

will go after the worst toxins that are coming out of coal-fired plants.

I will go through a few of these. Mercury is a heavy metal that can damage the nervous system in children and harm the brain of infants, causing slower mental development and lower intelligence. Why do we want to take a stand against the children and their brain development? Mercury can accumulate in the food chain. We know this. What happens is people—especially pregnant women and children—can't eat fish because of the high content of mercury.

Then there is lead. These are the things we are talking about getting out of the air. Lead can damage the nervous system of children and harm the brains of infants, causing slower mental development and lower intelligence.

There is no known safe level of lead in the blood of children. This is indisputable fact. It can harm the kidneys and cause high blood pressure, damage reproduction, cause muscle and joint pain, nerve disorders. Why would anyone—why would anyone stand on this floor and say it is OK to allow these toxins to be polluting our environment? Arsenic is a heavy metal that causes cancer, damages the nervous system, kidneys, and liver. Powerplants account for 62 percent of all the arsenic pollution we are fighting against. Why would anyone who cares about the people they represent vote for this resolution and stop the EPA from cleaning up our air?

Vote no. There is no reason to risk the health of the American people by voting for the utility CRA resolution. If the resolution passes and if that resolution were to become the policy of this country, thousands—hundreds of thousands of Americans every year would be harmed. This is not rhetoric, this is fact. Scientists have told us this. The health groups have told us this.

I urge a strong “no” vote.

I yield the floor.

Mr. CARDIN. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—46

Barrasso	Coats	Crapo
Blunt	Coburn	DeMint
Boozman	Cochran	Enzi
Burr	Corker	Graham
Chambliss	Cornyn	Grassley

Hatch	Lugar
Heller	Manchin
Hoeven	McCain
Hutchison	McConnell
Inhofe	Moran
Isakson	Murkowski
Johanns	Nelson (NE)
Johnson (WI)	Paul
Kyl	Portman
Landrieu	Risch
Lee	Roberts

NAYS—53

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

NOT VOTING—1

Kirk

The motion was rejected.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, if I could have the attention of the Senate, we did very well yesterday. We have a lot to do. We have to work on this. We have flood insurance. Both are important issues.

This is going to be a 10-minute vote. The order that has been entered is that all the remaining votes are 10 minutes. We had a 15-minute vote on the first one. I know there are a lot of things going on today, but we are going to have to work around them. That is the most important part of our job—voting. So let's work. Let's try to get out of here. We are going to try to finish this bill tonight.

#### AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3240, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 3240) to reauthorize agricultural programs through 2017, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

AMENDMENT NO. 2345

Mr. MANCHIN. Madam President, I call up amendment No. 2345.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. MANCHIN] proposes an amendment numbered 2345.

Mr. MANCHIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require national dietary guidelines for pregnant women and children from birth until the age of 2)

On page 361, between lines 8 and 9, insert the following:

#### SEC. 4208. DIETARY GUIDELINES FOR AMERICANS.

Section 301(a) of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341(a)) is amended by adding at the end the following:

“(3) PREGNANT WOMEN AND YOUNG CHILDREN.—Not later than the 2020 report and in each report thereafter, the Secretaries shall include national nutritional and dietary information and guidelines for pregnant women and children from birth until the age of 2.”

The ACTING PRESIDENT pro tempore. There will be 2 minutes of debate equally divided, 1 minute for each side.

Mr. MANCHIN. Madam President, I do not believe there is opposition to this amendment. I urge my colleagues to support this bipartisan, common-sense amendment that will address a very urgent need in this country: helping our children develop healthy eating habits at a very young age.

I wish to thank my cosponsor, Senator KELLY AYOTTE from New Hampshire, for working with me on this amendment. All this does is require the Department of Health and Human Services and the Department of Agriculture to develop, implement, and promote national dietary guidelines for pregnant women and for children up to 2. It is the only segment we have not done. If you are 2 years of age or older, we do it. We try to tell you how to stay healthy, what you should eat, what you should feed your child. This basically fills in the gap for woman from when they become pregnant until 2 years of age.

I urge support of this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Madam President, I yield back all time. It is my understanding that we can proceed with a voice vote on this amendment.

The ACTING PRESIDENT pro tempore. Without objection, all time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2345) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

AMENDMENT NO. 2382

Mr. MERKLEY. Madam President, I call up my amendment No. 2382.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY] proposes an amendment numbered 2382.

The amendment is as follows:

(Purpose: To require the Federal Crop Insurance Corporation to provide crop insurance for organic crops under similar terms and conditions to crop insurance provided for other crops)

On page 970, between lines 5 and 6, insert the following:

**SEC. 11019. CROP INSURANCE FOR ORGANIC CROPS.**

(a) IN GENERAL.—Section 508(c)(6) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(6)) is amended by adding at the end the following:

“(D) ORGANIC CROPS.—

“(i) IN GENERAL.—As soon as possible, but not later than the 2015 reinsurance year, the Corporation shall offer producers of organic crops price elections for all organic crops produced in compliance with standards issued by the Department of Agriculture under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) that reflect the actual retail or wholesale prices, as appropriate, received by producers for organic crops, as determined by the Secretary using all relevant sources of information.

“(ii) ANNUAL REPORT.—The Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on progress made in developing and improving Federal crop insurance for organic crops, including—

“(I) the numbers and varieties of organic crops insured;

“(II) the progress of implementing the price elections required under this subparagraph, including the rate at which additional price elections are adopted for organic crops;

“(III) the development of new insurance approaches relevant to organic producers; and

“(IV) any recommendations the Corporation considers appropriate to improve Federal crop insurance coverage for organic crops.”.

(b) CONFORMING AMENDMENT.—Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as amended by section 11018) is amended—

(1) by striking paragraph (10); and

(2) by redesignating paragraphs (11) through (20) as paragraphs (10) through (19), respectively.

The ACTING PRESIDENT pro tempore. There will now be 2 minutes of debate equal divided on the amendment.

The Senator from Oregon.

Mr. MERKLEY. Madam President, this bill is about holding USDA accountable. Organic farmers, when they get crop insurance, pay a 5-percent premium upfront. The whole concept was that on the back end they would be compensated at the value of their organic crop should they need to utilize their insurance. However, to establish the price of the organic crop, USDA has to do a study. We instructed them to do this study 4 years ago, and they have been dragging their feet. They have done four crops out of the many dozens.

Our organic farmers are left in the most untenable position of paying the premiums upfront but not getting the fair organic prices on the back end. This amendment says to get the studies done, which you were told to do 4 years ago, so the equation is fair to our farmers.

I am pleased that Senator OLYMPIA SNOWE is a cosponsor.

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

Ms. STABENOW. Madam President, just for the information of the Senate, Senator DEMINT's amendment was next, but we have not seen him on the floor yet. So we moved to this amendment. As soon as he arrives, we will return to the DeMint amendment.

It is my understanding that we can proceed to a voice vote in the meantime.

The ACTING PRESIDENT pro tempore. Who yields time?

Ms. STABENOW. I yield back all time.

The ACTING PRESIDENT pro tempore. All time is yielded back.

The question is on agreeing to the amendment.

Mr. ROBERTS. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 140 Leg.]

**YEAS—63**

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

**NAYS—36**

Alexander	Enzi	McConnell
Ayotte	Graham	Paul
Barrasso	Hatch	Portman
Blunt	Heller	Risch
Boozman	Hutchison	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Thune
Cornyn	Kyl	Toomey
Crapo	Lee	Vitter
DeMint	McCain	Wicker

**NOT VOTING—1**

Kirk

The amendment (No. 2382) was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2273

Mr. DEMINT. Mr. President, I wish to bring up amendment No. 2273.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2273.

The amendment is as follows:

(Purpose: To eliminate the authority of the Secretary to increase the amount of grants provided to eligible entities relating to providing access to broadband telecommunications services in rural areas)

Beginning on page 765, strike line 9 and all that follows through page 766, line 16, and insert the following:

“(B) MAXIMUM.—The amount of any grant made under this section shall not exceed 50 percent of the development costs of the project for which the grant is provided.

“(C) GRANT RATE.—The Secretary shall establish the grant rate for each project in accordance with regulations issued by the Secretary that shall provide for a graduated scale of grant rates that establish higher rates for projects in communities that have—

“(i) remote locations;

“(ii) low community populations;

“(iii) low income levels; and

“(iv) developed the applications of the communities with the participation of combinations of stakeholders, including—

“(I) State, local, and tribal governments;

“(II) nonprofit institutions;

“(III) institutions of higher education;

“(IV) private entities; and

“(V) philanthropic organizations.”;

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. DEMINT. Mr. President, the farm bill adds a new grant component to the existing rural utility service broadband loans and loan guarantee program. My amendment would eliminate the authority of the Secretary of the Department of Agriculture to increase the taxpayer share of these broadband grants beyond 50 percent.

Please keep in mind that these are not direct loans, these are grants that require no payback. It is important that recipients have some skin in the game so that they make good decisions. My amendment allows the 50-percent threshold cost sharing but does not allow the Secretary to waive that and make that a 75-percent share by the taxpayer.

I encourage my colleagues to support this moment of fiscal sanity here.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to oppose this amendment. It has a similar impact to one yesterday we defeated by this Senator. It basically goes to the question of whether we are going to allow investment in rural communities—the hardest hit communities—and whether they will have access to broadband. It really goes to small businesses, in small towns and villages, and whether they are going to have access to sell their products to consumers around the globe. We are in a global economy.

In the 1930s and 1940s, we did rural electrification to make sure the farmer

at the end of the road was connected with electricity. This is the same kind of thing, but it is the Internet. It is broadband. We want to make sure everybody is connected, even those in the remote, rural areas.

I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant 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 result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 141 Leg.]

#### YEAS—44

Alexander	DeMint	McCaskill
Ayotte	Enzi	McConnell
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Brown (MA)	Heller	Roberts
Burr	Hoeven	Rubio
Chambliss	Hutchison	Sessions
Coats	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Collins	Johnson (WI)	Toomey
Corker	Kyl	Vitter
Cornyn	Lee	Wicker
Crapo	McCain	

#### NAYS—55

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

#### NOT VOTING—1

Kirk

The amendment (No. 2273) was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### AMENDMENT NO. 2289

Mr. COBURN. Mr. President, I call up my amendment No. 2289.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2289.

Mr. COBURN. Mr. President, I ask unanimous consent that the amendment be considered as read.

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

The amendment is as follows:

(Purpose: To reduce funding for the market access program and to prohibit the use of funds for reality television shows, wine tastings, animal spa products, and cat or dog food)

On page 293, strike lines 16 through 19, and insert the following:

#### SEC. 3102. FUNDING FOR MARKET ACCESS PROGRAM.

Section 211(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)) is amended—

(1) in paragraph (1)(A)—

(A) by striking “and” after “2005,”; and

(B) by inserting “, and \$160,000,000 for each of fiscal years 2013 through 2017” after “2012,”; and

(2) by adding at the end the following:

“(3) PROHIBITION ON USE OF FUNDS FOR CERTAIN ACTIVITIES.—None of the funds made available to carry out this subsection shall be used for—

“(A) wine tastings;

“(B) animal spa products;

“(C) reality television shows; or

“(D) cat or dog food.”.

