under this section to benefit Indian tribes, $20,000,000 for each fiscal year.

''(F) RELATIONSHIP TO OTHER AUTHORITY.—Notwithstanding any other provision of law, the Secretary or any other Federal agency may enter into interagency agreements with Federal, State, tribal, and other entities to share resources, including transferring and accepting funds, equipment, or other supplies, to carry out the activities described in this section.

SA 2206. Ms. MURKOWSKI (for herself, Mr. KERRY, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 522, strike line 15 and all that follows through page 523, line 2, and insert the following:

(12) FARM.—The term ''farm'' means an operation involved in—

''(A) the production of an agricultural commodity;

''(B) ranching;

''(C) aquaculture; or

''(D) in the case of chapter 2 of subtitle A, commercial fishing.

''(13) FARMER.—The term 'farmer' means an individual or entity engaged primarily and directly in—

''(A) the production of an agricultural commodity;

''(B) ranching;

''(C) aquaculture; or

''(D) in the case of chapter 2 of subtitle A, commercial fishing.

SA 2207. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12____. REAUTHORIZATION OF DENALI COMMISSION.

Subsection (a) of the first section 310 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) (relating to authorization of appropriations) is amended—

(1) by striking ''section 4 under this Act'' and inserting ''section 304''; and

(2) by striking ''for fiscal years 2000, 2001, 2002, and 2008'' and inserting ''for each of fiscal years 2012 through 2017.''.

SA 2208. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017,

and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 6203. LOANS UNDER SECTION 502 OF THE HOUSING ACT OF 1949 FOR DWELLINGS WITH WATER CATCHMENT OR CISTERN SYSTEMS.

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

''(4) The Secretary may not deny an application for a loan under this section solely on the basis that the application relates to a dwelling with a water catchment or cistern system.''.

SA 2209. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 548, strike line 5 and all that follows through page 553, line 11 and insert the following:

''(B) LOANS AND GRANTS TO PERSONS OTHER THAN INDIVIDUALS.—

''(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to provide for the conservation, development, use, and control of water (including the extension or improvement of existing water supply systems) and the installation or improvement of drainage or waste disposal facilities and essential community facilities, including necessary related equipment, training, and technical assistance to—

''(I) rural water supply corporations, cooperatives, or similar entities;

''(II) Indian tribes on Federal or State reservations and other federally recognized Indian tribes;

''(III) rural or native villages in the State of Alaska;

''(IV) native tribal health consortiums;

''(V) public agencies; and

''(VI) Native Hawaiian Home Lands.

''(ii) ELIGIBLE PROJECTS.—Loans and grants described in clause (i) shall be available only to provide the described water and waste facilities and services to communities whose residents face significant health risks, as determined by the Secretary, due to the fact that a significant proportion of the residents of the community do not have access to, or are not served by, adequate affordable—

''(I) water supply systems; or

''(II) waste disposal facilities.

''(iii) MATCHING REQUIREMENTS.—For entities described under subclauses (III), (IV), or (V) of clause (i) to be eligible to receive a grant for water supply systems or waste disposal facilities, the State in which the project will occur shall provide 25 percent in matching funds from non-Federal sources.

''(iv) CERTAIN AREAS TARGETED.—

''(I) IN GENERAL.—Loans and grants under clause (i) shall be made only if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a county or census area—

''(aa) the per capita income of the residents of which is not more than 70 percent of the national average per capita income, as determined by the Department of Commerce; and

''(bb) the unemployment rate of the residents of which is not less than 125 percent of the national average unemployment rate, as determined by the Bureau of Labor Statistics.

''(II) EXCEPTIONS.—Notwithstanding subclause (I), loans and grants under clause (i) may also be made if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of—

''(aa) a rural area that was recognized as a colonia as of October 1, 1989; or

''(bb) areas described under subclauses (II), (III), and (VI) of clause (i).

''(C) LOANS AND GRANTS TO INDIVIDUALS.—

''(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to individuals who reside in a community described in subparagraph (B)(i) for the purpose of extending water supply and waste disposal systems, connecting the systems to the residences of the individuals, or installing plumbing and fixtures within the residences of the individuals to facilitate the use of the water supply and waste disposal systems.

''(ii) INTEREST.—Loans described in clause (i) shall be at a rate of interest no greater than the Federal Financing Bank rate on loans of a similar term at the time the loans are made.

''(iii) AMORTIZATION.—The repayment of loans described in clause (i) shall be amortized over the expected life of the water supply or waste disposal system to which the residence of the borrower will be connected.

''(iv) MANNER IN WHICH LOANS AND GRANTS ARE TO BE MADE.—Loans and grants to individuals under clause (i) shall be made—

''(I) directly to the individuals by the Secretary; or

''(II) to the individuals through the rural water supply corporation, cooperative, or similar entity, or public agency, providing the water supply or waste disposal services, pursuant to regulations issued by the Secretary.

''(D) PREFERENCE.—The Secretary shall give preference in the awarding of loans and grants under subparagraphs (B) and (C) to entities described in clause (i) of subparagraph (B) that propose to provide water supply or waste disposal services to the residents of Indian reservations, rural or native villages in the State of Alaska, Native Hawaiian Home Lands, and those rural subdivisions commonly referred to as colonias, that are characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities.

''(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(i) for grants under this paragraph, $60,000,000 for each fiscal year;

''(ii) for loans under this paragraph, $60,000,000 for each fiscal year; and

''(iii) in addition to grants provided under clause (i), for grants under this section to benefit Indian tribes, $20,000,000 for each fiscal year.

''(F) RELATIONSHIP TO OTHER AUTHORITY.—Notwithstanding any other provision of law, the Secretary or any other Federal agency may enter into interagency agreements with Federal, State, tribal, and other entities to share resources, including transferring and accepting funds, equipment, or other supplies, to carry out the activities described in this section.

SA 2210. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add insert the following:

SEC. 122____. USE AND DISCHARGE OF PESTICIDES.

(a) SHORT TITLE.—This section may be cited as the ''Reducing Regulatory Burdens Act of 2012''.

(b) USE OF AUTHORIZED PESTICIDES.—Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

''(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act (33 U.S.C. 1342(s)), the Administrator or a State may not require a permit under that Act for a discharge from a point source into navigable waters of—

''(A) a pesticide authorized for sale, distribution, or use under this Act; or

''(B) the residue of such a pesticide that results from the application of the pesticide.''.

(c) DISCHARGES OF PESTICIDES.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) DISCHARGES OF PESTICIDES.—

''(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of—

''(A) a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.); or

''(B) the residue of such a pesticide that results from the application of the pesticide.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

''(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) that is relevant to protecting water quality, if—

''(i) the discharge would not have occurred but for the violation; or

''(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

''(B) Stormwater discharges subject to regulation under subsection (p).

''(C) Manufacturing or industrial effluent.

''(D) Treatment works effluent.

''(E) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.''.

SA 2211. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 334, after line 22, insert the following:

SEC. 4010. EMPLOYMENT AND TRAINING.

(a) ADMINISTRATIVE COSTS.—Section 16(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) is amended in the matter preceding paragraph (1), by inserting ''(other than a program carried out under section 6(d)(4) or 20)'' after ''supplemental nutrition assistance program'' the first place it appears.

(b) FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.—

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

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''$90,000,000'' and inserting ''$187,000,000''; and

(ii) in subparagraph (E)(i), by striking ''$20,000,000'' and inserting ''$30,000,000'';

(B) by striking paragraphs (2) and (3); and

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 17(b)(1)(B)(iv)(III)(hh) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)(iv)(III)(hh)) is amended by striking '', (g), (h)(2), or (h)(3)'' and inserting ''or (g)''.

(B) Section 22(d)(1)(B)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2031(d)(1)(B)(ii)) is amended by striking '', (g), (h)(2), and (h)(3)'' and inserting ''and (g)''.

(c) WORKFARE.—Section 20 of the Food and Nutrition Act of 2008 (7 U.S.C. 2029) is amended by striking subsection (g).

SA 2212. Mr. JOHANNS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 122____. FARM DUST REGULATION PREVENTION.

(a) SHORT TITLE.—This section may be cited as the ''Farm Dust Regulation Prevention Act of 2012''.

(b) NUISANCE DUST.—Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

''SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY STATE, TRIBAL, AND LOCAL GOVERNMENTS.

''(a) DEFINITION OF NUISANCE DUST.—

''(1) IN GENERAL.—In this section, the term 'nuisance dust' means particulate matter that—

''(A) is generated primarily from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas;

''(B) consists primarily of soil, other natural or biological materials, or any combination of soil or other natural or biological materials;

''(C) is not emitted directly into the ambient air from combustion, such as exhaust from combustion engines and emissions from stationary combustion processes; and

''(D) is not comprised of residuals from the combustion of coal.

''(2) EXCLUSIONS.—The term 'nuisance dust' does not include radioactive particulate matter produced from uranium mining or processing.

''(b) APPLICABILITY.—Except as provided in subsection (c), any reference in this Act to particulate matter dos not include nuisance dust.

''(c) EXCEPTION.—Subsection (b) does not apply to any geographical area in which nuisance dust is not regulated under State, tribal, or local law if the Administrator, in consultation with the Secretary of Agriculture, finds that—

''(1) nuisance dust (or any subcategory of nuisance dust) causes substantial adverse public health and welfare effects at ambient concentrations; and

''(2) the benefits of applying standards and other requirements of this Act to nuisance dust (or any subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying those standards and other requirements to nuisance dust (or any subcategory of nuisance dust).''.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator of the Environmental Protection Agency should implement an approach to excluding exceptional events, or events that are not reasonably controllable or preventable, from determinations of whether an area is in compliance with any national ambient air quality standard applicable to coarse particulate matter that—

(1) maximizes transparency and predictability for States, tribes, and local governments; and

(2) minimizes the regulatory and cost burdens States, tribes, and local governments bear in excluding exceptional events.

SA 2213. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF PARTICIPATION BY MEMBERS OF CONGRESS IN AGRICULTURAL PROGRAMS.

No Member of Congress, spouse of a Member of Congress, or immediate family member of a Member of Congress shall participate in a program authorized under this Act or an amendment made by this Act.

SA 2214. Mr. COBURN (for himself, Mr. UDALL of Colorado, Mr. BURR, Mr. MCCAIN, Ms. AYOTTE, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROHIBITING USE OF PRESIDENTIAL ELECTION CAMPAIGN FUNDS FOR PARTY CONVENTIONS.

(a) IN GENERAL.—

(1) IN GENERAL.—Chapter 95 of the Internal Revenue Code of 1986 is amended by striking section 9008.

(2) CLERICAL AMENDMENT.—The table of sections of chapter 95 of such Code is amended by striking the item relating to section 9008.

(b) CONFORMING AMENDMENTS.—

(1) AVAILABILITY OF PAYMENTS TO CANDIDATES.—The third sentence of section 9006(c) of the Internal Revenue Code of 1986 is amended by striking '', section 9008(b)(3),''.

(2) REPORTS BY FEDERAL ELECTION COMMISSION.—Section 9009(a) of such Code is amended—

(A) by adding ''and'' at the end of paragraph (2);

(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4), (5), and (6).

(3) PENALTIES.—Section 9012 of such Code is amended—

(A) in subsection (a)(1), by striking the second sentence; and

(B) in subsection (c), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(4) AVAILABILITY OF PAYMENTS FROM PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT.—The second sentence of section 9037(a) of such Code is amended by striking ''and for payments under section 9008(b)(3)''.

(c) RETURN OF PREVIOUSLY SUBMITTED MONEY FOR DEFICIT REDUCTION.—Any amount which is returned by the national committee of a major party or a minor party to the general fund of the Treasury from an account established under section 9008 of the Internal Revenue Code of 1986 after the date of the enactment of this Act shall be dedicated to the sole purpose of deficit reduction.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after December 31, 2012.

SA 2215. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 915, strike line 10, and all that follows through page 919, line 6.

SA 2216. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 969, strike line 1, and all that follows through page 970, line 5.

SA 2217. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 980, strike line 13, and all that follows through page 983, line 20.

SA 2218. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 736, strike line 6, and all that follows through page 738, line 18.

SA 2219. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 271, between lines 4 and 5, insert 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.).''.

SA 2220. Mr. WYDEN (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, insert the following:

SEC. 12207. INDUSTRIAL HEMP.

(a) EXCLUSION OF INDUSTRIAL HEMP FROM DEFINITION OF MARIHUANA.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (16)—

(A) by striking ''(16) The'' and inserting ''(16)(A) The''; and

(B) by adding at the end the following:

''(B) The term 'marihuana' does not include industrial hemp.''; and

(2) by adding at the end the following:

''(57) The term 'industrial hemp' means the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.''.

(b) INDUSTRIAL HEMP DETERMINATION.—Section 201 of the Controlled Substances Act (21 U.S.C. 811) is amended by adding at the end the following:

''(i) INDUSTRIAL HEMP DETERMINATION.—If a person grows or processes Cannabis sativa L. for purposes of making industrial hemp in accordance with State law, the Cannabis sativa L. shall be deemed to meet the concentration limitation under section 102(57).''.

SA 2221. Mr. WYDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 42___. TASK FORCE TO PROMOTE NATIONAL SECURITY BY REDUCING CHILDHOOD OBESITY.

(a) FINDINGS.—Congress finds that, as of the date of enactment of this Act—

(1) the obesity epidemic has reached a crisis point that threatens the national security of the United States;

(2) in the past 3 decades, obesity rates have quadrupled for children ages 6 to 11;

(3)(A) Department of Defense data indicates that an alarming 75 percent of all young people in the United States ages 17 to 24 are unable to join the military; and

(B) obesity is the leading medical reason why applicants fail to qualify for military service;

(4) in April 2010, more than 100 of the top retired generals, admirals, and senior military leaders in the United States released a report entitled ''Too Fat to Fight'', which urgently called on Congress to pass new child nutrition legislation that would—

(A) get junk food out of schools; and

(B) support increased funding to improve nutritional standards and the quality of meals served in schools;

(5) in May 2012, the Institute of Medicine released a report entitled ''Accelerating Progress in Obesity Prevention: Solving the Weight of the Nation'', which called for the establishment of a task force to examine evidence on the relationship between agricultural policy, the diet of the average American, and childhood obesity;

(6) a cooperative national effort by experts in agriculture, security, and health in the form of a scientifically rigorous task force is needed;

(7)(A) properly managed, the school environment can be instrumental in fostering healthful eating habits that will last a lifetime;

(B) unfortunately, some of the agricultural food and nutrition policies of the United States contribute to the obesity epidemic;

(C) Federal food and nutrition programs are woven into the fabric of the lives of children in the United States;

(D) every day, millions of children buy breakfast, lunch, and snacks in school; and

(E) funding for the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) accounts for nearly 75 percent of the total cost of this Act;

(8) since the enactment of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.), there has been a sea change of interest and focus on the obesity epidemic in the United States;

(9) Congress should have the very best information when making policy decisions; and

(10) establishment of a task force will help to focus on the relationship between agricultural policies and obesity.

(b) PURPOSES.—The purposes of the Task Force established under this section are—

(1) to facilitate the next round of fact-based solutions to the obesity epidemic; and

(2) to build the foundation for evaluating and considering the very best available scientific evidence on the relationship between agriculture policies, the diet of the average American, childhood nutrition, and childhood obesity.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a task force to be known as the ''Task Force to Promote National Security by Reducing Childhood Obesity'' (referred to in this section as the ''Task Force'').

(2) MEMBERSHIP.—

(A) ELIGIBILITY.—Members of the Task Force shall—

(i) have specialized training or significant experience in matters under the jurisdiction of the Task Force; and

(ii) represent, at a minimum—

(I) national security interests;

(II) national agricultural interests; and

(III) national health interests.

(B) COMPOSITION.—

(i) IN GENERAL.—The Task Force shall be composed of 15 members, in a manner that ensures fair and balanced representation of the national security, agriculture, and health sectors of the United States.

(ii) APPOINTMENT.—As soon as practicable after the date on which funds are first made available to carry out this section, members shall be appointed to the Task Force in accordance with the following requirements:

(I) 1 member shall be—

(aa) appointed by the Secretary to represent the Department of Agriculture; and

(bb) an expert in the field of agricultural policy as that field relates to childhood nutrition and childhood obesity.

