those who suffer from it, and deterring those who would commit it, and having partnerships among State, local, and Federal authorities. Those partnerships must seek out and encourage greater reporting so that efforts can be taken to stop and deter it.

I will continue this battle. I thank my colleagues for joining me and for agreeing to this resolution and for demonstrating that we care. We care as a body and as an institution. It is not a Republican or Democratic issue. It is truly bipartisan because this generation has worked hard, accumulated savings, counted on security, and is depending on us, trusting us for their safety. We know the number in this age group will only grow—in fact, double—within the next years. That is why we must address it. I thank, again, my colleagues for doing so.

Mr. President, I yield the floor.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

NOMINATION OF MARI CARMEN APONTE TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session.

The motion to proceed to the motion to reconsider the vote by which cloture was not invoked on Executive Calendar No. 501 is agreed to, the motion to reconsider is agreed to, and there will now be 30 minutes of debate equally divided in the usual form.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I have come to the floor to address and advocate for the nomination of an extraordinary woman, a qualified, talented Latina, Mari Carmen Aponte, to be the U.S. Ambassador to El Salvador.

Over 2 years ago I first chaired the nomination hearing for Ambassador Aponte to serve as President Obama's Ambassador to El Salvador, to San Salvador. The reality is that as a member of the Senate Foreign Relations Committee, I found her to be an exceptional candidate. Last November I chaired yet another hearing for Ambassador Aponte, and then last December this Chamber met to vote on her confirmation. In addition to last year's vote, the Foreign Relations Committee has held a series of meetings to consider her nomination. Frankly, I have not seen any nominee forced to go through such an arduous and drawn-out confirmation process as Ms. Aponte.

Let me talk about her record. Mari Carmen Aponte is a respected American diplomat who has been on the job and has served this Nation with distinction. During the 15 months Ambassador Aponte was sworn in as the U.S. Ambassador to El Salvador, she impressed the diplomatic establishment with her professionalism and won the respect of parties both on the right and the left in El Salvador. She has won the respect of civilian and military forces. She has won the respect of the public and private sectors. She has won everyone's support and fostered a strong U.S.-Salvadorian bilateral relationship that culminated with President Obama announcing El Salvador as one of only four countries in the world and the only country in Latin America chosen to participate in the Partnership for Growth Initiative.

Most importantly, Ambassador Aponte has been an advocate for American national security and democratic values. As a result of her advocacy, El Salvador is again a key ally in Central America. Its troops were the only ones from a Latin American country fighting aside American troops in both Iraq and Afghanistan.

As a result of her negotiating skills, the United States and El Salvador will open a new jointly funded electronic monitoring center that will be an invaluable tool in fighting transnational crime.

Before that period of time in which she had a recess appointment, Ambassador Aponte had been the Executive Director of the Puerto Rican Federal Affairs Administration. In 2001 she had served as a director at the National Council of La Raza, the Puerto Rican Legal Defense and Education Fund. She presided over the Hispanic Bar Association of the District of Columbia and the Hispanic National Bar Association.

This is a record of success. It is a record of honor. It is a record of diplomatic and political distinction. It is a record of a dedicated, qualified, experienced, and engaged American diplomat, a 15-month record that brought our nations together. What more could we ask? What more should we ask?

Finally, I will simply say that I believe the statements that have been used by some against Ambassador Aponte are baseless. As someone who personally reviewed her record, as someone who personally looked at all of the files, I believe there is absolutely nothing to prevent Ambassador Aponte from being confirmed by the Senate. It is my hope, with having had the whole history of her tremendous service and all of the issues vetted, that today the Senate will take a vote that will confirm an incredibly qualified person who has a long history of tremendous service to the Hispanic community in this country, to our Nation, and who did an exceptional job in the 15 months she was appointed by President Obama during a recess appointment as the Ambassador to El Salvador. She served the national interests and security of the United States very well.

We have had an incredible period of time in which we have had no Ambassador confirmed there. That sends the wrong message to a country that is willing to embrace its relationship with the United States in Central America, in the midst of other countries that are not as friendly to the United States. We need to confirm an Ambassador, send her there, and have her continue the work she was doing.

I ask unanimous consent that any time in which there is a quorum call be equally divided against both sides.

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

Mr. KERRY. Madam President, I rise to speak about Mari Carmen Aponte, the President's nominee to be Ambassador to El Salvador.

Those of us who have had the privilege of being here for some period of time—Senator INOUYE has been here almost 50 years; I have been here for 27; Senators LEAHY, LUGAR, BAUCUS, and others have also served for a significant period of time. Brief as my stay has been, never have I seen this institution behaving as it does today.

Certainly, ideology isn't new to the American political arena and ideology isn't unhealthy. But in a Senate where the extraordinary measure of a filibuster has become an ordinary expedient, where Senate procedure is used as a political tool to undermine almost every proposal by the President and his Democratic colleagues, I think we all need to take a long, hard look at our priorities.

One priority that is staring us in the face is to work for the swift confirmation of Ms. Aponte. El Salvador has been without a U.S. Ambassador for 5 months. And I would ask colleagues how does this serve our national security or economic interests? El Salvador is the only Latin American country to send troops to Afghanistan. It is an increasingly important partner on counternarcotics and trade. Right now, more than 300 U.S. companies are operating on its soil. Bottom line: We are long overdue in bringing Ms. Aponte's nomination to a vote on the floor.

I have said before—and I repeat today—that the Senate should not hold Ms. Aponte hostage to the partisan infighting that has consumed our politics. It should allow her the right to a full appointment as Ambassador, given the commendable job she has already done in that capacity.

Let's review the facts because I think there has been some confusion here. Ms. Aponte has already received three high-level security clearances from national security experts in our government. Let me repeat. After three separate and thorough reviews, our national security experts gave Ms. Aponte the green light to represent our country.

We have been down this road many times. Senators have reviewed Ms. Aponte's FBI file for themselves. Along with the administration, I have sought repeatedly and in good faith to address the concerns of some of my colleagues. The administration even offered high-level briefings, but their offers were turned down. To continue addressing patently partisan concerns about her personal background, in my judgment, would be counterproductive.

So let's talk about her accomplishments. Ms. Aponte will bring intelligence, diligence, and broad experience to this important responsibility. Prior to serving as Ambassador, she was a practicing attorney for over 30 years. She has been a proud champion of Hispanics in the United States and is a highly respected leader within the Puerto Rican community on the mainland.