Mr. COBURN. This is an amendment that falls in line with the recommendation of the administration as well as every outside group that has ever looked at this program.

The Department of Agriculture has five access to marketing programs. This is just one of them. The administration recommended a 20-percent reduction. We have put forward an amendment to reduce it by 20 percent. We spend \$2 billion over the next 10 years on market access. American contribution of total world agricultural products is on the decline in spite of these programs, and the waste in these programs—if we look at where the money is spent—is unbelievable.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to oppose my colleague's amendment.

The reality for us is that American agricultural exports is one of the few places where we have a trade surplus right now, and we want to continue that. The current program the Senator is speaking about is all about exports. It is all about jobs. For every \$1 invested in this particular market access program, \$35 is generated back into economic activity. I think that is a pretty good investment.

We know it is a very important part of the future not only for our traditional production agricultural parts of the country but for smaller value-added food products which really is in exports, and this supports that.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I assume by the chairman's response that she supports the \$20 million that went into a reality TV show in India to purchase cotton other than “made in the United States.” That is where \$20 mil-

lion of it went. That is what is wrong with this program.

I am not objecting to the fact that we ought to have market access programs. But when we are wasting \$20 million on something that has no connection whatsoever with American agricultural products, we ought to reduce or eliminate it.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. Mr. President, let me say again—and I am not familiar with this. I know we are trying to redevelop an American denim industry. I had a chance to actually visit a denim factory in Texas. We are trying to support our cotton industry. I am not familiar with this, but I urge a “no” vote.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

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 (Mr. UDALL of New Mexico). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 69, as follows:

[Rollcall Vote No. 142 Leg.]

#### YEAS—30

Alexander	Grassley	Portman
Ayotte	Hatch	Risch
Burr	Inhofe	Rubio
Coats	Johnson (WI)	Sessions
Coburn	Kyl	Shelby
Corker	Lee	Tester
Cornyn	McCain	Thune
Crapo	McCaskill	Toomey
DeMint	McConnell	Vitter
Graham	Paul	Wicker

#### NAYS—69

Akaka	Feinstein	Merkley
Barrasso	Franken	Mikulski
Baucus	Gillibrand	Moran
Begich	Hagan	Murkowski
Bennet	Harkin	Murray
Bingaman	Heller	Nelson (NE)
Blumenthal	Hoeven	Nelson (FL)
Blunt	Hutchison	Pryor
Boozman	Inouye	Reed
Boxer	Isakson	Reid
Brown (MA)	Johanns	Roberts
Brown (OH)	Johnson (SD)	Rockefeller
Cantwell	Kerry	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Shaheen
Casey	Landrieu	Snowe
Chambliss	Lautenberg	Stabenow
Cochran	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Warner
Coons	Lugar	Webb
Durbin	Manchin	Whitehouse
Enzi	Menendez	Wyden

#### NOT VOTING—1

Kirk

The amendment (No. 2289) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### AMENDMENT NO. 2293

Mr. COBURN. Mr. President, I call up the pending amendment No. 2293.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2293.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To limit subsidies for millionaires)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ ADJUSTED GROSS INCOME LIMITATION FOR CONSERVATION PROGRAMS.**

Section 1001D(b)(2)(A) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(b)(2)(A)) is amended—

(1) by striking “LIMITS.—” and all that follows through “clause (ii),” and inserting “LIMITS.—Notwithstanding any other provision of law,”; and

(2) by striking clause (ii).

Mr. COBURN. Mr. President, reducing our national debt—which now exceeds \$15.8 trillion—is the most critical issue facing our nation. Our country simply cannot survive if we continue down this unsustainable course. Every area of the Federal budget should be examined to determine, which programs should be priorities.

Federal conservation programs are a good place to start. These programs pay farmers and ranchers to either implement conservation measures on their farms, “working lands”, or to idle their land for conservation purposes, and “land retirement”.

Oftentimes, the financial assistance offered by these programs incentivizes what is already in the best financial interests of farmers. Natural, market-based incentives already exist to achieve the efficiency and conservation purposes of these programs without taxpayer dollars. Not only that, but these programs also pay farmers and companies that have adjusted gross incomes, AGI, of \$1 million or more.

Special rules allow the USDA to waive income limitations for certain programs, which it does on a regular basis. The result is millions paid to otherwise ineligible millionaires each year.

In fact, over the past 2 years, USDA waived the \$1 million AGI cap for the programs discussed below and paid a total of \$89,032,263 to individuals or entities with an AGI of \$1 million or more. Allowing federal conservation programs to make payments to those with an adjusted gross income, AGI, of \$1 million or more is simply not a priority for taxpayers.

This amendment would prevent USDA from paying millionaires by eliminating the ability to issue waivers that exempt program participants who have an AGI of \$1 million or more from adhering to the program’s payment limit rules.

In total, over a 2-year period, USDA waived program requirements and awarded over \$84 million to individuals and entities with an AGI of \$1 million or more.

In 2009, the USDA waived program requirements and paid two millionaires a total of \$10,234,520, which consisted mainly of a \$10 million payment to an investment company in California for restoring wetlands to protect the Riparian Brush Rabbit.

In 2010, the Wetland Reserve Program, WRP, program paid eight individuals with an AGI of \$1 million over \$74 million. These included almost \$22 million to a ranch in Florida. The company that owns the ranch describes itself as a “privately held, family-owned company with agricultural, commercial real estate, and asset management operations.” That company also states that it owns a number of commercial real estate properties in New Jersey and Florida. The company also claims holdings that include multi-tenant office buildings, parking lots, a for-profit educational institution, restaurants, and retail property.

In 2010, USDA also paid over \$31 million to another ranch in Florida. The payment was part of an \$89 million purchase by USDA of an easement that places deed restrictions on the use of the land along 26,000 acres of the Fisheating Creek Watershed, partially located on the ranch. USDA claimed that the easement purchase would provide support for the crested caracara, Florida panther, and the red-cockaded woodpecker.

Recently, the owners of the ranch listed 2,600 acres for sale for \$18.2 million. The property is described as a working ranch with “tremendous recreation and hunting attributes.” The local newspaper has also reported that same ranch was slated for a new 12,000-unit planned community.

Other entities and individuals with an AGI of \$1 million or more that received WRP payments in 2010 include:

\$7.92 million to a company in Texas for “restoration and protection of critical and unique wetlands” on a property known as East Nest Lake and Osceola Plantation; \$5.8 million to a farm in North Carolina to promote a “habitat for migratory birds and wetland dependent wildlife;” \$5.4 million to a ranch in Florida for land with “high potential to significantly improve waterfowl and wading bird habitat” \$900,853 to an individual in Kansas to “protect and [for] restoring . . . valuable wetland resources . . . for migratory birds and other wildlife;” \$227,203 to a company in New Hampshire for “wetland restoration;” and \$80,000 to two individuals in Mississippi to “restore, protect and enhance wetlands.”

In 2010, USDA waived the \$1 million AGI requirement and paid a ranch holding company over \$2.7 million through Grassland Reserve Program, GRP, for “protection of critical and unique grasslands.”

Last year, USDA paid four millionaires a total of \$592,097 through the Environmental Quality Incentive Program, EQIP, \$299,847 of which was aimed at protecting the Sage Grouse by a ranch in California; \$50,000 went to

a farm. That farm is owned by the W.C. Bradley Company, which is best known for producing Char-Broil outdoor grills and Zebco fishing supplies; remaining amounts of \$35,250 and \$210,000 went to two family trusts.

The Wildlife Habitat Incentive Program paid \$737,000 to three millionaire recipients, with the majority of the funds \$449,662 going to protect the Sage Grouse by a family trust in California. A farm in Georgia also received \$100,000 through WHIP for “promotion of at-risk species habitat conservation.” The remaining \$187,540 went to a company in New Jersey.

Farm and Ranch Land Protection Program, FRPP paid \$630,000 to a company in 2009 to protect Raspberry Farms in Hampton Falls, New Hampshire. Raspberry Farms formerly operated as a “popular pick-your-own berries and retail farm stand” in the 1980s and early 1990s.

The former farm was scheduled to be developed for housing, but instead, NRCS, in partnership with local entities, paid a total of \$1.6 million to ensure the land will never be developed.

In 2010 USDA paid four individuals and entities with an AGI of \$1 million or more a total of \$75,540.

Again, this is a very straightforward amendment. Last year the Department of Agriculture paid \$10 million to two different individuals, who had an adjusted gross income of over \$1 million, through a waiver granted by the Department of Agriculture. Both of these were ineligible, but we give the Department of Agriculture the right to waive that. This amendment would restrict that right for a waiver for people making more than \$1 million a year in terms of conservation payments.

There is nothing wrong with conservation programs, but most often these payments are paid in addition to what people are going to do anyway. So what the Department of Agriculture has done is given well over \$180 million to millionaires through our conservation payment on programs they would have otherwise done themselves.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. COBURN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I would indicate that the conservation program is a very strong, effective program, but I am not objecting, nor is the ranking member, to moving forward with the vote. I believe the Member wishes to have a record rollcall, is that correct? So we would yield back time and ask for a record rollcall vote.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The legislative 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 result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 143 Leg.]

**YEAS—63**

Alexander	Graham	Menendez
Ayotte	Grassley	Merkley
Barrasso	Hatch	Mikulski
Bennet	Heller	Moran
Bingaman	Hoeven	Murkowski
Blunt	Hutchison	Nelson (NE)
Boozman	Inhofe	Paul
Brown (MA)	Isakson	Portman
Brown (OH)	Johanns	Risch
Burr	Johnson (WI)	Roberts
Chambliss	Kerry	Rockefeller
Coats	Kyl	Rubio
Coburn	Landrieu	Sessions
Cochran	Lee	Shelby
Collins	Levin	Snowe
Conrad	Lieberman	Stabenow
Corker	Lugar	Thune
Cornyn	Manchin	Toomey
Crapo	McCain	Vitter
DeMint	McCaskill	Wicker
Enzi	McConnell	Wyden

**NAYS—36**

Akaka	Franken	Pryor
Baucus	Gillibrand	Reed
Begich	Hagan	Reid
Blumenthal	Harkin	Sanders
Boxer	Inouye	Schumer
Cantwell	Johnson (SD)	Shaheen
Cardin	Klobuchar	Tester
Carper	Kohl	Udall (CO)
Casey	Lautenberg	Udall (NM)
Coons	Leahy	Warner
Durbin	Murray	Webb
Feinstein	Nelson (FL)	Whitehouse

**NOT VOTING—1**

Kirk

The amendment (No. 2293) was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

**AMENDMENT NO. 2453**

Ms. STABENOW. I call up my amendment 2453 and ask unanimous consent to add Senator SNOWE as a cosponsor.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 2453.