(II) 1 member shall be—

(aa) appointed by the Secretary; and

(bb) an expert in the field of nutrition as that field relates to agricultural policy, childhood nutrition, and childhood obesity.

(III) 1 member shall be—

(aa) appointed by the Secretary to represent the Economic Research Service of the Department of Agriculture; and

(bb) an expert in the field of economics as that field relates to agricultural policy, childhood nutrition, and childhood obesity.

(IV) 3 members shall be appointed by the Secretary to represent the private agriculture industry, of whom—

(aa) all shall be experts in the respective fields of the members as those fields relate to agricultural policy, childhood nutrition, and childhood obesity;

(bb) 1 shall be a representative of the fruit and vegetable industry;

(cc) 1 shall be a representative of the grain-growing industry; and

(dd) 1 shall be a representative of the animal food products industry.

(V) 3 members shall be appointed by the Secretary of Defense to represent the Department of Defense, of whom—

(aa) all shall be experts in national security as that field relates to childhood nutrition and childhood obesity; and

(bb) 1 shall be a current or former senior noncommissioned officer with at least 2 years of experience in the physical training and conditioning of new recruits.

(VI) 2 members shall be appointed by the Secretary of Defense on the nomination of Mission: Readiness (or a successor entity).

(VII) 1 member shall be—

(aa) appointed by the Secretary of Health and Human Services on the nomination of the Institute of Medicine of the National Academy of Sciences; and

(bb) an expert in the field of public health as that field relates to childhood nutrition and childhood obesity.

(VIII) 1 member shall be—

(aa) appointed by the Secretary of Health and Human Services on the nomination of the American Academy of Pediatrics; and

(bb) an expert in the field of pediatric public health as that field relates to childhood nutrition and childhood obesity.

(IX) 1 member shall be—

(aa) appointed by the Secretary of Health and Human Services on the nomination of the American College of Occupational and Environmental Medicine; and

(bb) an expert in the field of adult public health (as that field relates to childhood nutrition and childhood obesity) that has expertise in leveraging employer resources to improve the health of the children of the employees.

(X) 1 member shall be—

(aa) appointed by the Secretary of Health and Human Services on the nomination of the American College of Preventive Medicine; and

(bb) an expert in the field of preventative medicine as that field relates to childhood nutrition and childhood obesity.

(C) CHAIRPERSON.—The Secretary shall appoint 1 member of the Task Force to serve as chairperson for the duration of the proceedings of the Task Force.

(D) VICE CHAIRPERSON.—The Secretary of Defense shall appoint 1 member of the Task Force to serve as vice chairperson for the duration of the proceedings of the Task Force.

(3) DATE OF APPOINTMENTS.—The appointment of a member of the Task Force shall be made not later than 90 days after the date of enactment of this Act.

(4) TERM; VACANCIES.—

(A) TERM.—A member shall be appointed for the life of the Task Force.

(B) VACANCIES.—A vacancy on the Task Force—

(i) shall not affect the powers of the Task Force; and

(ii) shall be filled in the same manner as the original appointment was made.

(5) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Task Force have been appointed, the Task Force shall hold the initial meeting of the Task Force.

(6) MEETINGS.—The Task Force shall meet at the call of the Chairperson.

(7) QUORUM.—A majority of the members of the Task Force shall constitute a quorum, but a lesser number of members may hold hearings.

(d) DUTIES.—

(1) IN GENERAL.—The Task Force shall evaluate—

(A) the implications of agricultural policies on the diet of the average American and childhood obesity; and

(B) how agricultural policy can be used to reduce childhood obesity to promote national security.

(2) REQUIREMENTS.—The Task Force shall—

(A) evaluate the evidence on the relationship between agricultural policies of the United States (including agricultural subsidies and the management of commodities) and the diet of the people of the United States, specifically the relationship between agricultural policies and childhood obesity;

(B) consider the current understanding and degree of implementation of using an optimal mix of crops and agricultural production methods so as to meet the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(C) develop recommendations for future policy options and policy-related research to address agricultural policies that are identified as potential contributors to childhood obesity;

(D) develop recommendations on how agricultural policy can be used to reduce childhood obesity to promote national security; and

(E) develop recommendations for establishing a formal process by which Federal food, agriculture, national security, and health officials would review and report on the possible implications of agricultural policies of the United States for obesity prevention, to ensure that this issue is fully taken into account each and every time that policymakers consider the Farm Bill reauthorization and other legislation affecting agricultural and nutrition policies.

(3) REPORT.—Not later than 1 year after the date on which all members of the Task Force are appointed, the Task Force shall submit to the Secretaries of Agriculture, Defense, and Health and Human Services, and to the appropriate committees of Congress, a report that contains—

(A) a detailed statement of the findings and conclusions of the Task Force; and

(B) the recommendations of the Task Force for such legislation and administrative actions as the Task Force considers appropriate.

(e) POWERS.—

(1) HEARINGS.—The Task Force may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Task Force may secure directly from a Federal agency such information (other than classified or confidential information) as the Task Force considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Task Force, the head of the agency shall provide the information to the Task Force.

(3) POSTAL SERVICES.—The Task Force may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(f) TASK FORCE PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Task Force who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Task Force.

(B) FEDERAL EMPLOYEES.—A member of the Task Force who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Task Force.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Task Force may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Task Force to perform the duties of the Task Force.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Task Force.

(C) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Task Force may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Task Force without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Task Force may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) LIMITATION.—No payment may be made under subsection (f) except to the extent provided for in advance in an appropriations Act.

(h) TERMINATION OF TASK FORCE.—The Task Force shall terminate 90 days after the date on which the Task Force submits the report of the Task Force under subsection (d)(3).

SA 2222. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 769, strike lines 12 through 16 and insert the following:

''section;

''(D) may establish additional reporting and information requirements for any recipient of any assistance under this section so as to ensure compliance with this section; and

''(E) with respect to an application for assistance under this section, shall—

''(i) promptly post on the website of the Rural Utilities Service—

''(I) an announcement that identifies—

''(aa) each applicant; and

''(bb) the amount and type of support requested by each applicant; and

''(II) a list of the census block groups or tracts that the applicant proposes to serve; and

''(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.''.

SA 2223. Mrs. MCCASKILL (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. DRIVING DISTANCE FOR PURPOSES OF PROHIBITION ON CLOSURE OR RELOCATION OF COUNTY OFFICES FOR THE FARM SERVICE AGENCY.

Section 14212(b)(1) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 6932a(b)(1)) is amended by inserting ''driving'' after ''20'' each place it appears.

SA 2224. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RULE RELATING TO CHILD LABOR.

Notwithstanding any other provision of law, the Secretary of Labor shall not promulgate any regulation, including under the authority provided to enforce section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212), that addresses child labor as it relates to agriculture, without first consulting with and obtaining the approval of the Chairman and Ranking Member of Committee on Agriculture of the House of Representatives, the Chairman and Ranking Member of the Committee on Agriculture of the Senate, and the Secretary of Agriculture.

SA 2225. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON FEDERAL FINANCIAL ASSISTANCE BY PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS.

(a) DEFINITION OF SERIOUSLY DELINQUENT TAX DEBT.—In this section:

(1) IN GENERAL.—The term ''seriously delinquent tax debt'' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of that Code.

(2) EXCLUSIONS.—The term ''seriously delinquent tax debt'' does not include—

(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122 of Internal Revenue Code of 1986; and

(B) a debt with respect to which a collection due process hearing under section 6330 of that Code, or relief under subsection (a), (b), or (f) of section 6015 of that Code, is requested or pending.

(b) PROHIBITION.—Notwithstanding any other provision of this Act or an amendment made by this Act, an individual or entity who has a seriously delinquent tax debt shall be ineligible to receive financial assistance (including any payment, loan, grant, contract, or subsidy) under this Act or an amendment made by this Act during the pendency of such seriously delinquent tax debt.

(c) REGULATIONS.—The Secretary of Agriculture, in conjunction with the Secretary of the Treasury, shall issue such regulations as the Secretary considers necessary to carry out this section.

SA 2226. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 888, strike line 5, and all that follows through page 890, line 21.

SA 2227. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 4208. STUDY ON SUGAR-SWEETENED BEVERAGES.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) the impact of sugar-sweetened beverages on obesity and human health in the United States; and

(2) the impact on obesity and human health of public health proposals that affect the cost and size of sugar-sweetened beverages.

SA 2228. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 4208. PULSE CROP PRODUCTS.

(a) PURPOSE.—The purpose of this section is to encourage greater awareness and interest in the number and variety of pulse crop products available to schoolchildren, as recommended by the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE PULSE CROP.—The term ''eligible pulse crop'' means dry beans, dry peas, lentils, and chickpeas.

(2) PULSE CROP PRODUCT.—The term ''pulse crop product'' means a food product derived in whole or in part from an eligible pulse crop.

(c) PURCHASE OF PULSE CROPS AND PULSE CROP PRODUCTS.—In addition to the commodities delivered under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755), the Secretary shall purchase eligible pulse crops and pulse crop products for use in—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(d) EVALUATION.—Not later than September 30, 2016, the Secretary shall conduct an evaluation of the activities conducted under subsection (c), including—

(1) an evaluation of whether children participating in the school lunch and breakfast programs described in subsection (c) increased overall consumption of eligible pulse crops as a result of the activities;

(2) an evaluation of which eligible pulse crops and pulse crop products are most acceptable for use in the school lunch and breakfast programs;

(3) any recommendations of the Secretary regarding the integration of the use of pulse crop products in carrying out the school lunch and breakfast programs;

(4) an evaluation of any change in the nutrient composition in the school lunch and breakfast programs due to the activities; and

(5) an evaluation of any other outcomes determined to be appropriate by the Secretary.

(e) REPORT.—As soon as practicable after the completion of the evaluation under subsection (d), the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and the Workforce of the House of Representative a report describing the results of the evaluation.

(f) FUNDING.—

(1) IN GENERAL.—On October 1, 2012, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $5,000,000.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

SA 2229. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

SEC. 7409. AGRICULTURAL RESEARCH SERVICE FACILITIES.

(a) IN GENERAL.—Subtitle F of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971 et seq.) is amended by adding at the end the following:

''SEC. 253. AGRICULTURAL RESEARCH SERVICE FACILITIES.

''The Agricultural Research Service shall operate at least 1 facility in each State.''.

(b) CONFORMING AMENDMENT.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) (as amended by sections 4206(b) and 12201(b)) is amended—

(1) in paragraph (9), by striking ''or'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(11) the authority of the Secretary to operate facilities under section 253.''.

SA 2230. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 564, between lines 10 and 11, insert the following:

''(h) GRANTS AND LOAN GUARANTEES TO PROVIDE HOUSING FOR EDUCATORS, PUBLIC SAFETY OFFICERS, AND MEDICAL PROVIDERS.—

''(1) DEFINITIONS.—In this subsection:

''(A) EDUCATOR.—The term 'educator' means an individual who—

''(i) is employed full-time as a teacher, principal, or administrator by—

''(I) a public elementary school or secondary school that provides direct services to students in grades prekindergarten through grade 12, or a Head Start program; and

''(II) meets the appropriate teaching certification or licensure requirements of the State for the position in which the individual is employed; or

''(ii) is employed full-time as a librarian, a career guidance or counseling provider, an education aide, or in another instructional or administrative position for a public elementary school or secondary school.

''(B) MEDICAL PROVIDER.—The term 'medical provider' means—

''(i) a licensed doctor of medicine or osteopathy;

''(ii) an American Indian, Alaska Native, or Native Hawaiian recognized as a traditional healing practitioner;

''(iii) a health care provider that—

''(I) is licensed or certified under Federal or State law, as applicable; and

''(II) is providing services that are eligible for coverage under a plan under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code;

''(iv) a provider authorized under section 119 of the Indian Health Care Improvement Act (25 U.S.C. 1616*l*); or

''(v) any other individual that the Secretary determines is capable of providing health care services.

''(C) PUBLIC SAFETY OFFICER.—The term 'public safety officer' means an individual who is employed full-time—

''(i) as a law enforcement officer by a law enforcement agency of the Federal Government, a State, a unit of general local government, or an Indian tribe; or

''(ii) as a firefighter by a fire department of the Federal Government, a State, a unit of general local government, or an Indian tribe.

''(D) QUALIFIED COMMUNITY.—The term 'qualified community' means any open country, or any place, town, village, or city—

''(i) that is not part of or associated with an urban area; and

''(ii) that—

''(I) has a population of not more than 2,500; or

''(II)(aa) has a population of not more than 10,000; and

''(bb) is not accessible by a motor vehicle, as defined in section 30102 of title 49, United States Code.

''(E) QUALIFIED HOUSING.—The term 'qualified housing' means housing for educators, public safety officers, or medical providers that is located in a qualified community.

''(F) QUALIFIED PROJECT.—The term 'qualified project' means—

''(i) the construction, modernization, renovation, or repair of qualified housing;

''(ii) the payment of interest on bonds or other financing instruments (excluding instruments used for refinancing) that are issued for the construction, modernization, renovation, or repair of qualified housing;

''(iii) the repayment of a loan used—

''(I) for the construction, modernization, renovation, or repair of qualified housing; or

''(II) to purchase real property on which qualified housing will be constructed;

''(iv) purchasing or leasing real property on which qualified housing will be constructed, renovated, modernized, or repaired; or

''(v) any other activity normally associated with the construction, modernization, renovation, or repair of qualified housing, as determined by the Secretary.

''(G) EDUCATIONAL SERVICE AGENCY, ELEMENTARY SCHOOL, LOCAL EDUCATIONAL AGENCY, SECONDARY SCHOOL, STATE EDUCATIONAL AGENCY.—The terms 'educational service agency', 'elementary school', 'local educational agency', 'secondary school', and 'State educational agency' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(2) GRANTS.—The Secretary may make a grant to an applicant to carry out a qualified project.

''(3) LOAN GUARANTEES.—The Secretary may guarantee a loan made to an applicant for the construction, modernization, renovation, or repair of qualified housing.

''(4) FINANCING MECHANISMS.—The Secretary may make payments of interest on bonds, loans, or other financial instruments (other than financial instruments used for refinancing) that are issued to an applicant for a qualified project.

''(5) APPLICATION.—An applicant that desires a grant, loan guarantee, or payment of interest under this subsection shall submit to the Secretary an application that—

''(A) indicates whether the qualified housing for which the grant, loan guarantee, or payment of interest is sought is located in a qualified community;

''(B) identifies the applicant;

''(C) indicates whether the applicant prefers to receive a grant, loan guarantee, or payment of interest under this subsection;

''(D) describes how the applicant would ensure the adequate maintenance of qualified housing assisted under this subsection;

''(E) demonstrates a need for qualified housing in a qualified community, which may include a deficiency of affordable housing, a deficiency of habitable housing, or the need to modernize, renovate, or repair housing;

''(F) describes the expected impact of the grant, loan guarantee, or payment of interest on—

''(i) educators, public safety officers, and medical providers in a qualified community, including the impact on recruitment and retention of educators, public safety officers, and medical providers; and

''(ii) the economy of a qualified community, including—

''(I) any plans to use small business concerns for the construction, modernization, renovation, or repair of qualified housing; and

''(II) the short- and long-term impact on the rate of employment in the qualified community; and

''(G) describes how the applicant would ensure that qualified housing assisted under this subsection is used for educators, public safety officers, and medical providers.

''(6) INPUT FROM STATE DIRECTOR OF RURAL DEVELOPMENT.—The State Director of Rural Development for a State may submit to the Secretary an evaluation of any application for a qualified project in the State for which an application for assistance under this subsection is submitted and the Secretary shall take into consideration the evaluation in determining whether to provide assistance.

''(7) PRIORITY.—In awarding grants and making loan guarantees and payments of interest under this subsection, the Secretary shall give priority to an applicant that is—

''(A) a State educational agency or local educational agency;

''(B) an educational service agency;

''(C) a State or local housing authority;

''(D) an Indian tribe or tribal organization, as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

''(E) a tribally designated housing entity;

''(F) a local government; or

''(G) a consortium of any of the entities described in subparagraphs (A) through (F).

''(8) LIMITATION.—The Secretary may provide assistance to the same applicant under only 1 of paragraphs (2), (3), and (4).

