

for all, knowing full well this was ill-conceived and ultimately would be a failed program.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. MORAN. I ask unanimous consent to address the Senate for up to 10 minutes.

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

#### GIPSA

Mr. MORAN. I am here today, as we debate H.R. 2112, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, to address a particular provision that, in my view, needs to be addressed. I also hope to have the opportunity later today to offer an amendment regarding the Watershed Rehabilitation Program and to allocate some additional funds for that program, and I hope to have the chance to speak during the debate on this bill on the proposed school lunch regulations the Senator from Maine has so appropriately addressed previously.

At this time, I would like to turn my attention to a problem with the pending legislation; that is, its failure to address the proposed rule titled "Implementation of Regulations Required Under Title XI of the Food, Conservation, and Energy Act of 2008; Conduct in Violation of the Act," commonly known as the GIPSA rule. This proposed rule has the potential to adversely affect livestock producers in my State and around the country, as well as consumers of meat products.

The House included a funding limitation on implementation of this rule in its appropriations bill. That is not included in the Senate version of the bill. I am a member of the agricultural appropriations subcommittee and believe that, in this case, the House is correct.

Initially, this rule that the Department of Agriculture is proposing grew out of the 2008 farm bill. As a Member of the House of Representatives back then, I was a member of the conference committee that developed that farm bill. It directed the Department of Agriculture to issue regulations in five very discrete areas.

In June 2010, the Department of Agriculture responded with the issuance of its proposed GIPSA regulations that clearly went way beyond the mandate of that 2008 farm bill and way beyond the Department of Agriculture's authority under the Packers and Stockyards Act. The GIPSA rule as written is exactly the type of burdensome regulation that was the focus of our President's January 18 Executive order.

In addition to the Executive order, the President promised to have a very transparent and open administration in regard to the development of rules. Unfortunately, the process surrounding the GIPSA rule has been far from transparent. This rule was proposed

with zero economic analysis from the Department despite the major impacts it could have on the agricultural economy.

For months, USDA denied that this would be an economically significant rule, until multiple private sector studies and overwhelming comments from agricultural producers and others, such as those in my home State of Kansas, finally convinced the USDA this rule would indeed have a significant economic impact. Private analysis at that time indicated that these GIPSA regulations, if finalized as proposed, would cost the U.S. meat and poultry industry nearly \$1 billion.

Under this pressure, the Department of Agriculture is now conducting an economic analysis. While I certainly welcome that economic analysis, I am very concerned about whether this analysis will be made public before a final rule is announced and whether the public will be able to analyze and comment on the data and methodology used by USDA to complete the study.

In fact, I asked the Secretary of Agriculture, during an agriculture appropriations subcommittee hearing, if he would release that economic analysis before the comment period concluded or open a comment period after the analysis is complete so people can make comments based upon what the economic analysis demonstrates. Certainly, in my view, the Secretary failed on a number of occasions to answer my question and give me that commitment that the process would be open and transparent and that a comment period would occur.

I sincerely believe it is incumbent upon this Congress to exercise its oversight discretion and direct the necessary transparency and thoughtful analysis that USDA to date has not publicly provided. We need time to study and comment on the methodology, and we need to make sure we get these rules right if they are going to be implemented. It would be irresponsible to not adjust the rules to mitigate a negative economic impact determined by the Department's own economic analysis.

As I mentioned, the House included a provision barring funding for the current proposed GIPSA regulations, and USDA should be delayed from going forward until it can limit itself to the five areas set forth in the farm bill—its congressional authority—and until public comments can occur regarding that economic analysis. We ought not have a final rule without the benefit of the economic analysis. The Department of Agriculture should not just be going through the motions because there was insistence that an economic analysis occur. We need to be able to mitigate any negative impacts that we learn from that economic analysis.

Madam President, I appreciate the opportunity at this point in the day to address an issue that is appropriate as we discuss the agricultural appropriations bill throughout today. I look forward

to being back on the floor later today to offer an amendment to that bill regarding watershed rehabilitation and also at that time to speak in regard to what I view as some crazy ideas that are proposed School Lunch Program regulations.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

#### ANTHRAX ATTACKS

Mr. CARDIN. Madam President, I rise to remember the 10th anniversary of the anthrax attacks on our country.