Ms. STABENOW. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide assistance for certain losses)

On page 1006, between lines 21 and 22, insert the following:

“(4) ADDITIONAL AVAILABILITY.—

“(A) IN GENERAL.—As soon as practicable after October 1, 2013, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

“(i) to a 2012 annual fruit crop grown on a bush or tree; and

“(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

“(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).”.

Ms. STABENOW. This amendment simply addresses what has happened

with severe and devastating freezes across the country for those who have food crops and don't have access to crop insurance. This Farm Bill makes great strides in expanding crop insurance for fruit and vegetable growers in the United States. However, these new programs will not be available to producers who suffered substantial—and in some cases complete—losses this year. This amendment would simply allow those in the States that are affected to buy into a program we have, called the Non-Insured Disaster Program, that allows them to get some kind of help for the freezes.

This provides them the same coverage they will have in the years going forward—this is the same kind of extension for 2012 losses that is available for livestock producers. 29 States in every part of the country have reported major crop losses for 2012 due to frost or freeze. I urge my colleagues to support this amendment so these farmers aren't losing their business because of bad weather.

I believe we can move forward with a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2453) was agreed to.

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

Ms. KLOBUCHAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

**AMENDMENT NO. 2454**

Mr. KERRY. I call up amendment No. 2454, my amendment together with Senator LUGAR.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The amendment is as follows:  
(Purpose: To prohibit assistance to North Korea under title II of the Food for Peace Act unless the President issues a national interest waiver)

At the end of subtitle A of title III, add the following:

**SEC. 3015. PROHIBITION ON ASSISTANCE FOR NORTH KOREA.**

(a) IN GENERAL.—No amounts may be obligated or expended to provide assistance under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) to the Democratic People's Republic of Korea.

(b) NATIONAL INTEREST WAIVER.—The President may waive subsection (a) if the President determines and certifies to the Committees on Agriculture, Nutrition, and Forestry and Foreign Relations of the Senate and the Committees on Agriculture and Foreign Affairs of the House of Representatives that the waiver is in the national interest of the United States.

Mr. KERRY. Mr. President, the Kerry-Lugar amendment is a side-by-side amendment, frankly, which will counter the amendment of the Senator from Arizona, Mr. KYL.

We all join in abhorring the conduct of the Government of North Korea. No-

body contests that. The question here is whether we want to have a complete prohibition on any humanitarian assistance, without the possibility of a Presidential waiver in the event that the President, as a matter of national policy, as a matter of our humanitarian policy, decides that something has changed in North Korea or there is behavior that has been altered by North Korea, as in Burma. If we don't have a Presidential waiver, the Kyl amendment permanently locks in—until there is other congressional action—a complete prohibition on any humanitarian assistance to the people—not the government but the people, the children and families of North Korea.

Ronald Reagan said very clearly that “a hungry child knows no politics.” I believe we ought to uphold that principle and have the Presidential waiver in this particular case.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I oppose the Kerry amendment and hope it will be defeated and that my amendment will be adopted.

Senator KERRY has appropriately characterized the amendment as being food aid to North Korea. However, it is not just about abhorring North Korea's bad behavior but also the administration's bad behavior. On four separate occasions, the State Department assured Members of this Senate that food aid would not be used as a condition to negotiations with the North Koreans; that under no circumstances would the United States provide any incentives or rewards, is the way they put it, to North Korea. In each case, we inquired, and we specifically talked about the food aid. Four times they said no, it wouldn't be done. Two weeks before the negotiations were to begin this spring, all of a sudden, \$240 million in food aid was put on the table, and only because the North Koreans launched their so-called satellite long-range missile were those negotiations canceled.

So a national security interest that can simply be provided by the President based on his views—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KYL. Does not solve the problem.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, there is much to counter that, but we do not have the time to do it. But I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

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 result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—59

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

NAYS—40

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

NOT VOTING—1

Kirk

The amendment (No. 2454) was agreed to.

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

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 2354

Mr. KYL. Mr. President, I call up my amendment which is at the desk, No. 2354. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Arizona [Mr. KYL] proposes an amendment numbered 2354.

The amendment is as follows:

(Purpose: To prohibit assistance to North Korea under title II of the Food for Peace Act)

At the end of subtitle A of title III, add the following:

**SEC. 3015. PROHIBITION ON ASSISTANCE FOR NORTH KOREA.**

No amounts may be obligated or expended to provide assistance under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) to the Democratic People's Republic of Korea.

Mr. KYL. Mr. President, what I said before was, on four separate occasions over just a couple of months, the administration had assured Members of the Senate that it would not use food aid as an enticement to the North Koreans to come to the negotiating table.

Here are direct quotations from the State Department, comments such as "had no intention of rewarding them for their actions that their government has already agreed to take." Reaffirmed, "There are no financial incentives for North Korea to meet the precepts or engage in talks."

Deputy Secretary of State Bill Burns, "To be clear, the Administration will not provide any financial incentives to Pyongyang. . . ." et cetera, on the negotiations. And further that "any engagement with North Korea will not be used as a mechanism to funnel financial or other rewards to Pyongyang."

We also heard media reports and asked them about them. They said no:

These media reports are not accurate. U.S. policy toward North Korea has not changed. We have no intention of rewarding North Korea—

And so on. And a mere 3 weeks later, we do exactly the opposite. That is why a waiver for the President to say otherwise does not do any good and why I urge support—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KYL. For my resolution which simply prevents the administration from providing food aid to North Korea.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, there is an important distinction here. If you are going to provide humanitarian assistance in some circumstance, and the administration made good on its promise to do that, it is hard to separate it from the events as they are going forward that you do not control. No matter who is President, the Senate should not tie the hands of any President with respect to this policy.

Ronald Reagan said it best when he said very clearly that "a hungry child knows no politics." That was Ronald Reagan's policy. That is the policy of churches all across our country. The fact is that if the Kyl amendment were to pass, you will have tied the hands of any President on a sensitive national security issue where the President deserves that kind of flexibility.

Without a national interest waiver, you lock into place a prohibition in North Korea. What happens if suddenly you had a change, as in Burma? You would be locked in and unable to respond to it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. You would take away the option of the President. In the case of Burma or other places, the President has shown the flexibility. The President ought to have the flexibility here. I hope we will not have a total prohibition on humanitarian assistance.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KYL. I ask for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—43

Alexander	Graham	Moran
Ayotte	Grassley	Paul
Barrasso	Hatch	Portman
Boozman	Heller	Risch
Burr	Hoeben	Roberts
Chambliss	Hutchison	Rubio
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Snowe
Collins	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lieberman	Wicker
DeMint	McCain	
Enzi	McConnell	

NAYS—56

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

NOT VOTING—1

Kirk

The amendment (No. 2354) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 2295

Mr. UDALL of Colorado. Mr. President, I call up my amendment No. 2295.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Colorado [Mr. UDALL], for himself, Mr. THUNE, Mr. BENNET, and Mr. BAUCUS, proposes an amendment numbered 2295.

The amendment is as follows:

(Purpose: To increase the amounts authorized to be appropriated for the designation of treatment areas)

On page 866, line 21, strike "\$100,000,000" and insert "\$200,000,000".

Mr. UDALL of Colorado. Mr. President, I have offered this amendment with my colleague Senator THUNE from South Dakota.

This is a commonsense amendment that would increase resources to land managers to address insect and disease epidemics spreading across our forests, while maintaining the farm bill's more than \$23 billion in mandatory savings, and that is important.

This bark beetle epidemic, which is in many States, has left dangerous dead and dying stands of trees that worsen the threat from forest fires. This is particularly evident to Coloradans because, today, we have an 86-

square-mile fire, and more than 1,600 brave firefighters are challenging this blaze, which is already the most destructive fire in Colorado's history. We don't expect to fully defeat this fire or bring it to ground for several weeks.

The Forest Service has set a goal of doubling the number of acres treated to address beetle kill and prevent forest fires. This amendment would help them reach that goal. If we don't pass the amendment, they will not have the wherewithal and resources to do so.

I ask my colleagues to support this bipartisan amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. ROBERTS. Mr. President, I am not going to speak in opposition, but I do ask for the yeas and nays.

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

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative 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 result was announced—yeas 77, nays 22, as follows:

[Rollcall Vote No. 146 Leg.]

#### YEAS—77

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

#### NAYS—22

Ayotte	Grassley	Paul
Brown (MA)	Hatch	Portman
Burr	Hutchison	Rubio
Chambliss	Inhofe	Toomey
Coats	Johnson (WI)	Vitter
Corker	Lee	Wyden
Cornyn	McCaskill	
DeMint	Moran	

#### NOT VOTING—1

Kirk

The amendment (No. 2295) was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

#### AMENDMENT NO. 2313

Mr. LEE. Mr. President, I call up amendment No. 2313.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant bill clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 2313.

The amendment is as follows:

(Purpose: To repeal the forest legacy program)

Beginning on page 862, strike line 15 and all that follows through page 863, line 2, and insert the following:

#### SEC. 8103. FOREST LEGACY PROGRAM.

(a) IN GENERAL.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 2A(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101a(c)) is amended—

(A) in paragraph (3), by inserting “and” after the semicolon;

(B) in paragraph (4), by striking “; and” and inserting a period; and

(C) by striking paragraph (5).

(2) Section 19(b)(2) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)(2)) is amended—

(A) in subparagraph (B), by inserting “and” after the semicolon;

(B) in subparagraph (C), by striking “; and” and inserting a period; and

(C) by striking subparagraph (D).

The PRESIDING OFFICER. There will now be 2 minutes of debate, with the Senator from Utah recognized for 1 minute.

Mr. LEE. Mr. President, I offer this amendment to repeal the Forest Legacy Program. This is a program designed to protect lands in the United States. It is important to remember that the Federal Government is already a massive landowner. It has abundant programs already in place to conserve that land, to protect it. The Federal Government owns about two-thirds of the land in my own State. It owns nearly 30 percent of the land mass within the territorial boundaries of the United States. We do a lot to conserve that land. But when we use this money—money estimated to amount to about \$200 million a year in authorization, about \$1 billion over a 5-year period—we are using that money to take land out of use. We are using that money to pay people not to use their land for anything. Whenever we look for areas in which we can save money, one area is to not pay people not to use their land.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I strongly oppose the Lee amendment to repeal the Forest Legacy Program, and urge all Senators to do the same. For more than two decades, this program has led to the conservation of over 2.2 million acres of working forest lands in 49 states. The National Association of Forest Owners estimates that U.S. forests support more than 2.9 million jobs and contribute \$115 billion towards the gross domestic product.

Better still, the Forest Legacy Program does not use taxpayer dollars for Federal funds, but instead relies on a very small percentage of oil drilling re-

ceipts. The benefits of this program far outweigh any cost to the taxpayer, a claim that cannot be made by many other Federal programs.

