



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, THURSDAY, JUNE 7, 2012

No. 85

Senate

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

PRAYER

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

Let us pray.

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

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

We pray in Your faithful Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter.

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

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator

from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

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

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

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

The bill clerk read as follows:

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

SCHEDULE

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

The ACTING PRESIDENT pro tempore. The Senator is correct.

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

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

Mr. President, here we are again on these endless, wasted weeks because the Republicans are preventing us from going to legislation. We should have been legislating on this bill. This is a bipartisan bill. It is managed by two very good Senators. One is a Democrat,

DEBBIE STABENOW, chairman of that committee, and PAT ROBERTS from Kansas, who in the past has been chairman of the committee and is ranking member of the committee today. They have come up with a very good bill. It saves the country \$23 billion. It gets rid of a lot of wasted subsidies. It is a fine piece of legislation.

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

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

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

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

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

The bill clerk read as follows:

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

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

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

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



Printed on recycled paper.

S3803

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

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

RESERVATION OF LEADER TIME

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

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

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

STUDENT LOANS

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

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

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

Mr. President, I would suggest you open your mail. Just open your mail, and you will find a letter there from the Speaker and from the majority leader in the House and from Senator KYL and myself laying out a way to

pay for the extension of the current tax rates for student loans for another year that you yourself previously recommended. The only people dragging their feet on the issue are over at the White House itself—dragging their feet to fit in yet another college visit.

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

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

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

TAX RATE EXTENSION

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

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

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

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

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

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

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

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

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

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

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

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

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

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

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

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

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

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

We extend rural development with a new priority for those proposing to

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

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

Can the Chair announce the time remaining on both sides?

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

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

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

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

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

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

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

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

Farm policy has many critics, and they perpetuate a myth about the farm

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

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

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

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

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

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

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

natural disasters and unpredictable price fluctuations.

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

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

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

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

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

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

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

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

ensure that we improve these provisions before the final passage of this bill so that we do not find ourselves in that situation again.

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

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

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

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

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

The PRESIDING OFFICER. Eighteen minutes.

Mr. ROBERTS. Eighteen?

The PRESIDING OFFICER. Eighteen.

Mr. ROBERTS. I thank the Presiding Officer.

Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator is recognized.

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

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

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

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

We have had speech after speech after speech after speech—heartfelt speeches—why can't you work together back there in Washington and do what is right for the American people and quit spending money we do not have? We had a supercommittee that worked on this for a considerable amount of time. I do not question anybody's intent who had that tough job. At that time, we offered to the supercommittee a pack-

age that could have been done at that particular time. But we did it—"we" meaning the chairwoman and myself and members of the committee, and staff as well, who worked extremely hard.

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

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

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

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

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

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

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

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

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

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

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

I yield to the Senator from Nebraska.

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

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

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

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

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

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

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

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

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

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

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

To conclude, this is a solid reform-minded start. In my mind, it strikes

the right balance between the need to cut spending while maintaining a strong safety net to ensure a stable supply of food, feed, fuel, and fiber. It is my hope that we will act on this bill soon and that the House will follow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

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

The PRESIDING OFFICER. Only the Republicans have time remaining.

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The Senator from Michigan.

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

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

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

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 415, S. 3240, a bill to reauthorize agricultural programs through 2017, and for other purposes.

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

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

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

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

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

[Rollcall Vote No. 117 Leg.]

YEAS—90

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

NAYS—8

| | | |
|--------|--------|--------------|
| Coburn | Hatch | Johnson (WI) |
| Cornyn | Heller | Lee |
| DeMint | Inhofe | |

NOT VOTING—2

| | |
|------|--------|
| Kirk | Vitter |
|------|--------|

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

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

The Senator from Iowa.

HEALTH CARE RULING

Mr. GRASSLEY. Mr. President, political leaders on the Democratic side of the aisle are now preemptively charging the Supreme Court with judicial activism if that Court would strike down President Obama's health care

law as unconstitutional. I cannot remember when such a significant threat to judicial independence was made in attempting to affect the outcome of a pending case. It is an outrageous attack on the separation of powers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

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

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

Based on the Justices' questions and oral argument, many commentators—myself included—have predicted that the Supreme Court may well choose to invalidate the individual mandate of the Affordable Care Act. Apparently anticipating this possible outcome, some of my colleagues, as well as President Obama, have made statements suggesting that it would some-

how be improper for the Supreme Court to invalidate the Affordable Care Act. They have asserted that striking down an act of Congress such as this one would somehow amount to judicial activism and that that would otherwise be wildly inappropriate. They have criticized some of the questions asked by individual Justices, and they have even gone so far as to suggest that those Justices who might vote to invalidate the Affordable Care Act would do so for reasons representing bias or partisan political motivations. This reminds me of the old saying that you can often tell in a particular game which team is losing by which side happens to be yelling at the referee.