''(9) REQUIREMENT.—As a condition of eligibility for a grant, loan guarantee, or payment of interest under this subsection, at least 1 named applicant shall be required to maintain ownership of the qualified housing that is the subject of the grant, loan guarantee, or payment of interest during the greater of—

''(A) 15 years; or

''(B) the period of the loan for which a loan guarantee or payment of interest is made under this subsection.

''(10) REPORTING.—

''(A) BY APPLICANTS.—Not later than 2 years after the date on which an applicant receives a grant, loan guarantee, or payment of interest under this subsection, the applicant shall submit to the Secretary a report that—

''(i) describes how the grant, loan guarantee, or payment of interest was used; and

''(ii) contains an estimate of the number of jobs created or maintained by use of the grant, loan guarantee, or payment of interest .

''(B) BY GAO.—Not later than 2 years after the date of enactment of this subsection, the Comptroller General of the United States shall submit to Congress a report evaluating the program under this subsection.

''(11) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this subsection$50,000,0000 for fiscal year 2012, and each fiscal year thereafter.

''(B) AVAILABILITY.—Any amounts appropriated to carry out this subsection shall remain available for obligation by the Secretary during the 3-year period beginning on the date of the appropriation.

''(C) USE OF FUNDS.—Of any amounts appropriated for a fiscal year to carry out this subsection, the Secretary shall use—

''(i) not less than 50 percent to make grants under this subsection;

''(ii) not more than 5 percent to carry out national activities under this subsection, including providing technical assistance and conducting outreach to qualified communities; and

''(iii) any amounts not expended in accordance with clauses (i) and (ii) to make loan guarantees and payments of interest under this subsection.

SA 2231. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 764, strike lines 9 through 15 and insert the following:

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

''(i) establish not less than 2, and not more than 4, evaluation periods for each fiscal year to compare grant, loan, and loan guarantee applications and to prioritize grants, loans, and loan guarantees to all or part of rural communities that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e);

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

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

''(II) demonstrated on—

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

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

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

On page 765, line 22, strike ''and'' after the semicolon at the end.

On page 766, line 7, strike the period at the end and insert ''; and''.

On page 766, between lines 7 and 8, insert the following:

''(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.

On page 766, between lines 21 and 22, insert the following:

(i) 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);'';

On page 766, line 22, strike ''(ii)'' the first place it appears and insert ''(iii)''.

On page 766, line 25, strike ''(iii)'' the first place it appears and insert ''(iv)''.

On page 767, strike lines 8 through 18 and insert the following:

(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);

(iii) by redesignating subparagraph (C) as subparagraph (B); and

(iv) in subparagraph (B) (as so redesignated)—

(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'';

On page 767, line 19, strike ''(D)'' and insert ''(G)''.

On page 767, line 22, strike ''(E)'' and insert ''(H)''.

On page 768, line 6, before the semicolon, insert the following: '', 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)''.

On page 768, line 9, before the semicolon, insert the following: '', 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

On page 769, strike lines 5 through 12 and insert the following:

''(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; and''.

On page 769, between lines 16 and 17, insert the following:

(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.—At least once every 2 years, the Secretary shall 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.'';

On page 769, line 17, strike ''(5)'' and insert ''(6)''.

On page 769, between lines 19 and 20, insert the following:

(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.'';

On page 769, line 20, strike ''(6)'' and insert ''(8)''.

On page 769, strike lines 23 and 24 and insert the following:

(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;

On page 770, line 5, strike ''and''

On page 770, between lines 6 and 7, insert the following:

(E) in paragraph (5), by striking ''and'' at the end;

(F) in paragraph (6), by striking the period at the end and inserting ''; 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

On page 770, strike line 7 and insert the following:

(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 semiannual 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) in paragraph (1) of subsection (*l*) (as redesignated by paragraph (9))—

On page 770, strike line 12 and insert the following:

(12) in subsection (m) (as redesignated by paragraph (9))—

SA 2232. Mr. TESTER (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE XIII—RECREATIONAL HUNTING, FISHING, AND SHOOTING

SEC. 13001. SHORT TITLE.

This title may be cited as the ''Sportsmen's Act of 2012''.

Subtitle A—Hunting, Fishing, and Recreational Shooting

PART I—HUNTING AND RECREATIONAL SHOOTING

SEC. 13101. MAKING PUBLIC LAND PUBLIC.

(a) IN GENERAL.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6) is amended to read as follows:

''SEC. 3. AVAILABILITY OF FUNDS FOR CERTAIN PROJECTS.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of the Interior and the Secretary of Agriculture shall ensure that, of the amounts requested for the fund for each fiscal year, not less than 1.5 percent of the amounts shall be made available for projects identified on the priority list developed under subsection (b).

''(b) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture, in consultation with the head of each affected Federal agency, shall annually develop a priority list for the sites under the jurisdiction of the applicable Secretary.

''(c) CRITERIA.—Projects identified on the priority list developed under subsection (b) shall secure recreational public access to Federal public land in existence as of the date of enactment of this section that has significantly restricted access for hunting, fishing, and other recreational purposes through rights-of-way or acquisition of land (or any interest in land) from willing sellers.''.

(b) CONFORMING AMENDMENTS.—

(1) LAND AND WATER CONSERVATION FUND ACT.—The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.) is amended—

(A) in the proviso at the end of section 2(c)(2) (16 U.S.C. 460*l*–5(c)(2)), by striking ''notwithstanding the provisions of section 3 of this Act'';

(B) in the first sentence of section 9 (16 U.S.C. 460*l*–10a), by striking ''by section 3 of this Act''; and

(C) in the third sentence of section 10 (16 U.S.C. 460*l*–10b), by striking ''by section 3 of this Act''.

(2) FEDERAL LAND TRANSACTION FACILITATION ACT.—Section 206(f)(2) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(f)(2)) is amended by striking ''section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 460*l*–6)'' and inserting ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.)''.

SEC. 13102. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.

Section 104(c)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended by striking subparagraph (D) and inserting the following:

''(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of any polar bear part (other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person who submits, with the permit application, proof that the polar bear—

''(I) was legally harvested by the person before February 18, 1997; or

''(II) was legally harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations (or a successor regulation).

''(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102.

''(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102.''.

SEC. 13103. PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS AT WATER RESOURCES DEVELOPMENT PROJECTS.

The Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, at a water resources development project covered under part 327 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the water resources development project is located.

SEC. 13104. TRANSPORTING BOWS THROUGH NATIONAL PARKS.

(a) FINDINGS.—Congress finds that—

(1) bowhunters are known worldwide as among the most skilled, ethical, and conservation-minded of all hunters;

(2) bowhunting organizations at the Federal, State, and local level contribute significant financial and human resources to wildlife conservation and youth education programs throughout the United States; and

(3) bowhunting contributes $38,000,000,000 each year to the economy of the United States.

(b) POSSESSION OF BOWS IN UNITS OF NATIONAL PARK SYSTEM OR NATIONAL WILDLIFE REFUGE SYSTEM.—Section 512(b) of the Credit CARD Act of 2009 (16 U.S.C. 1a–7b(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''firearm including an assembled or functional firearm'' and inserting ''firearm (including an assembled or functional firearm) or bow''; and

(2) in paragraphs (1) and (2), by inserting ''or bow or crossbow'' after ''firearm'' each place it appears.

PART II—TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT

SEC. 13201. TARGET PRACTICE AND MARKSMANSHIP TRAINING.

This part may be cited as the ''Target Practice and Marksmanship Training Support Act''.

SEC. 13202. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the use of firearms and archery equipment for target practice and marksmanship training activities on Federal land is allowed, except to the extent specific portions of that land have been closed to those activities;

(2) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(3) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(4) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(5) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

(6) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) PURPOSE.—The purpose of this part is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

SEC. 13203. DEFINITION OF PUBLIC TARGET RANGE.

In this part, the term ''public target range'' means a specific location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

SEC. 13204. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

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

''(2) the term 'public target range' means a specific location that—

''(A) is identified by a governmental agency for recreational shooting;

''(B) is open to the public;

''(C) may be supervised; and

''(D) may accommodate archery or rifle, pistol, or shotgun shooting;''.

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(1) by striking ''(b) Each State'' and inserting the following:

''(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State'';

(2) in paragraph (1) (as so designated), by striking ''construction, operation,'' and inserting ''operation'';

(3) in the second sentence, by striking ''The non-Federal share'' and inserting the following:

''(3) NON-FEDERAL SHARE.—The non-Federal share'';

(4) in the third sentence, by striking ''The Secretary'' and inserting the following:

''(4) REGULATIONS.—The Secretary''; and

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

''(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.''.

(c) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.'';

(2) by striking subsection (b) and inserting the following:

''(b) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

''(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.''; and

(3) in subsection (c)(1)—

(A) by striking ''Amounts made'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made''; and

(B) by adding at the end the following:

''(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.''.

SEC. 13205. SENSE OF CONGRESS REGARDING COOPERATION.

It is the sense of Congress that, consistent with applicable laws (including regulations), the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to implement best practices for waste management and removal and carry out other related activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

PART III—FISHING

SEC. 13301. MODIFICATION OF DEFINITION OF TOXIC SUBSTANCE TO EXCLUDE SPORT FISHING EQUIPMENT.

(a) IN GENERAL.—Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking '', and'' and inserting '', or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers,'';

(2) in clause (vi) by striking the period at the end and inserting '', and''; and

(3) by inserting after clause (vi) the following:

''(vii) any sport fishing equipment (as such term is defined in section 4162(a) of the Internal Revenue Code of 1986, without regard to paragraphs (6) through (9) thereof) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.''.

(b) RELATIONSHIP TO OTHER LAW.—Nothing in this section or any amendment made by this section affects or limits the application of or obligation to comply with any other Federal, State or local law.

SEC. 13302. PROHIBITION ON SALE OF BILLFISH.

(a) PROHIBITION.—No person shall offer for sale, sell, or have custody, control, or possession of for purposes of offering for sale or selling billfish or products containing billfish.

(b) PENALTY.—For purposes of section 308(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858(a)), a violation of this section shall be treated as an act prohibited by section 307 of that Act (16 U.S.C. 1857).

(c) EXEMPTION FOR TRADITIONAL FISHERIES AND MARKETS.—Subsection (a) does not apply to the State of Hawaii and Pacific Insular Area as defined in section 3(35) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(35)), except that billfish may be sold under this exemption only in the United States and the Pacific Insular Area.

(d) BILLFISH DEFINED.—In this section, the term ''billfish''—

(1) means any fish of the species—

(A) Makaira nigricans (blue marlin);

(B) Kajikia audax (striped marlin);

(C) Istiompax indica (black marlin);

(D) Istiophorus platypterus (sailfish);

(E) Tetrapturus angustirostris (shortbill spearfish);

(F) Kajikia albida (white marlin);

(G) Tetrapturus georgii (roundscale spearfish);

(H) Tetrapturus belone (Mediterranean spearfish); and

(I) Tetrapturus pfluegeri (longbill spearfish); and

(2) does not include the species Xiphias gladius (swordfish).

SEC. 13303. REPORT ON ARTIFICIAL REEFS IN THE GULF OF MEXICO.

(a) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior, in coordination with the Secretary of Commerce and the heads of other Federal and State agencies, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a plan to assess how best to integrate the goals of the National Fishing Enhancement Act of 1984 (33 U.S.C. 2101 et seq.) and the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(b) CONTENTS OF PLAN.—The plan required under subsection (a) shall include—

(1) an assessment of the capability of the Department of the Interior to identify and issue a public notice of platforms and related structures scheduled to be removed in 2012 and 2013 pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in the notice to lessees on the decommissioning for platforms and related structures in the Gulf of Mexico OCS Region (NTL No. 2010–G05) of the Department of the Interior;

(2) strategies for coordination with relevant Federal and State agencies and accredited marine research institutes and university marine biology departments to assess the biodiversity and critical habitat present at platforms and related structures subject to removal pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in NTL No. 2010–G05;

(3) an assessment of the potential impacts of the removal of the platforms and related structures pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in NTL No. 2010–G05 on the Gulf of Mexico ecosystem and marine habitat;

(4) an assessment of the potential impacts of not removing the platforms and related structures pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in NTL NO. 2010–G05, including potential damage as a result of hurricanes and other incidents; and

(5) an assessment of the potential impacts of the removal of platforms and related structures on the rebuilding plans for Gulf reef fish and habitat, as developed by the National Marine Fisheries Service of the Department of Commerce.

(c) FINAL REPORT.—Not later than 18 months after the date of submission of the plan developed under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a final report that includes—

(1) a description of public comments from regional stakeholders, including recreational anglers, divers, offshore oil and gas companies, marine biologists, and commercial fisherman; and

(2) findings relative to comments developed under this subsection, including options to mitigate potential adverse impacts on marine habitat associated with the removal of platforms and related structures pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in NTL No. 2010–G05.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this section such sums as are necessary.

Subtitle B—National Fish Habitat

PART I—NATIONAL FISH HABITAT

SEC. 13401. DEFINITIONS.

In this part:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) AQUATIC HABITAT.—

(A) IN GENERAL.—The term ''aquatic habitat'' means any area on which an aquatic organism depends, directly or indirectly, to carry out the life processes of the organism, including an area used by the organism for spawning, incubation, nursery, rearing, growth to maturity, food supply, or migration.

(B) INCLUSIONS.—The term ''aquatic habitat'' includes an area adjacent to an aquatic environment, if the adjacent area—

(i) contributes an element, such as the input of detrital material or the promotion of a planktonic or insect population providing food, that makes fish life possible;

(ii) protects the quality and quantity of water sources;

(iii) provides public access for the use of fishery resources; or

(iv) serves as a buffer protecting the aquatic environment.

(3) ASSISTANT ADMINISTRATOR.—The term ''Assistant Administrator'' means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(4) BOARD.—The term ''Board'' means the National Fish Habitat Board established by section 13402(a)(1).

(5) CONSERVATION; CONSERVE; MANAGE; MANAGEMENT.—The terms ''conservation'', ''conserve'', ''manage'', and ''management'' mean to protect, sustain, and, where appropriate, restore and enhance, using methods and procedures associated with modern scientific resource programs (including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking)—

(A) a healthy population of fish, wildlife, or plant life;

(B) a habitat required to sustain fish, wildlife, or plant life; or

(C) a habitat required to sustain fish, wildlife, or plant life productivity.

(6) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(7) FISH.—

(A) IN GENERAL.—The term ''fish'' means any freshwater, diadromous, estuarine, or marine finfish or shellfish.

(B) INCLUSIONS.—The term ''fish'' includes the egg, spawn, spat, larval, and other juvenile stages of an organism described in subparagraph (A).

(8) FISH HABITAT CONSERVATION PROJECT.—

(A) IN GENERAL.—The term ''fish habitat conservation project'' means a project that—

(i) is submitted to the Board by a Partnership and approved by the Secretary under section 13404; and

(ii) provides for the conservation or management of an aquatic habitat.

(B) INCLUSIONS.—The term ''fish habitat conservation project'' includes—

(i) the provision of technical assistance to a State, Indian tribe, or local community by the National Fish Habitat Conservation Partnership Office or any other agency to facilitate the development of strategies and priorities for the conservation of aquatic habitats; or

(ii) the obtaining of a real property interest in land or water, including water rights, in accordance with terms and conditions that ensure that the real property will be administered for the long-term conservation of—

(I) the land or water; and

(II) the fish dependent on the land or water.

(9) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) NATIONAL FISH HABITAT ACTION PLAN.—The term ''National Fish Habitat Action Plan'' means the National Fish Habitat Action Plan dated April 24, 2006, and any subsequent revisions or amendments to that plan.

(11) PARTNERSHIP.—The term ''Partnership'' means an entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to section 13403(a).

(12) REAL PROPERTY INTEREST.—The term ''real property interest'' means an ownership interest in—

(A) land;

(B) water (including water rights); or

(C) a building or object that is permanently affixed to land.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(14) STATE AGENCY.—The term ''State agency'' means—

(A) the fish and wildlife agency of a State;

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or the habitat for those fishery resources of the State pursuant to State law or the constitution of the State; or

(C) the fish and wildlife agency of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or any other territory or possession of the United States.