Repealing this program would be a tragic mistake, especially at a time when the Nation's forests are under attack from real estate development and urban sprawl, among other enemies. The U.S. is projected to lose up to 75 million acres of forest over the next half century. As forest areas are fragmented and disappear, so too do the benefits they provide. This program is essential to protect these benefits and ensure that we have a healthy environment and strong rural economies in the future. I strongly oppose this amendment and urge all Senators to do the same.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to amendment No. 2313.

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

Mr. CARDIN. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

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 result was announced—yeas 21, nays 77, as follows:

[Rollcall Vote No. 147 Leg.]

#### YEAS—21

Barrasso	Hatch	McConnell
Blunt	Inhofe	Moran
Coats	Johanns	Murkowski
Coburn	Johnson (WI)	Paul
Cornyn	Kyl	Rubio
DeMint	Lee	Toomey
Enzi	McCain	Vitter

#### NAYS—77

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

#### NOT VOTING—2

Kirk Mikulski

The amendment (No. 2313) was rejected.



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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, right now we have 34 amendments left plus final passage. That is 11 hours. I was hoping we could dispose of quite a few of these on voice, but that has not worked out very well. We have had a number of people who offered to have their votes by voice, but those were objected to.

We have to finish this bill. We have to do flood insurance this week. I know people have schedules. We have all kinds of things going on, but we have to show a little bit of understanding about the ordeal we have ahead of us.

I am confident we are not going to stay here until 2 o'clock this morning, but we are going to stay here a while because until we have a way of finishing this bill that is set in stone, we are going to have to proceed forward. This is an important piece of legislation but also flood insurance is an extremely important piece of legislation. If we do not complete that by the end of this month, there will be thousands and thousands of people who cannot close their loans every day—not a month, every day.

With the economy in the state it is in now, we need to close every loan, every home that is purchased, every commercial piece of property that is bought. We have to close those now. We cannot tell the American people we tried to get it done, but we could not because we were—whatever.

People have indicated they want to get out of here early tonight. There may be somebody who wants to get out of here earlier tonight than I, but I would be happy to debate that subject with them. But we need to show some cooperation. We have two of the finest Senators we could have managing this bill. Let's work together and get this done.

The PRESIDING OFFICER. The Senator from Virginia.

#### AMENDMENT NO. 2457, AS MODIFIED

Mr. WARNER. Mr. President, I ask to call up amendment No. 2457 and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mrs. SHAHEEN, Mr. KIRK, and Mr. BENNETT, proposes an amendment numbered 2457.

(The text of the amendment is printed in the RECORD of Tuesday, June 19, 2012, under "Text of Amendments.")

Mr. WARNER. I further ask the amendment be modified with the changes at the desk.

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

The amendment, as modified, is as follows:

(Purpose: To improve access to broadband telecommunication services in rural areas)

Strike section 6104 and insert the following:

#### SEC. 6104. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

Section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended—

(1) in subsection (a), by striking "loans and" and inserting "grants, loans, and";

(2) in subsection (b), by striking paragraph (3) and inserting the following:

"(3) RURAL AREA.—The term 'rural area' means any area described in section 3002 of the Consolidated Farm and Rural Development Act.;"

(3) in subsection (c)—

(A) in the subsection heading, by striking "LOANS AND" and inserting "GRANTS, LOANS, AND";

(B) in paragraph (1), by inserting "make grants and" after "Secretary shall";

(C) by striking paragraph (2) and inserting the following:

"(2) PRIORITY.—

"(A) IN GENERAL.—In making grants, loans, or loan guarantees under paragraph (1), the Secretary shall—

"(i) establish not less than 2, and not more than 4, evaluation periods for each fiscal year to compare grant, loan, and loan guarantee applications and to prioritize grants, loans, and loan guarantees to all or part of rural communities that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e);

"(ii) give the highest priority to applicants that offer to provide broadband service to the greatest proportion of unserved rural households or rural households that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e), as—

"(I) certified by the affected community, city, county, or designee; or

"(II) demonstrated on—

"(aa) the broadband map of the affected State if the map contains address-level data; or

"(bb) the National Broadband Map if address-level data is unavailable; and

"(iii) provide equal consideration to all qualified applicants, including those that have not previously received grants, loans, or loan guarantees under paragraph (1).

"(B) OTHER.—After giving priority to the applicants described in subparagraph (A), the Secretary shall then give priority to projects that serve rural communities—

"(i) with a population of less than 20,000 permanent residents;

"(ii) experiencing outmigration;

"(iii) with a high percentage of low-income residents; and

"(iv) that are isolated from other significant population centers.;"

(D) by adding at the end the following:

"(3) GRANT AMOUNTS.—

"(A) ELIGIBILITY.—To be eligible for a grant under this section, the project that is the subject of the grant shall be carried out in a rural area.

"(B) MAXIMUM.—Except as provided in subparagraph (D), the amount of any grant made under this section shall not exceed 50 percent of the development costs of the project for which the grant is provided.

"(C) GRANT RATE.—The Secretary shall establish the grant rate for each project in accordance with regulations issued by the Secretary that shall provide for a graduated scale of grant rates that establish higher rates for projects in communities that have—

"(i) remote locations;

"(ii) low community populations;

"(iii) low income levels;

"(iv) developed the applications of the communities with the participation of combinations of stakeholders, including—

"(I) State, local, and tribal governments;

"(II) nonprofit institutions;

"(III) institutions of higher education;

"(IV) private entities; and

"(V) philanthropic organizations; and

"(v) targeted funding to provide the minimum acceptable level of broadband service established under subsection (e) in all or part of an unserved community that is below that minimum acceptable level of broadband service.

"(D) SECRETARIAL AUTHORITY TO ADJUST.—The Secretary may make grants of up to 75 percent of the development costs of the project for which the grant is provided to an eligible entity if the Secretary determines that the project serves a remote or low income area that does not have access to broadband service from any provider of broadband service (including the applicant).;"

(4) in subsection (d)—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i), by striking "loan or" and inserting "grant, loan, or";

(ii) by striking clause (i) and inserting the following:

"(i) demonstrate the ability to furnish, improve in order to meet the minimum acceptable level of broadband service established under subsection (e), or extend broadband service to all or part of an unserved rural area or an area below the minimum acceptable level of broadband service established under subsection (e).;"

(iii) in clause (ii), by striking "a loan application" and inserting "an application"; and

(iv) in clause (iii)—

(I) by striking "the loan application" and inserting "the application"; and

(II) by striking "proceeds from the loan made or guaranteed under this section are" and inserting "assistance under this section is";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking "the proceeds of a loan made or guaranteed" and inserting "assistance"; and

(bb) by striking "for the loan or loan guarantee" and inserting "of the eligible entity";

(II) in clause (i), by striking "is offered broadband service by not more than 1 incumbent service provider" and inserting "are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e).;"

(III) in clause (ii), by striking "3" and inserting "2";

(ii) by striking subparagraph (B) and inserting the following:

"(B) ADJUSTMENTS.—

"(i) INCREASE.—The Secretary may increase the household percentage requirement under subparagraph (A)(i) if—

"(I) more than 25 percent of the costs of the project are funded by grants made under this section; or

"(II) the proposed service territory includes 1 or more communities with a population in excess of 20,000.

"(ii) REDUCTION.—The Secretary may reduce the household percentage requirement under subparagraph (A)(i)—

"(I) to not less than 15 percent, if the proposed service territory does not have a population in excess of 5,000 people; or



“(II) to not less than 18 percent, if the proposed service territory does not have a population in excess of 7,500 people.”; and

(iii) in subparagraph (C)—

(I) in the subparagraph heading, by striking “3” and inserting “2”; and

(II) in clause (i), by inserting “the minimum acceptable level of broadband service established under subsection (e) in” after “service to”;

(C) in paragraph (3)—

(i) in subparagraph (A), by striking “loan or” and inserting “grant, loan, or”; and

(ii) in subparagraph (B), by adding at the end the following:

“(iii) INFORMATION.—Information submitted under this subparagraph shall be—

“(I) certified by the affected community, city, county, or designee; and

“(II) demonstrated on—

“(aa) the broadband map of the affected State if the map contains address-level data; or

“(bb) the National Broadband Map if address-level data is unavailable.”;

(D) in paragraph (4)—

(i) by striking “Subject to paragraph (1),” and inserting the following:

“(A) IN GENERAL.—Subject to paragraph (1) and subparagraph (B),”;

(ii) by striking “loan or” and inserting “grant, loan, or”; and

(iii) by adding at the end the following:

“(B) PILOT PROGRAMS.—The Secretary may carry out pilot programs in conjunction with interested entities described in subparagraph (A) (which may be in partnership with other entities, as determined appropriate by the Secretary) to address areas that are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e).”;

(E) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking “loan or” and inserting “grant, loan, or”; and

(ii) in subparagraph (C), by inserting “, and proportion relative to the service territory,” after “estimated number”;

(F) in paragraph (6), by striking “loan or” and inserting “grant, loan, or”;

(G) in paragraph (7), by striking “a loan application” and inserting “an application”;

and

(H) by adding at the end the following:

“(8) TRANSPARENCY AND REPORTING.—The Secretary—

“(A) shall require any entity receiving assistance under this section to submit quarterly, in a format specified by the Secretary, a report that describes—

“(i) the use by the entity of the assistance, including new equipment and capacity enhancements that support high-speed broadband access for educational institutions, health care providers, and public safety service providers (including the estimated number of end users who are currently using or forecasted to use the new or upgraded infrastructure); and

“(ii) the progress towards fulfilling the objectives for which the assistance was granted, including—

“(I) the number and location of residences and businesses that will receive new broadband service, existing network service improvements, and facility upgrades resulting from the Federal assistance;

“(II) the speed of broadband service;

“(III) the price of broadband service;

“(IV) any changes in broadband service adoption rates, including new subscribers generated from demand-side projects; and

“(V) any other metrics the Secretary determines to be appropriate

“(B) shall maintain a fully searchable database, accessible on the Internet at no

cost to the public, that contains, at a minimum—

“(i) a list of each entity that has applied for assistance under this section;

“(ii) a description of each application, including the status of each application;

“(iii) for each entity receiving assistance under this section—

“(I) the name of the entity;

“(II) the type of assistance being received;

“(III) the purpose for which the entity is receiving the assistance; and

“(IV) each quarterly report submitted under subparagraph (A); and

“(iv) such other information as is sufficient to allow the public to understand and monitor assistance provided under this section;

“(C) shall, in addition to other authority under applicable law, establish written procedures for all broadband programs administered by the Secretary that, to the maximum extent practicable—

“(i) recover funds from loan defaults;

“(ii) (I) deobligate awards to grantees that demonstrate an insufficient level of performance (including failure to meet build-out requirements, service quality issues, or other metrics determined by the Secretary) or wasteful or fraudulent spending; and

“(II) award those funds, on a competitive basis, to new or existing applicants consistent with this section; and

“(iii) consolidate and minimize overlap among the programs;

“(D) with respect to an application for assistance under this section, shall—

“(i) promptly post on the website of the Rural Utility Service—

“(I) an announcement that identifies—

“(aa) each applicant;

“(bb) the amount and type of support requested by each applicant; and

“(II) a list of the census block groups or proposed service territory, in a manner specified by the Secretary, that the applicant proposes to service;

“(ii) provide not less than 15 days for broadband service providers to voluntarily submit information about the broadband services that the providers offer in the groups or tracts listed under clause (i)(II) so that the Secretary may assess whether the applications submitted meet the eligibility requirements under this section; and

“(iii) if no broadband service provider submits information under clause (ii), consider the number of providers in the group or tract to be established by reference to—

“(I) the most current National Broadband Map of the National Telecommunications and Information Administration; or

“(II) any other data regarding the availability of broadband service that the Secretary may collect or obtain through reasonable efforts; and

“(E) may establish additional reporting and information requirements for any recipient of any assistance under this section so as to ensure compliance with this section.”;

(5) in subsection (e)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Subject to paragraph (2), for purposes of this section, the minimum acceptable level of broadband service for a rural area shall be at least—

“(A) a 4-Mbps downstream transmission capacity; and

“(B) a 1-Mbps upstream transmission capacity.