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

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

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

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

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

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

In a recent appearance before the Judiciary Committee, Justice Breyer explained, "We are the boundary patrol." The Constitution sets boundaries, of course. That is what is at issue here. This foundational principle applies to

popular laws just as much as it applies to unpopular laws.

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

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

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

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

The PRESIDING OFFICER. The Senator from Arizona is recognized.

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

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

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

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

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

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

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

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

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

We all know that in 1803, in the *Marbury v. Madison* case, the U.S. Supreme Court established the review of congressional action under article III of the Constitution. Since then, courts have overturned hundreds of laws. It would hardly be, therefore, unprecedented or extraordinary for the Court to overturn a congressional enactment as the President has said. As the Supreme Court noted in that case, courts determining whether acts of the legislative branch are consistent with the Constitution is "of the very essence of judicial duty." The Court further noted

that "the Constitution is superior to any ordinary act of the legislature." If the two conflict, "the Constitution and not such ordinary act must govern the case to which they both apply."

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

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

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

The PRESIDING OFFICER. The Senator from Texas is recognized.

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

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

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

If it is Congress's responsibility to write the policies and to write legisla-

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

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

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

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

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

HEALTH CARE REFORM

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

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

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

Some argue of course not; they do not. Yet the reality is that if we do not have some sort of individual responsibility, the people without health insurance will get sick, present themselves at the hospital, be taken care of, and their expenses will be shifted to all the rest of us, to everyone else. So to argue that people have no responsibility to have health insurance is an argument

against individual responsibility and an argument that others should have to pay for the medical bills of those who have no insurance. That, to me, is unfair as well.

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

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

The PRESIDING OFFICER. The Senator from Alabama is recognized.

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

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

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

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

Polling data shows that the American people overwhelmingly think the law is an impermissible, unconstitu-

tional regulation, so it is difficult for me to say this is such a matter that the Supreme Court has to acknowledge a minority view and approve it even if the Constitution doesn’t agree. I don’t think that is an argument that can be sustained, in my view.

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

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

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

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

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

Is our time up?

The PRESIDING OFFICER. The time has expired.

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

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

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

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

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

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

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

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

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

It is a serious question. The Supreme Court needs to decide it, and they don't

need to have Congress trying to pressure them one way or the other.

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

PRODUCTIVITY OF CONGRESS

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

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

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

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

Senate? Republicans have clogged or blocked everything we have tried to do, even things they have agreed on.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Now, it is also defined as:

To obstruct progress in legislative assembly; to practice obstruction.

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

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

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

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

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

so plainly in another one of those moments of candor. Here is what he said:

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

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

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

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

The PRESIDING OFFICER. The assistant majority leader is recognized.

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

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

Well, we have another walkaway. ERIC CANTOR, the majority leader in the House, has announced we are finished for business this year. There is nothing more we are going to do. We

are going to politic and campaign and posture. To him, I guess, that is an important responsibility. To the rest of America it is an abdication of responsibility—an abdication of responsibility.

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

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

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

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

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

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

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

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

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

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

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

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

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

I might say to Mr. CANTOR from Virginia, take some time during your next recess—which is next week—and go

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

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

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

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

I yield the floor.

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

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

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

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

ERIC CANTOR, who controls the floor schedule in the House, has decided to

forgo legislating in favor of politicking full time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

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

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

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

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

But as Leader REID and my other colleagues have made clear: It is tough to

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The majority leader.

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

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

ORDER OF PROCEDURE

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

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

The PRESIDING OFFICER. The Senator from Oregon.

LEGISLATING

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

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

I spent much of last week in rural Oregon. In my State, Oregonians do a lot of things well, but what we do best is grow things—lots of things. Oregon grows more than 250 different crops, in-

cluding everything from alfalfa seed to mint and blueberries. Several weeks ago, the Oregon Extension Service reported that agricultural sales in my home State increased more than 19 percent in 2011.

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

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

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

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

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

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

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

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

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

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

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

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

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

I wish to outline some specific ideas for changing that and to promote good health in our country without adding extra costs to taxpayers. One opportunity for change is through the Farm to School Program. Again, without costing taxpayers additional money, it ought to be easier for delicious pears,

cherries, and other healthy produce, grown just a few miles down the road, to make it into our schools. This ought to be a national approach. Schools from Springfield, OR, to Savannah, GA, currently purchase their fruits and vegetables from USDA—the Department of Agriculture—warehouses, which may be hundreds of miles away. Many of our farmers and our producers would like to sell their goods to local schools, and many schools would like to source their produce locally. The farm bill ought to promote that.