Ms. Aponte served a recess appointment as Ambassador to El Salvador until the end of the last congressional session. During her approximately 16-month tenure, Ms. Aponte served our country with distinction. She did a tremendous job negotiating an agreement with the Salvadoran Government to open a new bilateral initiative to fight transnational crime. She aggressively promoted initiatives to remove constraints on economic growth in El Salvador and brought together the U.S. and Salvadoran Governments to sign a comprehensive Partnership for Growth Joint Action Plan. These aren't small achievements.

But you don't need to take my word for it. Just ask the eight former Foreign Ministers from El Salvador who wrote to the Foreign Relations Committee in support of her nomination. Their position on Ms. Aponte is crystal clear:

> Her endeavors are very valued in all segments of political, social and economic centers. There is no doubt that Ambassador Aponte will continue to find areas of common interest to build consensus not only between the United States and El Salvador, but will also continue to collaborate towards the strengthening of our institutions and will support the ongoing development process of our country.

I couldn't agree more.

Mr. President: Thomas Jefferson used to say that he could ''never fear that things will go far wrong where common sense has fair play.'' Ms. Aponte has already demonstrated that she was a superb Ambassador to El Salvador. She deserves to be sent back, where she will represent our country with distinction. All we need to do now is allow our narrow interests to yield to the national interest and give common sense fair play.

I ask unanimous consent to have the letter to which I referred be printed in the RECORD.

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

SAN SALVADOR,
November 11, 2011.

Hon. RICHARD LUGAR,
U.S. Senator, Senate Foreign Relations Committee, Washington, DC.
Hon. JOHN KERRY,
U.S. Senator, Senate Foreign Relations Committee, Washington, DC.

DEAR SENATORS: The undersigned are all former Ministers of Foreign Relations of the Republic of El Salvador, covering various Administrations lead by different political parties until 2009. We write this letter in support of the confirmation of Mari Carmen Aponte as United States Ambassador to El Salvador.

As experienced diplomats, we have closely watched Ambassador Aponte's work since her arrival. She came to El Salvador at a critical, delicate and politically complicated time. With the first FMLN government in power after the armed conflict, there was uncertainty as to which direction the country would take. Ambassador Aponte immediately commenced an even-handed and balanced approach, reaching out to all sides of the political spectrum. Systematically, she gained key players trust and since then, has consistently brought the government, private sector and civil society to the table on a myriad of issues, and has worked to cement a stronger democracy built on free market. El Salvador has experienced a very successful political transition and her impartial efforts have contributed to this goal.

With very minor exceptions, one can hear in our capital in private conversations as well as read in opinion and press articles the deep sense of respect and confidence Ambassador Aponte enjoys in our country. Her endeavors are very valued in all segments of political, social and economic centers. There is no doubt that Ambassador Aponte will continue to find areas of common interest to build consensus not only between the United States and El Salvador, but will also continue to collaborate towards the strengthening of our institutions and will support the ongoing development process of our country.

We urge you to confirm her appointment as U.S. Ambassador to El Salvador. We are also grateful if you could share this letter with all the members of the Senate Foreign Relations Committee.

Sincerely,

Marisol Argueta de Barillas; Jose Manuel Pacas Castro; Fidel Chavez Mena; Alfredo Martinez Moreno; Francisco E. Lainez; Oscar Alfredo Santamaria; Maria Eugenia Brizuela de Avila; Ramon Gonzalez Giner.

Mr. REID. Madam President, I am urge that the Senate confirm the nomination of Mari Aponte to be the Ambassador to El Salvador. She has been waiting in the aisle too long, and I hope she will be able to renew her old job.

She was an exemplary nominee of whom the Puerto Rican community, and Hispanics in general, can feel proud. She is an excellent Ambassador.

President Obama recess-appointed her as an Acting Ambassador to El Salvador in 2010, and she has served with distinction. That is why she will be confirmed today.

During her time as Acting Ambassador, Ms. Aponte was an outspoken advocate for American values and democracy and a staunch supporter of the U.S. private enterprise. She persuaded the government of El Salvador to deploy troops to Afghanistan. El Salvador is the first and only Latin American country to send military forces to join our NATO deployment. That says it all.

She reached an agreement with the Salvadoran Government to open a new, jointly-funded electronic monitoring center to fight transnational crime. She has already proved her strengths and qualifications on the job. That is what she has already done.

She has the support of the Congressional Hispanic Caucus and countless local and national Latino organizations around the country. They are very proud of her—as they should be. I am proud of her.

President Obama supported her and, to his credit, the Obama administration did a lot of heavy lifting to get her confirmed.

White House staff worked diligently for the past month to round up every vote possible. Secretary Clinton personally called Senators this week, Democrats and Republicans, to support this Aponte nomination. I commend Senator MENENDEZ for his tireless leadership on this issue. It is high time the United States has a Senate-confirmed Ambassador to El Salvador, our ally.

I also wish to express my appreciation to my Republican colleagues who dropped their unwarranted opposition and will help us confirm this well-qualified nominee. I am sorry for her and the country that El Salvador has been without someone doing advocacy for our country within El Salvador. That will not happen anymore. She will be able to go to work tomorrow.

I yield the floor. 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. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. MENENDEZ. Madam President, I ask unanimous consent to speak in the remaining time before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, we are about to vote—what I hope will be a positive vote—to send a message to the people of El Salvador that we appreciate their positive engagement with the United States, at a time in which many Central and Latin American countries have taken a different view.

This is a country that has been engaged with us on the whole issue of narcotic trafficking and has sent their sons and daughters to fight alongside us, and they have shown a willingness to engage in democracy and the rule of law.

We have an incredibly qualified American of Latina descent, Mari Carmen Aponte. She is someone who has served with distinction for 15 months. I

assume the absence of voices to the contrary in the Chamber up to this time speaks volumes of the process we have had and the opportunity in which we are about to engage.

It is my hope that we will see a strong bipartisan vote on behalf of Ambassador Aponte and send her back to El Salvador to get back to work for the United States and our collective interests.

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

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

All time has expired.

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill 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 nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Harry Reid, John F. Kerry, Barbara Boxer, Patrick J. Leahy, Patty Murray, Richard J. Durbin, Kent Conrad, John D. Rockefeller IV, Jeff Bingaman, Tim Johnson, Robert Menendez, Daniel K. Inouye, Max Baucus, Charles E. Schumer, Mark Udall, Michael F. Bennet, Al Franken.