SEC. 13402. NATIONAL FISH HABITAT BOARD.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a board, to be known as the ''National Fish Habitat Board''—

(A) to promote, oversee, and coordinate the implementation of this part and the National Fish Habitat Action Plan;

(B) to establish national goals and priorities for aquatic habitat conservation;

(C) to designate Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) MEMBERSHIP.—The Board shall be composed of 27 members, of whom—

(A) 1 shall be the Director;

(B) 1 shall be the Assistant Administrator;

(C) 1 shall be the Chief of the Natural Resources Conservation Service;

(D) 1 shall be the Chief of the Forest Service;

(E) 1 shall be the Assistant Administrator for Water of the Environmental Protection Agency;

(F) 1 shall be the President of the Association of Fish and Wildlife Agencies;

(G) 1 shall be the Secretary of the Board of Directors of the National Fish and Wildlife Foundation appointed pursuant to section 3(g)(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(g)(2)(B));

(H) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(I) 1 shall be a representative of the American Fisheries Society;

(J) 2 shall be representatives of Indian tribes, of whom—

(i) 1 shall represent Indian tribes from the State of Alaska; and

(ii) 1 shall represent Indian tribes from the other States;

(K) 1 shall be a representative of the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852);

(L) 1 shall be a representative of the Marine Fisheries Commissions, which is composed of—

(i) the Atlantic States Marine Fisheries Commission;

(ii) the Gulf States Marine Fisheries Commission; and

(iii) the Pacific States Marine Fisheries Commission;

(M) 1 shall be a representative of the Sportfishing and Boating Partnership Council; and

(N) 10 shall be representatives selected from each of the following groups:

(i) The recreational sportfishing industry.

(ii) The commercial fishing industry.

(iii) Marine recreational anglers.

(iv) Freshwater recreational anglers.

(v) Terrestrial resource conservation organizations.

(vi) Aquatic resource conservation organizations.

(vii) The livestock and poultry production industry.

(viii) The land development industry.

(ix) The row crop industry.

(x) Natural resource commodity interests, such as petroleum or mineral extraction.

(3) COMPENSATION.—A member of the Board shall serve without compensation.

(4) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) APPOINTMENT AND TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) shall serve for a term of 3 years.

(2) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the representatives of the board established by the National Fish Habitat Action Plan shall appoint the initial members of the Board described in subparagraphs (H) through (I) and (K) through (N) of subsection (a)(2).

(B) TRIBAL REPRESENTATIVES.—Not later than 180 days after the enactment of this Act, the Secretary shall provide to the board established by the National Fish Habitat Action Plan a recommendation of not less than 4 tribal representatives, from which that board shall appoint 2 representatives pursuant to subparagraph (J) of subsection (a)(2).

(3) TRANSITIONAL TERMS.—Of the members described in subsection (a)(2)(N) initially appointed to the Board—

(A) 4 shall be appointed for a term of 1 year;

(B) 4 shall be appointed for a term of 2 years; and

(C) 3 shall be appointed for a term of 3 years.

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy of a member of the Board described in any of subparagraphs (H) through (I) or (K) through (N) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in subparagraph (J) of subsection (a)(2), the Secretary shall recommend to the Board not less than 4 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) REMOVAL.—If a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) CHAIRPERSON.—

(1) IN GENERAL.—The Board shall elect a member of the Board to serve as Chairperson of the Board.

(2) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(e) PROCEDURES.—

(1) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of ⅔ of all members present and voting;

(C) procedures for establishing national goals and priorities for aquatic habitat conservation for the purposes of this part;

(D) procedures for designating Partnerships under section 13403; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

SEC. 13403. FISH HABITAT PARTNERSHIPS.

(a) AUTHORITY TO DESIGNATE.—The Board may designate Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to coordinate the implementation of the National Fish Habitat Action Plan at a regional level;

(2) to identify strategic priorities for fish habitat conservation;

(3) to recommend to the Board fish habitat conservation projects that address a strategic priority of the Board; and

(4) to develop and carry out fish habitat conservation projects.

(c) APPLICATIONS.—An entity seeking to be designated as a Partnership shall submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require.

(d) APPROVAL.—The Board may approve an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) includes representatives of a diverse group of public and private partners, including Federal, State, or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of aquatic habitats to achieve results across jurisdictional boundaries on public and private land;

(2) is organized to promote the health of important aquatic habitats and distinct geographical areas, keystone fish species, or system types, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(3) identifies strategic fish and aquatic habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(4) is able to address issues and priorities on a nationally significant scale;

(5) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decisionmaking by the applicant;

(6) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the causes of system decline in fish populations, rather than simply treating symptoms in accordance with the National Fish Habitat Action Plan; and

(7) ensures collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

SEC. 13404. FISH HABITAT CONSERVATION PROJECTS.

(a) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of fish habitat conservation projects recommended by the Partnership for annual funding under this part.

(b) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a description, including estimated costs, of each fish habitat conservation project that the Board recommends that the Secretary approve and fund under this part, in order of priority, for the following fiscal year.

(c) CONSIDERATIONS.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under subsection (b)—

(1) based on a recommendation of the Partnership that is, or will be, participating actively in carrying out the fish habitat conservation project; and

(2) after taking into consideration—

(A) the extent to which the fish habitat conservation project fulfills a purpose of this part or a goal of the National Fish Habitat Action Plan;

(B) the extent to which the fish habitat conservation project addresses the national priorities established by the Board;

(C) the availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e);

(D) the extent to which the fish habitat conservation project—

(i) increases fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water;

(iv) advances the conservation of fish and wildlife species that are listed, or are candidates to be listed, as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(vi) promotes resilience such that desired biological communities are able to persist and adapt to environmental stressors such as climate change; and

(E) the substantiality of the character and design of the fish habitat conservation project.

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this part unless the fish habitat conservation project includes an evaluation plan designed—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met; and

(C) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION OF REAL PROPERTY INTERESTS.—

(A) IN GENERAL.—No fish habitat conservation project that will result in the acquisition by the State, local government, or other non-Federal entity, in whole or in part, of any real property interest may be recommended by the Board under subsection (b) or provided financial assistance under this part unless the project meets the requirements of subparagraph (B).

(B) REQUIREMENTS.—

(i) IN GENERAL.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, public agency, or other non-Federal entity unless the State, agency, or other non-Federal entity is obligated to undertake the management of the property being acquired in accordance with the purposes of this part.

(ii) ADDITIONAL CONDITIONS.—Any real property interest acquired by a State, local government, or other non-Federal entity pursuant to a fish habitat conservation project shall be subject to terms and conditions that ensure that the interest will be administered for the long-term conservation and management of the aquatic ecosystem and the fish and wildlife dependent on that ecosystem.

(e) NON-FEDERAL CONTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this part unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) PROJECTS ON FEDERAL LAND OR WATER.—Notwithstanding paragraph (1), Federal funds may be used for payment of 100 percent of the costs of a fish habitat conservation project located on Federal land or water.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from a Federal grant program; but

(B) may include in-kind contributions and cash.

(4) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian tribe pursuant to this part may be considered to be non-Federal funds for the purpose of paragraph (1).

(f) APPROVAL.—

(1) IN GENERAL.—Not later than 180 days after the date of receipt of the recommendations of the Board for fish habitat conservation projects under subsection (b), and based, to the maximum extent practicable, on the criteria described in subsection (c)—

(A) the Secretary shall approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is not within a marine or estuarine habitat; and

(B) the Secretary and the Secretary of Commerce shall jointly approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is within a marine or estuarine habitat.

(2) FUNDING.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, approves a fish habitat conservation project under paragraph (1), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall use amounts made available to carry out this part to provide funds to carry out the fish habitat conservation project.

(3) NOTIFICATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, rejects or reorders the priority of any fish habitat conservation project recommended by the Board under subsection (b), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall provide to the Board and the appropriate Partnership a written statement of the reasons that the Secretary, or the Secretary and the Secretary of Commerce jointly, rejected or modified the priority of the fish habitat conservation project.

(4) LIMITATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, has not approved, rejected, or reordered the priority of the recommendations of the Board for fish habitat conservation projects by the date that is 180 days after the date of receipt of the recommendations, the recommendations shall be considered to be approved.

SEC. 13405. NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director shall establish an office, to be known as the ''National Fish Habitat Conservation Partnership Office'', within the United States Fish and Wildlife Service.

(b) FUNCTIONS.—The National Fish Habitat Conservation Partnership Office shall—

(1) provide funding for the operational needs of the Partnerships, including funding for activities such as planning, project development and implementation, coordination, monitoring, evaluation, communication, and outreach;

(2) provide funding to support the detail of State and tribal fish and wildlife staff to the Office;

(3) facilitate the cooperative development and approval of Partnerships;

(4) assist the Secretary and the Board in carrying out this part;

(5) assist the Secretary in carrying out the requirements of sections 13406 and 13408;

(6) facilitate communication, cohesiveness, and efficient operations for the benefit of Partnerships and the Board;

(7) facilitate, with assistance from the Director, the Assistant Administrator, and the President of the Association of Fish and Wildlife Agencies, the consideration of fish habitat conservation projects by the Board;

(8) provide support to the Director regarding the development and implementation of the interagency operational plan under subsection (c);

(9) coordinate technical and scientific reporting as required by section 13409;

(10) facilitate the efficient use of resources and activities of Federal departments and agencies to carry out this part in an efficient manner; and

(11) provide support to the Board for national communication and outreach efforts that promote public awareness of fish habitat conservation.

(c) INTERAGENCY OPERATIONAL PLAN.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the Assistant Administrator and the heads of other appropriate Federal departments and agencies, shall develop an interagency operational plan for the National Fish Habitat Conservation Partnership Office that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs of the Office; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(d) STAFF AND SUPPORT.—

(1) DEPARTMENTS OF INTERIOR AND COMMERCE.—The Director and the Assistant Administrator shall each provide appropriate staff to support the National Fish Habitat Conservation Partnership Office, subject to the availability of funds under section 13413.

(2) STATES AND INDIAN TRIBES.—Each State and Indian tribe is encouraged to provide staff to support the National Fish Habitat Conservation Partnership Office.

(3) DETAILEES AND CONTRACTORS.—The National Fish Habitat Conservation Partnership Office may accept staff or other administrative support from other entities—

(A) through interagency details; or

(B) as contractors.

(4) QUALIFICATIONS.—The staff of the National Fish Habitat Conservation Partnership Office shall include members with education and experience relating to the principles of fish, wildlife, and aquatic habitat conservation.

(5) WAIVER OF REQUIREMENT.—The Secretary may waive all or part of the non-Federal contribution requirement under section 13404(e)(1) if the Secretary determines that—

(A) no reasonable means are available through which the affected applicant can meet the requirement; and

(B) the probable benefit of the relevant fish habitat conservation project outweighs the public interest in meeting the requirement.

(e) REPORTS.—Not less frequently than once each year, the Director shall provide to the Board a report describing the activities of the National Fish Habitat Conservation Partnership Office.

SEC. 13406. TECHNICAL AND SCIENTIFIC ASSISTANCE.

(a) IN GENERAL.—The Director, the Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, shall provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(b) INCLUSIONS.—Scientific and technical assistance provided pursuant to subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment; and

(6) ensuring the availability of experts to conduct scientifically based evaluation and reporting of the results of fish habitat conservation projects.

SEC. 13407. CONSERVATION OF AQUATIC HABITAT FOR FISH AND OTHER AQUATIC ORGANISMS ON FEDERAL LAND.

To the extent consistent with the mission and authority of the applicable department or agency, the head of each Federal department and agency responsible for acquiring, managing, or disposing of Federal land or water shall cooperate with the Assistant Administrator and the Director to conserve the aquatic habitats for fish and other aquatic organisms within the land and water of the department or agency.

SEC. 13408. COORDINATION WITH STATES AND INDIAN TRIBES.

The Secretary shall provide a notice to, and coordinate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this part by not later than 30 days before the date on which the activity is implemented.

SEC. 13409. ACCOUNTABILITY AND REPORTING.

(a) IMPLEMENTATION REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the implementation of—

(A) this part; and

(B) the National Fish Habitat Action Plan.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet (or other suitable measure) of aquatic habitat that was protected, restored, or enhanced under the National Fish Habitat Action Plan by Federal, State, or local governments, Indian tribes, or other entities in the United States during the 2-year period ending on the date of submission of the report;

(B) a description of the public access to aquatic habitats protected, restored, or established under the National Fish Habitat Action Plan during that 2-year period;

(C) a description of the opportunities for public fishing established under the National Fish Habitat Action Plan during that period; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this part during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 13404(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 13404(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection or reordering of the priority of each fish habitat conservation project recommended by the Board under section 13404(b) that was based on a factor other than the criteria described in section 13404(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(b) STATUS AND TRENDS REPORT.—Not later than December 31, 2012, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the status of aquatic habitats in the United States.

(c) REVISIONS.—Not later than December 31, 2013, and every 5 years thereafter, the Board shall revise the goals and other elements of the National Fish Habitat Action Plan, after consideration of each report required by subsection (b).

SEC. 13410. REGULATIONS.

The Secretary may promulgate such regulations as the Secretary determines to be necessary to carry out this part.

SEC. 13411. EFFECT OF PART.

(a) WATER RIGHTS.—Nothing in this part—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) STATE AUTHORITY.—Nothing in this part—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(c) EFFECT ON INDIAN TRIBES.—Nothing in this part abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(d) ADJUDICATION OF WATER RIGHTS.—Nothing in this part diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(e) EFFECT ON OTHER AUTHORITIES.—

(1) ACQUISITION OF LAND AND WATER.—Nothing in this part alters or otherwise affects the authorities, responsibilities, obligations, or powers of the Secretary to acquire land, water, or an interest in land or water under any other provision of law.

(2) PRIVATE PROPERTY PROTECTION.—Nothing in this part permits the use of funds made available to carry out this part to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(3) MITIGATION.—Nothing in this part permits the use of funds made available to carry out this part for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

SEC. 13412. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

SEC. 13413. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISH HABITAT CONSERVATION PROJECTS.—There is authorized to be appropriated to the Secretary $7,200,000 for each of fiscal years 2012 through 2016 to provide funds for fish habitat conservation projects approved under section 13404(f), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes.

(2) NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for the National Fish Habitat Conservation Partnership Office, and to carry out section 13409, an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(B) REQUIRED TRANSFERS.—The Secretary shall annually transfer to other Federal departments and agencies such percentage of the amounts made available pursuant to subparagraph (A) as is required to support participation by those departments and agencies in the National Fish Habitat Conservation Partnership Office pursuant to the interagency operational plan under section 13405(c).

(3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—There are authorized to be appropriated for each of fiscal years 2012 through 2016 to carry out, and provide technical and scientific assistance under, section 13406—

(A) $500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) $500,000 to the Assistant Administrator for use by the National Oceanic and Atmospheric Administration; and

(C) $500,000 to the Secretary for use by the United States Geological Survey.

(4) PLANNING AND ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for use by the Board, the Director, and the Assistant Administrator for planning and administrative expenses an amount equal to 3 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(b) AGREEMENTS AND GRANTS.—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106–107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this part; and

(3) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this part.

(c) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this part; and

(B) accept donations of funds, property, and services to carry out the purposes of this part.

(2) TREATMENT.—A donation accepted under this section—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

PART II—DUCK STAMPS

SEC. 13501. FINDINGS.

Congress finds that—

(1) Federal Migratory Bird Hunting and Conservation Stamps (commonly known as ''duck stamps'') were created in 1934 as Federal licenses required for hunting migratory waterfowl;

(2)(A) duck stamps are a vital tool for wetland conservation;

(B) 98 percent of the receipts from duck stamp sales are used to acquire important migratory bird breeding, migration, and wintering habitat, which are added to the National Wildlife Refuge System; and

(C) those benefits extend to all wildlife, not just ducks;

(3) since inception, the Federal duck stamp program—

(A) has generated more than $750,000,000;

(B) has preserved more than 5,000,000 acres of wetland and wildlife habitat; and

(C) is considered among the most successful conservation programs ever initiated;

(4)(A) since 1934, when duck stamps cost $1, the price has been increased 7 times to the price in effect on the date of enactment of this Act of $15, which took effect in 1991; and

(B) the price of the duck stamp has not increased since 1991, the longest single period without an increase in program history; and

(5) with the price unchanged during the 20-year period ending on the date of enactment of this Act, duck stamps have lost 40 percent of the value of the duck stamps based on the consumer price index, while the United States Fish and Wildlife Service reports the price of land in targeted wetland areas has tripled from an average of $306 to $1,091 per acre.

