

it is not just our car manufactures that are in trouble right now. In almost every sector of our economy, we have trouble, and we cannot neglect one area of our economy in an effort to help another area of our economy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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. KOHL. Madam President, I ask that it be in order to make a point of order en bloc on several pending amendments.

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

AMENDMENTS NOS. 2225, 2226, 2246 2248, AND 2288

Mr. KOHL. Madam President, I make a point of order that the following amendments are not germane postcloture: amendments Nos. 2225, 2226, 2246, 2248, and 2288.

The PRESIDING OFFICER. The point of order is well taken. The amendments fall.

Mr. KOHL. I ask unanimous consent that at 2:15 p.m., the Senate resume consideration of the Coburn amendment No. 2244; that Senator HARKIN be recognized to speak for up to 15 minutes, to be followed by Senator COBURN for as much time as he consumes; that following Senator COBURN's remarks, the Senate then proceed to vote in relation to the Coburn amendment No. 2244, with no amendment in order to the amendment prior to the vote; further, that upon disposition of amendment No. 2244, the Senate then resume the following amendments, with 2 minutes of debate prior to each vote: amendments Nos. 2245, 2243; that no amendments be in order to either amendment prior to a vote; and that no amendments be in order to any of the amendments listed here.

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

Mr. KOHL. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 11:22 a.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

AMENDMENT NO. 2244

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of

amendment No. 2244 offered by the Senator from Oklahoma, Mr. COBURN.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, the Senate Agriculture appropriations bill contains \$4.9 million to help public television stations meet the Federal mandate to provide over-the-air digital signals to rural areas, similar to last year's funding level. Rural public television stations throughout the country are at extreme disadvantage when faced with the task of converting their stations and vast network of translators from analog to digital transmission. Why? Because they are spread over a larger geographic area—private and some of the network stations—and they have a much smaller population base to draw upon when funding system improvements than their urban counterparts. Urban stations have a bigger population base.

To date, most rural stations have focused their resources on converting transmitters to meet the Federal mandate. The funding provided in this Agriculture appropriations bill will be critical to helping stations transmit their signals far enough to reach people in rural areas far from the transmitters. Generally, stations have these transmitters send a signal out over the airwaves, but in a large number of cases they need translators. They take the transmitter signal at a certain point and then they boost the power so they can send it further out. That was also true under the old analog system. Obviously, the analog translators would not work for digital, so we need digital translators. In most cases, for technical reasons, the digital translators cover less of an area, particularly in places that are hilly or mountainous, so additional translators are needed.

At present, we have millions of people living in rural America who simply cannot get the over-the-air digital signal. These funds are allocated on a peer-review process within the Rural Utilities Service of the Department of Agriculture. For example, in my State of Iowa, a large number of people in the Dubuque area are not receiving the Iowa public TV digital over-the-air signal now because of the lack of a digital translator which gets its signal from a Cedar Rapids-Waterloo transmitter. I understand also that the Oklahoma public television system received considerable funding through this program a few years ago. But many other State systems have very real needs that have not been met. Few public TV stations are able to acquire the needed funds to

do this. In the current 2009 round, public TV stations requested about three times the available needed funding we have in the USDA program. While it is true that both the Department of Commerce and the Corporation for Public Television do provide equipment for public TV stations, it is also true that these funds are both inadequate to fully meet all the needs they are intended for, and they have not been providing significant funds for translators.

The Corporation for Public Broadcasting provides about \$36 million for public TV and radio stations for equipment. They have provided digital equipment, shifting analog libraries to digital, and power equipment. But they have not focused on digital translators. It is not their mission to focus on the special needs of rural areas such as the Rural Utilities Service must do. Even if they do in the future provide some funding for translators, the total we now need is going to be far more than the funds that will be available in the coming fiscal year. Even if they did have the funds, they asked for three times the amount of funding that we have in this bill to build these translators. The Department of Commerce also has a program which provides equipment, again not focused on translators. They provide equipment such as network operations equipment that allows stations to take signals from a national broadcast and send them out over their transmitters. They provide emergency funding when there is a local equipment failure but, again, they have a very limited amount of money for translators.

Again, there is a considerable need for additional funds for digital TV to reach rural America. The lack of a single translator can mean that 100,000 households are not able to get over-the-air digital signals. These funds are badly needed. I thank my friend from Oklahoma for letting me go first because I have to chair a hearing at 2:30. I wished to make these comments because I have real-time experience with these translators in my State in Dubuque. But there are other places in rural Iowa that are on the fringes of where the transmitters are, and they have to have these translators to get the signal out.

Again, one could say: Well, they charge the people. But there are not that many people. They deserve to have public television also. That is what this money was for, the \$4.9 million, to help them get these translators. It is not only Iowa, any State that has a lot of rural area, especially if it is hilly or mountainous, needs translators. I am not an expert in this area whatsoever, but I know they cost money. I do know the need is there. All I can say is, they had asked for three times more than what we have in this bill. So if there are some other funds in Commerce or in the Corporation for Public Broadcasting, I rather doubt they will be able to anywhere meet the need that is out there, and they will be

back again next year asking for more money to get these translators built, as we switch from the analog to digital.

I, respectfully, request that the Senate oppose the Coburn amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I am constantly amazed. We have three separate programs, of which this administration says we don't need one penny from the Department of Agriculture for this. That is what they say. They say we have plenty of money in CPB to do everything that is needed with the translator stations this year. We are 92 percent complete on everything that has been translated. This is similar to every government program. They never die. Not only do we have the Department of Commerce that is going to have additional funding this year for that very same thing, we have the Corporation for Public Broadcasting. The fact is, they want it to go through the Agriculture Department because there is more control. We can direct it. We can have more control.

We are in a crisis. We will have close to a \$2 trillion deficit this year. Here we have \$4.9 million that the administration says isn't needed. They want to get rid of it. They are right. What do we do? Every time we come to approach a program, we decide we can't eliminate it. Every family in America today is eliminating a lot of programs for themselves.

This appropriations bill is an atrocity. I will go through it so everybody can see what it is. In fiscal 2009, the grand total for this was \$128 billion. It is now \$123 billion. Do you know why it is there? They got \$20 billion from mandatory in the stimulus and another \$6 billion in the stimulus. So this isn't a decrease. It is outrageous the amount of money we are spending. We will go through it line by line.

Agriculture programs in 2009, discretionary were \$6.85 billion. They are \$7.22 billion. That is a 6-percent increase. The mandatory spending was \$18 billion. It is now \$22 billion. That is a 21-percent increase. Plus they got \$1 billion in the stimulus. So if you add that to the \$30 billion, we actually have \$31 billion compared to \$24 billion this year. Think about what kind of increase that is. Title II conservation programs was \$969 million in 2009. We gave \$340 million, which hasn't been spent yet; it will be spent this year. Yet we increase it another 4.5 percent to \$1.015 billion.

Rural development, they got \$3 billion this year. In this bill they get 2.7. That is an 11-percent increase. That doesn't count the \$4.36 billion that was given in the stimulus. Domestic food programs went from \$76 million to \$86 million. We need that now, no complaint there. We have a lot of people requiring our help right now, but they also got \$20 billion which hasn't been spent yet in the stimulus. So we have

gone from \$76 million to \$106 million, a 45-percent increase. Foreign assistance, we spent \$1.5 billion on foreign assistance in agricultural programs in 2009. This is at \$2 billion, a 33-percent increase. Plus they got \$700 million in the stimulus that has not been spent. So add that together and you have \$2.1 billion versus 1.5.

It is ridiculous the amount of money that is in this appropriations bill. All these ought to be trimmed back based on what the stimulus was doing rather than growing them at four times the rate of inflation. We are growing government in this bill four times the rate of inflation. We are going to have a \$2 trillion deficit and we are proud of this bill? This bill is a stinker.

FDA Commodities Futures Trading, \$2.1 billion to \$2.527 billion, a 20-percent increase in one year. Let's talk about some of the separate programs. Agricultural research got increased \$200 million. By the time you add in what we did in the stimulus, it goes from \$1.18 to \$1.23 billion. That is where most of the earmarks are stolen from, agricultural research, and most of that money isn't applied to research. It gets directed through an earmark. National Institute of Food and Agriculture Research went from 1.22 billion to 1.3, an \$80 million increase, a 6.76-percent increase; Economic research, up \$3 million, just a 4-percent increase; Statistical service, up 7 percent; Animal health inspection, up 4 percent; Agricultural marketing services, up 5 percent; Grain inspection packers, up about 4 percent; Food safety, where we should be increasing funding because of the problems we have had, is up only 2 percent. Where we have the problems, we are not increasing the appropriations. We are actually barely keeping even with inflation. But on food safety, we don't increase it. Farm service salaries, they increase \$90 million, a 6.5-percent increase, plus we gave \$50 million in the stimulus; Farm service agency loans, if you add in the stimulus, which has not been spent, we get to \$195 million from \$147 million. That is a 33.3-percent increase.

Federal crop insurance: Up \$1 billion, from \$6.5 billion to \$7.5 billion. That is a 12-percent increase.

Conservation programs. Mr. President, \$340 million NRCS was given in the stimulus. It has not been spent yet. And \$962 million is what we had last year. Mr. President, \$1.015 billion, plus the \$340 million, and what you get is a 33-percent increase.

Conservation operations: No money in the stimulus. We go from \$853 million to \$949 million. That is an 8-percent increase.

Watershed and flood prevention is flat. It is flat. We have all these water conservation dams that are falling apart. Kind of like in our highway bill, we fix the earmarks, but we do not take care of the bridges. That is what we are doing on the watershed.

RC&D, the President terminated it. Finally we got one that is going under.

Rural development: Salaries up 8 percent.

Rural housing: Counting the \$330 million we did in the stimulus that has not been spent, you have a \$430 million increase—\$130 million increase over it, about a 7-percent increase.

You can keep going. I will not continue to bore my colleagues. But the fact is, overall in this bill, we have a tremendous increase in spending when you consider what we did in the stimulus—not a decrease—taking into account for that.

Now back to this amendment. All this amendment does is cut \$4.9 million—\$4.9 million—out of a \$124 billion bill. The reason this amendment is offered is because the administration is doing the right thing. They are eliminating a program that is not needed now. We can say anything we want, but we have three agencies doing the same thing, and what the administration recognized, to their credit, is we do not need three agencies doing the same thing. What we need is one agency accountable. We are 92 percent complete, and let them be responsible for finishing it and save the American taxpayer some money.

That is what the Obama administration wanted to do with this elimination. But, no, it comes right back. Each of the three programs that presently do this work—the USDA, the Commerce Department's PTFP, and the Corporation for Public Broadcasting—is a part of their respective agency's budget. Unless we eliminate it, we are going to spend that money, and it will not be well spent, it will not be wisely spent, it will not be efficiently spent. It will just be spent, and they will ask for more next year. Even when we are at 97 percent or 98 percent complete, we will see the same request to come. The logic was because they asked for three times as much; therefore, \$4.9 million ought to be OK. Well, \$4.9 million is not OK when we need zero out of the Department of Agriculture to begin with.