During the weeks following the terrorist attacks of September 11, 2011, our Nation was exposed to chemical warfare for the first time.

Two anthrax attacks were delivered through our country's postal system. The first set of letters was mailed to media outlets, including ABC, CBS, NBC, the National Enquirer, and the New York Post in September.

Three weeks later, two other anthrax letters were mailed to U.S. Senators—Senator Daschle and Senator PATRICK LEAHY. The letter to Senator LEAHY never made it to Capitol Hill. The envelope addressed to Senator Daschle, however, was opened on October 15 in the Hart Senate Office Building in the mailroom of the office I use today. Emergency responders rushed to join Capitol Police to evaluate the situation and determine the extent of contamination.

It was 10 years ago this week on October 17, 2001, the Capitol was evacuated. At that time I was a Member of the House of Representatives. I remember the fear and trepidation all Americans felt in the days and weeks following September 11.

I take this time to honor the courage of our Nation's Federal employees. Two made the ultimate sacrifice, dying from the exposure of the deadly anthrax toxin at the postal facility that handled all the mail that came to the Senate and House offices. U.S. postal workers Thomas L. Morris, Jr. and Joseph P. Curseen, Jr. gave the ultimate sacrifice after being exposed to the infected Senate mail while they worked in the Brentwood post office facility here in Washington, DC.

Mr. Morris and Mr. Curseen were Maryland residents. Like so many other Federal employees, they went to work every day, serving the American people and trying to earn a living for themselves and their families. Less than a week after being exposed to the deadly anthrax at the mail facility, both men died of their exposures.

The Brentwood postal facility, which was shuttered for months while the building was disinfected, now proudly bears their names, honoring two Federal employees who died doing their jobs.

Literally thousands of other Federal employees bravely went back to work, making sure our government continued to function in the most uncertain of times. While most Federal workers

crammed together in small makeshift office space, other brave Federal employees put themselves in harm's way trying to contain the spread of the weaponized spores and to clean up the deadly bacteria.

It has been fashionable of late to criticize the Environmental Protection Agency, but I remind everyone that members of the EPA's region 3 led the emergency response efforts following the anthrax attacks. They were joined by a small army of other EPA emergency responders from around the country who responded to the call for extra personnel to manage the massive decontamination efforts.

The EPA's headquarter staffers were fully engaged as well. The EPA national pesticide program worked quickly to develop new methods necessary to wipe out the anthrax. Scientists worked primarily out of EPA's pesticide lab, which is located 20 miles away in Fort Meade, MD.

It was not just EPA employees who answered the call to duty. Capitol police were the first ones to respond, and they continued to provide protection to legislative branch employees as well as the emergency responders and the public.

The Department of Defense lent its expertise. As the cleanup progressed, thousands of tests were taken and then sent to Fort Detrick in Maryland where chemical weapons specialists analyzed samples and reported results to the emergency command center. Defense Department personnel were also engaged in the decontamination efforts, working side by side with EPA emergency responders.

The photos I brought to the floor today show some of the emergency responders wearing specialized protective gear, working on the decontamination of Senator Daschle's office. Each desk, chair, filing cabinet, and piece of paper in the office was removed. The last item to be removed from room 509 at the Hart Building was an American flag that hung in Senator Daschle's front office. Emergency responders are seen here folding the flag that was placed in a special sealed bag and sent off to be decontaminated. Countless employees at the Sergeant at Arms, the Architect of the Capitol, and Senate and House staffers continued the business of running our government and the legislature. It was critical that Congress continue to function, demonstrating to the Nation and the world that terrorist attacks could not cripple the institution of democracy.

Other Federal employees put themselves in harm's way during and after the anthrax attacks. These Federal employees worked hard to do what many thought impossible, putting public buildings back into use after a chemical attack. At great risk to themselves, they bravely met the challenges to ensure our government continued to function.