SEC. 13502. COST OF STAMPS.

Section 2 of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718b) is amended by striking subsection (b) and inserting the following:

''(b) COST OF STAMPS.—

''(1) IN GENERAL.—For the 3-calendar-year period beginning with calendar year 2013, and for each 3-calendar-year period thereafter, the Secretary, in consultation with the Migratory Bird Conservation Commission, shall establish the amount to be collected under paragraph (2) for each stamp sold under this section.

''(2) COLLECTION OF AMOUNTS.—The United States Postal Service, the Department of the Interior, or any other agent approved by the Department of the Interior shall collect the amount established under paragraph (1) for each stamp sold under this section for a hunting year if the Secretary determines, at any time before February 1 of the calendar year during which the hunting year begins, that all amounts described in paragraph (3) have been obligated for expenditure.

''(3) AMOUNTS.—The amounts described in this paragraph are amounts in the Migratory Bird Conservation Fund that are available for obligation and attributable to—

''(A) amounts appropriated pursuant to this Act for the fiscal year ending in the immediately preceding calendar year; and

''(B) the sale of stamps under this section during that fiscal year.''.

SEC. 13503. WAIVERS.

Section 1(a) of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a(a)) is amended—

(1) in paragraph (1), by inserting ''and subsection (d)'' after ''paragraph (2)''; and

(2) by adding at the end the following:

''(d) WAIVERS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Migratory Bird Conservation Commission, may waive requirements under this section for such individuals as the Secretary, in consultation with the Migratory Bird Conservation Commission, determines to be appropriate.

''(2) LIMITATION.—In making the determination described in paragraph (1), the Secretary shall grant only those waivers the Secretary determines will have a minimal adverse effect on funds to be deposited in the Migratory Bird Conservation Fund established under section 4(a)(3).''.

SEC. 13504. PERMANENT ELECTRONIC DUCK STAMPS.

(a) DEFINITIONS.—In this section:

(1) ACTUAL STAMP.—The term ''actual stamp'' means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the ''Duck Stamp Act''), that is printed on paper and sold through the means established by the authority of the Secretary immediately before the date of enactment of this Act.

(2) AUTOMATED LICENSING SYSTEM.—

(A) IN GENERAL.—The term ''automated licensing system'' means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) INCLUSION.—The term ''automated licensing system'' includes a point-of-sale, Internet, telephonic system, or other electronic applications used for a purpose described in subparagraph (A).

(3) ELECTRONIC STAMP.—The term ''electronic stamp'' means an electronic version of an actual stamp that—

(A) is a unique identifier for the individual to whom it is issued;

(B) can be printed on paper or produced through an electronic application with the same indicators as the State endorsement provides;

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this section, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

(E) is described in the State application approved by the Secretary under subsection (c).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) AUTHORITY TO ISSUE ELECTRONIC DUCK STAMPS.—

(1) IN GENERAL.—The Secretary may authorize any State to issue electronic stamps in accordance with this section.

(2) CONSULTATION.—The Secretary shall implement this subsection in consultation with State management agencies.

(c) STATE APPLICATION.—

(1) APPROVAL OF APPLICATION REQUIRED.—The Secretary may not authorize a State to issue electronic stamps under this section unless the Secretary has received and approved an application submitted by the State in accordance with this subsection.

(2) NUMBER OF NEW STATES.—The Secretary may determine the number of new States per year to participate in the electronic stamp program.

(3) CONTENTS OF APPLICATION.—The Secretary may not approve a State application unless the application contains—

(A) a description of the format of the electronic stamp that the State will issue under this section, including identifying features

of the licensee that will be specified on the stamp;

(B) a description of any fee the State will charge for issuance of an electronic stamp;

(C) a description of the process the State will use to account for and transfer to the Secretary the amounts collected by the State that are required to be transferred to the Secretary under the program;

(D) the manner by which the State will transmit electronic stamp customer data to the Secretary;

(E) the manner by which actual stamps will be delivered;

(F) the policies and procedures under which the State will issue duplicate electronic stamps; and

(G) such other policies, procedures, and information as may be reasonably required by the Secretary.

(d) PUBLICATION OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA.—Not later than 30 days before the date on which the Secretary begins accepting applications under this section, the Secretary shall publish—

(1) deadlines for submission of applications;

(2) eligibility requirements for submitting applications; and

(3) criteria for approving applications.

(e) STATE OBLIGATIONS AND AUTHORITIES.—

(1) DELIVERY OF ACTUAL STAMP.—The Secretary shall require that each individual to whom a State sells an electronic stamp under this section shall receive an actual stamp—

(A) by not later than the date on which the electronic stamp expires under subsection (f)(3); and

(B) in a manner agreed on by the State and Secretary.

(2) COLLECTION AND TRANSFER OF ELECTRONIC STAMP REVENUE AND CUSTOMER INFORMATION.—

(A) REQUIREMENT TO TRANSMIT.—The Secretary shall require each State authorized to issue electronic stamps to collect and submit to the Secretary in accordance with this subsection—

(i) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(ii) the face value amount of each electronic stamp sold by the State; and

(iii) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(B) TIME OF TRANSMITTAL.—The Secretary shall require the submission under subparagraph (A) to be made with respect to sales of electronic stamps by a State according to the written agreement between the Secretary and the State agency.

(C) ADDITIONAL FEES NOT AFFECTED.—This subsection shall not apply to the State portion of any fee collected by a State under paragraph (3).

(3) ELECTRONIC STAMP ISSUANCE FEE.—A State authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under this section, including costs of delivery of actual stamps.

(4) DUPLICATE ELECTRONIC STAMPS.—A State authorized to issue electronic stamps may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(5) LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under this section.

(f) ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.—

(1) STAMP REQUIREMENTS.—The Secretary shall require an electronic stamp issued by a State under this section—

(A) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and

(B) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(2) RECOGNITION OF ELECTRONIC STAMP.—Any electronic stamp issued by a State under this section shall, during the effective period of the electronic stamp—

(A) bestow on the licensee the same privileges as are bestowed by an actual stamp;

(B) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

(C) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

(3) DURATION.—An electronic stamp issued by a State shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

(g) TERMINATION OF STATE PARTICIPATION.—The authority of a State to issue electronic stamps under this section may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under subsection (c); and

(B) provides to the State written notice of the termination by not later than the date that is 30 days before the date of termination; or

(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the termination date.

PART III—JOINT VENTURES TO PROTECT MIGRATORY BIRD POPULATIONS

SEC. 13601. PURPOSES.

The purpose of this part is to authorize the Secretary of the Interior, acting through the Director, to carry out a partnership program called the ''Joint Ventures Program'', in coordination with other Federal agencies with management authority over fish and wildlife resources and the States, to develop, implement, and support innovative, voluntary, cooperative, and effective conservation strategies and conservation actions—

(1) to promote, primarily, sustainable populations of migratory birds, and, secondarily, the fish and wildlife species associated with their habitats;

(2) to encourage stakeholder and government partnerships consistent with the goals of protecting, improving, and restoring habitat;

(3) to establish, implement, and improve science-based migratory bird conservation plans and promote and facilitate broader landscape-level conservation of fish and wildlife habitat; and

(4) to support the goals and objectives of the North American Waterfowl Management Plan and other relevant national and regional, multipartner conservation initiatives, treaties, conventions, agreements, or strategies entered into by the United States, and implemented by the Secretary, that promote the conservation of migratory birds and the habitats of migratory birds.

SEC. 13602. DEFINITIONS.

In this part:

(1) CONSERVATION ACTION.—The term ''conservation action'' means activities that—

(A) support the protection, restoration, adaptive management, conservation, or enhancement of migratory bird populations, their terrestrial, wetland, marine, or other habitats, and other wildlife species supported by those habitats, including—

(i) biological and geospatial planning;

(ii) landscape and conservation design;

(iii) habitat protection, enhancement, and restoration;

(iv) monitoring and tracking;

(v) applied research; and

(vi) public outreach and education; and

(B) incorporate adaptive management and science-based monitoring, where applicable, to improve outcomes and ensure efficient and effective use of Federal funds.

(2) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(3) IMPLEMENTATION PLAN.—The term ''Implementation Plan'' means an Implementation Plan approved by the Director under section 13602.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) JOINT VENTURE.—The term ''Joint Venture'' means a self-directed, voluntary partnership, established and conducted for the purposes described in section 13601 and in accordance with section 13603.

(6) MANAGEMENT BOARD.—The term ''Management Board'' means a Joint Venture Management Board established in accordance with section 13603.

(7) MIGRATORY BIRDS.—The term ''migratory birds'' means those species included in the list of migratory birds that appears in section 10.13 of title 50, Code of Federal Regulations, under the authority of the Migratory Bird Treaty Act.

(8) PROGRAM.—The term ''Program'' means the Joint Ventures Program conducted in accordance with this part.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(10) SERVICE.—The term ''Service'' means the United States Fish and Wildlife Service.

(11) STATE.—The term ''State'' means—

(A) any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) one or more agencies of a State government responsible under State law for managing fish or wildlife resources.

SEC. 13603. JOINT VENTURES PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Director, shall carry out a Joint Ventures Program that—

(1) provides financial and technical assistance to support regional migratory bird conservation partnerships;

(2) develops and implements plans to protect and enhance migratory bird populations throughout their range, that are focused on regional landscapes and habitats that support those populations; and

(3) complements and supports activities by the Secretary and the Director to fulfill obligations under—

(A) the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.);

(B) the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(C) the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.);

(D) the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(E) the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.); and

(F) the Partners for Fish and Wildlife Act (16 U.S.C. 3771 et seq.).

(b) COORDINATION WITH STATES.—In the administration of the program authorized under this section, the Director shall coordinate and cooperate with the States to fulfill the purposes of this part.

SEC. 13604. ADMINISTRATION.

(a) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—The Director may enter into an agreement with eligible partners to achieve the purposes described in section 13601.

(2) ELIGIBLE PARTNERS.—The eligible partners referred to in paragraph (1) are the following:

(A) Federal and State agencies and Indian tribes.

(B) Affected regional and local governments, private landowners, land managers, and other private stakeholders.

(C) Nongovernmental organizations with expertise in bird conservation or fish and wildlife conservation or natural resource and landscape management generally.

(D) Other relevant stakeholders, as determined by the Director.

(b) MANAGEMENT BOARD.—

(1) IN GENERAL.—A partnership agreement for a Joint Venture under this section shall establish a Management Board in accordance with this subsection.

(2) MEMBERSHIP.—The Management Board shall include a diversity of members representing stakeholder interests from the appropriate geographic region, including, as appropriate, representatives from the Service and other Federal agencies that have management authority over fish and wildlife resources on public lands or in the marine environment, or that implement programs that affect migratory bird habitats, and representatives from the States, Indian tribes, and other relevant stakeholders, and may include—

(A) regional governments and Indian tribes;

(B) academia or the scientific community;

(C) nongovernmental landowners or land managers;

(D) nonprofit conservation or other relevant organizations with expertise in migratory bird conservation, or in fish and wildlife conservation generally; and

(E) private organizations with a dedicated interest in conserving migratory birds and their habitats.

(3) FUNCTIONS AND RESPONSIBILITIES.—Subject to applicable Federal and State law, the Management Board shall—

(A) appoint a coordinator for the Joint Venture in consultation with the Director;

(B) identify other full- or part-time administrative and technical non-Federal employees necessary to perform the functions of the Joint Venture and meet objectives specified in the Implementation Plan; and

(C) establish committees or other organizational entities necessary to implement the Implementation Plan in accordance with subsection (c).

(4) USE OF SERVICE AND FEDERAL AGENCY EMPLOYEES.—Subject to the availability of appropriations and upon the request from a Management Board, and after consultation with and approval of the Director, the head of any Federal agency may detail to the Management Board, on a reimbursable or nonreimbursable basis, any agency personnel to assist the Joint Venture in performing its functions under this part.

(c) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Each Joint Venture Management Board shall develop and maintain an Implementation Plan that shall contain, at a minimum, the following elements:

(A) A strategic framework for migratory bird conservation.

(B) Provisions for effective communication among member participants within the Joint Venture.

(C) A long-term strategy to conduct public outreach and education regarding the purposes and activities of the Joint Venture and activities to regularly communicate to the general public information generated by the Joint Venture.

(D) Coordination with laws and conservation plans that are relevant to migratory birds, and other relevant regional, national, or international initiatives identified by the Director to conserve migratory birds, their habitats, ecological functions, and associated populations of fish and wildlife.

(E) An organizational plan that—

(i) identifies the representative membership of the Management Board and includes procedures for updating the membership of the Management Board as appropriate;

(ii) describes the organizational structure of the Joint Venture, including proposed committees and subcommittees, and procedures for revising and updating the structure, as necessary; and

(iii) provides a strategy to increase stakeholder participation or membership in the Joint Venture.

(F) Procedures to coordinate the development, implementation, oversight, monitoring, tracking, and reporting of conservation actions approved by the Management Board and an evaluation process to determine overall effectiveness of activities undertaken by the Joint Venture.

(2) REVIEW.—A Joint Venture Implementation Plan shall be submitted to the Director for approval.

(3) APPROVAL.—The Director shall approve an Implementation Plan submitted by the Management Board for a Joint Venture if the Director finds that—

(A) implementation of the plan would promote the purposes of this part described in section 13601;

(B) the members of the Joint Venture have demonstrated the capacity to implement conservation actions identified in the Implementation Plan; and

(C) the plan includes coordination with other relevant and active conservation plans or programs within the geographic scope of the Joint Venture.

SEC. 13605. GRANTS AND OTHER ASSISTANCE.

(a) IN GENERAL.—Except as provided in subsection (b), and subject to the availability of appropriations, the Director may award financial assistance to implement a Joint Venture through—

(1) support of the activities of the Management Board of the Joint Venture and to pay for necessary administrative costs and services, personnel, and meetings, travel, and other business activities; and

(2) support for specific conservation actions and other activities necessary to carry out the Implementation Plan.

(b) LIMITATION.—A Joint Venture is not eligible for assistance or support authorized in this section unless the Joint Venture is operating under an Implementation Plan approved by the Director under section 13604.

(c) TECHNICAL ASSISTANCE.—The Secretary, through the Director, may provide technical and administrative assistance for implementation of Joint Ventures and the expenditure of financial assistance under this subsection.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary, through the Director, may accept and use donations of funds, gifts, and in-kind contributions to provide assistance under this section.

SEC. 13606. REPORTING.

(a) ANNUAL REPORTS BY MANAGEMENT BOARDS.—The Secretary, acting through the Director, shall—

(1) require each Management Board to submit annual reports for all approved Joint Ventures of the Management Board; and

(2) establish guidance for Joint Venture annual reports, including contents and any necessary processes or procedures.

(b) JOINT VENTURE PROGRAM 5-YEAR REVIEWS.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall at 5 years after the date of enactment of this Act and at 5-year intervals thereafter, complete an objective and comprehensive review and evaluation of the Program.

(2) REVIEW CONTENTS.—Each review under this subsection shall include—

(A) an evaluation of the effectiveness of the Program in meeting the purpose of this part specified in section 13601;

(B) an evaluation of all approved Implementation Plans, especially the effectiveness of existing conservation strategies, priorities, and methods to meet the objectives of such plans and fulfill the purpose of this part; and

(C) recommendations to revise the Program or to amend or otherwise revise Implementation Plans to ensure that activities undertaken pursuant to this part address the effects of climate change on migratory bird populations and their habitats, and fish and wildlife habitats, in general.

(3) CONSULTATION.—The Secretary, acting through the Director, in the implementation of this subsection—

(A) shall consult with other appropriate Federal agencies with responsibility for the conservation or management of fish and wildlife habitat and appropriate State agencies; and

(B) may consult with appropriate, Indian tribes, Flyway Councils, or regional conservation organizations, public and private landowners, members of academia and the scientific community, and other nonprofit conservation or private stakeholders.