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

The question is, Upon reconsideration, is it the sense of the Senate that debate on the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary Plenipotentiary of the United States to the Republic of El Salvador shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The yeas and nays resulted—yeas 62, nays 37, as follows:

The result was announced—yeas 62, nays 37, as follows:

[Rollcall Vote No. 121 Ex.]

YEAS—62

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

NAYS—37

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

NOT VOTING—1

Kirk

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 37. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion, upon reconsideration, is agreed to.

The Senator from Oklahoma.

UNANIMOUS CONSENT REQUEST—S. 3268

Mr. INHOFE. Madam President, in a moment I am going to propound a unanimous consent request. Before I do, I would like to say what it is on so people will understand the time and effort that has gone into getting legislation passed. I am referring now to S. 3268.

When John Glenn retired from this body, that left me as kind of the last acting commercial pilot. Consequently, I ended up getting a lot more of the complaints and problems within the FAA and the way accusations are made and enforcement actions are taken. I have gone to bat for a lot of these people when I believed there was really a fairness problem.

It was not until I had an experience, a personal experience, that I realized the depth of the problem. It is very hard for people in this room to understand. If you have been, as I have been, a private pilot, commercial pilot, and flight instructor for 55 years, what it would mean to have that license taken away from you if that were merely at the whim of some enforcement officer in the field. I think all of us know—when I was mayor of Tulsa, now and then we had a few police officers who could not handle the authority. It happens all the time. Certainly we hear about it with enforcement actions brought about by the FAA.

What happened to me, and I will share this with you—I think it is very important—I have probably more hours than most airline pilots have and I was still active in aviation. I was flying down to the southern part of Texas, the furthest south part of Texas, way down by Brownsville, to Cameron County Airport. Papa India Lima is the identifier for it. In this effort, with several passengers with me, I was going by the controllers. This is what you do not have to do but I always do for safety purposes. I went through the Corpus Christi approach control. He handed me off to the Valley approach control. I was going into a field that was uncontrolled, so the only control is the Valley approach control. They are watching on a screen, and they have all the information they need to direct you and authorize you to do things. They are looking for traffic and you are squawking, so they know exactly where you are, how high you are, and all the things that are happening. Again, you don't have to do that. On this day in October, a year ago October, I did not have to do it, but I did it anyway.

As I approached—the wind is always out of the south down there. The runway is 1–3—that coordinates with 130 degrees. When I was on about—I would have to go back and listen again to the voice recorder—about a 2- or 3-mile final to runway 1–3, the controller said: Twin Cessna 115 echo alpha, you are cleared to land runway 1–3.

When you do this, you dirty up your plane so you can land. This happens to be a pretty sophisticated twin-engine plane; you have to let the flaps down and gears down and all that stuff. You get to the point, if you have a full plane, beyond which you cannot go around. When I came in to make a landing, I did not see X on the runway because it was not very prominent, but nevertheless there was one there. But there were some workers on the far east side of the runway. This was a 8,000- or 9,000-foot runway. I only needed 2,000 or 3,000 feet. So I went over the workers and I landed. Immediately they got upset that I landed.

A lot of people, because I am a Member of the U.S. Senate, started calling the New York Times and the Washington Post. They had a wonderful time with this. I started looking at it and talking to the people who do the enforcement action. I have to say they were good, and they were responding to a lot of hysterical people, frankly, who did not like me. So they came with an enforcement action against me which merely was to go around the pattern with a CFI, a flight instructor. So I did this. I am also a flight instructor. I had given him his license, as a matter of fact. I went through this procedure, and everything was fine.

However, the problem was this: I was denied access to the information they were going to use against me. When I told them that I was cleared to land by the controller, it took me, a U.S. Senator, 4 months to get the voice recording to prove I was right.

Second, there is a thing called Notices to Airmen. NOTAMS are supposed to be published every time there is work on a runway. Pilots are supposed to have access to NOTAMS. You look through your resources, as I always do, to see if there are NOTAMS on the runways where I land. When I go back on

weekends, normally I will fly—gosh, I will be at five or six different towns, but I look up the NOTAMS on all the towns. I had done that. There were no NOTAMS on Cameron County Airport. We checked afterward. We could never find any. No one says there were NOTAMS now. So, No. 1, I was clear to land, and No. 2, there were no NOTAMS that were published.

What they could have done—they could have very well done is taken my license away. It doesn't mean much to people who are listening to me right now because you are not pilots, but it means a lot to the 400,000 members of the AOPA who are watching us right now and to the 175,000 general aviation pilots with the EAA, Experimental Aircraft Association, who are watching us right now. They know that they, at the whim of one bureaucrat, could lose their licenses.

Anyway, I came back and drafted legislation. I have to say this was way back a year ago now—July 6 of 2011. I introduced a bill with 25 cosponsors that would do three things:

No. 1, it would let the accused have access to all relevant evidence within 30 days prior to a decision to proceed with an enforcement action.

No. 2, it would allow the accused to have access to the Federal courts. As it is right now, the National Transportation Safety Board—it goes to them, and they rubberstamp whatever the FAA does. In fiscal year 2010, there were 61 appeals, and of those only 5 were reversed. Of the 24 petitions in 2010 seeking review for emergency determinations, only 1 was granted and 23 were denied. It is a rubberstamp. Everybody knows it. Ask any pilot you can find, and they will tell you that is what it is.

This way, they would have access to the Federal courts. It is not going to happen because I can assure you, that inspector in the field, the enforcement officer in the field is not going to put his reputation on the line knowing that someone is going to be looking at it with a sense of fairness. The district court doesn't have to know anything about piloting an airplane, it is just a fairness issue.

In my case, they would have looked at this and said: Wait, you are cleared to land by the FAA, and there are no NOTAMS published. What did you do wrong?

I did nothing wrong.

They would make sure flight station communications are available to all airmen. They are supposed to be. But if it took me 4 months—and I am a U.S. Senator—to get a voice recording to show I was cleared to land at this airport, what about somebody who is not a Senator? What about somebody who would be intimidated to the point he would lose his license?

The second thing this does is it forces the NOTAMS—Notices to Airmen—to be put in a place where they are visible, a central location.