One of the things the Obama administration wants to do is to streamline this process, not have three agencies going through this. They want to consolidate the current three-pronged effort into one efficient program that is already in existence. And nobody denies that CPB has done a pretty good job with the public television stations and the translator stations through their money.

The USDA received \$14 million in 2004, \$10 million in 2005, \$5 million in each of the years 2006 through 2008. PTFP—which is the Department of Commerce—has gone all the way from 1998, when they got \$12.5 million—and every year, all the way up—to 2002, when they got \$36 million; and then they went back down to \$15 million in 2007. They did not get any money in 2008 because they did not need it.

The Corporation for Public Broadcasting, however, has gotten, on average, over \$35 million a year, and they

got \$29 million last year. Plus we spent \$650 million in the stimulus on this program. It has not all been spent. So we are lining up. We have plenty of money in the stimulus package, and then we are going to ask for another \$4.9 million.

This is exactly the reason the American people are disgusted with Congress. This is a bill that is out of its bounds in terms of its spending. It has not recognized what is in the stimulus that has not been spent. So what we are doing is we are actually going to increase the debt through this bill that is going to be spent.

To put that in personal terms, what does that mean? A \$2 trillion deficit is \$6,000 for every man, woman, and child in this country. That is what we are going to do this year: We are going to spend \$6,000 per man, woman, and child more than we take in for every man, woman, and child in this country. And do you know what. We are on course to do exactly the same thing next year with this kind of appropriations bill. There is no check with reality in the Senate as far as when it comes to spending money, and I refuse to apologize for looking out for the next two generations when we do not have the courage to say no to anybody. What we say is: Yes, I will get this bill for you so you can look good at home.

Well, who is looking out for the 2- and 3- and 4- and 5-year-olds in this country who, when they were born, took on almost \$500,000 worth of unfunded liabilities? Our debt is going to double in the next 5 years. It is going to triple in the next 10 years. There is no effort in this bill to make that less burdensome on those children.

With that, I yield the floor on this amendment.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. 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.

AMENDMENT NO. 2248

Mr. COBURN. Mr. President, I want to talk about an amendment I offered that has been ruled nongermane by the Parliamentarian. I flatly disagree with that ruling, and I want the American people to understand what we have ruled nongermane.

We offered an amendment that said grants and contracts under this bill should be competitively bid. Think about that. When we go out to spend money—with the six or seven exemptions in the contracting clause, and the fact that maybe for some things only one person can apply to it, which have been accepted in that—we said for American taxpayers to get value, we ought to ask and mandate that competitive bidding take place on grants and contracts in this bill.

Not one of these has ever passed the Senate, and I want to tell you why. It is because we do not want things to be competitively bid. We do not want your dollars to be spent wisely, efficiently, and effectively because when we do that we take away our political power to say somebody is going to get a contract or somebody is going to get a grant.

So this amendment, which was offered, specifically excluded earmarks because the complaint last week, when I offered the same amendment on the previous bill, was that if they are authorized—and remember, an earmark goes to a specific person, a specific company, those well connected in Washington—I specifically eliminated earmarks from this amendment so we would not have the excuse to say we do not want things competitively bid. But what we were going to find, had this amendment gone to a vote, is that it would have been voted down, too, because the problem is not in America, the problem is right here.

We view political power and incumbency more precious than we view the economic realities and sustenance of this country and the true freedom of the people in this country. We diminish that because we think our positions ought to be enhanced, and we ought to secure our next election by making sure we are the dolers of everything good, and that we can actually connect those who give big campaign contributions to great rewards from the Congress when it comes to appropriations bills. What this amendment would do is require that the contract be competitively bid according to the law. We actually have a law that says contracts have to be competitively bid, except Congress routinely excuses that on appropriations bills.

Just so the American people get this, we don't competitively bid contracts on these appropriations bills. We don't competitively bid the grants. We don't mandate that they are competitively bid, although some grants are competition-based but not based on dollars, based on performance. So Congress wins and the American people lose. Every time one of these bills goes through here without competitive bidding, our children are the real losers.

The President of the United States has said it is his policy that anything over \$25,000 the government buys in this country ought to be competitively bid. Yet routinely it is his supporters who vote against that. President Obama means it, but we can't get it through here. We have \$350 billion a year of documented waste, fraud, and duplication in the discretionary budget, plus Medicare fraud every year. There has been no attempt to accept amendments to eliminate that, to lessen that.

The fact is, we are on idle pilot to grow this government 8 percent this year in spite of the \$787 billion stimulus. If you are sitting at home thinking about that, not very many people

have 8 percent more income this year. So one of two things is going to happen in the next 18 months in this country. Here is what is going to happen. Either we are going to default on our debt because people are going to quit loaning us money or the average middle-income taxpayer is going to see a tax hike because, if we take all the income of the top 5 percent of people in this country, we cut our deficit only in half. If we take all the income—I am talking about a 100-percent tax rate of the top 5 percent earners in this country—we will cut our deficit in half.

So if you are a middle-class American, no matter whether you think some people should pay more than they do—5 percent pays 80 percent of the taxes in this country—you can bet that in the next 18 months, you are going to see a middle-class tax increase go through this body. The reason it is going to go through is because we will not apply any common sense to the appropriations bills.

Most American families are cutting back on their spending; some because they have lost their jobs, others because they are worried and they are fearful. What is the Federal Government doing? I am not talking about the stimulus bill. We are actually increasing spending. We are not making the hard choices about what is a priority and what is not; what is a necessity and what is not. We are not eliminating anything. We are building up everything, just like the last amendment we talked about. There is absolutely zero need for that program in the Department of Agriculture, but next year we will have the same debate again.

I have an amendment on cheeses. I am not going to do it because there is no reason to waste the Senate's time. But we created a demonstration project back in the early 1990s with Wisconsin and Vermont and we have been funding it ever since. They have this outstanding large specialty cheese production in Wisconsin and Vermont. They don't need any money, but we are going to send them more money this year because we did last year. The fact is, the specialty cheeses they make cost two and three times what regular cheese costs and they are luxury items, but we are going to fund that not because they need it, not because they are not competitive, not because they haven't grown their industry, but because we have funded it before.

Now ask yourself, if you read the Constitution, where is it in the Constitution that we are supposed to give two States millions and millions of dollars for an agricultural program that should be funded by the State if they want to do it or funded by the individuals who actually produce the cheese and are making good money. But we are going to continue to do it.

So I am not going to offer that amendment. I am not going to waste the time of the Senate on it. But there is a real question of why we are in the

trouble we are in as a nation today. It is because we ignore what the Constitution tells us to do. We ignore what our oath tells us to do, what we swear to do, which is uphold the Constitution. And within that is the enumerated powers, as well as the 10th amendment. The 10th amendment says whatever is not specifically spelled out—specific—and if you read what Jefferson and Madison had to say about what that meant, you will find that all of those responsibilities are left to the States and to the people. That is what they said.

We have this “cash for clunkers” going on right now, and the Senate is going to vote for an increase in that program. But the reason we are having to do that is because we can’t manage it. We have proven—the Department of Transportation—they don’t even know how many applications they have from people. They don’t even know if they have over the number. What they know is they have approved \$760 million of the money so far, but that doesn’t count all of the applications that have come in from the dealers. Here we are incentivizing the purchase of cars, taking money from our grandkids, and Americans are smart enough to know if they can get 4,500 bucks back from the Federal Government, they will take advantage of that. So we have created this wonderful increase in demand for automobiles. But why not an increase in demand for boats or how about RVs or how about refrigerators? They are more efficient. Why not give somebody a \$500 credit on their refrigerator? Why are we limiting this to the automobile industry that we now as taxpayers have the responsibility of bailing out of debt?

The fact is, we are clueless. We are not plugged in to what the average American family is going through in terms of a budget. We will not apply that same standard to their money up here, and their kids, our kids, and our grandkids are the ones who are going to suffer.

So ask yourself a question: Why would the Senate not allow an amendment on competitively bidding the contracts and grants in this bill? Hundreds of millions of dollars that we are going to pay much too much for, an area where we could save a tremendous amount of money, and if it is grant programs that truly do a great job, we could get more of that great job done if we got it done more efficiently. It is pretty disturbing that we are so far off course with what we are doing and, more importantly, how we are doing it.

With that, I yield the floor and note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. 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.

AMENDMENT NO. 2246

Mr. COBURN. Mr. President, I wish to speak on the pending amendment No. 2246, which caps the amount of money the U.S. Department of Agriculture spends on conferences and requires transparency on the purpose and cost of the conference sponsored or attended by the U.S. Department of Agriculture.

This is a report I issued a year ago on the \$90 million in conference costs the U.S. Department of Agriculture has spent. It is a pretty detailed report. You can go to my Web site and get it. But it tells about the lack of attention to any sort of fiscal discipline.

By the way, the Department of Agriculture is the worst practitioner of all of the agencies of the Federal Government on conferences, in terms of wasteful conferences, in terms of the number of people going to conferences—by far the worst. In 2001, USDA spent \$6 million on conferences. Within 5 years, that went to \$19 million. They tripled.

All this amendment says is, in 2010—9 years later—they can’t spend more than double what they spent in 2001. That allows conferences to grow 11 percent a year. Twelve million dollars for conferences is a lot of money. That is less than the amount they spent this last year. It is less than any amount they have spent since 2001, but it is still double what they have spent in 2001.

This amendment also requires an itemized list of expenses and expenditures by the Department on the conference, who the primary sponsor of the conference is, the location of the conference, a justification of the location, including the cost efficiency of the location, the total number of individuals whose travel to the conference was paid for by the Department, and an explanation of how the agency advanced the mission by attending the conference.

It is about transparency. I have seen it quoted before, and I believe it is true: The greatest pleasure in the world is to spend somebody else’s money. What our agencies are doing in many instances is not being frugal with the tax dollars we give them. The Department of Agriculture is a great example of that, when they are running close to \$20 million a year—not this last year but still above \$12 million—on conferences, and when we have the technology now to eliminate half the conferences.

I don’t have any problem with travel. I don’t have any problem with them going to conferences that are legitimate. But I do have a problem with a 3½-times increase in the amount of conferences they attend, especially given our economic situation today.

So this is fairly straightforward. We should put a cap on it. We should limit it. It is my hope my colleagues will do that.

With that, I yield the floor and note an absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I understand we are in the process of putting together a series of votes, but while we have a moment, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE CARS PROGRAM

Ms. STABENOW. First, I thank our leaders on this important Agriculture bill—the chairman, whom I appreciate so much for all of his hard work; he has a great bill in front of us, along with the ranking member from Kansas.