Today I honor the memory of Thomas L. Morris, Jr. and Joseph P.

Curseen, Jr. who gave their lives while engaged in public service. Today I salute those Federal employees who risked their own lives so that the legislative branch of the greatest government on Earth could continue, and those who continued to work every day in the face of grave danger and uncertainty. Today I simply want to give a heartfelt thank you to all of America's Federal employees. You recognize that public service is an honorable calling and you work every day to keep this Nation the great Nation it is.

With that, let me once again thank our Federal workforce and what they do for our country.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Madam 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.

#### SKI AREA RECREATIONAL OPPORTUNITY ENHANCEMENT ACT

Mr. UDALL of Colorado. Madam President, I have come to the floor this morning to talk about the most important issue facing our country and our people; that is, jobs and job creation. In a bit of good news last night, overcoming 18 months of obstacles in the Senate, the Senate passed my Ski Area Recreational Opportunity Enhancement Act that will help expand economic opportunities in many of our mountain resort towns in Colorado. It will also help create jobs throughout the rest of the country in States such as the Presiding Officer's, New York, which has a robust ski industry, as our State does.

I wish to acknowledge Senators BARASSO of Wyoming and RISCH of Idaho. They have been tremendous partners in this effort, both in this Congress and in the last one. I thank them upfront for their leadership in pushing for passage of this important piece of bipartisan legislation.

Even though our economy is showing some signs of recovery, there is still a long way to go. This is especially true in rural communities that are dotted all over my State of Colorado. I know this question of job creation is on the forefront of the minds of all my colleagues. It is on the minds of Coloradans wherever I am in the Centennial State. So the action we took last night not only represents a major step forward in our efforts to create jobs, it is a reminder to the American people that we can work together on common-sense, job-creating legislation.

Let me speak a little bit about the bill we passed last night. It is narrowly tailored, it is pragmatic, it is bipartisan, it doesn't cost one dime to the American taxpayers, and it reduces

government regulation while allowing businesses to create more jobs. That is the direction we need to head. It gives greater flexibility to businesses to productively use public lands. It facilitates outdoor recreation, and it endorses responsible use of our natural resources.

Often, ski areas are located on National Forest lands through the use of permits issued by the Federal Government that spell out what activities are allowed. But under the existing law—although we are going to change the law given what we did last night—the National Forest Service limits ski area permits primarily to “Nordic and Alpine skiing.” This is the phrase used in Federal regulation. But the classification I mentioned doesn't reflect the full spectrum of snow sports or the use of ski areas for nonwinter activities. For example, the word “snowboarding” is not used in the law, even though we know snowboarding now exists in every single ski area across the country. So the problem with that regulation is it has created uncertainty for both the foresters and the skiers as to whether now other activities, particularly those in the summer, can occur in permitted areas. In effect, ski areas on National Forest lands are restricted to winter recreation as opposed to year-round recreation. One only has to imagine what will happen when we open ski areas to year-round recreation. We will create opportunities for businesses to expand and openings for new businesses to explore previously restricted ventures. Colorado ski resorts have told me they will be able to create more jobs this year when they are given more flexibility, and Colorado's ski towns have said the same to me, so it is just plain common sense.

The Ski Area Recreational Opportunity Enhancement Act clarifies how ski area permits can be used. It ensures that ski area permits can be used for additional snow sports such as snowboarding, as well as specifically authorizing the Forest Service to allow additional recreational opportunities, such as summertime activities, in these permitted areas.

Let me note that the authority—this expanded authority—is limited. It doesn't give ski areas carte blanche use of public lands. The primary activity in the permit area must remain skiing or other snow sports.

We want to preserve the unique characteristics of our world-renowned mountain communities. Therefore, certain types of development—water parks, amusement parks, and other activities that require new and intrusive structures—are prohibited. Rather, we envision opening opportunities for zip lines, mountain bike terrain parks, Frisbee golf courses, ropes courses and activities that are similar. As I mentioned, not only will they increase economic activity and create new jobs, the ski areas tell me it will actually help them recruit more Americans for jobs that currently go to foreign visa holders.