The third thing. If you talk to the aircraft owners and the pilots association, of all the problems that they get called to their attention, 28 percent of all the requests for assistance received by them relate to the medical certification process. In other words, someone might lose his medical and then find he has corrected any kind of physical problem and wants to get it back, and he gets it back. However, if he happens to live in a different town and there are hundreds of doctors around to do this, there is no uniformity to it.

So it sets up a process or helps facilitate setting up a process by having general aviation, having the FAA, having the NTSB, having anyone who is relevant and interested in this to look at and coordinate the medical certification process.

That is essentially it. I am prepared to go into a lot of detail. I know I now have 66 cosponsors in this body. I could have had a lot more; we quit after we got two-thirds. I think everyone knows that is normally what you do. I do know we may have one objection to this unanimous consent request, but I am going to make it now.

As in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 422, S. 3268, that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, reserving the right to object, first of all, I know this bill is very important to the Senator who is offering it. I understand that, and I respect the Senator. He is a good Senator. But my objection is not based so much on what he said, it is based on the whole concept of public safety.

This is about public safety. We should not have to worry that potentially unqualified pilots are in the air. We have so many tens of thousands of airplanes in the air every hour of every day. This bill would create a process which would be new which could result in the Federal Government being unable to pursue enforcement action because of the limited resources. It is a fact of life these days. FAA has to cut way back. We are having to address other mandated priorities which are perhaps more important than this one. That could very well mean that the FAA and the NTSB, the National Transportation Safety Board, which are ultimately responsible for making decisions about whether pilots have violated aviation regulations, could be barred from taking actions to prevent unsafe pilots from continuing to fly. That is heavy water. That could have serious safety consequences.

According to the FAA, in some cases which would typically warrant revocation of a pilot's license, some unqualified pilots would be able to avoid losing their certificates by avoiding FAA prosecution of the matter before the NTSB.

This bill, in closing, would stand the FAA's enforcement structure on its head. As a result, I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

Mr. INHOFE. Let me respond. This in no way has anything to do with safety because we are talking—the first arbitrator is the FAA. That is not what this is about at all. When we have had a chance to talk, as we have to almost all the Senators in this body, we have talked about safety. We bounced that off many people. We had a hearing at Oshkosh about safety. I had the air traffic controllers support me on this. They are the ones concerned with safety.

I would say I don't agree with the argument, but I respect the Senator from West Virginia.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Texas.

Mrs. HUTCHISON. Madam President, I too object, along with Senator ROCKEFELLER. I have been on the National Transportation Safety Board, and I know well the kinds of cases that are pilots' license revocations and the NTSB process for appeals of those. I understand Senator INHOFE's explanation for what happened with him and that he is in somewhat of a disagreement with some of the reporting of that incident.

I also understand the Senator from Oklahoma's long-time record of being a pilot, and I respect that very much, but I am afraid that what he is not taking into consideration is most certainly a safety issue.

We have tasked the FAA with air safety, and we have given them the responsibility for revoking pilots' licenses when there is a need to do that in their opinion, whether it be for a violation of landing on a runway that has an X, which pilots know means that runway cannot be used at that time.

As happened with Senator INHOFE's case, he is saying that he had a clearance, but the X was there and the FAA cited him for that. They did not revoke his pilot's license at all, yet he is coming forward with a bill that not only addresses some of his legitimate concerns, which I agree with. The FAA's expertise and its mission, which is given to it by Congress, is to provide for safety and to revoke a private pilot's license or commercial pilot's license or aviation mechanic's license. Senator INHOFE's bill that would allow pilots to not have to go through the appellate process with the National Transportation Safety Board, which is the appellate authority, which also has the expertise and experience to know when a revocation would be questionable or if the FAA was right. They have the pilots, they have the expertise to make those decisions, and after the NTSB appeal, they then have the right to go to Federal court if they so choose.

What Senator INHOFE's bill does is take away the NTSB portion of the appeals process. Let me say that I have offered to Senator INHOFE—because he knew I objected to this bill—to do everything in his bill that he has addressed, including the openness, the requirement that an enforcement action that the FAA would grant the pilot all the relevant evidence in 30 days prior to a decision, that it would clarify the statutory deference as it relates to NTSB. NTSB is not a rubberstamp at all. I think they have been fair with their expertise. The FAA has the responsibility for aviation safety. Requiring the FAA to undertake a notice to the Airmen Improvement Program, I think, is certainly legitimate. Making flight service station communications available to all airmen is a legitimate piece of this legislation.

What I object to and have asked Senator INHOFE to let us work together to do is not to bypass NTSB, but to let the appellate process go forward, and then at the end, if there is still a feeling of unfairness on the part of the pilot, that they would have access to the Federal courts. They can do that now.

So I think Senator INHOFE insisting on bypassing NTSB is holding up the good parts of his bill because it is very important, in my opinion, that we keep the expertise for safety in the skies where it is, in the FAA, the NTSB, and then go to the Federal courts if rights are violated.

In 2011, the NTSB had 350 appeal cases for administrative law judges and the number was similar in 2010. Cases are typically disposed of in 90 to 120 days, so there is not a long lag time in which the pilot doesn't have the access to his or her license. The NTSB held 62 appeals hearings in 2011 and 36 cases went to the full board. The breakdown of the cases was private pilots, 48 percent; airline mechanics or aviation mechanics, 13 percent; commercial pilots, 6 percent; air carriers, 8 percent; and medical with 25 percent.

Senator ROCKEFELLER and I, as the relevant chairman and ranking member on the Commerce Committee, have agreed to have a hearing on Senator INHOFE's bill so that this can be fully vetted, and most certainly I have on many occasions offered to work with Senator INHOFE to get the notification requirements, the openness requirements—every part of his bill that would require reforms of the process for fairness to the pilots—I would agree with and work to help him pass. But I think taking out the NTSB and going directly to Federal courts is not necessary, and I think it will hurt aviation safety.

I also believe that a different, extraneous issue is that our Federal courts are pretty clogged already and the Federal courts do not have those with pilots' licenses on their staff clerkship rolls, to a great extent. Maybe they happen to be. But they don't have the familiarity with the requirements of FAA and the issues that FAA looks at, and they do have access to Federal courts in the end anyway. But I think the NTSB part is important so that the experienced pilots in the NTSB have the appellate authority, as they do now, to decipher what happened with the FAA and determine if fairness was given to the pilot. It is also to help determine if that pilot should continue to fly or if it would endanger aviation safety, which should not be the role of the Federal courts.