I wish to speak about legislation the ranking member, Senator BROWNBACK, and I have been working on now for some time. The first piece of it has proven to be extremely effective, despite the naysayers. It has come back even more successful than we thought it would. I thank Senator BROWNBACK for working with me. Making sure this is fully paid for within the recovery package is important to Senator BROWNBACK, and this achieves that. I thank him for partnering with me and understanding the significance of what we have been working to do.

The CARS Program has truly been an incredible success. In only a week, it has proven to be an excellent way to stimulate the economy. Dealers haven’t seen this level of customer excitement in years. I can tell you, as someone who grew up on a car lot—my dad and grandfather had an Oldsmobile dealership when I was growing up. This is important to small towns as well as big cities across the country.

We are not only helping to save the over 160,000 dealership jobs across the country, but it is making our air cleaner and reducing oil consumption. So far, we have seen a 61-percent increase in vehicle fuel economy, which I think is surprising, as we hoped for an increase and we hoped people would turn in vehicles with lower mileage and get a higher mileage vehicle. In fact, we have seen even greater results than we thought we would. They are trading in vehicles averaging 15.8 miles per gallon, and the new vehicles average 25.4 miles per gallon. So this is extremely significant.

What is even more important is that is \$700 to \$1,000 a year in lower gas prices for the average family. At this time, when money is so tight, when people are concerned about saving every penny, this is a good deal for consumers, a good deal for the environment, for the economy, small businesses, as well as, certainly, everyone involved in the auto industry.

It is also significant that 83 percent of the trade-ins are trucks and 60 percent of the new vehicles are small cars. So we are seeing people move away from their clunker truck into a more energy-efficient car. That is good news for the environment and for fuel economy for the average family as well.

This has been a great program, with over 250,000 cars sold. Dealers are packed and sales are booming. At a GM dealership in Ferndale, MI, foot traffic was up 60 percent just last week, according to the general manager.

It is not just dealerships being helped, as I indicated. Steel and aluminum producers have announced that they expect a benefit from the program, as more cars are made to meet demand generated by the program. Scrap recyclers, which supply the steel industry, which have also been hurting lately, are also seeing a pickup in business. The boost to these industries isn't just immediate either. Analysts predict that the benefits will have a lasting impact. So we are talking broadly about manufacturing materials, as well as the small businesses in the communities involved.

Getting people into showrooms and excited again is having a psychological impact on consumers and businesses as well. This is happening all over the country.

The Houston Chronicle reports that more than 70 percent of the clunkers being traded in are SUVs, and 84 percent of the new vehicles are small, fuel-efficient cars.

The Brownsville Herald in Texas quotes Don Johnson, the owner of The Real Don Johnson Chrysler-Jeep-Hyundai, who said:

This is a good deal for the people. It's a good deal for us because we will sell more cars, but it's a good deal for people.

The Daily Record in Dunn, NC, reports strong interest and increased traffic in dealerships. Dan Lowe, from John Hiester Chrysler Jeep Dodge in Lillington, NC, said his dealership is getting 25 to 30 calls a day about the CARS Program. He told the newspaper:

We are excited about anything that gets cars off the lot.

This is certainly doing that.

A Pennsylvania car dealer, Bill Rosado, told the Wall Street Journal:

I can't believe I'm saying this: I need more Chrysler inventory.

Then he said:

My goodness, I've got to rehearse that line a couple times.

This program has been extremely successful in a very short amount of time.

The House, because of its success, as we all know, has acted to add additional dollars by moving from one program in the recovery package into this program. I thank them very much for doing that and for the leadership of my partner in the House, BETTY SUTTON, and the delegation from Michigan, who worked so hard, and also those from Ohio, Indiana, and others as well.

In the Senate, we have had great bipartisan support. Again, I thank my bipartisan cosponsor, Senator BROWNBACK, and I thank Senator VOINOVICH as well. We have been partnering on something that makes sense. This is taking some stimulus dollars and putting them directly into a stimulus that is visible; it is working, it is putting money into the economy, and it is saving people money on gas. It is something I believe is important to continue.

I will close by also thanking our leader, Senator REID, who has once again been extremely supportive of bringing this forward so we have an opportunity to vote. I am hopeful we will see a strong, bipartisan vote on this important stimulus.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2243 WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent to withdraw amendment No. 2243.

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

Mr. COBURN. Mr. President, I note that the Senator from Michigan noted everyone who won. Let me tell you who did not win and that is our kids and grandkids. Americans are not stupid. If you give them 4,500 bucks, they are going to find any old car they have that is running and they have held for a long time. All our farmers are going to the barns. That is why you are getting pickups. They haven't been driving the pickups for years. But they are cranking them up to make them run and trading them in so they can get 4,500 bucks.

The people who lose are our kids. It is \$3 billion we are talking about to go to help people buy cars. But where are we going to get the \$3 billion? We are going to steal it from our children. What other part of the economy should we not be incentivizing? How about the appliance makers? How about the television makers?

I also ask unanimous consent—actually, I have discussed this with the chairman. Rather than ask for a recorded vote, we will have a voice vote on amendment No. 2245.

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

AMENDMENT NO. 2244

Mr. COBURN. I also note that we will have a vote on the amendment in terms of eliminating \$4.9 million for a duplicative program in the Department of Agriculture.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? At this moment, there is not a sufficient second.

Mr. KOHL. 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. BROWNBACK. 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. BROWNBACK. Mr. President, I inform my colleagues, we are trying to get to a final conclusion on this bill. It is an important bill, but also a number of Members want to speak on the Sotomayor nomination to the Supreme Court. The attempt is to get this bill moving forward. I think we are close to a final UC to get to passage of this bill.

I wish to comment before we move into that sequence about the importance of the agriculture industry. It is a key issue in my State, and it is a key issue in Wisconsin, the State of the leader of this subcommittee. It is an industry that has done better than a number of others have been doing during this recessionary time period. It is one that is a good performer for us on exports. We have one of the best exporting models, as far as business in agriculture, in this country. Because it is very competitive, it has a lot of capital intensity to it, a lot of intellectual brain power put behind it, both at the public and private level.

It is one of those models in which we compete and do well globally. We are also aggressive in our trade policy to push for free trade, but if other countries are going to subsidize, we will back up our guys and say: If you subsidize your agricultural industry, then we are going to do it to fight you back on it. We don't take any guff around the world. We want a free-trade world, but if you are going to attack us, we are going to respond. If you have missiles, we have missiles, and we are going to do it. That model has worked well to create a very competitive, very growth-oriented, very export-oriented business that is globally competitive, high technology, and one I think that is moving well into the future.

We have a lot of things going on in agriculture, and a number of them are funded in this bill. We want to see the industry expand in the energy business. A lot of us are very supportive of ethanol. Some are saying: I am for it, but I want the next generation of ethanol. We are funding that, as far as getting into cellulosic ethanol.

We are looking at other types of fuels. One that is interesting for some people is on algae production into a diesel type of fuel. We are doing something on wind because wind is what generally blows across the Plains in your State, Mr. President, my State and a number of others and harvesting that in such a way that we can get it to other markets—the electric markets—and add a cost-competitive rate so it is not one that drives it up.

All of this does take a lot of effort. I want to acknowledge that some colleagues on my side are saying: I am not satisfied with this bill; I don't like some of the items in this bill. I say to them: I agree. There are provisions in this bill I don't like. But it is part of us getting a process to move an Agriculture appropriations bill through, something we have not been able to get

through on the floor for over 3 years in a stand-alone type of bill, on a very important industry that is globally competitive, that has been a good one for us in this recessionary time period we are in.

I note we have a lot of problems with this bill, but I also say I think we have a lot we are doing right with it and looking forward into the future of what we can do to be very supportive.

I note a couple of things that are going on that are important for us as a country in agriculture on which we can get some crosscurrents.

Norman Borlaug, an agronomist from Texas A&M, is known as the father of the green revolution that brought a lot of the new technology to feed the world. This has been over a career. He won the Nobel Peace Prize in 1970 for his contributions to the green revolution.

I mention him because he is a key person in looking to the future of how the world is fed and fed at a good level. He notes it is important for us to do things in an environmentally sensitive and environmentally sound way but that we also need to fund high-yield, disease-resistant wheat varieties. We need to be able to use plant genetics that are in some places around the world. Some are saying: We don't like your alterations on plant genetics. We need to be able to do this. To feed a hungry world, we are going to have to use agricultural pesticides, insecticides, and fertilizer, and that gets into crosscurrents. They say: I want all the agricultural production, but I don't want these inputs brought into it. We don't have a model for that to work yet.

It is important we support organic food markets and organic food production, but we cannot go that way fully. It is the sort of thing we cannot feed a hungry world on on a cost-competitive basis, a globally competitive industry, if you say we are going to pull out all these tools that have made the green revolution work.

I think it is also important that we fund into the next generation of genetics and technology in this area. I was interested in one of my travels across Kansas. Last year, we had a time where some of my corn farmers could not plant for a couple days, and it was not because it was wet. It was because the satellite went down. Their global positioning system on their corn planter would not work, so they could not plant their corn because the satellite was down. I am going: Well, that is an interesting excuse. I haven't heard that one before. But it wasn't an excuse. It was a fact of life. To plant these crops and do the best job—and they apply just the right amount of fertilizer to that soil and that crop in that specific location will take—it takes a global positioning satellite that has had the data read into it and fed back. That is how high tech the industry is.

I don't want us to move away from that level of technology and input; oth-

erwise, I think we are going to lose our edge.

We also have some developments in the environmental field that I think are interesting. We have people in Kansas and other places around the country who are working on things such as green concrete. You ask: What would that be? It is concrete that has soy oil brought into it to help it be an environmentally sound, renewable type of process. They already are making the foam matting in the seat in your car out of soybeans. So when you sit in a new Mustang—in particular, I know that car for sure—the foam rubber is made out of soybeans. I guess if you get caught in a Colorado blizzard and don't have anything to eat for a week or two, you can eat the seat.

I don't think it is edible.

But my point is, that, again, is an investment in the technology we are putting in this Agriculture appropriations bill to make new things that will work.

This bill is an increase in funding. I don't like that because I think we should not be doing those sorts of funding increases. A major portion of that is the WIC Program. When we get into a recession, we get more and more people needing food. They are not able to pay for it themselves, and the government steps up. That is the problem when we have a recession—government costs go up, government receipts go down, and you get caught in this trap.

One of the reasons why I think a program such as Cash for Clunkers is interesting is because it stimulates the economy, not the government. It gets that economy rolling, which is 80 percent of us balancing the budget. It is getting the economy moving. We have to restrain our spending and do a better job of that.

I think we also need to be a lot more targeting of our programs. Programs such as the WIC Program and this Agriculture appropriations bill are a consequence of a bad economy. I don't like it, but I think the key for us is to be an economic stimulus and not a government stimulus.

On the whole, while I think we have problems with this bill, I like the overall trend of what we are doing in the agricultural industry. I like what the chairman has focused on in this bill.