(4) PUBLIC COMMENT.—The Secretary, through the Director, shall provide for adequate opportunities for general public review and comment of the Program as part of the 5-year evaluations conducted pursuant to this subsection.

SEC. 13607. RELATIONSHIP TO OTHER AUTHORITIES.

(a) AUTHORITIES, ETC. OF SECRETARY.—Nothing in this part affects authorities, responsibilities, obligations, or powers of the Secretary under any other Act.

(b) STATE AUTHORITY.—Nothing in this part preempts any provision or enforcement of a State statute or regulation relating to the management of fish and wildlife resources within such State.

SEC. 13608. FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any boards, committees, or other groups established under this part.

PART IV—REAUTHORIZATIONS

SEC. 13701. NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c)(5) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)(5)) is amended by striking ''2012'' and inserting ''2017''.

SEC. 13702. PARTNERS FOR FISH AND WILDLIFE ACT.

Section 5 of the Partners for Fish and Wildlife Act (16 U.S.C. 3774) is amended by striking ''2011'' and inserting ''2017''.

SEC. 13703. NATIONAL FISH AND WILDLIFE FOUNDATION REAUTHORIZATION.

(a) BOARD OF DIRECTORS OF THE FOUNDATION.—

(1) IN GENERAL.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended—

(A) in subsection (b)—

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

''(2) IN GENERAL.—After consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 28 Directors who, to the maximum extent practicable, shall—

''(A) be knowledgeable and experienced in matters relating to conservation of fish, wildlife, or other natural resources; and

''(B) represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation.''; and

(ii) by striking paragraph (3) and inserting the following:

''(3) TERMS.—Each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.''; and

(B) in subsection (g)(2)—

(i) in subparagraph (A), by striking ''(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers'' and inserting the following:

''(A) IN GENERAL.—Officers''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) EXECUTIVE DIRECTOR.—The Foundation shall have an Executive Director who shall be—

''(i) appointed by, and serve at the direction of, the Board as the chief executive officer of the Foundation; and

''(ii) knowledgeable and experienced in matters relating to fish and wildlife conservation.''.

(2) CONFORMING AMENDMENT.—Section 4(a)(1)(B) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(B)) is amended by striking ''Secretary of the Board'' and inserting ''Executive Director of the Board''.

(b) RIGHTS AND OBLIGATIONS OF THE FOUNDATION.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended—

(1) in subsection (c)—

(A) by striking ''(c) POWERS.—To carry out its purposes under'' and inserting the following:

''(c) POWERS.—

''(1) IN GENERAL.—To carry out the purposes described in'';

(B) by redesignating paragraphs (1) through (11) as subparagraphs (A) through (K), respectively, and indenting appropriately;

(C) in subparagraph (D) (as redesignated by subparagraph (B)), by striking ''that are insured by an agency or instrumentality of the United States'' and inserting ''at 1 or more financial institutions that are members of the Federal Deposit Insurance Corporation or the Securities Investment Protection Corporation'';

(D) in subparagraph (E) (as redesignated by subparagraph (B)), by striking ''paragraph (3) or (4)'' and inserting ''subparagraph (C) or (D)'';

(E) in subparagraph (J) (as redesignated by subparagraph (B)), by striking ''; and'' and inserting a semicolon;

(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

''(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

''(L) to do any and all acts necessary and proper to carry out the purposes of the Foundation.''; and

(G) by striking the undesignated matter at the end and inserting the following:

''(2) TREATMENT OF REAL PROPERTY.—

''(A) IN GENERAL.—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

''(B) ENCUMBERED REAL PROPERTY.—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

''(3) SAVINGS CLAUSE.—The acceptance and administration of amounts by the Foundation under paragraph (1)(K) does not alter, supersede, or limit any regulatory or statutory requirement associated with those amounts.'';

(2) by striking subsections (f) and (g); and

(3) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2012 through 2017—

''(A) $20,000,000 to the Secretary of the Interior;

''(B) $5,000,000 to the Secretary of Agriculture; and

''(C) $5,000,000 to the Secretary of Commerce.'';

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) AMOUNTS FROM FEDERAL AGENCIES.—

''(A) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities may provide funds to the Foundation, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

''(B) ADVANCES.—Federal departments, agencies, or instrumentalities may advance amounts described in subparagraph (A) to the Foundation in a lump sum without regard to when the expenses for which the amounts are used are incurred.

''(C) MANAGEMENT FEES.—The Foundation may assess and collect fees for the management of amounts received under this paragraph.'';

(B) in paragraph (2)—

(i) in the paragraph heading, by striking ''FUNDS'' and inserting ''AMOUNTS'';

(ii) by striking ''shall be used'' and inserting ''may be used''; and

(iii) by striking ''and State and local government agencies'' and inserting '', State and local government agencies, and other entities''; and

(C) by adding at the end the following:

''(3) ADMINISTRATION OF AMOUNTS.—

''(A) IN GENERAL.—In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process of that department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is—

''(i) to address an environmental emergency resulting from a natural or other disaster; or

''(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources.

''(B) REPORTS.—The Foundation shall include in the annual report submitted under section 7(b) a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year.''; and

(3) by adding at the end the following:

''(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF MONEY OR OTHER PROPERTY.—Any gifts, devises, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources.''.

(d) LIMITATION ON AUTHORITY.—Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by inserting ''exclusive'' before ''authority''.

SEC. 13704. MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP.

Section 2(c) of the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Public Law 111–241; 39 U.S.C. 416 note) is amended—

(1) in paragraph (2), by striking ''2 years'' and inserting ''6 years''; and

(2) by adding at the end the following:

''(5) STAMP DEPICTIONS.—Members of the public shall be offered a choice of 5 stamps under this Act, depicting an African elephant or an Asian elephant, a rhinoceros, a tiger, a marine turtle, and a great ape, respectively.''.

SEC. 13705. MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATIONS.

(a) AFRICAN ELEPHANTS.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking ''2007 through 2012'' and inserting ''2012 through 2017''.

(b) ASIAN ELEPHANTS.—Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking ''2007 through 2012'' and inserting ''2012 through 2017''.

(c) RHINOCEROS AND TIGERS.—Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking ''2007 through 2012'' and inserting ''2012 through 2017''.

(d) GREAT APES.—Section 6 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6305) is amended by striking ''2006 through 2010'' and inserting ''2012 through 2017''.

(e) MARINE TURTLES.—Section 7 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6606) is amended by striking ''2005 through 2009'' and inserting ''2012 through 2017''.

SEC. 13706. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $6,500,000 for each of fiscal years 2012 through 2017.

''(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.''.

SEC. 13707. FEDERAL LAND TRANSACTION FACILITATION ACT.

The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking ''on the date of enactment of this Act was'' and inserting ''is'';

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking ''this Act'' and inserting ''the Sportsmen's Act of 2012''; and

(B) in subsection (d), by striking ''11'' and inserting ''21'';

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking ''96–568'' and inserting ''96–586''; and

(ii) by striking ''; or'' and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting ''Public Law 105–263;'' before ''112 Stat.''; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109–432; 120 Stat. 3028);

''(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2403);

''(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111–11);

''(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111–11);

''(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1108); or

''(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1121).''.

SA 2233. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 953, strike line 8 and insert the following:

cy.

''(G) REFERENCE PRICES.—Beginning with the 2014 reinsurance year, the Corporation shall, through the Standard Reinsurance Agreement, calculate the reimbursement of administrative and operating costs using reference prices for covered commodities (as defined in section 1104 of the Agriculture Reform, Food, and Jobs Act of 2012) based on the average prices for the 1999 through 2008 crop years, as determined by the Corporation, in a manner that is budget neutral.''.

SA 2234. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 829, strike lines 16 through 18 and insert the following:

(1) in subsection (a), by adding at the end the following:

''(3) DEFINITIONS.—In this section:

''(A) CONVENTIONAL BREEDING.—The term 'conventional breeding' means the development of new varieties of an organism through controlled mating and selection without the use of transgenic methods.

''(B) PUBLIC BREED.—The term 'public breed' means a breed that is the commercially available uniform end product of a publicly funded breeding program that—

''(i) has been sufficiently tested to demonstrate improved characteristics and stable performance; and

''(ii) remains in the public domain for research purposes.

''(C) PUBLIC CULTIVAR.—The term 'public cultivar' means a cultivar that is the commercially available uniform end product of a publicly funded breeding program that—

''(i) has been sufficiently tested to demonstrate improved characteristics and stable performance; and

''(ii) remains in the public domain for research purposes.'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)(iii), by striking ''conventional breeding, including cultivar and breed development,'' and inserting ''public cultivar development through conventional breeding with no requirement or preference for the use of marker-assisted or genomic selection methods, including''; and

(ii) in subparagraph (B)(iv), by striking ''conventional breeding, including breed development,'' and inserting ''public breed development through conventional breeding with no requirement or preference for the use of marker-assisted or genomic selection methods, including''; and

(B) in paragraph (11)(A)—

(i) in the matter preceding clause (i), by striking ''2012'' and inserting ''2017'';

(ii) in clause (i), by striking ''and'' at the end;

(iii) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(iii) not less than 5 percent shall be made available to make grants for research on conventional plant and animal breeding as described in paragraph (2).''; and

On page 829, line 19, strike ''(2)'' and insert ''(3)''.

SA 2235. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 335, between lines 8 and 9, insert the following:

SEC. 4011. IMPROVING NUTRITION PILOT PROJECTS.

Section 17(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)) is amended by adding at the end the following:

''(4) IMPROVING NUTRITION PILOT PROJECTS.—

''(A) IN GENERAL.—As soon as practicable after the date of enactment of this paragraph, after providing notice but without regard to subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act'), the Secretary shall carry out on a trial basis in 5 or more States pilot projects to test program changes designed—

''(i) to improve the nutrition of supplemental nutrition assistance program beneficiaries; or

''(ii) to assist the beneficiaries in meeting Federal nutrition guidelines.

''(B) PROJECT APPROVAL REQUIREMENTS.—In selecting pilot projects under this paragraph, the Secretary shall give priority to projects—

''(i) that provide a reasonable expectation that—

''(I) under the project, the nutritional value of food purchased with supplemental nutritional assistance program benefits will increase; or

''(II) the project will assist supplemental nutritional assistance program beneficiaries in meeting Federal nutrition guidelines;

''(ii) that will be developed using a public process that shall include—

''(I) representatives of agricultural producers, program beneficiaries, anti-hunger advocates, and public health groups; and

''(II) solicitation of substantial public input for a period of not less than 90 days; and

''(iii) for which the responsible State or local authority guarantees that the State or local authority will maintain cost neutrality for the duration of the project.

''(C) DURATION.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), a pilot project under this paragraph shall be authorized for not more than 5 years.

''(ii) REPORT.—As soon as practicable after the end of the 3-calendar-year period beginning on the date of implementation of a pilot project under this paragraph, the Secretary shall issue a comprehensive report that assesses whether or not the pilot project has met or will meet the stated goals of the project.

''(iii) POSITIVE DETERMINATION.—Only if the Secretary makes a positive determination in the report described in clause (ii) shall the pilot program continue for the remainder of the 5-year authorization.

''(D) WAIVER.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any requirement of this Act to the extent necessary to carry out a project under this paragraph.

''(ii) LIMITATION.—A waiver granted under clause (i) shall not reduce the eligibility for, or amount of, benefits available to recipients under this Act.

''(iii) REQUIREMENT.—The Secretary shall approve or deny any waiver request made by a State for a project under this paragraph not later than 60 days after the date on which the Secretary receives the request.''.

SA 2236. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 6203. LOANS UNDER SECTION 502 OF THE HOUSING ACT OF 1949 FOR DWELLINGS WITH WATER CATCHMENT OR CISTERN SYSTEMS.

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

''(4) The Secretary may not deny an application for a loan under this section solely on the basis that the application relates to a dwelling with a holding tank, water catchment or cistern system.''.

SA 2237. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 387, strike lines 4 through 6 and insert the following:

''(2) EXCLUSIONS.—In this subsection, the term ''direct operating loan'' shall not include—

''(A) a loan made to a youth under subsection (d); or

''(B) a local market loan, as defined by the Secretary.

On page 389, line 18, insert ''(including a local market loan, as defined by the Secretary)'' after ''A direct loan''.

On page 393, line 7, strike ''The Secretary'' and insert ''Except as provided in paragraph (3), the Secretary''.

On page 394, between lines 6 and 7, insert the following:

''(3) LOCAL MARKET LOANS.—The Secretary shall not make or guarantee a local market loan (as defined by the Secretary) under this title if the local market loan would result in the total principal indebtedness outstanding at any 1 time for a local market loan made under this title to any 1 borrower to exceed $50,000.

On page 395, line 22, insert ''(including a local market loan)'' after ''a direct loan''.

On page 488, between lines 13 and 14, insert the following:

''(3) LOCAL MARKET LOANS.—In the case of a local market loan made or granted under this title, the Secretary shall contract with community-based nongovernmental organizations or other appropriate partners, as determined by the Secretary—

''(A) to assist borrowers in successfully identifying and meeting local market opportunities;

''(B) to provide technical assistance to borrowers; and

''(C) to provide business management and credit counseling services to borrowers.

On page 523, line 9, insert ''(including a local market loan, as defined by the Secretary)'' before ''under section 3201''.

SA 2238. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 110, line 7, strike ''no less'' and insert ''more''.

On page 110, line 22, strike ''no less'' and insert ''more''.

On page 112, after line 21, add the following:

(c) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the feasibility of establishing 2 classes of milk, a fluid class and a manufacturing class, to replace the 4-class system in effect on the date of enactment of this Act in administering Federal milk marketing orders.

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

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

SA 2239. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 832, line 6, strike ''$50,000,000'' and insert ''$100,000,000''.

SA 2240. Mr. THUNE (for himself, Mr. GRAHAM, Mr. RUBIO, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PERMANENT ESTATE TAX REPEAL.

(a) IN GENERAL.—

(1) ESTATE TAX REPEAL.—Subchapter C of chapter 11 of subtitle B of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 2210. TERMINATION.

''(a) IN GENERAL.—Except as provided in subsection (b), this chapter shall not apply to the estates of decedents dying on or after the date of the enactment of the Agriculture Reform, Food, and Jobs Act of 2012.

''(b) CERTAIN DISTRIBUTIONS FROM QUALIFIED DOMESTIC TRUSTS.—In applying section 2056A with respect to the surviving spouse of a decedent dying before the date of the enactment of the Agriculture Reform, Food, and Jobs Act of 2012—

''(1) section 2056A(b)(1)(A) shall not apply to distributions made after the 10-year period beginning on such date, and

''(2) section 2056A(b)(1)(B) shall not apply on or after such date.''.

(2) GENERATION-SKIPPING TRANSFER TAX REPEAL.—Subchapter G of chapter 13 of subtitle B of such Code is amended by adding at the end the following new section:

''SEC. 2664. TERMINATION.

''This chapter shall not apply to generation-skipping transfers on or after the date of the enactment of the Agriculture Reform, Food, and Jobs Act of 2012.''.

(3) CONFORMING AMENDMENTS.—

(A) The table of sections for subchapter C of chapter 11 of such Code is amended by adding at the end the following new item:

''Sec. 2210. Termination.''.

(B) The table of sections for subchapter G of chapter 13 of such Code is amended by adding at the end the following new item:

''Sec. 2664. Termination.''.

(4) RESTORATION OF PRE-EGTRRA PROVISIONS NOT APPLICABLE.—

(A) IN GENERAL.—Section 301 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 shall not apply to estates of decedents dying, and transfers made, on or after the date of the enactment of this Act.

(B) EXCEPTION FOR STEPPED-UP BASIS.—Paragraph (1) shall not apply to the provisions of law amended by subtitle E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to carryover basis at death; other changes taking effect with repeal).

(5) SUNSET NOT APPLICABLE.—

(A) Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act in the case of estates of decedents dying, and transfers made, on or after the date of the enactment of this Act.

(B) Section 304 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 is hereby repealed.

(6) EFFECTIVE DATE.—The amendments made by this subsection shall apply to the estates of decedents dying, and generation-skipping transfers, after the date of the enactment of this Act.