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

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

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

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

A third opportunity for improvement is through what is known as gleaning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I intend to work with my colleagues on a bipartisan basis. I have heard all this talk about how the legislating is

over. We ought to build on the work that has been done already and get this important bill across the finish line because it will be good for our economy, for our national security, and it will be good for our health and for our environment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

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

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

TRIBUTE TO FALLEN HEROES

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

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

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

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

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

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

Cale was raised in Olathe and was a 2007 graduate of Olathe Northwest High School, where he was a member of the football and track teams and played

trumpet in the marching and jazz bands. Three years after graduation, Cale joined the Army and was assigned to Ft. Lewis in Washington State.

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

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

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

SYRIA

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

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

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

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

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

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

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

This is a case of history repeating itself as farce. Trying to enlist Russia

in a policy of regime change in Syria is exactly what the administration spent months doing earlier this year, and that approach was decisively rejected by Russia when it vetoed a toothless sanctions resolution in the U.N. Security Council in February.

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

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

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

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

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

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

I pray that President Obama will finally realize what President Clinton came to understand during the Balkan wars. President Clinton, who took military action to stop ethnic cleansing in Bosnia and did so in Kosovo without

the U.N. Security Council mandate, ultimately understood that when regimes are willing to commit any atrocity to stay in power, diplomacy cannot succeed until the military balance of power changes on the ground.

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

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

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

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

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

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

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

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

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

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

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

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

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

Six hours after tanks and militiamen pulled out of Mazraat al-Qubeir, a Syrian farmer said he returned to find only charred bodies among the smoldering homes of his once-tranquil hamlet.

"There was smoke rising from the buildings and a horrible smell of human flesh burning" said a man who told how he watched Syrian troops and "shabbiha" gunmen attack his village as he hid in his family olive grove.

"It was like a ghost town" he told Reuters, . . ."

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

I hope the latest events move our government to go beyond words to ac-

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

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

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

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

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

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

Finally, I would say to my friend we keep hearing over and over again that extremists will come in; Al Qaida will come in. We heard that in Tunisia, we

heard that in Libya, we are hearing that in Egypt, and we are hearing that again—neglecting the fact that al Qaida and extremists are the exact antithesis of who these people are. These people believe in peaceful demonstrations to bring about change—they have been repressed through brutality—whereas al Qaida, as we know, believes in acts of terror.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I ask unanimous consent to have printed in the RECORD a series of questions that opponents of our involve-

ment raised, and the answers I would offer to those questions arguing for our involvement with a coalition of the willing.

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

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

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

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

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

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

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

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

It is true that there are differences between Syria and Libya. Syria's air defenses are far more sophisticated. The population of Syria is larger and more diverse than the population of Libya. And the opposition in Syria does not have a safe zone—although it is worth remembering that the only reason the opposition in Libya had a safe zone was because of our intervention. Had we not stepped in when we did, Qaddafi's forces would have overrun Benghazi and slaughtered the people there—just as Bashar al

Assad did after the opposition briefly took over Homs and Hama and other cities in Syria. Likewise, if we were to intervene as we did in Libya, we could create a safe zone for the Syrian opposition to organize.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, it is time to stop waiting for Putin. The Russians are not going to abandon Assad—especially as long as he seems to be winning on the battlefield. If

there is any chance to get Moscow on board, it will only happen when the Russians realize that Assad is going to lose—and that it is therefore in their interest to work with us to hasten his departure in exchange for protecting their interests in post-Assad Syria.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The assistant bill clerk proceeded to call the roll.

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

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

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

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

GASPEE DAY

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

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

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

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

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

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

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

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

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

That night, the men, led by Captain Lindsey and Abraham Whipple, embarked in eight longboats quietly down Narragansett Bay. They encircled the *Gaspée* and called on Lieutenant Dudingston to surrender his ship. Dudingston refused and ordered his men to fire upon any who tried to

board. Refusing to yield to Dudingston's threats, the Rhode Islanders forced their way onto the *Gaspée*'s deck, wounding Dudingston with a musket ball in the midst of the struggle. Right there in the waters of Warwick, RI, the very first blood in the conflict that was to become the American Revolution was drawn.

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

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

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

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

I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Indiana.

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

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

JOBS

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

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

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

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

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

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

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

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

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

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

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

are imposed by legislation or regulation, in most cases, that comes out of Washington.