“(2) ADJUSTMENTS.—

“(A) IN GENERAL.—At least once every 2 years, the Secretary shall review, and may adjust, the minimum acceptable level of broadband service established under para-

graph (1) to ensure that high quality, cost-effective broadband service is provided to rural areas over time.

“(B) CONSIDERATIONS.—In making an adjustment to the minimum acceptable level of broadband service under subparagraph (A), the Secretary may consider establishing different transmission rates for fixed broadband service and mobile broadband service.”;

(6) in subsection (f), by striking “make a loan or loan guarantee” and inserting “provide assistance”;

(7) in subsection (g), by striking paragraph (2) and inserting the following:

“(2) TERMS.—In determining the term and conditions of a loan or loan guarantee, the Secretary may—

“(A) consider whether the recipient would be serving an area that is unserved; and

“(B) if the Secretary makes a determination in the affirmative under subparagraph (A), establish a limited initial deferral period or comparable terms necessary to achieve the financial feasibility and long-term sustainability of the project.”;

(8) in subsection (j)—

(A) in the matter preceding paragraph (1), by striking “loan and loan guarantee”;

(B) in paragraph (1)—

(i) by inserting “grants and” after “number of”; and

(ii) by inserting “, including any loan terms or conditions for which the Secretary provided additional assistance to unserved areas” before the semicolon at the end;

(C) in paragraph (2)—

(i) in subparagraph (A), by striking “loan”; and

(ii) in subparagraph (B), by striking “loans and” and inserting “grants, loans, and”;

(D) in paragraph (3), by striking “loan”;

(E) in paragraph (5), by striking “and” at the end;

(F) in paragraph (6), by striking the period at the end and inserting “; and”; and

(G) by adding at the end the following:

“(7) the overall progress towards fulfilling the goal of improving the quality of rural life by expanding rural broadband access, as demonstrated by metrics, including—

“(A) the number of residences and businesses receiving new broadband services;

“(B) network improvements, including facility upgrades and equipment purchases;

“(C) average broadband speeds and prices on a local and statewide basis;

“(D) any changes in broadband adoption rates; and

“(E) any specific activities that increased high speed broadband access for educational institutions, health care providers, and public safety service providers.”; and

(9) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively;

(10) by inserting after subsection (j) the following:

“(k) BROADBAND BUILDOUT DATA.—

“(1) IN GENERAL.—As a condition of receiving a grant, loan, or loan guarantee under this section, a recipient of assistance shall provide to the Secretary address-level broadband buildout data that indicates the location of new broadband service that is being provided or upgraded within the service territory supported by the grant, loan, or loan guarantee—

“(A) for purposes of inclusion in the semi-annual updates to the National Broadband Map that is managed by the National Telecommunications and Information Administration (referred to in this subsection as the ‘Administration’); and

“(B) not later than 30 days after the earlier of—

“(i) the date of completion of any project milestone established by the Secretary; or

“(ii) the date of completion of the project.

“(2) ADDRESS-LEVEL DATA.—Effective beginning on the date the Administration receives data described in paragraph (1), the Administration shall use only address-level broadband buildout data for the National Broadband Map.

“(3) CORRECTIONS.—

“(A) IN GENERAL.—The Secretary shall submit to the Administration any correction to the National Broadband Map that is based on the actual level of broadband coverage within the rural area, including any requests for a correction from an elected or economic development official.

“(B) INCORPORATION.—Not later than 30 days after the date on which the Administration receives a correction submitted under subparagraph (A), the Administration shall incorporate the correction into the National Broadband Map.

“(C) USE.—If the Secretary has submitted a correction to the Administration under subparagraph (A), but the National Broadband Map has not been updated to reflect the correction by the date on which the Secretary is making a grant or loan award decision under this section, the Secretary may use the correction submitted under that subparagraph for purposes of making the grant or loan award decision.”;

(11) subsection (I) (as redesignated by paragraph (9))—

(A) in paragraph (1)—

(i) by striking “\$25,000,000” and inserting “\$50,000,000”; and

(ii) by striking “2012” and inserting “2017”; and

(B) in paragraph (2)(A)—

(i) in clause (i), by striking “and” at the end;

(ii) in clause (ii), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(iii) set aside at least 1 percent to be used for—

“(I) conducting oversight under this section; and

“(II) implementing accountability measures and related activities authorized under this section.”; and

(12) in subsection (m) (as redesignated by paragraph (9))—

(A) by striking “loan or” and inserting “grant, loan, or”; and

(B) by striking “2012” and inserting “2017”.

The PRESIDING OFFICER. There will be 2 minutes of debate. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, this is a broad, bipartisan amendment—Warner-Crapo-Kirk-Shaheen-Bennet-Webb. It basically does three things in the broadband area. It accelerates access to those areas that are underserved. As a matter of fact, we have a 2009 USDA IG report which showed that less than 3 percent of loans provided by RUS went toward unserved communities. This will move forward in that area.

Second, it creates greater access and transparency and accountability standards for RUS and applicants. These are items that were brought forward from the GAO and the IG of the USDA and CRS. It also allows greater levels of accountability in ensuring that those States that collect data by address—that that information is related to RUS, so we don't have counties where certain parts are served and other parts are left unserved, never able to get access. It has the broad support of the U.S. Conference of Catholic

Bishops, National Taxpayers Union, the League of Rural Voters.

I ask bipartisan support of this amendment.

Mr. LEAHY, Mr. President, I have long believed that Congress must work to enact policies that promote the deployment of broadband in rural America. There is no doubt that rural areas lag behind the rest of the country when it comes to access to affordable, quality, high-speed Internet. As the Internet rapidly evolves beyond what the slow speeds offered by dial up service can handle, broadband service is no longer a luxury, it is a necessity. Today, I voted against an amendment that, while well intentioned, may have the unintended consequence of making it harder for the Rural Utilities Service to incentivize broadband expansion and competition in rural areas like Vermont.

I support the provisions in the underlying farm bill that seek to provide additional forms of assistance to broadband projects in rural areas, and I had hoped that the Senate would not significantly alter these provisions. It is important to ensure that the Rural Utilities Service has the flexibility it needs to provide assistance to rural areas—both those that have no service at all and those that have inadequate service.

Senator WARNER's amendment does contain elements that I support, including provisions that will help to improve transparency and accountability within the Rural Utilities Service Program. Unfortunately, it may go too far in refocusing the scope of the program at the expense of rural communities in Vermont.

I look forward to continuing my work in the Senate to expand broadband service and competition in rural America.

The PRESIDING OFFICER. Who yields time in opposition?

Ms. STABENOW. I am not yielding time in opposition. I commend Senator WARNER and everyone on this amendment for their tremendous amount of work. It makes a tremendous amount of sense. It is real reform. I believe we have an understanding to proceed with a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2457, as modified.

The amendment (No. 2457), as modified, was agreed to.

Mr. BEGICH. Mr. President, I would like to have the RECORD reflect if there had been a rollcall vote, I would have voted no on this item.

Mr. NELSON of Nebraska. I wish to be recorded also as I would have voted no.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 2314

Mr. LEE. Mr. President, I call up my amendment No. 2314 at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 2314.

The amendment is as follows:

(Purpose: To repeal the conservation stewardship program and the conservation reserve program)

Strike subtitles A and B of title II and insert the following:

**SEC. 2001. REPEAL OF CONSERVATION RESERVE PROGRAM.**

Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) is repealed.

**SEC. 2101. REPEAL OF CONSERVATION STEWARDSHIP PROGRAM.**

Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) is repealed.

The PRESIDING OFFICER. There is 2 minutes of debate, equally divided. The Senator from Utah is recognized for 1 minute.

Mr. LEE. Mr. President, I propose amendment No. 2314 to repeal the Conservation Reserve Program and the Conservation Stewardship Program. Here we have another instance of the Federal Government paying people not to use their land. In this circumstance, they are being paid not to grow crops on their land, not to use agricultural land.

We have an almost \$16 trillion debt. CBO says this amendment would save over \$15 billion in mandatory spending over 10 years. Not doing something is something that should be free. Only the Federal Government would try to defend the practice of spending billions and billions of dollars—

The PRESIDING OFFICER. The Senator will suspend for a moment. Senators will please take their conversations out of the well.

The Senator from Utah.

Mr. LEE. Only the Federal Government would try to defend the barbaric, outmoded practice of paying people billions of dollars not to use their land. That is what these programs do. We need to get rid of them. That is why I propose this amendment. I invite my colleagues to join me in supporting it.

The PRESIDING OFFICER. Who yields time?

Ms. STABENOW. Mr. President, I strongly oppose this amendment. We have over 643 conservation and environmental groups from every State in the Union supporting our conservation reforms in this bill. This is about protecting land and water and air habitat, wetlands. Ducks Unlimited is a huge supporter of what we have been doing.

The Conservation Reserve Program, which has been in place for 25 years, was shown last year, with the drought, to have had a tremendous effect. We saw some of the worst droughts on record since the Dust Bowl in the last number of months, but we did not have a Dust Bowl and that is because the CRP prevented erosion and the soil stayed where it should stay. This is about our country, protecting our land, resources for our children and grandchildren.

I strongly urge a “no” vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. All those in favor, signify by saying aye.

(Chorus of ayes.)

The PRESIDING OFFICER. No?

(Chorus of nays.)

The PRESIDING OFFICER. The noes appear to have it.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 15, nays 84, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—15

Ayotte	Hatch	Murkowski
Coats	Johnson (WI)	Paul
Coburn	Kyl	Rubio
Corker	Lee	Toomey
DeMint	McCain	Vitter

NAYS—84

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

NOT VOTING—1

Kirk

The amendment (No. 2314) was rejected.

Ms. STABENOW. Mr. President, I move to reconsider and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2427

Ms. STABENOW. Mr. President, before moving to Senator WYDEN's amendment, we want to go back to an agreed-upon amendment, which is Schumer amendment No. 2427, to increase research, education, and promotion of maple products.