On top of these items, I note for my colleagues, we put a special effort on the food aid program and getting the food aid program updated. To me, the needs of those who are in very difficult circumstances in refugee camps and different places around the world—we spend too much on transportation and administration on food aid. Nearly 60 percent goes into those two. That number has to come down. But we need to get more food on the target because, in many cases, we are what stands between that person and starvation and death. It is the food aid, the generous food aid of the American people, that flows through this appropriations bill that does that.

The Food and Drug Administration is also in this bill, and that is part of the

increase. The development and the increasing need for different types of drugs are addressed in this bill as well.

We have to get more innovative on FDA. I would like to see us in the neglected disease categories find more truncated procedures that approve drugs that have narrower, smaller marketplaces. That is in this bill.

While I believe there are a number of things negative about this bill, I think the chairman has put together an overall good bill. I am glad we are getting to the point where we can move this one on through, conference it, and bring it back separately, as well so we can recognize this very important industry. It is important in my State and it is important in the States of all the Members, and we should do this separately instead of rolling it together in some sort of omnibus bill like we too often have done.

I believe we are getting close to getting to a final UC. That would be my hope so we can move this bill forward.

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. SANDERS. 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. SANDERS. Mr. President, I will take a few minutes while we are waiting until procedures get lined up to say a few words about an amendment I am offering which is going to come up for a vote fairly soon. This is an amendment which addresses the crisis in dairy all over this country. It is an amendment that is supported by Senator SNOWE, Senator UDALL of New Mexico, Senator SCHUMER, Senator BENNET of Colorado, Senator SPECTER, Senator McCASKILL, Senator GILLIBRAND, Senator KLOBUCHAR, Senator SHAHEEN, and Senator CASEY. As you will note, these are people from all over the country. What we are not talking about here is a regional issue, we are talking about a national issue.

I want to pick up on a point for a moment that Senator McCASKILL made earlier this morning. I think it is important. All of us know that today our country is in a major economic crisis, the deepest recession since the Great Depression. But sometimes what media does, and maybe what we do here in Congress, is focus on that crisis in the areas where there is, if you like, concentrated misery, such as Detroit, which has undergone terrible problems, thousands of people on a given day have lost their jobs, and sometimes, in the midst of the economic crisis facing our country, we forget what is happening in rural areas, in small towns all over this country. Sometimes when farms go out of business, farms that have been owned by a family for generations, when rural communities go into, literally, an economic depression, we don't pay quite as much attention

to that. It is not on the front pages of the New York Times. The fact is, right now rural America is in the midst of a very serious economic crisis. Unemployment is extremely high.

One of the particular areas where we are seeing not just a deep recession but, in fact, a depression is within the dairy industry. In the last year, if you can believe it, the price dairy farmers—many of them small, family-based dairy farmers—have received for their milk has plummeted by 41 percent. In the last year, it has gone down by 41 percent. The reality of what that means is that farmers today, for every gallon of milk they are producing, are losing money. It is not that they are making a little bit, they are losing money. What we are seeing, not just in the Northeast, not just in the Midwest, not just in the Southeast, not just in the West, but all over this country, are family farmers going out of business, plunging their rural economies and their communities into depression-type economics.

Let me quote, if I might, from people from different parts of the country.

A Minnesota dairy farmer writes:

This situation is unlike any experienced in the past and the width and depth cannot continue to be ignored. It has not discriminated based on herd size or geographic location. Dairy farmers of all sizes and across all regions of the country are enduring an unprecedented disaster.

That is from Minnesota.

The President of the California Farmers Union—when we talk about dairy, sometimes California is in another world from the rest of the country because their herds are much larger.

By the way, I should say the National Farmers Union is supporting this amendment, and 11 agricultural commissioners and secretaries from States are supporting this amendment as well, as is the DFA, the Dairy Farmers of America, which is the largest dairy farm cooperative in America.

This is what the fellow who is the head of the California Farmer's Union says. His name is Joaquin Contente. He testified:

[I]n my lifetime history as a dairy farmer, I have never seen our prices remain this far below our costs this long and I have never seen so many dairy producers so desperate for relief. In my county alone 25 dairies have either filed or are in the process of filing for bankruptcy and many more are closer to bankruptcy each day.

From Texas, the executive director of the Texas Association of Dairymen said:

This is the worst situation I have seen since 1970. Some say it is the worst since the Depression.

From Wisconsin, a dairy farmer states:

In my area farmers are burning up the equity accumulated over their lifetimes. One farmer in my area had to cash out his wife's IRA just to get his crops planted this spring. My parish priest in my small town has had to counsel one or more dairy farmers a week to prevent their suicides.

Those are just a few examples from Wisconsin, California, and Texas. Trust me, I could tell you many similar stories from the State of Vermont.

Once again, as we attempt to revitalize our economy, let's not forget about rural America. Let's not forget about dairy farmers. Let's support this legislation which will provide \$350 million to increase dairy support prices. I look forward to the support of my colleagues.

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

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

AMENDMENT NO. 2284 TO AMENDMENT NO. 1908

Mr. KOHL. I ask unanimous consent that the pending amendment be set aside and the Senate now consider amendment No. 2284.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. DODD, proposes an amendment numbered 2284 to amendment No. 1908.

The amendment is as follows:

(Purpose: To require the Secretary of Agriculture to fund certain projects in communities and municipal districts in Connecticut, Massachusetts, and Rhode Island)

On page 85, between lines 16 and 17, insert the following:

SEC. 7. Notwithstanding any other provision of law and until the receipt of the decennial census in the year 2010, the Secretary of Agriculture may fund community facility and water and waste disposal projects of communities and municipal districts and areas in Connecticut, Massachusetts, and Rhode Island that filed applications for the projects with the appropriate rural development field office of the Department of Agriculture prior to August 1, 2009, and were determined by the field office to be eligible for funding.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2284) was agreed to.

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

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

AMENDMENTS NOS. 2241; 2280; 2271, AS MODIFIED; 2282, AS MODIFIED; 2249, AS MODIFIED; AND 2266, AS MODIFIED

Mr. KOHL. Mr. President, I now ask unanimous consent that the Senate consider the following amendments en bloc: Nos. 2241 and 2280; that amendments Nos. 2271, 2282, 2249, and 2266 be modified with the changes at the desk; that the aforementioned amendments, as modified, if modified, be agreed to en bloc; and that the motions to reconsider be laid upon the table en bloc.

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

The amendment (No. 2241) was agreed to.

The amendments were agreed to, as follows:

AMENDMENT NO. 2280

At the appropriate place insert the following:

Whereas sudden loss in late 2008 of export-market based demand equivalent to about three percent of domestic milk production has thrown the U.S. dairy industry into a critical supply-demand imbalance; and

Whereas an abrupt decline in U.S. exports was fueled by the onset of the global economic crisis combined with resurgence of milk supplies in Oceania; and

Whereas the U.S. average all-milk price reported by the National Agriculture Statistics Service from January through May of 2009, has averaged \$4.80 per hundredweight below the cost of production; and

Whereas approximately \$3.9 billion in dairy producer equity has been lost since January; and

Whereas anecdotal evidence suggests that U.S. dairy producers are losing upwards of \$100 per cow per month; and

Whereas the Food, Conservation, and Energy Act of 2008 extended the counter-cyclical Milk Income Loss Contract (MILC) support program and instituted a 'feed cost adjuster' to augment that support; and

Whereas the Secretary of Agriculture in March transferred approximately 200 million pounds of nonfat dry milk to USDA's food and Nutrition Service in a move designed to remove inventory from the market and support low-income families; and

Whereas the Secretary on March 22nd reactivated USDA's Dairy Export Incentive Program (DEIP) to help U.S. producers meet prevailing world prices and develop international markets; and

Whereas the Secretary announced on July 31, 2009 a temporary increase in the amount paid for dairy products through the Dairy Product Price Support Program (DPPSP), an adjustment that is projected to increase dairy farmers' revenue by \$243 million; and

Whereas U.S. dairy producers face unprecedented challenges that threaten the stability of the industry, the nation's milk production infrastructure, and thousands of rural communities;

Now therefore be it resolved, That it is the sense of the Senate that the Secretary of Agriculture and the President's Office of Management and Budget should continue to closely monitor the U.S. dairy sector and use all available discretionary authority to ensure its long-term health and sustainability.

AMENDMENT NO. 2271, AS MODIFIED

(Purpose: To provide funds for the school community garden pilot program, with an offset)

On page 52, lines 22 and (23), strike "\$16,799,584,000, to remain available through September 30, 2011," and insert "\$16,801,584,000, to remain available through September 30, 2011, of which \$2,000,000 may be used to carry out the school community garden pilot program established under section 18(g)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(3)) and shall be derived by transfer of the amount made available under the heading 'ANIMAL AND PLANT HEALTH INSPECTION SERVICE' of title I for 'SALARIES AND EXPENSES'."

AMENDMENT NO. 2282, AS MODIFIED

(Purpose: To seek recommendations from the Commissioner of Food and Drug regarding the need to establish labeling standards for personal care products for which organic content claims are made)

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. (a) The Commissioner of Food and Drugs, in consultation with the Secretary of Agriculture, may conduct a study on the labeling of personal care products regulated by the Food and Drug Administration for which organic content claims are made. Any such study shall include—

(1) a survey of personal care products for which the word “organic” appears on the label; and

(2) a determination, based on statistical sampling of the products identified under paragraph (1), of the accuracy of such claims.

(b) If the Commissioner of Food and Drugs conducts a study described in subsection (a), such Commissioner shall—

(1) not later than 270 days after the date of enactment of this Act, submit to the Committees on Agriculture, Nutrition, and Forestry, Appropriations, and Health, Education, Labor, and Pensions in the Senate and the Committees on Agriculture, Appropriations, and Energy and Commerce in the House of Representatives a report on the findings of the study under subsection (a); and

(2) provide such Committees with any recommendations on the need to establish labeling standards for personal care products for which organic content claims are made, including whether the Food and Drug Administration should have pre-market approval authority for personal care product labeling.

AMENDMENT NO. 2249, AS MODIFIED

(Purpose: To express the sense of the Senate relating to the provision of disaster assistance)

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. (a) The Senate finds that—

(1) agriculture is a national security concern;

(2) the United States suffers from periodic disasters which affects the food and fiber supply of the United States;

(3) the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.) established 5 permanent disaster programs to deliver timely and immediate assistance to agricultural producers recovering from losses;

(4) as of the date of enactment of this Act, of those 5 disaster programs—

(A) none are available, finalized, and implemented to deliver urgently needed assistance for 2009 producer losses; and

(B) only 1 is being implemented for 2008 losses;

(5) According to the Drought Monitor the State of Texas is suffering from extreme and exceptional drought conditions, the highest level of severity.

(6) The Secretary of Agriculture has previously authorized various forms of disaster assistance by providing funding under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), and through the Commodity Credit Corporation.

(b) It is the sense of the Senate that the Secretary of Agriculture should use all of the discretionary authority available to the Secretary to make available immediate relief and assistance for agricultural producers suffering losses as a result of the 2009 droughts.