So Senator ROCKEFELLER and I do object. I hold my hand out to Senator INHOFE to work with him on the notification and fairness issues in his bill, which I support. I just don't think bypassing the expertise of the NTSB and adding another burden to the Federal courts where they do not have the expertise is in anyone's best interest in this country, and I am happy to work with anyone who is interested in this issue and hope we can resolve it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I think it would be redundant for me to go back and repeat what I said before. The Senator from Texas talked about the X on the runway. I made it very clear by the time you can see the X on the runway when you are cleared to land and you have a sophisticated plane that is full of passengers, there is a point beyond which you can't go in terms of your plane is dirtied up making a go-around. Obviously it wasn't necessary because I had 7,000 empty feet to come around, but that is not important because that is not the issue.

I recognize and respect Senator HUTCHISON in the fact that she was on the NTSB, and I know that obviously is meaningful to her, as it is to Senator ROCKEFELLER.

What we are dealing with here is we have a committee—and I have a lot of respect for the committee for which Senator ROCKEFELLER is the chairman and Senator HUTCHISON is the ranking member, and this committee is the committee of jurisdiction.

Now, what did I do? I introduced this bill a year ago. I talked about it. We had 25 cosponsors at that time. We had endorsements from all over the country. We had the National Air Traffic Controllers Association come in. We sent out ''Dear Colleagues'' to talk to people. Again, we sent a letter to the Commerce Committee that Senator HUTCHISON was on at that time requesting a hearing. We had 32 cosponsors signing that letter, requesting a hearing, some of which were on the Commerce Committee. Nothing happened.

On September 20, as the months go by, we made more requests. We talked about this, and every time they said we are going to be doing this. You finally get to the point where you have to go ahead and get it done. And that is why we have a rule XIV. I am not a Parliamentarian, and I don't know exactly how things work.

I remember I had experience with this when I worked in the House of Representatives, that when something is bogged up in a committee we had what is called the discharge petition reform of 1994. It was considered by the Wall Street Journal, or perhaps Business Daily, as the single greatest reform in the history of the U.S. House of Representatives. It addressed this same thing. It is a way of bottling up bills in committees so they could never have hearings and never be able to get on the floor for a vote. That discharge petition reform became a reality, and now the light is shining and everything is great.

But when you have been trying to get a hearing before a committee for a year and you have 66 cosponsors, you have to resort to whatever is out there available to you for a remedy. That remedy happens to be rule XIV. Rule XIV will allow me to do this, and with the two people holding the bill up, Senator ROCKEFELLER and Senator HUTCHISON, I will have no choice but to file cloture and to go ahead and get a vote on this bill, recognizing it takes a supermajority when you file cloture. So I would do that.

I didn't think I would get into this or need to enter it into the RECORD. I have an article which I will find here and will submit for the RECORD. I think it is very important. It goes into detailed documentary cases where they have been unable to get fairness through this system.

How many cases would ultimately go to the district court? I think very few. The idea that there is going to be an opportunity for a pilot to take what he is accused of to the district court to see it in a sense of fairness has nothing to do with how many pilots are sitting on that district court. It is a sense of fairness, and that is what they deal with. The people in the district court system don't have expertise in all of these areas, but they can look at fairness. And I can tell you in my case, if they had looked at that and said, wait a minute, the FAA has cleared him to land and there are no NOTAMs published, he didn't do anything wrong. It finally gets to the point—and I have been very patient. I have waited a whole year for this and finally I have come to the point where I have flat given up, so I decided that we are going to have to do it this way since it is clearly the will of the Senate to pass this legislation.

So, with that, I have some things I want to have printed in the RECORD. First of all, I have the sequence of events, the request that we made of the Commerce Committee to hear this legislation.

I have an article that was in Pilot magazine by John Yodice, who is considered to be the single foremost legal authority in this area.

Madam President, I ask unanimous consent to have both items printed in the RECORD.

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

S. 1335, INHOFE-BEGICH PILOT'S BILL OF RIGHTS SUMMARY

THE PILOT'S BILL OF RIGHTS DOES THREE THINGS

1. Makes the FAA Enforcement Process Fairer for Pilots—Requires that in an FAA enforcement action against a pilot, the FAA must grant the pilot all relevant evidence 30 days prior to a decision to proceed with an enforcement action. This is currently not done and often leaves the pilot grossly uninformed of his violation and recourse. Eliminates the NTSB rubber stamp review of FAA actions. Too often the NTSB, which hears appeals from the FAA, gives wide latitude to the FAA, making the appeals process meaningless. In FY10, of the 61 appeals of FAA certificate actions considered by the NTSB, only five were reversed. Of the 24 petitions seeking review of emergency determinations considered by the NTSB, only one was granted and 23 were denied. The bill clarifies the deference NTSB gives to FAA actions. Allows for federal district court review of appeals from the FAA, at the election of the appellant. Makes flight service station communications available to all airmen. Currently, the FAA contracts with Lockheed Martin to run its flight service stations. If a request is made for flight service station briefings or other flight service information under FOIA, it is denied to the requestor because Lockheed Martin is not the government, per se. However, they are performing an inherently governmental function and this information should be available to pilots who need it to defend themselves in an enforcement proceeding.

2. Improves the Notices to Airmen System—Requires the FAA undertake a NOTAm Improvement Program, requiring simplification and archival of NOTAMs in a central location. The process by which Notices to Airmen are provided by the FAA has long needed revision. This will ensure that the most relevant information reaches the pilot. Nonprofit general aviation groups will make up an advisory panel.

3. Requires a Review of the Medical Certification Process—The FAA's medical certification process has long been known to present a multitude of problems for pilots seeking an airman certificate. In fact, 28% of all requests for assistance received by the Aircraft Owners and Pilots Association relates to the medical certification process. The bill requires a review of the FAA's medical certification process and forms, to provide greater clarity in the questions and reduce the instances of misinterpretation that have, in the past, lead to allegations of intentional falsification against pilots. Nonprofit general aviation groups will make up an advisory panel.

ACTION ON PILOT'S BILL OF RIGHTS

July 6, 2011—Introduced Pilot's Bill of Rights with 25 cosponsors and endorsements from Aicraft Owners and Pilots Association and Experimental Aircraft Association.