I call up amendment No. 2427, and I ask unanimous consent that we move forward with a voice vote.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW], for Mr. SCHUMER, proposes an amendment numbered 2427.

The amendment is as follows:

(Purpose: To support State and tribal government efforts to promote research and education related to maple syrup production, natural resource sustainability in the maple syrup industry, market promotion of maple products, and greater access to lands containing maple trees for maple-sugaring activities, and for other purposes)

On page 1009, after line 11, add the following:

**SEC. 12207. ACER ACCESS AND DEVELOPMENT PROGRAM.**

(a) GRANTS AUTHORIZED; AUTHORIZED ACTIVITIES.—The Secretary of Agriculture may make grants to States and tribal governments to support their efforts to promote the domestic maple syrup industry through the following activities:

(1) Promotion of research and education related to maple syrup production.

(2) Promotion of natural resource sustainability in the maple syrup industry.

(3) Market promotion for maple syrup and maple-sap products.

(4) Encouragement of owners and operators of privately held land containing species of tree in the genus *Acer*—

(A) to initiate or expand maple-sugaring activities on the land; or

(B) to voluntarily make the land available, including by lease or other means, for access by the public for maple-sugaring activities.

(b) APPLICATIONS.—In submitting an application for a grant under this section, a State or tribal government shall include—

(1) a description of the activities to be supported using the grant funds;

(2) a description of the benefits that the State or tribal government intends to achieve as a result of engaging in such activities; and

(3) an estimate of the increase in maple-sugaring activities or maple syrup production that the State or tribal government anticipates will occur as a result of engaging in such activities.

(c) RELATIONSHIP TO OTHER LAWS.—Nothing in this section preempts a State or tribal government law, including any State or tribal government liability law.

(d) DEFINITION OF MAPLE SUGARING.—In this section, the term “maple-sugaring” means the collection of sap from any species of tree in the genus *Acer* for the purpose of boiling to produce food.

(e) REGULATIONS.—The Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2012 through 2015.

Ms. STABENOW. I yield back all time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 2427) was agreed to.

Ms. STABENOW. Mr. President, I appreciate Senator WYDEN allowing us to go out of order. I will now turn it over to Senator WYDEN for his amendment.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 2388

Mr. WYDEN. I call up my farm-to-school amendment No. 2388.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 2388.

Mr. WYDEN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify a provision relating to purchases of locally produced foods)

On page 360, after line 24, add the following:

**SEC. 4207. PURCHASES OF LOCALLY PRODUCED FOODS.**

Section 9(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(2) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(3) in paragraph (1) (as so redesignated)—

(A) in subparagraph (B)—

(i) by striking “paragraph (1) of the policy described in that paragraph and paragraph (3)” and inserting “subparagraph (A) of the policy described in that subparagraph and subparagraph (C)”;

(ii) by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(D) not later than 1 year after the date of enactment of this subparagraph, in accordance with paragraphs (2) and (3), conduct not fewer than 5 demonstration projects through school food authorities receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to facilitate the purchase of unprocessed and minimally processed locally grown and locally raised agricultural products.”;

(4) by adding at the end the following:

“(2) SELECTION.—In conducting demonstration projects under paragraph (1)(D), the Secretary shall ensure that at least 1 project is located in a State in each of—

“(A) the Pacific Northwest Region;

“(B) the Northeast Region;

“(C) the Western Region;

“(D) the Midwest Region; and

“(E) the Southern Region.

“(3) PRIORITY.—In selecting States for participation in the demonstration projects under paragraph (2), the Secretary shall prioritize applications based on—

“(A) the quantity and variety of growers of local fruits and vegetables in the State;

“(B) the demonstrated commitment of the State to farm-to-school efforts, as evidenced by prior efforts to increase and promote farm-to-school programs in the State; and

“(C) whether the State contains a sufficient quantity of school districts of varying population sizes and geographical locations.”.

Mr. WYDEN. Mr. President, the American Academy of Pediatrics, the country's pediatricians, is recommending to the Senate that this amendment be passed to encourage healthier foods for our kids. The Congressional Budget Office has stated that this amendment has no cost.

This amendment would, for the first time, test out farm-to-school programs through a competitive pilot program with at least five farm-to-school demonstration projects so it would be possible to fill in the information void

about what works and what doesn't. The Agriculture Department's own Economic Research Service reports that "data and analysis of farm-to-school programs are scarce."

Under this amendment, the schools win, the farmers win, and the taxpayers win. I hope we can accept it with a voice vote.

Ms. STABENOW. Mr. President, I yield back all time, and we do have an agreement on a voice vote.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 2388.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas.

#### AMENDMENT NO. 2355

Mr. BOOZMAN. I call up amendment No. 2355, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BOOZMAN] proposes an amendment numbered 2355.

The amendment was as follows:

(Purpose: To support the dissemination of objective and scholarly agricultural and food law research and information)

On page 860, between lines 15 and 16, insert the following:

#### SEC. 7602. OBJECTIVE AND SCHOLARLY AGRICULTURAL AND FOOD LAW RESEARCH AND INFORMATION.

(a) FINDINGS.—Congress finds that—

(1) the farms, ranches, and forests of the United States are impacted by a complex and rapidly evolving web of international, Federal, State, and local laws (including regulations);

(2) objective, scholarly, and authoritative agricultural and food law research and information helps the farm, ranch, and forestry community contribute to the strength of the United States through improved conservation, environmental protection, job creation, economic development, renewable energy production, outdoor recreational opportunities, and increased local and regional supplies of food, fiber, and fuel; and

(3) the vast agricultural community of the United States, including farmers, ranchers, foresters, attorneys, policymakers, and extension personnel, need access to agricultural and food law research and information provided by an objective, scholarly, and neutral source.

(b) PARTNERSHIPS.—The Secretary, acting through the National Agricultural Library, shall support the dissemination of objective, scholarly, and authoritative agricultural and food law research and information by entering into partnerships with institutions of higher education that have expertise in agricultural and food law research and information.

(c) RESTRICTION.—For each fiscal year, the Secretary shall use not more than \$1,000,000 of the amounts made available to the National Agricultural Library to carry out this section.

Mr. BOOZMAN. Mr. President, the farms, ranches, and forests of the United States are impacted by a complex and rapidly evolving web of international, Federal, State, and local laws.

The vast agricultural community of the United States—including farmers, ranchers, foresters, attorneys, policy-

makers and extension personnel—needs access to agricultural and food law research and information provided by an objective, scholarly, and neutral source. This amendment encourages the Secretary of Agriculture, acting through the National Agricultural Library, to get the information out by entering into partnerships with institutions of higher education that have expertise in this area.

The amendment does not authorize a new program or increase the authorization for the National Agricultural Library. Again, CBO says it has no cost.

I urge a voice vote in the affirmative.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I strongly support this amendment, as does my ranking member. I wish to congratulate Senator BOOZMAN on great work on this amendment. I believe we can proceed with a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2355.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Oregon.

#### AMENDMENT NO. 2442

Mr. WYDEN. I call up amendment No. 2442.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 2442.

Mr. WYDEN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish a pilot loan program to support healthy foods for the hungry)

At the end of section 3201 of the Consolidated Farm and Rural Development Act (as added by section 5001), add the following:

"(e) PILOT LOAN PROGRAM TO SUPPORT HEALTHY FOODS FOR THE HUNGRY.—

"(1) DEFINITION OF GLEANER.—In this subsection, the term 'gleaner' means an entity that—

"(A) collects edible, surplus food that would be thrown away and distributes the food to agencies or nonprofit organizations that feed the hungry; or

"(B) harvests for free distribution to the needy, or for donation to agencies or nonprofit organizations for ultimate distribution to the needy, an agricultural crop that has been donated by the owner of the crop.

"(2) PROGRAM.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish, within the operating loan program established under this chapter, a pilot program under which the Secretary makes loans available to eligible entities to assist the entities in providing food to the hungry.

"(3) ELIGIBILITY.—In addition to any other person eligible under the terms and conditions of the operating loan program established under this chapter, gleaners shall be eligible to receive loans under this subsection.

"(4) LOAN AMOUNT.—

"(A) IN GENERAL.—Each loan issued under the program shall be in an amount of not less than \$500 and not more than \$5,000.

"(B) REDISTRIBUTION.—If the eligible recipients in a State do not use the full allocation of loans that are available to eligible recipients in the State under this subsection, the Secretary may use any unused amounts to make loans available to eligible entities in other States in accordance with this subsection.

"(5) LOAN PROCESSING.—

"(A) IN GENERAL.—The Secretary shall process any loan application submitted under the program not later than 30 days after the date on which the application was submitted.

"(B) EXPEDITING APPLICATIONS.—The Secretary shall take any measure the Secretary determines necessary to expedite any application submitted under the program.

"(6) PAPERWORK REDUCTION.—The Secretary shall take measures to reduce any paperwork requirements for loans under the program.

"(7) PROGRAM INTEGRITY.—The Secretary shall take such actions as are necessary to ensure the integrity of the program established under this subsection.

"(8) MAXIMUM AMOUNT.—Of funds that are made available to carry out this chapter, the Secretary shall use to carry out this subsection a total amount of not more than \$500,000.

"(9) REPORT.—Not later than 180 days after the maximum amount of funds are used to carry out this subsection under paragraph (8), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the pilot program and the feasibility of expanding the program.

Mr. WYDEN. Mr. President, again, I hope we can handle this amendment on a voice vote. This is an amendment that would help the gleaners all across the country, who, of course, are the volunteers across America who help get surplus food that would otherwise be wasted out to the hungry at senior centers and at various kinds of food kitchens and other critical hunger programs. Thirty-four million tons of food waste is generated each year. That could feed a lot of people.

The gleaners are trying to make sure this perfectly good food goes on the plates of struggling Americans as opposed to millions of pounds of it going into landfills and incinerators.

This amendment, again, costs no money. It simply makes—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WYDEN.—it possible to collect and preserve edible food. I hope we accept it on a voice vote.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I encourage my colleagues to join with me to oppose the amendment.

The amendment would provide government loans for brick-and-mortar projects, including food refrigeration capacity. We are talking about refrigerators—big refrigerators. At a time when we are working to streamline current programs and reduce the size of government, I am concerned we would be expanding the size to serve a new pool of applicants competing for very limited resources at the Department of

Agriculture. In this regard, the gleaners would be taken to the cleaners.

I encourage my colleagues to oppose the amendment.

Mr. WYDEN. Mr. President, has all time expired?

The PRESIDING OFFICER. Time in opposition remains.

Mr. WYDEN. I will only state this costs no additional money. Senator STABENOW supports it, and I yield to her.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I would just simply say that I strongly support the amendment.

The PRESIDING OFFICER. All time has expired.

Is there further debate in opposition? If there is no further debate, the question is on agreeing to the amendment.

All those in favor say aye.

(Chorus of ayes.)

All those opposed, no.

(Chorus of nays.)

The nays appear to have it.

Mr. WYDEN. I ask for a recorded vote.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at this time.

Mr. ROBERTS. Mr. President, I ask for a division vote.