AMENDMENT NO. 2266, AS MODIFIED

On page 61, line 23, after the colon, insert the following:

“Provided further, That the Commissioner, through the Center for Food Safety and Applied Nutrition, may conduct a study and, not later than one year after the date of enactment of this Act, submit a report to Congress on the psychological, physiological, and neurological similarities between addiction to certain types of food and addiction to classic drugs of abuse;”

AMENDMENT NO. 2249

Mrs. HUTCHISON. Mr. President, I rise today to talk about a sense-of-the-Senate resolution that I am offering. This sense-of-the-Senate resolution seeks to address drought aid that producers in my home State of Texas desperately need.

Texas is in the throes of one of the worst droughts in 50 years. We are seeing the hottest, driest summer on record over a large portion of the State, but especially in central and south Texas. Lack of rainfall and sustained record triple-digit temperatures for weeks have scorched crops and rangeland throughout parts of Texas causing drought losses to reach \$3.6 billion. The Texas AgriLife Extension Service predicts this total could rise above \$4.1 billion in producer losses if sufficient rainfall isn't received to revive crops and forage.

In the Food, Conservation, and Energy Act of 2008, also known as the farm bill, which I supported, Congress established five permanent disaster programs to deliver timely and immediate assistance to producers recovering from losses. The logic behind establishing the permanent disaster program was to ensure producers who have eligible losses receive timely assistance. I agreed with the inclusion of this provision and I supported it. For too many years, producers had to wait months and even years to receive assistance from USDA. The problem today is USDA has not finalized any of the five disaster programs included in the farm bill. While the Department is working to finalize these programs, farmers and ranchers in Texas are seeing their crops, and livestock herds, diminish due to the excessive heat and drought.

My sense of the Senate simply urges the Secretary of USDA to use any of his discretionary authority to provide immediate assistance for producers who are sustaining losses as a result of this extraordinary drought. The Secretary has authority to provide quick assistance and he has used these authorities in past extraordinary circumstances. Our farmers and ranchers need immediate assistance; they cannot continue to wait for bureaucratic reg. writing. Please join me in encouraging the Secretary to use the tools at his disposal to provide any available assistance as quickly as possible.

AMENDMENT NO. 2240

Mr. KOHL. I will make a point of order that amendment No. 2240 is not germane postcloture.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

Mr. KOHL. 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. KAUFMAN). Without objection, it is so ordered.

Mr. REID. Mr. President, I now ask unanimous consent that after Senator COBURN moves to commit the bill with instructions, that there be 10 minutes of debate equally divided and controlled between Senators KOHL and COBURN or their designees; that upon the use of that time, the motion be set aside and the Senate then resume consideration of the Sanders amendment, No. 2276; that then Senator BROWNBACK or his designee be recognized to raise a budget point of order against the amendment; that after the point of order is raised, then the motion to waive the relevant point of order be considered made; that the Senate then proceed to vote in relation to the Coburn motion to commit; that upon disposition of that motion, the Senate then proceed to vote on the motion to waive the relevant Budget Act point of order; that if the motion to waive is successful, then the amendment be agreed to and the motion to reconsider be laid upon the table; that no further amendments or motions be in order; that upon disposition of all pending amendments, the substitute amendment, as amended, if amended, be agreed to, the bill then be read a third time, and the Senate proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, with the subcommittee plus Senator INOUE appointed as conferees; further, that if a budget point of order is raised against the substitute amendment, then it be in order for another substitute amendment to be offered minus the offending provisions but including any amendments which have been agreed to, and that no further amendments be in order; that the substitute amendment, as amended, if amended, be agreed to, and the remaining provisions beyond adoption of the original substitute amendment remaining in effect.

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

Mr. REID. I further ask unanimous consent that in the sequence of votes as described above, there be 2 minutes of debate prior to each vote equally divided and controlled in the usual form, and that after the first vote in the sequence, the remaining votes be limited to 10 minutes each.

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

Mr. REID. I ask unanimous consent that the vote sequence be as follows: Coburn, No. 2244; Coburn, No. 2245; Coburn motion to commit; Sanders motion to waive the Budget Act point of order.

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

Mr. REID. With the Republican leader here on the floor now, I ask unanimous consent that upon disposition of H.R. 2997, the Senate proceed to executive session to consider Calendar No. 309, the nomination of Sonia Sotomayor to be Associate Justice of the Supreme Court, and that the first hour of debate be under the control of the chair and ranking member of the committee, Senators LEAHY and SESSIONS, to be followed by 2 hours of debate, with the time equally divided and controlled between the majority and the Republicans.

Mr. President, before I ask whether my friend will accept this, I just want to lay out to the body, I am glad we are going to this. Everyone should understand we have other things to do before we leave here. We are going to do them before we have a final vote on this Supreme Court nominee. We have to work something out on travel promotion, and we have to work something out on the so-called cash for clunkers. The other matters we are going to put over until a subsequent time, but we will at least have some preconceived idea of what we are going to do when we get back.

I want everyone to be alerted that this is not the end of the work session before us.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not be objecting, I just want to make a point for all of our colleagues. The very important debate on the Supreme Court nominee will commence in a while. It is important for people not to wait until the end. We need to get people on over to make their speeches. I know there are a number of Members on the Republican side of the aisle who do intend to speak to the nomination. I encourage them to begin that sometime soon.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I appreciate the statement of my friend. Everything relating to this nomination has been very civil, fair. Senator LEAHY, the chairman of the committee, and the ranking member, Senator SESSIONS, have done an outstanding job of setting an example of how the debate should be handled here on the floor.

There are strong feelings regarding this nomination. That is the way it should be. I was told last night that there are as many as 28 Republicans who wish to speak on this matter. Of course, a lot of Democrats will also want to speak.

I want to lay out, as my friend, the Republican leader, did, we are going to be working into the evenings. People should not wait around here until tomorrow saying, I will put it off until tomorrow, or maybe I will wait until Thursday. There may not be a Thursday. We need to get these speeches done. They are all important. They are important for the record this body makes.

I would hope people would work with the floor staff to set up a way to proceed. What we are going to do is if at all possible, have a Democrat speak, a Republican speak, go back and forth. If there is not one of the other party here, we are not going to wait around until a Republican or Democrat shows up. If there is someone here ready to speak, that person will be recognized and the person who was supposed to be here can wait until some subsequent time.

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

The time will now be equally divided on the Coburn amendment No. 2244.

Who yields time?

MOTION TO COMMIT

Mr. COBURN. I have a motion to commit at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] moves to commit the bill H.R. 2997 to the Committee on Appropriations of the Senate with instructions to report the same back to the Senate making the following changes:

(1) Amend the amounts appropriated in the bill so as to report back a bill with an aggregate discretionary level of appropriations for fiscal year 2010 at an amount that is 2 percent greater than the \$20,662,300,000 enacted for fiscal year 2009, excluding funds made available for any discretionary or mandatory direct food assistance program, as is appropriate given—

(A) the minimal growth of the budgets of families of the United States due to the fiscal challenges of the United States; and

(B) the \$2,000,000,000 deficit and \$11,500,000,000 debt of the United States.

Mr. COBURN. Mr. President, the reason for this motion to commit is what we see on the discretionary side of this budget—not the food stamps, not the food support, not the areas in this budget that actually help people get through the tough times—a 15-percent increase in discretionary spending.

We are going to have near a \$2 trillion deficit this year. We spent \$20 billion last year. But then we spent another \$6 billion in the stimulus which still has not been spent. So if you were to add the stimulus to it, you would see a 50-percent increase in the Agriculture discretionary budget. That is entirely too much money.

All this motion to commit says is, bring it back to us with a realistic expectation of what families are having to do. Again, I would caution my colleagues, this has nothing to do with food. We do not eliminate or lessen those mandatory requirements.

But in the operation of the USDA and the Department of Agriculture, let's have the government live within the same parameters that the rest of us are living within now which is—actually we are going to have a negative rate of inflation this year and incomes that are not going to grow significantly.

What we are asking for is still a rate higher than inflation but some fiscal responsibility that says we should live within our means. So when we spent

\$20 billion last year, through the end of this month, then we gave another \$6 billion with the stimulus, and now we come forward with a budget that says we are going to spend \$23 billion, a full 15-percent, 14-some-percent increase in the discretionary programs at the Department of Agriculture.

I find it obscene. I find it irresponsible. I find it almost elite that we will not relate to what the rest of the American people are going through, and we have bill after bill after bill, and in a time when our country is on its back and our budget deficits have never been so high, we are going to increase discretionary spending at a rate we have not seen in 10 years in this country. There is no call for it. There is no excuse for it. There is no defending it.

I would note that, in fact, on every amendment I have stood up on, other than the one Senator HARKIN defended, we have not had anyone defend this bill. Let's hear a defense of the 15-percent increase for this bill in discretionary spending. The idea is, let's not defend it, let's just not answer the charge.

But the fact is, we are growing the discretionary portion of the Federal Department of Agriculture by 15 percent this year. It ought not to be.

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

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

Mr. KOHL. Mr. President, as I stated at the outset of this bill, it does reflect an increase in spending over the previous year. But let's be clear, 90 percent of the discretionary increase is for WIC, food and drug safety, humanitarian food assistance, and rural rental housing. These four items are among the most important things that government does.

To put it a little more in context, the largest overall increases in this bill are not in discretionary programs at all. The largest single increase in the bill is for nutrition programs such as the Supplemental Nutrition Assistance Program. That program, and programs combined with other programs, are together funded at \$9.1 billion higher than last year. These are mandatory programs that reflect the state of our economy and serve as a very basic human safety net.

Other mandatory increases involve farm support and crop insurance programs and funding \$3.4 billion higher than last year. These programs operate as they are authorized, and this spending is what is required to pay farmers and ranchers the benefits they are entitled to receive under the law.

The Senator is correct that the spending in this bill is higher than last year. But much of that increase is attributable to mandatory programs that

do not change through an appropriations bill. With regard to overall spending, Congress has spoken on that question through the budget resolution and the allocations that are made to each subcommittee for discretionary spending. This bill is about how we apportion that discretionary spending to best serve the American people and the people throughout the world. This bill has a proper priority.

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

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

Mr. COBURN. The honorable chairman noted that most of the increase in spending is in mandatory. This motion to commit does not say anything about mandatory. This is about discretionary. This is about the things we get to decide on. This is about the discretionary side of this bill, not the mandatory side. So we are not confused. This is not about those substantive items that are mandated through the farm bill. This is about what we have discretion to control, and we have indiscretion with this bill because we are going to allow it to grow by 15 percent.

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

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent that both sides yield back their time and I ask for the yeas and nays.

Mr. KOHL. No objection.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The Senator from Pennsylvania.

Mr. SPECTER. I ask unanimous consent to speak for up to 5 minutes in support of the Sanders amendment.