(b) MODIFICATIONS OF GIFT TAX.—

(1) COMPUTATION OF GIFT TAX.—Subsection (a) of section 2502 of the Internal Revenue Code of 1986 is amended to read as follows:

''(a) COMPUTATION OF TAX.—

''(1) IN GENERAL.—The tax imposed by section 2501 for each calendar year shall be an amount equal to the excess of—

''(A) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for such calendar year and for each of the preceding calendar periods, over

''(B) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for each of the preceding calendar periods.

''(2) RATE SCHEDULE.—

''If the amount with respect to which the tentative tax to be computed is:	**The tentative tax is:**
Not over $10,000	18% of such amount.
Over $10,000 but not over $20,000	$1,800, plus 20% of the excess over $10,000.
Over $20,000 but not over $40,000	$3,800, plus 22% of the excess over $20,000.
Over $40,000 but not over $60,000	$8,200, plus 24% of the excess over $40,000.
Over $60,000 but not over $80,000	$13,000, plus 26% of the excess over $60,000.
Over $80,000 but not over $100,000	$18,200, plus 28% of the excess over $80,000.
Over $100,000 but not over $150,000	$23,800, plus 30% of the excess over $100,000.
Over $150,000 but not over $250,000	$38,800, plus 32% of the excess of $150,000.
Over $250,000 but not over $500,000	$70,800, plus 34% of the excess over $250,000.
Over $500,000	$155,800, plus 35% of the excess of $500,000.''.

(2) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Section 2511 of such Code is amended by adding at the end the following new subsection:

''(c) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Notwithstanding any other provision of this section and except as provided in regulations, a transfer in trust shall be treated as a taxable gift under section 2503, unless the trust is treated as wholly owned by the donor or the donor's spouse under subpart E of part I of subchapter J of chapter 1.''.

(3) LIFETIME GIFT EXEMPTION.—Paragraph (1) of section 2505(a) of such Code is amended to read as follows:

''(1) the amount of the tentative tax which would be determined under the rate schedule set forth in section 2502(a)(2) if the amount with respect to which such tentative tax is to be computed were $5,000,000, reduced by''.

(4) CONFORMING AMENDMENTS.—

(A) Section 2505(a) of such Code is amended by striking the last sentence.

(B) The heading for section 2505 of such Code is amended by striking ''unified''.

(C) The item in the table of sections for subchapter A of chapter 12 of such Code relating to section 2505 is amended to read as follows:

''Sec. 2505. Credit against gift tax.''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to gifts made on or after the date of the enactment of this Act.

(6) TRANSITION RULE.—

(A) IN GENERAL.—For purposes of applying sections 1015(d), 2502, and 2505 of the Internal Revenue Code of 1986, the calendar year in which this Act is enacted shall be treated as 2 separate calendar years one of which ends on the day before the date of the enactment of this Act and the other of which begins on such date of enactment.

(B) APPLICATION OF SECTION 2504(b).—For purposes of applying section 2504(b) of the Internal Revenue Code of 1986, the calendar year in which this Act is enacted shall be treated as one preceding calendar period.

SA 2241. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. HAZARDOUS MATERIAL ENDORSEMENT EXEMPTION.

(a) EXCLUSION.—Section 5117(d)(1) of title 49, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) a service vehicle carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less that is—

''(i) driven by a Class A commercial driver's license holder who is a custom harvester, an agricultural retailer, an agricultural business employee, an agricultural cooperative employee, or an agricultural producer; and

''(ii) clearly marked with a placard reading 'Diesel Fuel'.''.

(b) EXEMPTION.—Section 31315(b) of title 49, United States Code, is amended by adding at the end the following:

''(8) HAZARDOUS MATERIALS ENDORSEMENT EXEMPTION.—The Secretary shall exempt all Class A commercial driver's license holders who are custom harvesters, agricultural retailers, agricultural business employees, agricultural cooperative employees, or agricultural producers from the requirement to obtain a hazardous material endorsement under part 383 of title 49, Code of Federal Regulations, while operating a service vehicle carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less if the tank containing such fuel is clearly marked with a placard reading 'Diesel Fuel'.''.

SA 2242. Mr. NELSON of Nebraska (for himself, Mr. JOHANNS, Mr. JOHNSON of South Dakota, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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''.

SA 2243. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 335, between lines 8 and 9, insert the following:

SEC. 4011. PERFORMANCE BONUS PAYMENTS.

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

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

''(A) technology;

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

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

SA 2244. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 312, between lines 3 and 4, insert the following:

SEC. 4001. ENHANCING SERVICES TO ELDERLY AND INDIVIDUALS WITH DISABILITIES SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM RECIPIENTS.

(a) IN GENERAL.—Section 3(p) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(p)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (4) the following:

''(5) a public or private nonprofit food purchasing and delivery service that—

''(A) purchases food for, and delivers the food to, individuals who are—

''(i) unable to shop for food; and

''(ii)(I) not less than 60 years of age; or

''(II) individuals with disabilities;

''(B) clearly notifies the participating household at the time the household places a food order—

''(i) of any delivery fee associated with the food purchase and delivery provided to the household by the service; and

''(ii) that a delivery fee cannot be paid with benefits provided under the supplemental nutrition assistance program; and

''(C) sells food purchased for the household at the price paid by the service for the food without any additional cost markup.''.

(b) ISSUANCE OF REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations that—

(1) establish criteria to identify a food purchasing and delivery service described in section 3(p)(5) of the Food and Nutrition Act of 2008 (as added by subsection (a)(3)); and

(2) establish procedures to ensure that the service—

(A) does not charge more for a food item than the price paid by the service for the food item;

(B) offers food delivery service at no or low cost to households under that Act;

(C) ensures that benefits provided under the supplemental nutrition assistance program are used only to purchase food, as defined in section 3 of that Act (7 U.S.C. 2012);

(D) limits the purchase of food, and the delivery of the food, to households eligible to receive services described in section 3(p)(5) of that Act (as added by subsection (a)(3));

(E) has established adequate safeguards against fraudulent activities, including unauthorized use of electronic benefit cards issued under that Act; and

(F) such other requirements as the Secretary considers appropriate.

(c) LIMITATION.—Before the issuance of regulations under subsection (b), the Secretary may not approve more than 20 food purchasing and delivery services described in section 3(p)(5) of the Food and Nutrition Act of 2008 (as added by subsection (a)(3)) to participate as retail food stores under the supplemental nutrition assistance program.

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on the date that is 30 days after the date of the enactment of this Act.

SA 2245. Mr. HARKIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 387, strike lines 4 through 6, and insert the following:

''(2) EXCEPTIONS.—In this subsection, the term 'direct operating loan' shall not include—

''(A) a loan made to a youth under subsection (d); or

''(B) a microloan made to a young beginning farmer or rancher or a military veteran farmer, as defined by the Secretary.''.

On page 389, line 18, insert ''(including a microloan, as defined by the Secretary)'' after ''A direct loan''.

On page 393, line 7, strike ''The Secretary'' and insert ''Except as provided in subsection (c), the Secretary''.

On page 394, between lines 16 and 17, insert the following:

''(c) MICROLOANS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may establish a program to make or guarantee microloans.

''(2) LIMITATION.—The Secretary shall not make or guarantee a microloan under this chapter that would cause the total principal indebtedness outstanding at any 1 time for microloans made under this chapter to any 1 borrower to exceed $35,000.

''(3) APPLICATIONS.—To the maximum extent practicable, the Secretary shall limit the administrative burdens and streamline the application and approval process for microloans under this subsection.

''(4) COOPERATIVE LENDING PROJECTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may contract with community-based and nongovernmental organizations, State entities, or other intermediaries, as the Secretary determines appropriate—

''(i) to make or guarantee a microloan under this subsection; and

''(ii) to provide business, financial, marketing, and credit management services to borrowers.

''(B) REQUIREMENTS.—Before contracting with an entity described in subparagraph (A), the Secretary—

''(i) shall review and approve—

''(I) the loan loss reserve fund for microloans established by the entity; and

''(II) the underwriting standards for microloans of the entity; and

''(ii) establish such other requirements for contracting with the entity as the Secretary determines necessary.

On page 395, line 22, insert ''a microloan to a beginning farmer or rancher or military veteran farmer or'' before ''a direct loan''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on June 7, 2012, in room SD–628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled ''Universal Service Fund Reform: Ensuring a Sustainable and Connected Future for Native Communities.''

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 7, 2012, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 7, 2012, at 11:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 7, 2012, at 2:30 p.m.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 7, 2012, at 10 a.m. in Dirksen 406 to conduct a hearing entitled, ''Recommendations from the Blue Ribbon Commission on America's Nuclear Future for a Consent-Based Approach to Siting Nuclear Waste Storage and Management Facilities.''

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

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 7, 2012, at 10:45 a.m., to hold a Western Hemisphere, Peace Corps, and Global Narcotics Affairs subcommittee hearing entitled, ''The Path to Freedom: Countering Repression and Strengthening Civil Society in Cuba.''

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Nathan Engle, a legislative fellow in my office, be granted floor privileges for the consideration of S. 3240.

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

Ms. STABENOW. Mr. President, I ask unanimous consent that the following detailees: Maureen James, Marcus Graham, and Kevin Norton, be granted floor privileges for the duration of the consideration of S. 3240, the Agriculture Reform, Food and Jobs Act.

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

TO ALLOW THE CHIEF OF THE FOREST SERVICE TO AWARD CERTAIN CONTRACTS FOR LARGE AIR TANKERS

Mr. REID. I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 3261.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3261) to allow the Chief of the Forest Service to award certain contracts for large air tankers.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I rise today to discuss the importance of updating our aging and diminishing fleet of air tankers for emergency wildfire suppression operations.

Congress, the Forest Service, and communities sensitive to fire have known for a decade that we need to retire old air tankers. The tragic deaths this past weekend of two Forest Service contractors in an air tanker crash, and a crash landing at the Minden-Tahoe Airport near Carson City, remind us that further delay is unacceptable.

First, I would like to express my deep sorrow over the deaths of the two Forest Service contractors. Todd Tompkins and Ronnie Edwin Chambless were killed on Sunday as they dropped flame retardant from their P–2V7 heavy air tanker on the White Rock fire. At its highest point, the fire was ravaging nearly 5,000 acres in western Utah and southeastern Nevada, including sagebrush and other grasses in Lincoln County, NV.

Between the two of them, Captain Tompkins and First Officer Chambless had been flying for nearly three decades, including over a decade fighting fires. Captain Tompkins said he liked his work because it helped save communities and lives. Sadly, when he went into that mission on Sunday, he could not save his own.

My State has incurred much devastation from wildfires in recent years. These blazes have destroyed homes, displaced families and businesses, and wiped out both critical wildlife habitat and productive grazing lands.

Of course, without the brave work of the air tanker pilots dispatched to battle these fires, the damage could have been much worse. It is therefore critical that we help ensure these courageous men and women have the tools they need to conduct their important public safety work and preserve their own lives.

Today, we are asking for unanimous consent for Senate passage of legislation introduced by Senators WYDEN and BINGAMAN, S. 3261, which would allow the Forest Service to quickly complete the contracting process for acquiring at least seven new large air tankers to fight wildfires during the 2012 and 2013 fire seasons.

The Forest Service is contending with an aging fleet of aircraft. The agency is working with planes that were designed for combat in the Korean War. Finding parts for tankers a half-century old is difficult, leading them to be grounded for long periods of times when repairs are needed.

The Forest Service has said it needs between 18 and 28 new air tankers for optimal response to emergency response to wildfires. Today, however, there are only nine Forest Service tankers deemed airworthy to fight fires during what is expected to be a terrible fire season. If we act promptly, Congress has the opportunity to help the Forest Service put more tankers into service this year.

To partially satisfy the need for new air tankers, the Forest Service has requested that Congress waive a 30-day

notification requirement before it awards contracts for four large air tankers. S. 3261 would waive this requirement, and allow the Forest Service to deploy these urgently needed air tankers.

There are hundreds of men and women currently fighting the White Rock fire, and I understand they are making progress. We should recognize their bravery, and provide them with the tools needed to do their dangerous job more safely by taking swift action on this issue.

Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The bill (S. 3261) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3261

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

SECTION 1. WAIVER.

Notwithstanding the last sentence of section 3903(d) of title 41, United States Code, the Chief of the Forest Service may award contracts pursuant to Solicitation Number AG–024B–S–11–9009 for large air tankers earlier than the end of the 30-day period beginning on the date of the notification required under the first sentence of section 3903(d) of that title.

Mr. REID. Mr. President, we less than a week ago had two pilots killed in Nevada fighting fires with one of these airplanes that was old, old, old. I appreciate the work of the Senators who worked so hard to get this done. This is an important piece of legislation that will allow us to do a better job of fighting fires when we have these new large air tankers. The old ones are really, really old.

MAKING A TECHNICAL CORRECTION IN PUBLIC LAW 112–108

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5883, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5883) to make a technical correction in Public Law 112–108.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any related statements be printed in the RECORD.

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

The bill (H.R. 5883) was ordered to a third reading, was read the third time, and passed.

CORRECTING A TECHNICAL ERROR IN PUBLIC LAW 112–122

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5890.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5890) to correct a technical error in Public Law 112–122.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements related to this matter be printed in the RECORD.

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

The bill (H.R. 5890) was ordered to a third reading, was read the third time, and passed.

HONORING THE CONTRIBUTIONS OF THE LATE FANG LIZHI TO THE PEOPLE OF CHINA AND THE CAUSE OF FREEDOM

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 476 and the Senate now proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 476) honoring the contributions of the late Fang Lizhi to the people of China and the cause of freedom.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I do not know of any further debate on this resolution.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on adoption of the resolution.

The resolution (S. Res. 476) was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the preamble be agreed to, the motions to reconsider be laid upon the table, there be no intervening action or debate, and any statements related to this matter be printed in the RECORD.

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

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 476

Whereas the Chinese scientist and democracy advocate, Fang Lizhi, passed away at his home in Tucson, Arizona, on April 6, 2012;

Whereas Fang Lizhi was born in February 1936 in Beijing, China;

Whereas, in 1952, Fang Lizhi enrolled in the Physics Department of Peking University, where he met his future wife, Li Shuxian, and joined the Chinese Communist Party in 1955;

Whereas, in 1955, Fang Lizhi openly questioned the lack of independent thinking in China's education system and, in 1957, drafted a letter with Li Shuxian and other associates proposing political reform;

Whereas Fang Lizhi and Li Shuxian were sentenced to hard labor in 1957 and 1958, respectively, as victims of China's Anti-Rightist Campaign;

Whereas, during China's Cultural Revolution, Fang Lizhi and other faculty members and students of the University of Science and Technology of China were sentenced to ''reeducation through labor'' in a coal mine and a brick factory;

Whereas, after he was again freed from confinement, Fang Lizhi emerged as China's leading astrophysicist and wrote the first modern Chinese-language cosmological studies, although the theory of general relatively contradicted Communist dogma;

Whereas, when he was appointed as vice president of the University of Science and Technology of China in 1984, Fang Lizhi initiated a series of reforms intended to democratize the management of the university and enhance academic freedom;

Whereas, in the winter of 1986–1987, when Chinese students across China protested on behalf of democracy and human rights, the Government of China fired Fang Lizhi from his post at the University of Science and Technology of China and subsequently purged him from the Communist party;

Whereas when, in the wake of his purge, excerpts from Fang Lizhi's speeches were distributed by authorities in China as examples of ''bourgeois liberalism'', his writings became tremendously popular among Chinese students;

Whereas, in February 1989, Fang Lizhi published an essay entitled ''China's Despair and China's Hope'', in which he wrote, ''The road to democracy has already been long and difficult, and is likely to remain difficult for many years to come.'';

Whereas, in this essay, Fang Lizhi also wrote that ''it is precisely because democracy is generated from below—despite the many frustrations and disappointments in our present situation—I still view our future with hope'';

Whereas, in the spring and early summer of 1989, Chinese students gathered in Tiananmen Square to voice their support for democracy, as well as to protest corruption in the Chinese Communist Party;

Whereas Fang Lizhi chose not to join the protests at Tiananmen Square in order to demonstrate that the students were acting autonomously;

Whereas, from June 3 through 4, 1989, the Government of China directed the People's Liberation Army to clear Tiananmen Square of protestors, killing hundreds of students and other civilians in the process;

Whereas, the Government of China issued arrest warrants for Fang Lizhi and Li Shuxian after the Tiananmen Massacre, accusing the pair of engaging in ''counter-revolutionary propaganda'' and denouncing Fang as the ''instigator of chaos which resulted in the deaths of many people'';

Whereas, on June 5, 1989, Fang Lizhi and Li Shuxian were escorted by United States diplomats to the United States Embassy in Beijing;

Whereas, between June 1989 and June 1990, United States diplomatic personnel under the leadership of Ambassador James R. Lilley sheltered Fang Lizhi and Li Shuxian at the United States Embassy in Beijing, despite the many hardships it imposed on the mission;

Whereas, at a November 15, 1989, ceremony awarding Fang Lizhi the Robert F. Kennedy Human Rights Award, Senator Edward M. Kennedy said of Fang ''What Andrei Sakharov was in Moscow, Fang Lizhi became in Beijing.'';

Whereas, on June 25, 1990, Fang Lizhi and Li Shuxian were allowed to leave China for the United Kingdom and then the United States;

Whereas, in 1992, Fang Lizhi received an appointment as a professor of physics at the University of Arizona in Tucson, where he continued his research in astrophysics and advocating for human rights in China;

Whereas, in the years since June 4, 1989, a new generation of Chinese activists has continued the struggle for democracy in their homeland, working ''from below'' to protect the rights of Chinese citizens, to increase the openness of the Chinese political system, and to reduce corruption among public officials; and

Whereas, with the passing of Fang Lizhi, China and the United States have lost a great scientist and one of the most eloquent human rights advocates of the modern era: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Fang Lizhi;

(2) honors the life, scientific contributions, and service of Fang Lizhi to advance the cause of human freedom;

(3) offers the deepest condolences of the Senate to the family and friends of Fang Lizhi; and

(4) stands with the people of China as they strive to improve their way of life and create a government that is truly democratic and respectful of international norms in the area of human rights.