The PRESIDING OFFICER. All those in favor of the amendment will stand and be counted.

Now would all those opposed stand and be counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the amendment No. 2442 was agreed to.

The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I send a modification to the desk to my amendment No. 2360.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. WHITEHOUSE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I am sorry, Mr. President. We were in discussions. At this moment if we might just pause, we will just object for a moment. I object.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. We are now told that this has been reviewed, and so we have no objection to proceeding to it.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2360, AS MODIFIED

Mr. BOOZMAN. Mr. President, I call up amendment No. 2360, as modified.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment, as modified.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BOOZMAN] proposes an amendment No. 2360, as modified.

The amendment is as follows:

(Purpose: To provide for emergency food assistance, and for other purposes)

At the appropriate place in title IV, insert the following:

SEC. 4. QUALITY CONTROL BONUSES.

Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended—

(1) in subsection (c)—

(A) in the first sentence of paragraph (4), by striking “payment error rate” and all that follows through “subsection (d)” and inserting “liability amount or new investment amount under paragraph (1) or payment error rate”; and

(B) in the first sentence of paragraph (5), by striking “payment error rate” and all that follows through “subsection (d)” and inserting “liability amount or new investment amount under paragraph (1) or payment error rate”;

(2) by striking subsection (d); and

(3) in subsection (i)(1), by striking “subsection (d)(1)” and inserting “subsection (c)(2)”.

On page 337, line 8, strike “\$28,000,000” and insert “\$71,000,000”.

On page 337, line 10, strike “\$24,000,000” and insert “\$67,000,000”.

On page 337, line 12, strike “\$20,000,000” and insert “\$63,000,000”.

On page 337, line 14, strike “\$18,000,000” and insert “\$61,000,000”.

On page 337, line 16, strike “\$10,000,000” and insert “\$53,000,000”.

Mr. BOOZMAN. My amendment redirects funding currently going to the States for the administration of SNAP. It puts that money in TEFAP, which provides funding to the Secretary of Agriculture to make commodity purchases given to food banks.

I am sure my colleagues are aware of the difficult situation in our food banks right now. They are under immense pressure in these very difficult economic times.

The importance of TEFAP is it provides food banks with commodities. This amendment takes money currently used to encourage the States to do something that they ought to be doing anyway and reinvests in a program that actually provides food to Americans who need it the most.

I urge a “yes” vote and yield back my time.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to reluctantly oppose the amendment of my colleague. I appreciate what he is trying to do. I couldn't agree more about the needs of food banks. That is why in this legislation we increase food bank funding by \$174 million.

The problem is the way the Senator wants to do this, which is by reducing the funding available to stop food stamp fraud efforts. It would reduce the SNAP error rates efforts. Right now, what has been done to tackle waste, fraud, and abuse has actually reduced error rates dramatically—by 43 percent. We want to keep that going.

So I certainly support what he is trying to do but not by taking money away from waste, fraud, and abuse efforts within the food assistance program. So I have to ask for a “no” vote.

The PRESIDING OFFICER. All time has expired.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BOOZMAN. I ask for a recorded vote.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. PAUL (when his name was called). Present.

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 result was announced—yeas 35, nays 63, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—35

Ayotte	Grassley	Pryor
Barrasso	Hoeben	Risch
Blunt	Hutchison	Roberts
Boozman	Inhofe	Rubio
Burr	Isakson	Sessions
Chambliss	Johanns	Shelby
Coats	Kyl	Thune
Cochran	Lugar	Toomey
Cornyn	McConnell	Vitter
Crapo	Moran	Webb
Enzi	Nelson (FL)	Wicker
Graham	Portman	

NAYS—63

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

ANSWERED “PRESENT”—1

Paul

NOT VOTING—1

Kirk

The amendment (No. 2360) was rejected.

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2204

Mr. LEAHY. Mr. President, I call up my amendment No. 2204.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2204.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To support the State Rural Development Partnership)

On page 652, between lines 12 and 13, insert the following:

**“SEC. 3707. STATE RURAL DEVELOPMENT PARTNERSHIP.**

“(a) DEFINITIONS.—In this section:

“(1) AGENCY WITH RURAL RESPONSIBILITIES.—The term ‘agency with rural responsibilities’ means any executive agency (as defined in section 105 of title 5, United States Code) that implements a Federal law, or administers a program, targeted at or having a significant impact on rural areas.

“(2) PARTNERSHIP.—The term ‘Partnership’ means the State Rural Development Partnership continued by subsection (b).

“(3) STATE RURAL DEVELOPMENT COUNCIL.—The term ‘State rural development council’ means a State rural development council that meets the requirements of subsection (c).

“(b) PARTNERSHIP.—

“(1) IN GENERAL.—The Secretary shall support the State Rural Development Partnership comprised of State rural development councils.

“(2) PURPOSES.—The purposes of the Partnership are to empower and build the capacity of States, regions, and rural communities to design flexible and innovative responses to their rural development needs in a manner that maximizes collaborative public- and private-sector cooperation and minimizes regulatory redundancy.

“(3) COORDINATING PANEL.—A panel consisting of representatives of State rural development councils shall be established—

“(A) to lead and coordinate the strategic operation and policies of the Partnership; and

“(B) to facilitate effective communication among the members of the Partnership, including the sharing of best practices.

“(4) ROLE OF FEDERAL GOVERNMENT.—The role of the Federal Government in the Partnership may be that of a partner and facilitator, with Federal agencies authorized—

“(A) to cooperate with States to implement the Partnership;

“(B) to provide States with the technical and administrative support necessary to plan and implement tailored rural development strategies to meet local needs;

“(C) to ensure that the head of each agency with rural responsibilities directs appropriate field staff to participate fully with the State rural development council within the jurisdiction of the field staff; and

“(D) to enter into cooperative agreements with, and to provide grants and other assistance to, State rural development councils.

“(c) STATE RURAL DEVELOPMENT COUNCILS.—

“(1) ESTABLISHMENT.—Notwithstanding chapter 63 of title 31, United States Code, each State may elect to participate in the Partnership by entering into an agreement with the Secretary to recognize a State rural development council.

“(2) COMPOSITION.—A State rural development council shall—

“(A) be composed of representatives of Federal, State, local, and tribal governments, nonprofit organizations, regional organizations, the private sector, and other entities committed to rural advancement; and

“(B) have a nonpartisan and nondiscriminatory membership that—

“(i) is broad and representative of the economic, social, and political diversity of the State; and

“(ii) shall be responsible for the governance and operations of the State rural development council.

“(3) DUTIES.—A State rural development council shall—

“(A) facilitate collaboration among Federal, State, local, and tribal governments and the private and nonprofit sectors in the planning and implementation of programs and policies that have an impact on rural areas of the State;

“(B) monitor, report, and comment on policies and programs that address, or fail to address, the needs of the rural areas of the State;

“(C) as part of the Partnership, facilitate the development of strategies to reduce or eliminate conflicting or duplicative administrative or regulatory requirements of Federal, State, local, and tribal governments; and

“(D)(i) provide to the Secretary an annual plan with goals and performance measures; and

“(ii) submit to the Secretary an annual report on the progress of the State rural development council in meeting the goals and measures.

“(4) FEDERAL PARTICIPATION IN STATE RURAL DEVELOPMENT COUNCILS.—

“(A) IN GENERAL.—A State Director for Rural Development of the Department of Agriculture, other employees of the Department, and employees of other Federal agencies with rural responsibilities shall fully participate as voting members in the governance and operations of State rural development councils (including activities related to grants, contracts, and other agreements in accordance with this section) on an equal basis with other members of the State rural development councils.

“(B) CONFLICTS.—Participation by a Federal employee in a State rural development council in accordance with this paragraph shall not constitute a violation of section 205 or 208 of title 18, United States Code.

“(d) ADMINISTRATIVE SUPPORT OF THE PARTNERSHIP.—

“(1) DETAIL OF EMPLOYEES.—

“(A) IN GENERAL.—In order to provide experience in intergovernmental collaboration, the head of an agency with rural responsibilities that elects to participate in the Partnership may, and is encouraged to, detail to the Secretary for the support of the Partnership 1 or more employees of the agency with rural responsibilities without reimbursement for a period of up to 1 year.

“(B) CIVIL SERVICE STATUS.—The detail shall be without interruption or loss of civil service status or privilege.

“(2) ADDITIONAL SUPPORT.—The Secretary may provide for any additional support staff to the Partnership as the Secretary determines to be necessary to carry out the duties of the Partnership.

“(3) INTERMEDIARIES.—The Secretary may enter into a contract with a qualified intermediary under which the intermediary shall be responsible for providing administrative and technical assistance to a State rural development council, including administering the financial assistance available to the State rural development council.

“(e) MATCHING REQUIREMENTS FOR STATE RURAL DEVELOPMENT COUNCILS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a State rural development council shall provide matching funds, or in-kind goods or services, to support the activities of the State rural development council in an amount that is not less than 33 percent of the amount of Federal funds received from a Federal agency under subsection (f)(2).

“(2) EXCEPTIONS TO MATCHING REQUIREMENT FOR CERTAIN FEDERAL FUNDS.—Paragraph (1) shall not apply to funds, grants, funds pro-

vided under contracts or cooperative agreements, gifts, contributions, or technical assistance received by a State rural development council from a Federal agency that are used—

“(A) to support 1 or more specific program or project activities; or

“(B) to reimburse the State rural development council for services provided to the Federal agency providing the funds, grants, funds provided under contracts or cooperative agreements, gifts, contributions, or technical assistance.

“(3) DEPARTMENT'S SHARE.—The Secretary shall develop a plan to decrease, over time, the share of the Department of Agriculture of the cost of the core operations of State rural development councils.

“(f) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2013 through 2017.

“(2) FEDERAL AGENCIES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law limiting the ability of an agency, along with other agencies, to provide funds to a State rural development council in order to carry out the purposes of this section, a Federal agency may make grants, gifts, or contributions to, provide technical assistance to, or enter into contracts or cooperative agreements with, a State rural development council.

“(B) ASSISTANCE.—Federal agencies are encouraged to use funds made available for programs that have an impact on rural areas to provide assistance to, and enter into contracts with, a State rural development council, as described in subparagraph (A).

“(3) CONTRIBUTIONS.—A State rural development council may accept private contributions.

“(g) TERMINATION.—The authority provided under this section shall terminate on September 30, 2017.”

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

The Senator from Vermont.

Mr. LEAHY. This amendment will reestablish authorization for National Rural Development Partnerships—renamed State Rural Development Partnerships—in the 2012 farm bill. Reauthorization of these effective and efficient councils will allow them to continue their important work of strengthening rural communities in Vermont and across the country.

This reauthorization would recognize the State councils' on-the-ground leadership in rural communities, and allow them to continue their vital work. I would note that this amendment does not cost a single farm bill dollar; it would merely maintain the States' statutory authority to establish these State-run rural development councils.

I urge all Senators to support this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I commend Senator LEAHY, who, as a former chairman of the Agriculture Committee, is a tremendous champion not only for Vermont but for the entire country on these issues.