July 11—National Air Traffic Controllers Association endorses.

July 28—Dear Colleague from Begich and Pryor sent to Democrats requesting cosponsorship.

July 30—Presented PBOR at OshKosh Airventure.

September 15—Sent letter (with 32 signatures) to Commerce Committee requesting hearing.

September 20—EAA sends e-Hotline to members regarding hearing request.

November 10—Roundtable event with Harrison Ford, endorses PBOR.

November 17—Acquires 60th Cosponsor.

November 19—AOPA makes PBOR frontpage story on website.

January 19, 2012—Staff meeting with Gael Sullivan (Rockefeller), Jarrod Thompson (KBH), and Michael Daum (Cantwell) to discuss committee consideration of PBOR (staff requested hearing).

January 25—Sam Graves introduces H.R. 3816, a companion measure.

March—AOPA publishes story highlighting Pilot's Bill of Rights.

May 5—Acquires 66th cosponsor.

[From the AOPA Pilot]

NTSB: AN IMPARTIAL FORUM FOR PILOTS?

(By John S. Yodice)

Under the Federal Aviation Act, the National Transportation Safety Board functions as a court of appeals for pilots when the FAA has suspended or revoked a pilot or medical certificate. In our increasingly complex airspace system and the more intensive regulation of our flying activities, no pilot is immune. This appellate function is given to the NTSB because it is independent of the FAA, and presumably able to provide a fair and impartial forum for the hearing of such appeals. Under the Act, an appealing pilot is entitled to ''an opportunity for a hearing.'' It also provides that an FAA order of suspension or revocation must be reversed if the NTSB finds after a hearing that ''safety in air commerce or air transportation and the public interest do not require affirmation of the order.''

Decisions of the current NTSB cause us to question its fairness and impartiality in pilot appeals. Many of these decisions have been reported in this column, one as recently as last month (''Pilot Counsel: No 'Statute of Limitations,''' July AOPA Pilot). Here is another case that raises doubts.

The FAA ordered the suspension of a private pilot's certificate for 30 days for piloting a Piper Cherokee 140 into the Washington, D.C., Air Defense Identification Zone (now the ''Special Flight Rules Area''). The FAA said that the pilot failed to comply with the special security procedures of the relevant notam, and was ''careless or reckless'' in the operation. The pilot appealed the order of suspension to the NTSB. He filed an answer to the FAA's order admitting the inadvertent incursion, but defending that ''the special procedures required pursuant to FDC notam 7/0206 are unique, complex, and ambiguous.'' (To prove the pilot's point, although it never came up in the case, there have been thousands of such inadvertent incursions, as opposed to very few, if any, intentional ones.) He also adamantly denied that he was ''careless or reckless'' in his operation.

The result of the appeal to the NTSB was that the pilot was denied a hearing to contest the FAA charges; he was denied a waiver of the suspension even though he timely filed a report with NASA under the Aviation Safety Reporting Program (''Pilot Counsel: ASRP,'' June AOPA Pilot); and he wound up with a ''careless or reckless'' violation on his public FAA airman record.

This result was achieved by a series of procedural, regulatory, and policy interpretations by the NTSB, all one-sided. To start with, the NTSB has a procedural rule allowing summary judgment, i.e., no hearing, if there are no factual issues to be heard. (In my experience the only party routinely granted summary judgment is the FAA, never the pilot.) Based on the pilot's admission that he inadvertently entered the ADIZ, the FAA moved for summary judgment, and the board granted the motion. What the FAA and the board ignored in denying a hearing were the three issues raised by the pilot: one, that he was not ''careless or reckless;'' two, that ''the special procedures required pursuant to FDC notam 7/0206 are unique, complex, and ambiguous;'' and three, that he was entitled to a waiver under ASRP.

The FAA has a catchall regulation, FAR 91.13(a), that provides: ''No person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another.'' In a one-sided interpretation, the NTSB has written out of the rule the required element of proof that life or property has been endangered. The pilot was never afforded the opportunity to prove that there was no danger to anyone or anything. In another one-sided interpretation of the same rule, the board held that the ''careless or reckless'' part of the charge is merely ''residual'' to the ADIZ incursion charge and therefore does not warrant a hearing.

The board rejected without serious discussion, the pilot's defense that the security procedures are unique, complex, and ambiguous. Apparently the board could not bring itself to acknowledge that there could be something wrong with a rule that is unintentionally violated by thousands of otherwise law-abiding and safety-conscious pilots.

The pilot timely filed a report with NASA under ASRP that should have entitled him to a waiver of the 30-day suspension. Most pilots charged with inadvertent incursions have been granted waivers. The board, although conceding that the pilot raised this issue in his reply to the FAA's motion for summary judgment, denied that this was an issue for hearing because, technically, the pilot did not raise it in his answer. Merely raising it in a different pleading filed with the board was not sufficient.

Notice that every one of these issues, without exception, went against the pilot and in favor of the FAA, all without granting the pilot the hearing, which the Act contemplates, to put on his side of the case. This case would not be so remarkable if it stood alone, and not in context with the many other cases we have seen, many of which we have reported, in which the NTSB one-sidedly seems to favor the FAA and disfavor pilots.

Mr. INHOFE. He talks about the decision of the current NTSB calls into question its fairness and impartiality in pilot appeals. And he talks about all the notices that have gone out and the problems they have had with this.

Of the 100,000 pilots who are interested in this today—actually, well over that—but just those who are involved in this process right now, they have had documented cases where the fairness is not there. This would offer fairness, and that is all we are asking, just to be treated as fairly as every other citizen in the United States.

I yield the floor.

Mrs. HUTCHISON. Mr. President, on the point of the hearing, Senator ROCKEFELLER and I have agreed certainly with Senator INHOFE to hold a hearing, which we notified Senator INHOFE we would, and I expect it to be next month for the hearing schedule. I just hope we can pass a good part of his bill, which I would like to work with him on, but I think the motivation should be safety and assuring safety. I know the personal conflict Senator INHOFE has with what happened to him, and I am sympathetic, but I don't think passing legislation that could hurt the aviation safety community is the right approach to meet the objections of Senator INHOFE.

I would love to have a hearing and have all the witnesses he would put forward to get an objective look at what this would do to taking the expertise and the mission from FAA and allow it to be bypassed at the NTSB level and go to Federal courts where there is not the experience and the aviation safety mission that is well protected today.