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

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

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

That being said, it is my hope that at the end of the day, I will be able to support this bill as we complete the legis-

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

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

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

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

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

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

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

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

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

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

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

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

Members have come to the floor championing the commodity and crop

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

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

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

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

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

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

We find ourselves again reforming the cotton safety net with what is

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

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

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

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

With that, Madam President, I yield the floor.

THE PRESIDING OFFICER. The Senator from South Dakota.

MAJORITY CONTROL OF SENATE AGENDA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As I said before, they had a period here for a few years where they had the complete run of the place. They had a 60-vote, filibuster-proof majority in the Senate, a majority in the House of Representatives, and the Presidency, ena-

bling you to do literally anything you wanted to do. They still have the majority in the U.S. Senate, the ability to control the agenda and to determine what does and does not come to the floor, what amendments are allowed, and the use of the filling of the tree in an unprecedented way. It is pretty clear to me that to suggest for a moment it is Republicans who are attempting to slow things down around here or keep the majority from working its will is completely contrary to the facts and the reality, as I think most Senators—all Senators, I think—know.

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

We would love to have that opportunity.

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

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

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

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

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

It goes on.

Senate floor action will be planned less to make law—

We have 8.2 percent unemployment, and this party admits—the leader admits in this piece the Senate action will be planned less to make law—than to buttress Obama’s charge that Republicans are obstructing measures. . . .

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

It goes on to say:

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

THE HIGHWAY BILL

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

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

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

I have been very disturbed by recent news that the House is less interested

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

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

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

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

There are other aspects to the farm bill that are very important as well. For example, we have a tremendous number of jobs in farming and ranching across this country—every State in

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

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

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

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

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

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

Looking at the chart, if you think of the total Federal budget as this corn-

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

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

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

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

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

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

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

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

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

sure or cover their farming operation at a higher level, but still at an affordable price.

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

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

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

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

One other point I want to make in wrapping up is that this bill also continues strong support for agricultural research. Agricultural research is making a tremendous difference for our farmers in terms of what they are doing to increase productivity. Obvi-

ously, we all know technology has done amazing things to help productivity. But at the same time, agricultural research has made an incredible difference in not only food production—productivity when it comes to food production—but energy production as well.

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HEALTH CARE COST REDUCTION ACT OF 2012

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

Farmers tend to be people who relish the independence that comes with their

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

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

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

And he says: Oh, does it?

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

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

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

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

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

Another example is when soybeans were being exported and they got up to \$13 a bushel in 1973 or 1974—let's see. I am just trying to think. It was either when Nixon or Ford was President. At the time, one of them decided it was

going to drive up the price of food in America, so they forbid the export of soybean. Soybean prices fell from \$13 down to \$3.

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

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

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

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

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

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

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

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

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

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

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

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

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

We want to be able—we have to pass this on to the young farmers. Many farmers understand that in order for us to have a farm program that is defensible and justifiable, it needs to be a program designed to help these small-

and medium-sized farmers who actually need the assistance to get through rough patches out of their control.

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

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

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

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

Let me make it perfectly clear. The reforms contained in this bill will not

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

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

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

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

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

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

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

The assistant bill clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

And, third, the way the system is arranged with States administering the program but the Federal Government providing all of the money, all of it, they do not have—States do not match food stamps. States have an incentive, do you not see, to see their food stamp

budget grow, not shrink, because it is more Federal money coming into the State which they pay no part of.

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

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

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

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

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

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

An individual on food stamps may receive as much as \$25,000 in various forms of financial assistance for their household from the Federal Government—as much as \$25,000—in addition to whatever salary they may earn in part- or full-time work, or any support they may receive from their families or

communities. In other words, this is not normally the only source of income for the person.

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

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

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

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

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

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

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

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

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

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

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

off of it. If we don't, we can have another financial catastrophe, like in 2007, and like they are having in Europe today. That is very possible. So we have to reduce our deficit and our abusive spending.

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

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

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

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

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

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

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

We need to strike the right balance. We can help those people in need and create a government and a social assistance program in America that ben-

efits the people we seek to benefit and benefits the State treasuries at the same time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

STUDENT LOANS

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

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

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

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

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

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

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

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

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

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

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

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

will place on them as they go forward is heartbreaking.

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

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

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

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

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

The clerk will report the nomination.

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

CLOTURE MOTION

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

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

CLOTURE MOTION

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

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

Mr. REID. I ask unanimous consent that the mandatory quorum under rule

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

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

LEGISLATIVE SESSION

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

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

MORNING BUSINESS

Mr. REID. I ask unanimous consent that we proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

TRIBUTE TO WARREN B. LEWIS III

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

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

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