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

AMENDMENT NO. 2276

Mr. SPECTER. Mr. President, the dairy farmers in Pennsylvania and the Nation are receiving record low prices for their products, prices that we have not seen since the late 1970s.

From January through June of this year, the price received by farmers was 37 percent below that of a year earlier. Feed costs, by comparison, have fallen by 11 percent. In this year, the U.S. Department of Agriculture expects the all-milk price to average between \$11.85 per hundredweight and \$12.15 per hundredweight, down from \$18.29 last year, and 18 to 20 percent below the 10-year average.

Exports, which have driven much of the recent growth in the dairy industry, have fallen from 11 percent of production last year. According to the Pennsylvania Department of Agriculture, these losses are translated into losses as high as \$1,000 per cow per

year, so that a farmer milking 100 cows will lose as much as \$100,000 this year.

This amendment provides the U.S. Department of Agriculture with \$350 million in additional funds to enable it to increase the level at which the government buys surplus dairy products off the market.

This funding would allow the Secretary to raise the support price on three different types of dairy products. That is a brief statistical summary of the problems which the dairy farmers are facing, not only in the my State, Pennsylvania, but across the country.

I recently convened a session in my office to hear in some detail the plight of the dairy farmers. I have traveled the State. Before August is finished, I will have visited all of Pennsylvania's 67 counties, which is a practice I make, covering virtually every county every year.

I have seen firsthand the desperate plight of the farmers of our State. We had been considering a number of amendments to this bill, but they have been ruled not germane. For those who may be watching this program—this session; it is really a program, but it is a session of the Senate—that means technically we could not offer other legislation.

But I compliment the distinguished Senator from Vermont who has structured this amendment in a way which will enable the Department of Agriculture to meet this pressing problem.

Recently about a dozen Senators met with the Secretary of Agriculture, and the conclusion was that the Department of Agriculture, the Obama administration, wanted to help farmers by raising price supports, but they lacked the money to do so. So this amendment, if adopted—and I urge my colleagues to adopt it—and there is pretty widespread concern about milk prices covering virtually every section of the United States. I urge my colleagues to adopt this amendment to give some very much needed relief to the dairy farmers.

I yield the floor.

AMENDMENT NO. 2285

Mr. KOHL. Mr. President, notwithstanding the previous order, I ask unanimous consent that amendment No. 2285 be considered and agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 2285) was agreed to, as follows:

(Purpose: To express the sense of the Senate regarding the livestock indemnity program)

At the appropriate place, insert the following:

SEC. 7 _____. (a) The Senate finds that—

(1) with livestock producers facing losses from harsh weather in 2008 and continuing to face disasters in 2009, Congress wanted to assist livestock producers in recovering losses more quickly and efficiently than previous ad hoc disaster assistance programs;

(2) on June 18, 2008, Congress established the livestock indemnity program under section 531(c) of the Federal Crop Insurance Act

(7 U.S.C. 1531(c)) and section 901(c) of the Trade Act of 1974 (19 U.S.C. 2497(c)) as a permanent disaster assistance program to provide livestock producers with payments of 75 percent of the fair market value for livestock losses as a result of adverse weather such as floods, blizzards, and extreme heat;

(3) on July 13, 2009, the Secretary of Agriculture promulgated rules for the livestock indemnity program that separated non adult beef animals into weight ranges of "less than 400 pounds" and "400 pounds and more"; and

(4) the "400 pounds and more" range would fall well short of covering 75 percent market value payment for livestock in these higher ranges that are close to market weight.

(b) It is the sense of the Senate that the Secretary of Agriculture—

(1) should strive to establish a methodology to calculate more specific payments to offset the cost of loss for each animal as was intended by Congress for calendar years 2008 through 2011; and

(2) should work with groups representing affected livestock producers to come up with this more precise methodology.

AMENDMENT NO. 2280, AS MODIFIED

Mr. KOHL. I ask unanimous consent that the previously agreed-to amendment No. 2280 be modified with the changes at the desk.

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

The amendment, as modified, was agreed to, as follows:

At the appropriate place, insert the following:

Findings:

Sudden loss in late 2008 of export-market based demand equivalent to about three percent of domestic milk production has thrown the U.S. dairy industry into a critical supply-demand imbalance; and

An abrupt decline in U.S. exports was fueled by the onset of the global economic crisis combined with resurgence of milk supplies in Oceania; and

The U.S. average all-milk price reported by the National Agriculture Statistics Service from January through May of 2009, has averaged \$4.80 per hundredweight below the cost of production; and

Approximately \$3.9 billion in dairy producer equity has been lost since January; and

Anecdotal evidence suggests that U.S. dairy producers are losing upwards of \$100 per cow per month; and

The Food, Conservation, and Energy Act of 2008 extended the counter-cyclical Milk Income Loss Contract (MILC) support program and instituted a "feed cost adjuster" to augment that support; and

The Secretary of Agriculture in March transferred approximately 200 million pounds of nonfat dry milk to USDA's food and Nutrition Service in a move designed to remove inventory from the market and support low-income families; and

The Secretary on March 22nd reactivated USDA's Dairy Export Incentive Program (DEIP) to help U.S. producers meet prevailing world prices and develop international markets; and

The Secretary announced on July 31, 2009 a temporary increase in the amount paid for dairy products through the Dairy Product Price Support Program (DPPSP), an adjustment that is projected to increase dairy farmers' revenue by \$243 million; and

U.S. dairy producers face unprecedented challenges that threaten the stability of the industry, the nation's milk production infrastructure, and thousands of rural communities;

The Senate states that the Secretary of Agriculture and the President's Office of Management and Budget should continue to

closely monitor the U.S. dairy sector and use all available discretionary authority to ensure its long-term health and sustainability.

VOTE ON AMENDMENT NO. 2244

The PRESIDING OFFICER. The question is on agreeing to the Coburn amendment No. 2244.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—37

Alexander	Ensign	Lugar
Barrasso	Enzi	Martinez
Bayh	Feingold	McCain
Bennett	Graham	McCaskill
Bunning	Grassley	McConnell
Burr	Gregg	Risch
Carper	Hatch	Sessions
Chambliss	Hutchison	Thune
Coburn	Inhofe	Udall (CO)
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	
DeMint	Lieberman	

NAYS—60

Akaka	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Roberts
Bond	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Brownback	Klobuchar	Shaheen
Burr	Kohl	Shelby
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Casey	Leahy	Stabenow
Cochran	Levin	Tester
Collins	Lincoln	Udall (NM)
Conrad	Menendez	Voinovich
Dodd	Merkley	Warner
Dorgan	Murkowski	Webb
Durbin	Murray	Whitehouse
Feinstein	Nelson (NE)	Wyden

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The amendment (No. 2244) was rejected.

VOTE ON AMENDMENT NO. 2245

The PRESIDING OFFICER. The question occurs on Coburn amendment No. 2245.

Mr. LEAHY. Mr. President, I yield back the time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2245) was rejected.

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

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

The motion to lay on the table was agreed to.

MOTION TO COMMIT

The PRESIDING OFFICER. There is 2 minutes, equally divided, on the motion by the Senator from Oklahoma.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this is a motion to commit.

The discretionary portion of this appropriations bill grows 15 times faster than the rate of inflation. This is a motion that says it ought to come back to us growing two times the rate of inflation.

There is no excuse for us to pass this kind of spending in this type of climate. I would ask for the support of this motion.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. KOHL. Mr. President, I oppose the motion to commit.

The PRESIDING OFFICER. Is all time yielded back? All time is yielded back.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 32, nays 65, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—32

Barrasso	Enzi	Martinez
Bayh	Graham	McCain
Bunning	Grassley	McCaskill
Burr	Gregg	McConnell
Chambliss	Hatch	Risch
Coburn	Hutchison	Sessions
Corker	Inhofe	Snowe
Cornyn	Isakson	Thune
Crapo	Johanns	Vitter
DeMint	Kyl	Wicker
Ensign	Lugar	

NAYS—65

Akaka	Feingold	Nelson (NE)
Alexander	Feinstein	Nelson (FL)
Baucus	Franken	Pryor
Begich	Gillibrand	Reed
Bennet	Hagan	Reid
Bennett	Harkin	Roberts
Bingaman	Inouye	Rockefeller
Bond	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kerry	Shaheen
Brownback	Klobuchar	Shelby
Burr	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Voinovich
Collins	Lincoln	Warner
Conrad	Menendez	Webb
Dodd	Merkley	Whitehouse
Dorgan	Murkowski	Wyden
Durbin	Murray	

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The motion was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

AMENDMENT NO. 2276

Mr. BROWNBACK. Mr. President, parliamentary inquiry: What is the next item of business?

The PRESIDING OFFICER. Amendment No. 2276.

Mr. BROWNBACK. Mr. President, with the Sanders amendment being the issue now, I will raise to my colleagues a point of order.

I understand the difficulty the dairy industry is in. We have dairy industry in Kansas, and it is an important business. Certainly, prices are difficult and they are having trouble.

However, the Sanders amendment would provide the Farm Service Agency with an additional \$350 million. Unfortunately, even if we could agree that additional funding was necessary, the amendment was put in such a way that it cannot work; it is not drafted appropriately. There is no mechanism to move the funding from the FSA salaries and expenses account to the Dairy Product Price Support Program.

For these reasons, regrettably, I cannot support the amendment. The pending amendment, No. 2276, offered by the Senator from Vermont, increases spending by \$350 million. This additional spending would cause the underlying bill to exceed the subcommittee's section 302(b) allocation.

Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of this act for purposes of the pending amendment.

This amendment is supported by a number of Senators, not just from the east coast or Midwest or Southwest or the West but from all over the country—among others, Senators SNOWE, UDALL of New Mexico, SCHUMER, BENNETT, COLLINS, FRANKEN, CASEY, UDALL of Colorado, SPECTER, MCCASKILL, GILLIBRAND, KLOBUCHAR, and SHAHEEN. We are united from every section of the country to make the point that when we talk about the deep recession we are facing, this is a recession that is impacting rural America very severely, and we cannot forget about rural America.

Right now, at this moment, dairy farmers across the country are suffering from the lowest milk prices in four decades. In the last year, the price farmers received for milk has plummeted 41 percent. I ask for support on the amendment.

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

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

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

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The yeas and nays resulted—yeas 60, nays 37, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—60

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Grassley	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Bond	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Casey	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—37

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Carper	Hutchison	Shelby
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	Lugar	
Crapo	Martinez	

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 37. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to. The point of order is rendered moot.

The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 2276) was agreed to.

NATIONAL ANIMAL DISEASE CENTER FUNDING

Mr. HARKIN. Mr. President, I thank the chairman and ranking member of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Subcommittee, along with the chairman and ranking member of the Appropriations Committee, for agreeing to work with me to secure in this bill an additional \$3.4 million per year in conference, above the baseline funding level, for research addressing emerging animal disease threats at the National Animal Disease Center, NADC, in Ames, IA. NADC is a world class research facility that provides vital research to identify emerging animal diseases and develop effective methods to prevent and treat emerging threats to animal agriculture, our food supply and human health.