I hope we can work together on this. I understand the Senator's frustration, but I don't think this is the right solution for what happened to him with one incident.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Oklahoma.

Mr. INHOFE. First of all, I am not aware that I was offered a hearing. But let me make sure I have in the RECORD, and I ask unanimous consent to have printed in the RECORD a letter dated September 15, 2011, which was 9 months ago, signed by 32 Members of this Senate, including the occupier of the chair right now, the Senator from West Virginia.

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

U.S. SENATE,
Washington, DC, September 15, 2011.

JOHN D. ROCKEFELLER,
Chairman, Senate Committee on Commerce, Science, and Transportation, Dirksen Senate Office Building, Washington, DC.

KAY BAILEY HUTCHISON,
Ranking Member, Senate Committee on Commerce, Science, and Transportation, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN ROCKEFELLER AND RANKING MEMBER HUTCHISON: A bill that was recently introduced by Senator Inhofe, S. 1335, the Pilot's Bill of Rights, has been referred to your committee. It currently has 32 cosponsors, 13 of which are members of the Commerce Committee. With a majority of committee members having already voiced their support for this legislation, we respectfully request that you hold a committee or subcommittee hearing and markup of this legislation.

During the drafting of this legislation, Senator Inhofe worked extensively with the Aircraft Owners and Pilot's Association and the Experimental Aircraft Association, both of which have strongly endorsed this bill, as well as private aviation attorneys. It became clear during this process that several common sense changes should be made to enhance the relationship between the FAA and general aviation, and those were incorporated into the bill.

First, the bill requires that in an FAA enforcement action against a pilot, the FAA must grant the pilot all relevant evidence, such as air traffic communication tapes, flight data, investigative reports, flight service station communications, and other relevant air traffic data 30 days before the FAA can proceed in an enforcement action against the pilot. This is currently not done and often leaves the pilot grossly uninformed of his alleged violation and recourse.

Second, the bill also allows for federal district court review of appeals from the FAA, at the election of the appellant, and states that the NTSB shall not grant deference to the FAA in an appeal, should the pilot choose to go the NTSB route. Both of these things are done because too often the NTSB rubber stamps a decision of the FAA, giving wide latitude to the FAA and making the appeals process meaningless.

Third, this bill requires that the FAA undertake a Notice to Airmen Improvement Program, requiring simplification and archival of NOTAMs in a central location. The process by which Notices to Airmen are provided by the FAA has long needed revision. This will ensure that the most relevant information reaches the pilot. Non-profit general aviation groups will make up an advisory panel, which we believe will give pilots a seat at the table when deciding how the NOTAM system can be improved.

Fourth and finally, the FAA's medical certification process has long been known to present a multitude of problems for pilots seeking an airman certificate. The bill simply requires a review of the FAA's medical certification process and forms, to provide greater clarity in the questions and reduce the instances of misinterpretation that have, in the past, led to allegations of intentional falsification against pilots. Non-profit general aviation groups, aviation medical examiners, and other qualified medical experts will make up an advisory panel to advise the Administrator, again giving the right people a voice in the overall determination.

Again, we hope that you will schedule a hearing and markup of this legislation that is extremely important to the general aviation community. As many of us sit on your committee, we look forward to being an active part of this process.

Sincerely,

James M. Inhofe; John Hoeven; Jim DeMint; Roger F. Wicker; Dean Heller; Pat Toomey; Joe Manchin III; Lisa Murkowski; Mark Begich; Kelly Ayotte; Jerry Moran; Lamar Alexander; Roy Blunt; John Boozman; Marco Rubio; John Cornyn; Olympia J. Snowe; Michael B. Enzi; James E. Risch; Richard Burr; John Barrasso; Pat Roberts; Mike Crapo; Mike Johanns; Tom Coburn; Ron Johnson; Saxby Chambliss; Mark L. Pryor; Debbie Stabenow; Susan M. Collins; Daniel Coats; Jeff Sessions.

Mr. INHOFE. Mr. President, I don't think anyone is going to say we haven't done everything we could to go through the committee process to get a hearing. I just flat gave up. That is why we have this rule.

I will be looking forward to taking the next steps. I know there are a lot of people out there who want to have this type of justice afforded the pilots of the United States of America, the same as every other citizen enjoys.

With that, I appreciate the patience of my colleagues, because I know we have other business, and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. I rise to speak as in morning business.

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

ENDING VETERAN HOUSING DISCRIMINATION

Mr. BROWN of Massachusetts. Mr. President, I rise to discuss a terrible shortcoming in our housing discrimination laws and legislation which I have introduced and which I encourage the Presiding Officer to sign on to.

Last week, the Boston Herald reported that a veteran of Iraq and Afghanistan had been forced to file suit in Massachusetts because a political activist landlord allegedly discouraged him from renting because of his military background, claiming the situation would be ''uncomfortable.''

This brave veteran brought his fight to the press and to the courts of Massachusetts, where State law makes it illegal to discriminate against veterans who are seeking housing. In Massachusetts, that is, in fact, the law. It is illegal. When I read this, I was angry, as I know the Presiding Officer would be angry if it happened in his State. That this could happen today is mind-boggling. So my staff and I started working to see what we could do to right this wrong and see if it was something that was systemic throughout the country. We started digging into this issue and found that when it comes to housing, it is apparently not illegal—let me repeat that, it is apparently not illegal—under Federal law to discriminate against a veteran or a member of our Armed Forces on the basis of their brave service to our Nation.

Back when I was a State senator and State representative in Massachusetts, at the statehouse, we took action, as I referenced, to ensure our veterans are protected, whether it is a welcome home bonus for first- and second-time soldiers who have served, antidiscrimination reemployment or educational benefits. I could go on and on.

Quite frankly, I think Massachusetts does it better than any other State in the country. So it came as a surprise to learn that fewer than one-half dozen States have similar protections. With tens of thousands of veterans returning home in the next few years and the size of our Armed Forces actually shrinking dramatically, now is clearly the time to fix the problem. I know the Presiding Officer as well does not want to hear more stories such as this one because I recognize how important that issue is for the Presiding Officer.

No one who puts on the uniform of our Nation and serves should be faced with discrimination. There is no one who should ever face that discrimination when they are trying to put a roof over their head and the heads of their family. The idea that anyone would deny a home to someone who has put their life on the line for our freedom is, quite frankly, un-American. It should be condemned by every Member of this body.