COMMENDING THE FIREFIGHTERS AND EMERGENCY RESPONSE PERSONNEL—USS ''MIAMI'' FIRE

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 488.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 488) commending the efforts of the firefighters and emergency response personnel of Maine, New Hampshire, Massachusetts, and Connecticut, who came together to extinguish the May 23rd, 2012, fire at Portsmouth Naval Shipyard in Kittery, Maine.

There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Mr. President, I rise today in support of a resolution recognizing the incredible courage and tremendous skill of the firefighters and emergency first responders who extinguished the fire aboard the USS *Miami* (SSN 755), a Los Angeles-class nuclear-powered submarine, 2 weeks ago at Kittery-Portsmouth Naval Shipyard in Kittery, ME.

At approximately 5:41 p.m. on Wednesday, May 23, 2012, a four-alarm fire broke out inside the forward compartment of the USS *Miami*, which was 3 months into a 20-month overhaul at Kittery-Portsmouth. More than 100 first responders from 23 locations in 4 separate States responded to successfully contain the damage of the blaze and ensure that there was no tragic loss of life.

With nothing less than fearless determination in the face of what has been called the most significant emergency to strike the shipyard in decades, brave firefighters battled zero visibility in tight, obstructed quarters filled with noxious smoke and searing heat for more than 10 hours to limit the fire to the forward quarters of the ship and eventually extinguish it entirely.

Due to the unimaginably challenging space constraints, Kittery-Portsmouth firefighters, in a command capacity and with a succinct collaborative effort with shipyard project team personnel, directed the rotation of multiple waves of groups of only three or four firefighters at a time to descend two stories into the ship to push back the flames. Their critical decision to immediately request assistance from mutual aid communities up and down the coast ensured sufficient manpower to sustain the continuous delivery of roughly three million gallons of water and fire suppressants needed to tame the blaze.

The integration of firefighters from so many seacoast communities was seamless, and should be held as an example of successful inter-jurisdictional cooperation that could be used as a model for similar emergencies in the future. Furthermore, the fact that each and every one of these exceptional firefighters, many of whom had no prior experience aboard a submarine, could walk into such an extraordinarily difficult situation and perform so successfully is a testament to their exhaustive training, remarkable abilities and undaunted valor.

Due to their inspirational efforts, with only seven responders suffering minor injuries, the fire and all subsequent damage was greatly limited, and the ship's nuclear reactor remained safe and stable throughout. After the fire, I had the privilege of meeting some of the firefighters who summoned unparalleled bravery and demonstrated such tenacity and skill in preventing the potentially catastrophic escalation of this fire. These men and women represent the very best of their field, and it is an honor to sponsor this resolution recognizing them.

Indeed, it is largely thanks to these able firefighters and emergency first responders that we have the opportunity to repair the USS *Miami*. When I spoke with Navy Vice Admiral McCoy, commander of Naval Sea Systems Command, after the fire, he said, ''We're determined to send the *Miami* back to sea.''

I join Admiral McCoy in this sentiment. With a growing shortage of submarines in our Navy, it is vital that the USS *Miami* and its crew are able to quickly return to their vital work of keeping this country safe and secure, as the boat has done since its commission in 1990. Indeed, in the coming weeks and months, I look forward to working with the Navy, the men and women of Kittery-Portsmouth Naval Shipyard, and my colleagues in the Senate to ensure that the USS *Miami* is quickly returned to service.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 488) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 488

Whereas the USS Miami (SSN-755), a Los Angeles-class nuclear attack submarine with a crew of 13 officers and 120 enlisted personnel, arrived at Portsmouth Naval Shipyard on March 1, 2012, for 20 months of scheduled maintenance;

Whereas at 5:41 p.m. EDT on May 23, 2012, a 4-alarm fire occurred in the forward compartment of the USS Miami;

Whereas emergency response personnel, led by the firefighters of Portsmouth Naval Shipyard, worked for nearly 10 hours in tight, obstructed quarters filled with noxious smoke and searing heat—

(1) to prevent any loss of life;

(2) to bring the fire under control; and

(3) to successfully prevent the flames from reaching any nuclear material and allow the nuclear reactor to remain unaffected and stable throughout;

Whereas 23 fire departments and emergency response teams from the States of Maine, New Hampshire, Massachusetts, and Connecticut provided mutual aid support during the fire, including—

(1) Pease Air Force Base, New Hampshire;

(2) York County Hazardous Materials Response Team, Maine;

(3) Massachusetts Port Authority Logan Airport Crash Team;

(4) South Portland Fire Department, Maine;

(5) Eliot Fire Department, Maine;

(6) Lee Fire Department, New Hampshire;

(7) Dover Ambulance, New Hampshire;

(8) Portsmouth Fire Department, New Hampshire;

(9) Hampton Fire Department, New Hampshire;

(10) Kittery Fire Department, Maine;

(11) Newcastle Fire Department, New Hampshire;

(12) American Medical Response Ambulance, New Hampshire;

(13) Hanscom Air Force Base, Massachusetts;

(14) Naval Submarine Base New London, Connecticut;

(15) Rye Fire Department, New Hampshire;

(16) Greenland Fire Department, New Hampshire;

(17) York Fire Department, Maine;

(18) Newington Fire Department, Connecticut;

(19) Somersworth Fire Department, New Hampshire;

(20) Rollinsford Fire Department, New Hampshire;

(21) South Berwick Fire Department, Maine;

(22) York Ambulance, Maine; and

(23) York Beach Fire Department, Maine; and

Whereas the heroic actions of those firefighters, emergency response personnel, and the USS Miami crew and shipyard firefighters, 7 of whom suffered minor injuries during the fire, directly prevented catastrophe, and greatly limited the severity of the fire even in the most challenging of environments: Now, therefore, be it

Resolved, That the Senate—

(1) commends the exemplary and courageous service of all the firefighters and emergency response personnel who came together to successfully contain the fire, minimizing damage to a critical national security asset and ensuring no loss of life; and

(2) expresses support for the Navy and the exceptionally skilled workforce at Portsmouth Naval Shipyard in Kittery, Maine.

RECOGNIZING THE SPRING PAGE CLASS

Mr. REID. Mr. President, we have worked hard. Not as hard as I would have liked or not as long hours as I would have liked and not as much accomplished as I would have liked, but this is the last day for this group of pages.

These spring pages have been exemplary. I really enjoy walking past them. They are out there studying. They are sitting here as we speak now. I wish I could have been a page. I really do. I think it would have been a great life.

We have done a much better job of making sure they are safe and happy. When I first came here, the pages lived wherever they could find a place to live. Now we have wonderful, safe, secure dormitories for those young men and women. We have a wonderful educational program for them. It is hard; no one can say it is easy. They learn a lot.

Two of my granddaughters have been pages. It changed their lives. They came here not having much interest in government. By the time they left, they had started reading the newspapers—not like the Presiding Officer and I, they did most of their reading online. But they were interested in government, and they still are. I guess they are both seniors now, one at New York University and one at the New School in New York.

One of my prized possessions in my office is a picture of my first two grandchildren, these two little girls, Ryan and Mattie. They are in diapers, and they are hanging onto each other. Then I have a picture right on the same little table of them in their page uniforms. That is a wonderful picture for me. It shows the progress of people's lives. It is really meaningful to me.

I can say this to these pages: This will be an opportunity they will never forget. They will make friends here who will be friends for the rest of their lives. The Presiding Officer and I know the friends you make when you are young are just so important to you as you proceed through life. I still love to pick up the phone and call some of the young men and—in fact, I talked to a woman today with whom I went to school. That is good. That is what life is all about. Make good friends and maintain that friendship.

Now, they have seen some things in the Senate that I think will be in the history books forever. We passed the surface transportation bill, we passed the Violence Against Women Act, we passed the Ex-Im Bank reauthorization, Iran sanctions bill, FDA Modernization Act, postal reform—we passed that.

We are in the process of trying to resolve the student loan debate, but we worked on that. That was something we were able to move on through this body. We did not pass the paycheck fairness—we did not, but we have been involved for a long time on the Paycheck Fairness Act. They have been able to watch all of this, and they can go home and tell their friends and family that they all relate to this stuff all of the time because they know now how the foundation of the government works. They have been here.

So I appreciate personally everything they have done. Senator MCCONNELL is going to speak to the pages tomorrow. I am not going to be able to be here. But he will tell those assembled that he is speaking on our behalf. I appreciate that very much.

ORDERS FOR MONDAY, JUNE 11, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, June 11; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day.

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

PROGRAM

Mr. REID. Mr. President, when the Senate convenes on Monday, it will resume consideration of the farm bill postcloture. We are working on an agreement to move that bill forward.

There will be a cloture vote at 5:30, as I announced, on Andrew Hurwitz.

ADJOURNMENT UNTIL MONDAY, JUNE 11, 2012, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:23 p.m., adjourned until Monday, June 11, 2012, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL COMMUNICATIONS COMMISSION

MIGNON L. CLYBURN, OF SOUTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2012. (REAPPOINTMENT)

UNITED STATES POSTAL SERVICE

STEPHEN CRAWFORD, OF MARYLAND, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 8, 2015, VICE ALAN C. KESSLER, RESIGNED.

DEPARTMENT OF STATE

JOHN M. KOENIG, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.

FOREIGN SERVICE

THE FOLLOWING NAMED PERSONS OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT 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,

NARENDRAN CHANMUGAM, OF FLORIDA
JOHN BREVARD CRIHFIELD, OF CALIFORNIA
LAUREL K. FAIN, OF CALIFORNIA
GEOFFREY DISSTON MINOTT, OF PENNSYLVANIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

RICHARD BRIAN AARON, OF FLORIDA
CHRISTOPHER W. ABRAMS, OF WASHINGTON
WRENN F. R. BELLAMY, OF SOUTH DAKOTA
SARAH BLANDING, OF TENNESSEE
KRISTIN MARGARET BORK, OF OREGON
ABBAS BOBBY BUSARI, OF VIRGINIA
CLINT CAVANAUGH, OF NEVADA
ANDREW COLBURN, OF THE DISTRICT OF COLUMBIA
JENNIFER LYNN CROW YANG, OF VIRGINIA
SUKHMINDER K. DOSANJH, OF CALIFORNIA
ALIA EL MOHANDES, OF MARYLAND
LEE KENNETH FORSYTHE, OF FLORIDA
VICTORIA REBECCA GELLIS, OF NEW JERSEY
KOVIA GRATZON-ERSKINE, OF OREGON
WHITNEY ELLEN JENSEN-RODRIGUES, OF CALIFORNIA
HAN KANG, OF CALIFORNIA
JOSHUA THOMAS KARNES, OF MICHIGAN
GEORGE N. KUM, OF VIRGINIA
MICHELLE IRENE LINDER, OF INDIANA
NANCY LOWENTHAL, OF THE DISTRICT OF COLUMBIA
CLIFFORD G. LUBITZ, OF VERMONT
ROBIN FLOOD MARDEUSZ, OF ALASKA
LINDA KAYE MCELROY, OF FLORIDA
JULIA V. NENON, OF VIRGINIA
BENJAMIN K. OWUSU, JR., OF MASSACHUSETTS
ERIK PACIFIC, OF CONNECTICUT
TAMMY L. PALMER, OF VIRGINIA
CHARLES S. POPE, OF VIRGINIA
PAUL J. RICHARDSON, OF NEW HAMPSHIRE
ELIZABETH SANTUCCI, OF NEW YORK
MARIETOU SATIN, OF VIRGINIA
PADMA SHETTY, OF TEXAS
REENA SHUKLA, OF TENNESSEE
XERSES MANECK SIDHWA, OF TEXAS
IZETTA YVONNE SIMMONS, OF SOUTH CAROLINA
WILLIAM KANE SLATER, OF VIRGINIA
STEPHAN SOLAT, OF CALIFORNIA
CARA LEAH THANASSI, OF NEW HAMPSHIRE
TRACY CLAIRE THOMAN, OF OHIO
ALLYSON CLAIRE WAINER, OF CONNECTICUT
ANEDA WARD, OF WASHINGTON
SUSAN ANDREA WOFSY, OF CALIFORNIA
JANA S. WOODEN, OF CALIFORNIA

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C., SECTION 53 IN THE GRADE INDICATED:

To be rear admiral

RADM STEVEN E. DAY, USCGR

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MARK F. RAMSAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL OF THE AIR FORCE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8036 AND 601:

To be lieutenant general

MAJ. GEN. THOMAS W. TRAVIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. TIMOTHY M. RAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DARREN W. MCDEW

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. STANLEY T. KRESGE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. PAUL J. SELVA

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 WHICH WAS FORWARDED ON OCTOBER 5, 2011:

To be lieutenant general

MAJ. GEN. MICHAEL S. TUCKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES L. HUGGINS, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. BARRY D. KEELING

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. JOSEPH E. ROONEY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PAUL J. BUSHONG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

REAR ADM. (LH) JAMES W. CRAWFORD III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY AND FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE NAVY UNDER TITLE 10, U.S.C., SECTION 5148:

To be vice admiral

REAR ADM. NANETTE M. DERENZI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL J. CONNOR

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOSEPH F. JARRARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KEVIN J. PARK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

CHARLES R. PERRY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ANTHONY P. DIGIACOMO II
ALAN K. DOROW
BRYAN J. GRENON
PHILLIP A. HOGUE
THEODORE J. HULL
BRUCE C. R. LINTON
ALONZO R. LUCE
TRAVIS C. RICHARDS
JEFFREY M. SABATINE
TIMOTHY J. THURSTON
MICHAEL P. WEITZEL
RICHARD D. WILSON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be lieutenant commander

DARREN W. MURPHY

WITHDRAWALS

Executive Message transmitted by the President to the Senate on June 7, 2012 withdrawing from further Senate consideration the following nominations:

TERENCE FRANCIS FLYNN, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2015, VICE PETER SCHAUMBER, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 5, 2011.

ROSLYN ANN MAZER, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY, VICE RICHARD L. SKINNER, RESIGNED, WHICH WAS SENT TO THE SENATE ON JULY 21, 2011.

TERENCE FRANCIS FLYNN, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2015, VICE PETER SCHAUMBER, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE, WHICH WAS SENT TO THE SENATE ON FEBRUARY 13, 2012.