Over the past few years we have seen the emergence of a number of threats to the livestock industry in the United States such as the avian influenza and H1N1 virus. Not only do these diseases pose a threat to animal health, but they also represent a threat to human health. Work at NADC is vitally important to protecting animal and human health and improving the lives of millions of people worldwide.

Additional resources provided in this bill for ongoing research at NADC on emerging animal disease are vital to the livestock industry. In the early days of the H1N1 outbreak misinformation cost pork producers in the United States an estimated \$7.2 million a day, even though H1N1 was never found in pigs in the United States. Developing additional capacity for vaccine discovery and rapid detection of emerging animal disease is important in protecting human health and animal agriculture.

I thank you again for working to provide this needed, continuing, research funding for emerging animal disease at NADC.

Mr. KOHL. Mr. President, I thank my friend from Iowa for his comments. The impacts of emerging animal diseases are felt in many far-ranging sectors of the economy and human health. The impact of threats to the health of livestock can have a devastating impact on producers. Misleading information about an emerging disease can also spread across the country rapidly. This underscores the importance of rapid detection and diagnosis of emerging animal diseases.

I am pleased to work with you to include in the final version of the fiscal year 2010 agriculture spending bill \$3.4 million in additional resources, above the baseline, to continue NADC's role as one of the preeminent research institutions on emerging animal diseases. This is intended to be additional funding that will be part of the base funding for NADC in future years.

Mr. BROWNBACK. Mr. President, I would like to also thank the Senator from Iowa for his comments. I agree with Chairman KOHL and Senator HARKIN on this need and will work hard towards accomplishing this goal in conference. The recent H1N1 scare also illustrates the dangers of zoonotic diseases to the human and animal populations. If we know how to stop these diseases soon after they are diagnosed, we can help stop the spread of the disease in animals, and possibly the transmission to humans. The reverse is also true; the H1N1 scare also taught us that humans can also pass diseases to the animals. The more knowledge that can be discovered about emerging animal diseases, the more likely it is that we can address them before they become a significant problem. Ongoing funding provided for the NADC will be vitally important in protecting human and animal health.

Emerging animal diseases, like the H1N1 virus, can have a devastating im-

pact on animal agriculture in the form of reduced exports and slaughter of infected herds and flocks. Additional ongoing resources provided in this bill will make sure the livestock industry is in a safe and secure place.

Mr. INOUE. Mr. President, I would like to echo my colleagues' comments. A recent Agriculture Research Service report indicated, "Because swine are also susceptible to infection with avian and human influenza viruses, genetic re-assortment between these viruses and/or swine influenza viruses can occur." The potential for swine to develop novel viruses that can impact human health highlights the importance of the additional ongoing resources in this bill for the NADC. It is my intention to support the subcommittee's efforts as enunciated to provide the specific resources noted above in fiscal year 2010 and over the long term.

Mr. COCHRAN. Mr. President, I agree with my colleagues regarding the additional funding provided for NADC. Providing additional resources in this bill for ongoing research at NADC on emerging animal diseases will help protect animal and human health.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

Ms. STABENOW. Mr. President, I would like to engage Senator KOHL in a colloquy concerning funding for the Commodity Supplemental Food Program.

It is my understanding that this bill provides the budget request and will meet current demand according to USDA. I know that the House-passed measure includes additional funding to add caseload and bring new States into this critically important program. I strongly support the level of funding provided in the House-passed measure and expanding the program into the six States USDA has approved: Arkansas, Oklahoma, Delaware, Utah, New Jersey, and Georgia.

I hope that as this bill goes to conference we can work together to reconcile those differences.

Mr. KOHL. I can assure Senator STABENOW that we will do all that we can to continue to improve this important program.

Ms. STABENOW. I appreciate Chairman KOHL's assurance. This program is critically important to thousands of seniors in Michigan and nationwide who cannot afford to buy the foods they need to meet their special dietary needs.

EMERALD ASH BORER

Mr. KOHL. I would like to enter into a colloquy with my colleague from New York.

Mrs. GILLIBRAND. I thank the Chairman for entering into a colloquy with me and for his hard work on this bill. I wanted to quickly discuss the need to add New York to the list of States threatened by the emerald ash borer—an invasive insect that has destroyed over 50 million ash trees in the U.S. to date.

Originally found in Michigan, the emerald ash borer has been steadily

making its way eastward and is now threatening to decimate the 900 million ash trees across New York State. This invasive species threatens a billion dollar timber industry that supplies furniture makers, hardware stores, and the wood for Louisville Slugger baseball bats.

The emerald ash borer larvae burrow through trees, preventing them from receiving essential nutrients and water, eventually causing the tree to die. Thousands of traps have been set in Cattaraugus and Chautauqua Counties, but more funding will be needed to stop the spread and ensure that New York's forests are not forever altered.

The current committee report lists 12 States which are affected by this invasive pest. I would ask that New York be added to that list during conference.

Mr. KOHL. I would like to thank my colleague for bringing this to my attention and I will certainly address this issue during conference.

Mrs. GILLIBRAND. I thank the Chairman for his help and leadership.

FOOD AND AGRICULTURE POLICY INSTITUTE

Mr. BROWNBAC. Mr. President, I would like to raise an issue that has been brought to my attention by the Senator from Georgia, Mr. ISAKSON. The Senator was mistakenly credited with having requested funding for the Food and Agriculture Policy Research Institute in Senate Report 111-39. I want to assure him that this will be corrected during the conference negotiations on the Agriculture appropriations bill.

Mr. KOHL. I thank Senator BROWNBAC for raising this issue. I, too, want Senator ISAKSON to know that this will be corrected during conference.

SOUTHERN PLAINS RANGE RESEARCH STATION

Mr. INHOFE. Mr. President, as a neighboring agriculture State, it is a pleasure to work with the Senator from Kansas, in fact both Senators from Kansas, on numerous issues that provide for important research, relief, and aid to our States. I ask that language be included in the conference report indicating the urgent need for additional scientific personnel at the Southern Plains Range Research Station in Woodward, OK, near our joint borders, through the Agricultural Research Service in order to establish a Center for Warm-Season Grasses Research at the station in fiscal year 2010.

The Southern Plains Range Research Station is a research unit of the USDA's Agricultural Research Service. It has a mission to conduct research that addresses the challenges and opportunities associated with managing America's rangelands through innovative production practices and improved plant germplasm. The current research program at the station includes a team of three scientists: a ruminant nutritionist for range-livestock production research, a research agronomist for germplasm evaluation, and a geneticist for breeding improved plants. The goal

of establishing and developing a Center for Warm Season Grasses Research would be improved plant materials management alternatives for rangelands and pastures in the southern plains. This center would provide a focused effort in native and introduced warm-season grass research to address issues with biofuels and feedstock production which is a critical issue to farmers and ranchers throughout the country. Additional personnel are needed to accomplish this mission. The addition of these two essential scientists will assist the Southern Plains Range Research Station in working towards its goal of establishing itself as the Center for Warm-Season Grasses Research in the south central United States.

Mr. BROWNBAC. I appreciate working with the Senator from Oklahoma on various agriculture issues, and can address this issue in the conference report.

OFFICE OF ADVOCACY AND OUTREACH

Mr. FEINGOLD. I rise to discuss a new and relatively small office within USDA that will help ensure the Department adequately addresses the needs of all farmers and ranchers. For too long, USDA has not had adequate focus on policy, programs, and outreach for small farms, beginning farmers and ranchers, and minority farmers and ranchers. A provision in the Food, Conservation and Energy Act of 2008, the farm bill, which was partially based on a proposal I made with Senator HARKIN is intended to reverse that situation by creating the Office of Advocacy and Outreach. The farm bill provision places the new office within executive operations at the Department to ensure that it has overarching coordination functions across all of the mission areas of USDA and that the director of the office is not within any of the under or assistant secretariats so he or she can have a higher profile and be better able to analyze and improve access to the functions and activities of USDA across the entire Department. The office will have two divisions—the socially disadvantaged farmers and ranchers group and the small and beginning farmers and ranchers group.

The socially disadvantaged farmers group includes a new Advisory Committee on Minority Farmers established under section 14009 of the farm bill, and a new farmworker coordinator established in section 14013 of the farm bill. The existing functions of the current Office of Outreach and Diversity that serve socially disadvantaged producers and minority serving institutions are also transferred to the Office of Advocacy and Outreach.

The small and beginning farmers and ranchers group is given responsibility for continuing and building upon the functions for the existing Office of Small Farms Coordination, the existing Small Farms and Beginning Farmer and Rancher Council, and the existing Advisory Committee for Beginning Farmers and Ranchers, plus a consult-

ative role on the administration of the Beginning Farmer and Ranchers Development Program administered by CSREES.

The new office builds upon the recommendations made to Congress by the Government Accountability Office. The new office will establish departmental goals and objectives, measure outcomes, and provide input into programmatic and policy directions and decisions. The office will also improve outreach and assistance to these farm communities in order to help make the goals and objectives a reality.

It is very important this new office receive an appropriation so it can begin its important and historic mission. It is my understanding the administration's request for \$3 million is provided for in the House bill. I would ask Chairman KOHL if it is his intent to try to find a way to secure funding for the new office during conference.

Mr. KOHL. I thank my colleague from Wisconsin. He has been a leader in this effort and I always appreciate his input and counsel. The Department has under consideration a number of reorganization options that affect a range of departmental functions. My hope is that between now and the time conference negotiations are complete we can have a little more clarity on all these proposals and find a way to make progress in the areas my colleague outlines. Our very able Secretary of Agriculture is trying to make the pieces fit together and I will do likewise during conference negotiations.

Mr. FEINGOLD. I am also concerned with information coming from the Department of a possible plan to move the Office out of Executive Operations and to place it elsewhere. This is very troubling. Congress was very clear about where the office was to be situated and I believe it is the responsibility of USDA to follow the law in this regard. I would like to ask the Senator from Iowa, the chairman of the Committee on Agriculture, Nutrition and Forestry, if he agrees with my assessment.

Mr. HARKIN. I thank my friend from Wisconsin for his hard work to ensure beginning farmers and minority farmers have adequate representation within USDA programs. The Senator is correct. The 2008 farm bill contains statutory language that establishes the Office of Advocacy and Outreach within the executive operations of the Department of Agriculture's organizational structure.

I would also like to stress the vital importance of USDA moving forward to establish this office as quickly as possible. It has now been more than a year since the farm bill was enacted into law and it is time for USDA to move forward in establishing the office so that it can begin to carry out its mission of ensuring that the needs of small and beginning farmers, as well as socially disadvantaged farmers, are effectively addressed by the Department of Agriculture throughout its various programs and activities.

Mr. FEINGOLD. I thank the Senator for that assurance.