In order to understand today's problem, however, we must go back to 1968, when I was 9 years old, when one of my predecessors, Senator Edward Brooke, a great legislator from my home State of Massachusetts—a gentleman whom I still speak with—helped author the Fair Housing Act which was signed into law by then-President Johnson. That civil rights legislation broke new ground by banning housing discrimination on the basis of race, color, religion or national origin. Another great Senator from Massachusetts, Senator Ted Kennedy, joined Senator Brooke in urging the bipartisan passage of that very important piece of legislation.

Then, in 1974, closer to the Presiding Officer, Senator Bill Brock of Tennessee amended the act to prevent housing discrimination on the basis of

gender. Then, in 1988, Senator Kennedy extended the act's protections to those Americans with disabilities and families with children. Both of these expansions received broad bipartisan support and were actually signed into law.

As Senator Brooke said 44 years ago:

Fair housing is not a political issue, except as we make it one by the nature of our debate. It is purely and simply a matter of equal justice for all Americans.

Well said by Senator Brooke 44 years ago.

Fair housing has a bipartisan history and we have a chance to do it again. We can do it by protecting two additional groups from housing discrimination. My Ending Housing Discrimination Against Servicemembers and Veterans Act, S. 3283, is needed and it is needed right now. It amends the Fair Housing Act to protect veterans and servicemembers from housing discrimination.

By passing this bill right away, the Senate can say affirmatively and immediately that veterans and servicemembers deserve the same rights to housing as anyone else. This is a no-brainer. The Commander in Chief of the Veterans of Foreign Wars of the United States has endorsed my bill, as referenced for people looking on, saying:

Senator Brown's work to protect servicemembers and veterans from housing discrimination is very positive. It is unconscionable that members of our military and veterans should fear not being able to rent or buy a home because of their status as a veteran.

This bill will correct the issue.

By passing this bill right away, we can, once again, say to those veterans and servicemembers that they have our pride and respect. We need the action right now. No veteran or servicemember should ever face the indignity of being denied housing solely on the basis of their service.

The Fair Housing Act of 1968 and Senator Kennedy's amendments in 1988 passed with overwhelming support. We should be able to do the same. I urge all my colleagues to cosponsor this important piece of legislation and work for its immediate and unanimous passage. It is time to fix this shortcoming in our Nation's housing laws and it is, quite frankly, the right thing to do.

I would like to also take this opportunity to wish the U.S. Army a happy 237th birthday. I was honored to go to the cake-cutting last night and honor those who have done so much for our great country.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I yield back all postcloture time on the nomination of Mari Carmen Aponte.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador?

The nomination was confirmed.

Mr. REID. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that President Obama be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED—Continued

Mr. REID. Mr. President, very quickly, that was the last vote today. It appears we will have no votes tomorrow. But Senator STABENOW and Senator ROBERTS are working very diligently to come up with an agreement on the farm bill. We are going to have a vote Monday evening. We have not decided exactly what that will be on. We have a number of different alternatives. But we hope we can have common sense prevail and be able to come up with an agreement, if for no other reason than to recognize the hard work of the two managers of this bill.

It is so important we get this done. There are issues we are going to vote on, one of which Senator KERRY will talk about. There are relevant amendments. We have a lot of them. We will agree to vote on those. We are trying to work out also the nonrelevant amendments, and we are not there yet.

The PRESIDING OFFICER. The Senator from Massachusetts.

APONTE NOMINATION

Mr. KERRY. Mr. President, I am grateful we finally have been able to get the nomination of Mari Aponte confirmed. I thank Senator MENENDEZ for managing for me.

I thank our colleagues in the Senate for finally getting our nominee in place and confirming her to be the Ambassador to El Salvador. I think it is long overdue. She will do a terrific job, and I am grateful to colleagues that we finally have, in fact, confirmed this nomination.

Mr. President, I understand I can proceed as in morning business.

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

AGRICULTURE REFORM

Mr. KERRY. Mr. President, I will do so, but I wish to speak with respect to an amendment on the farm bill for when we get back to that.

I wish to call to the attention of my colleagues the fact that in 2008, the farm bill's conferees inserted a provision that transfers authority of the regulation of catfish, but only catfish—it was the only particular item singled out to be transferred—from the Food and Drug Administration to the U.S. Department of Agriculture. The provision was not debated in either body. It is one of those things that, as we all know, people have increasingly gotten incensed about in the public as well as around here, in the Congress itself.

Because it was transferred over to the U.S. Department of Agriculture, the USDA subsequently published a proposal in order to carry out the new mandate it had been given to regulate catfish. But that proposal has remained, and properly so, stalled in the regulatory process. I say ''properly so'' because it serves no public interest, it is costly for taxpayers, and it is duplicative and confrontational with other entities that are engaged in that kind of oversight. As a result, it will invite trade retaliation abroad and put us on a train wreck, if you will, of sort of excessive regulatory conflict.

Senator MCCAIN and I have joined together, along with a bipartisan group of our colleagues, to offer an amendment, amendment No. 2199, to repeal the 2008 catfish language. If we don't repeal it, the USDA is going to try to continue to proceed forward in this regulatory train wreck.

Let me give a little background. In February of 2011, the GAO cited the proposed catfish regulatory program—cited it as part of its report on those programs that were at high risk for waste, fraud, and abuse. Then, in March of 2011, the GAO again called this program duplicative as part of a totally separate report. Then, just last month, the GAO produced an extensive and detailed analysis of why this program is not only costly and duplicative but why it would have no food safety benefit. If it is not going to have any food safety benefit, it is costly, it is duplicative, the obvious question for all of us is: Why? What is going on here?

All of us care about jobs in our communities. Every State is always vying to find a way to try to guarantee that the jobs it has are protected and that it is creating more jobs. We all understand that. So I don't have any animus against any particular Senator fighting to do that. In this case, a number of catfish producers in the South managed to get protection that takes care of them but hurts a lot of other folks in a lot of other parts of the country. So it may be good for catfish producers in a few places in the South, but it is bad for consumers in the United States generally because it raises costs, and it is very bad for seafood processors and for communities, in my State among others, but in other States in the country on the west coast and east coast. There are employers in my State that would like to process and distribute products that come from various other places, including abroad, and they