Let me make one final point. As I mentioned, the law creates two divisions within the OA&O. Both areas are extremely important. It is my firm belief that any funding provided for this office should be equally divided between the two divisions, after accounting for the funds to establish the overall Director of the office.

Mr. DURBIN. Mr. President, this important program, administered by the Natural Resource Conservation Service within USDA, provides for cooperation between the Federal Government, State government agencies, and local organizations to prevent erosion, floodwater, and sediment damages. The program also promotes the conservation and proper utilization of land in authorized watersheds. WFPO helps communities prepare detailed watershed work plans for flood prevention projects in cooperation with soil conservation districts and other local sponsoring organizations.

As a result of this program, over 11,000 flood protection and water conservation structures have been built across the United States. Each year, these structures provide over \$292 million of flood damage prevention to agricultural land and over \$399 million of flood damage is prevented to roads, bridges, homes and other structures.

There are other benefits as well—these projects protect and restore natural resources. Annually, 90 million tons of soil are saved from erosion. Forty-seven thousand miles of streams and stream corridors are enhanced and protected. More than 1.8 million acre-feet of water are conserved. Nearly 280 thousand acres of wetlands are created, enhanced or restored. Over 9 million acres of upland wildlife habitat is created, enhanced or restored.

In Illinois, DuPage County has been working to rebuild the watershed around various branches of the DuPage River. The county wishes to reduce the incidence of flooding and damage to homes, businesses, and wildlife habitat. This program will allow for enhanced flood protection of the Meacham Grove reservoir and provide vital flood control for homes and businesses downstream.

This effort is supported by a number of communities in DuPage County including the Roselle, Bloomingdale, Itasca, Wood Dale and Addison. Operation of the reservoir will be optimized by allowing storm water to enter the reservoir at a lower elevation. This will provide storm water storage for smaller, more frequent rainfall events. It will also improve the water quality of surrounding communities by allowing pollutants and sediment to settle out in the reservoir instead of being transported downstream.

This program has been very successful in Illinois, and I know many of my colleagues have similar stories from their States. I do not believe we should wait for a flood before we identify a

problem. Federal investment in these types of projects can help reduce the Federal investment necessary in the event of a flood disaster. Watershed projects prevent flooding and the damage floods cause to public facilities, roads, bridges, homes, and businesses. They conserve water, improve water quality, reduce soil erosion, and create wildlife habitats. We should reduce the vulnerability of our population to flood damage and improve our stewardship of the natural and beneficial functions of our floodprone areas. I oppose the amendment by my colleague from Arizona, and ask that others do the same.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, first, I compliment the managers of this bill, Senator KOHL and Senator BROWNBACK. They have done a remarkably good job. We completed this major appropriations bill in a couple of days. One day was pretty short. They have done very good work.

We are going to vote on final passage, and then we are going to go to the debate on the Supreme Court nominee. Senator MCCONNELL and I said earlier today we have a lot of Senators who wish to speak on this nomination. We don't want anyone to feel they do not have time to speak. But we are going to go in this order: We will have a Democrat and Republican. The cloakrooms have to be notified that you want to come and speak. If people wait until Wednesday night or Thursday to speak, there may not be an opportunity to speak on this nomination.

We know we have at least 28 Republicans who wish to speak and there is probably a like number of Democrats who wish to speak on this nomination who have not already spoken. We hope Senators will indicate to staff how much time they need, and then when they tell Senators they need to be available at a certain time, I hope all Senators will try to do that.

If there is not a Democrat available when it is the Democrats' turn, then we will move to another Republican, and vice versa.

The debate in the committee has been outstanding. I think Senator LEAHY and Senator SESSIONS have done a very good job on an issue that people feel very strongly about on both sides. There is no reason the debate that is going to be on the Senate floor should not be as dignified as it was in the Judiciary Committee.

We are going to move to the nomination as soon as we finish final passage. This will be the last vote of the night. We will try to work out a program so we can finish this week. We have a little bit of work to do. I think there has been an agreement between Senator MCCONNELL and me on what needs to get done. We have a few problems explaining what our desire is to some of the Senators. We will do that as quickly as we can.

Mr. LEAHY. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I see my friend, the distinguished Senator from Alabama, on the floor. We have also discussed this. Senator SESSIONS and I will open the debate, as the leader has said. I suggest everybody on this side check with the staff to set up a list.

Again, I urge people to come at the time they said. I agree with the leader, if they do not, we go to the next person and finish it up. I hope it will not be the case we will be in long quorum calls and then everybody says let's talk. I think the leaders have set a fair schedule, and we should go forward.

The PRESIDING OFFICER. The substitute amendment, as amended, is agreed to.

The amendment (No. 1908), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 80, nays 17, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—80

Akaka	Gillibrand	Nelson (NE)
Alexander	Grassley	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Hatch	Reid
Bennett	Hutchison	Risch
Bingaman	Inouye	Roberts
Bond	Johanns	Rockefeller
Boxer	Johnson	Sanders
Brown	Kaufman	Schumer
Brownback	Kerry	Shaheen
Burris	Klobuchar	Shelby
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Cochran	Levin	Thune
Collins	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Cornyn	Lugar	Vitter
Crapo	Martinez	Voinovich
Dodd	McCaskill	Warner
Dorgan	McConnell	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wicker
Feinstein	Murkowski	Wyden
Franken	Murray	

NAYS—17

Barrasso	Burr	Corker
Bayh	Chambliss	DeMint
Bunning	Coburn	Ensign

Enzi
Graham
Gregg

Inhofe
Isakson
Kyl

McCain
Sessions

NOT VOTING—3

Byrd

Kennedy

Mikulski

The bill (H.R. 2997), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I want to take a minute to thank Senator BROWNBACk, with whom I have worked extremely well on this bill. He has made great contributions to the bill, and he has a wonderful staff—Fitz Elder, Stacy McBride, and Katie Toskey—who also made great contributions. On my side, Galen Fountain, Jessica Frederick, Dianne Nellor, and Bob Ross made great contributions.

We are all very proud of the product, we are pleased with the vote, and we are happy it is over.

Mr. BROWNBACk. Mr. President, I, too, want to take a moment to thank my colleague Senator KOHL who has worked on this for some period of time. I thought this was one of the smoothest appropriations bill we have had flow through the floor. I congratulate our colleague and particularly his work and that of the staff to make this happen: Galen Fountain, Jessica Frederick on his staff, Bob Ross, Dianne Nellor; on mine, Fitz Elder, Stacy McBride, Katie Toskey, and then Riley Scott and Melanie Benning were also key on it.

There is an item about which I have some consternation at the end where we broke the 302(b) allocation. My hope is in conference we can get that worked back down because clearly we have a huge budget crisis on our hands and we have to hit these numbers. I know it was an important issue to the chairman on dairy funding and that is an important issue; particularly if you are from Wisconsin, that is an important issue. It is my hope we can work that down.

I do think it shows a lot of support and strength when you have a major bipartisan vote on this bill at the end. My hope is that is the way we will operate in the body, in a bipartisan way so we can move things through for the good of the country.

We are in the minority, obviously, but there is no reason we cannot work these issues together as much as we possibly can. Senator KOHL was excellent to work with. I appreciate that chance to do it.

I look forward to us getting this through on a stand-alone basis, not rolled together in an omnibus package if at all possible. I think it is an important package, one we should be able to do that with. I think we have the ability to get that done.

I yield the floor.

Mr. KOHL. Mr. President, I thank Senator BROWNBACk for his kind words. I would also like to not end the proceedings without mentioning an individual on my staff, Phil Karting, who did a tremendous job and was an important part of the product that was finally put forth.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House, and the Chair appoints the following conferees.

The PRESIDING OFFICER appointed Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Mr. NELSON of Nebraska, Mr. REED, Mr. PRYOR, Mr. SPECTER, Mr. INOUE, Mr. BROWNBACk, Mr. BENNETT of Utah, Mr. COCHRAN, Mr. BOND, Mr. MCCONNELL, Ms. COLLINS, and Mr. SHELBY conferees on the part of the Senate.

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

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

EXECUTIVE SESSION

NOMINATION OF SONIA SOTOMAYOR TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

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

The legislative clerk read the nomination of Sonia Sotomayor, of New York, to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Under the previous order, the first hour will be under the control of the chair and the ranking member of the committee.

Mr. LEAHY. I thank the distinguished Presiding Officer, also himself a member of the Judiciary Committee. He sat through and participated in all of the hearings on Judge Sotomayor.

When the Judiciary Committee began the confirmation hearing on the nomination of Judge Sotomayor to the Supreme Court, in my opening statement I recounted an insight from Dr. Martin Luther King, Jr. I did this because it is often quoted by President Obama, the man who nominated her. The quote is:

Let us realize the arc of the moral universe is long, but it bends towards justice.

Each generation of Americans has sought that arc toward justice. Indeed, that national purpose is inherent in our Constitution. In the Constitution's preamble, the Founders set forth to establish justice as one of the principal reasons that "We the people of the

United States" joined together to "ordain and establish" the Constitution. This is intertwined in the American journey with another purpose for the Constitution that President Obama often speaks about. We all admit it is the unfinished goal of forming "a more perfect Union." Our Union is not yet perfected, but we are making progress with each generation.

That journey began with improvements upon the foundation of our Constitution through the Bill of Rights and then it continued with the Civil War amendments, the 19th amendment's expansion of the right to vote for women, the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the 26th amendment's extension of the vote to young people. These actions have marked progress along the path of inclusion. They recognize the great diversity that is the strength of our Nation.

Judge Sotomayor's journey to this nomination is truly an American story. She was raised by a working mother in the Bronx after her father died when she was a child. She rose to win top honors as part of one of the first classes of women to graduate from Princeton. She excelled at Yale law school. She was one of the few women in the Manhattan District Attorney's Office in the mid-1970s. She became a Federal trial judge and then the first Latina judge on a Federal appeals court when she was confirmed to the second circuit over a decade ago.

I might note on a personal basis, I am a member of the bar of the second circuit, as well as the Federal District Court of Vermont. That is the circuit I belong to as a member of the Vermont bar. I know how excited we were in the second circuit when she became a judge.

She is now poised to become the first Latina Justice and actually only the third woman to serve on the U.S. Supreme Court. She has broken barriers along the way. She has become a role model to many. Her life journey is a reminder to all of the continuing vitality of the American dream.

Judge Sotomayor's selection for the Supreme Court also represents another step toward the establishment of justice. I have spoken over the last several years about urging Presidents—I have done this with Presidents of both political parties—to nominate somebody from outside the judicial monastery to the Supreme Court. I believe that experience, perspective, an understanding of how the world works and how people live—how real people live and the effect decisions will have on the lives of people—these have to be very important qualifications.

One need look no further than the Lilly Ledbetter and the Diana Levine cases to understand the impact each Supreme Court appointment has on the lives and freedoms of countless Americans.

In the Ledbetter case, five Justices on the Supreme Court struck a severe