I yield back the time. I believe we have agreement for a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.



The amendment (No. 2204) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### AMENDMENT NO. 2226

Mr. TOOMEY. Mr. President, I call up amendment No. 2226, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. TOOMEY] proposes an amendment numbered 2226.

The amendment is as follows:

(Purpose: To eliminate biorefinery, renewable chemical, and biobased product manufacturing assistance)

Beginning on page 888, strike line 5, and all that follows through page 890, line 21.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. TOOMEY. Mr. President, this is an amendment that repeals the Biorefinery Assistance Program. This is a program that primarily provides loan guarantees to cellulosic ethanol plants.

The fact is the taxpayers are already subsidizing ethanol plants in many ways. The Federal Government already provides a tax credit of \$1 a gallon to ethanol. The Federal Government creates a mandate that forces consumers to buy this product whether they want to or not, thereby creating a market for ethanol.

We provide grants for ethanol. Do taxpayers also have to risk their money by guaranteeing loans to subsidize this activity? I do not think that is a good idea. This is the same idea that got us into trouble in so many ways. A similar loan program was the source of hundreds of millions of dollars of losses to Solyndra. And just this year, this very program cost \$40 million with the bankruptcy of Range Fuels.

I urge my colleagues to vote for a modest reform here. Repeal this one narrow program, the Biorefinery Assistance Program. I urge a "yes" vote on the amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I strongly oppose this amendment. In fact, we are not talking about ethanol. We are talking about, first of all, advanced biofuels using food waste or animal waste or biomass materials. We are talking about biobased manufacturing, which is an exciting new opportunity in making things and growing things together in our country, whether it is corn or wheat byproducts, whether it is soybeans. In fact, if you drive a Ford vehicle today, a new vehicle, a new Chevy Volt, you sit on seats with soy-based foam that is biodegradable, more lightweight, and you get

better fuel economy, grown by American soybean growers.

So this is the opportunity for new growth in jobs that is in this bill. It is a part I am very excited about for the future for every part of this country. It involves more than 3,000 innovative companies right now engaging in new cutting-edge manufacturing to use agricultural products—

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW.—to get us off of foreign oil.

I urge a "no" vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Those in favor say aye.

(Chorus of ayes.)

Those opposed say nay.

(Chorus of nays.)

The nays appear to have it.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk proceeded to call 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 result was announced—yeas 36, nays 63, as follows:

#### [Rollcall Vote No. 150 Leg.]

#### YEAS—36

Alexander	DeMint	McConnell
Ayotte	Enzi	Moran
Barrasso	Graham	Murkowski
Begich	Hatch	Paul
Blunt	Heller	Portman
Boozman	Hutchison	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coats	Johnson (WI)	Shelby
Coburn	Kyl	Snowe
Corker	Lee	Toomey
Cornyn	McCain	Vitter

#### NAYS—63

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

#### NOT VOTING—1

Kirk

The amendment (No. 2226) was rejected.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Nebraska.

#### AMENDMENT NO. 2242

Mr. NELSON of Nebraska. Madam President, I rise to call up my amendment No. 2242.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Nebraska [Mr. NELSON], for himself, Mr. JOHANNIS, Mr. JOHNSON of South Dakota, and Mr. MORAN, proposes an amendment numbered 2242.

The amendment is as follows:

(Purpose: To amend section 520 of the Housing Act of 1949 to revise the census data and population requirements for areas to be considered as rural areas for purposes of such Act)

At the end of subtitle C of title XII, add the following:

#### SEC. 12207. DEFINITION OF RURAL AREA FOR PURPOSES OF THE HOUSING ACT OF 1949.

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended—

(1) by striking "1990 or 2000 decennial census shall continue to be so classified until the receipt of data from the decennial census in the year 2010" and inserting "1990, 2000, or 2010 decennial census, and any area deemed to be a 'rural area' for purposes of this title under any other provision of law at any time during the period beginning January 1, 2000, and ending December 31, 2010, shall continue to be so classified until the receipt of data from the decennial census in the year 2020"; and

(2) by striking "25,000" and inserting "35,000".

Mr. NELSON of Nebraska. Madam President, this amendment would ensure that rural communities in all our States will remain eligible for housing assistance from the Department of Agriculture.

My amendment simply extends the grandfathering clause these communities have operated under since 1990 and ensures that these communities remain eligible through 2020. This is a bipartisan amendment that is supported by my colleagues, Senators JOHANNIS, MORAN, chairman of the Banking Committee, Senator JOHNSON, and my good friend and neighbor Senator TESTER.

I urge adoption of my amendment.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. I rise to take 10 seconds to support the amendment of my colleague from Nebraska. It keeps in place a program that has been in place since 1990. It is a good amendment.

Ms. STABENOW. Madam President, I commend both Senators from Nebraska. I thank Senator NELSON for this amendment. I support it.

I believe we have an agreement for a voice vote on this amendment, so I yield back all time.

The PRESIDING OFFICER. Hearing no further debate, the question is on agreeing to the amendment.

The amendment (No. 2242) was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

#### AMENDMENT NO. 2433

Mr. TOOMEY. Madam President, I call up amendment No. 2433.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. TOOMEY], for himself, Mrs. SHAHEEN, and Mr.



LUGAR, proposes an amendment numbered 2433.

The amendment is as follows:

(Purpose: To reform the sugar program)

Strike subtitle C of title I and insert the following:

**Subtitle C—Sugar**

**SEC. 1301. SUGAR PROGRAM.**

(a) SUGARCANE.—Section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) is amended—

(1) in paragraph (4), by striking “and” after the semicolon at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) 18 cents per pound for raw cane sugar for each of the 2013 through 2017 crop years.”.

(b) SUGAR BEETS.—Section 156(b)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(b)(2)) is amended by striking “2012” and inserting “2017”.

(c) EFFECTIVE PERIOD.—Section 156(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(i)) is amended by striking “2012” and inserting “2017”.

**SEC. 1302. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.**

(a) IN GENERAL.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended—

(1) in subsection (a)(1)—

(A) in the matter before subparagraph (A), by striking “2012” and inserting “2017”; and

(B) in subparagraph (B), by inserting “at reasonable prices” after “stocks”;

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking “but” after the semicolon at the end and inserting “and”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) appropriate to maintain adequate domestic supplies at reasonable prices, taking into account all sources of domestic supply, including imports.”; and

(3) in subsection (c)(2)(C), by striking “if the disposition of the sugar is administered by the Secretary under section 9010 of the Farm Security and Rural Investment Act of 2002”.

(b) ESTABLISHMENT OF FLEXIBLE MARKETING ALLOTMENTS.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “but” after the semicolon at the end and inserting “and”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) appropriate to maintain adequate supplies at reasonable prices, taking into account all sources of domestic supply, including imports.”; and

(B) in paragraph (2)(B), by inserting “at reasonable prices” after “market”; and

(2) in subsection (g)—

(A) by striking “ALLOTMENTS.—” and all that follows through “Subject to subparagraph (B), the” and inserting “ALLOTMENTS.—The”; and

(B) by striking subparagraph (B).

(c) SUSPENSION OR MODIFICATION OF PROVISIONS.—Section 359j of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359jj) is amended by adding at the end the following:

“(c) SUSPENSION OR MODIFICATION OF PROVISIONS.—Notwithstanding any other provision of this part, the Secretary may suspend or modify, in whole or in part, the application of any provision of this part if the Secretary determines that the action is appropriate, taking into account—

“(1) the interests of consumers, workers in the food industry, businesses (including small businesses), and agricultural producers; and

“(2) the relative competitiveness of domestically produced and imported foods containing sugar.”.

(d) ADMINISTRATION OF TARIFF RATE QUOTAS.—Section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) is amended to read as follows:

**“SEC. 359k. ADMINISTRATION OF TARIFF RATE QUOTAS.**

“(a) ESTABLISHMENT.—Notwithstanding any other provision of law, at the beginning of the quota year, the Secretary shall establish the tariff-rate quotas for raw cane sugar and refined sugar at no less than the minimum level necessary to comply with obligations under international trade agreements that have been approved by Congress.

“(b) ADJUSTMENT.—

“(1) IN GENERAL.—Subject to subsection (a), the Secretary shall adjust the tariff-rate quotas for raw cane sugar and refined sugar to provide adequate supplies of sugar at reasonable prices in the domestic market.

“(2) ENDING STOCKS.—Subject to paragraphs (1) and (3), the Secretary shall establish and adjust tariff-rate quotas in such a manner that the ratio of sugar stocks to total sugar use at the end of the quota year will be approximately 15.5 percent.

“(3) MAINTENANCE OF REASONABLE PRICES AND AVOIDANCE OF FORFEITURES.—

“(A) IN GENERAL.—The Secretary may establish a different target for the ratio of ending stocks to total use if, in the judgment of the Secretary, the different target is necessary to prevent—

“(i) unreasonably high prices; or

“(ii) forfeitures of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

“(B) ANNOUNCEMENT.—The Secretary shall publicly announce any establishment of a target under this paragraph.

“(4) CONSIDERATIONS.—In establishing tariff-rate quotas under subsection (a) and making adjustments under this subsection, the Secretary shall consider the impact of the quotas on consumers, workers, businesses (including small businesses), and agricultural producers.

“(c) TEMPORARY TRANSFER OF QUOTAS.—

“(1) IN GENERAL.—To promote full use of the tariff-rate quotas for raw cane sugar and refined sugar, notwithstanding any other provision of law, the Secretary shall promulgate regulations that provide that any country that has been allocated a share of the quotas may temporarily transfer all or part of the share to any other country that has also been allocated a share of the quotas.

“(2) TRANSFERS VOLUNTARY.—Any transfer under this subsection shall be valid only on voluntary agreement between the transferor and the transferee, consistent with procedures established by the Secretary.

“(3) TRANSFERS TEMPORARY.—

“(A) IN GENERAL.—Any transfer under this subsection shall be valid only for the duration of the quota year during which the transfer is made.

“(B) FOLLOWING QUOTA YEAR.—No transfer under this subsection shall affect the share of the quota allocated to the transferor or transferee for the following quota year.”.

(e) EFFECTIVE PERIOD.—Section 359l(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ll(a)) is amended by striking “2012” and inserting “2017”.

On page 897, strike lines 8 through 15, and insert the following:

**SEC. 9009. REPEAL OF FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.**

(a) IN GENERAL.—Section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 359a(3)(B) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa(3)(B)) is amended—

(A) in clause (i), by inserting “and” after the semicolon at the end;

(B) in clause (ii), by striking “; and” at the end and inserting a period; and

(C) by striking clause (iii).

(2) Section 359b(c)(2)(C) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb(c)(2)(C)) is amended by striking “, except for” and all that follows through “ of 2002”.

The PRESIDING OFFICER. There will now be 2 minutes of debate on the amendment.

The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I will claim the first minute and yield the first 30 seconds to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am pleased to join my colleague from Pennsylvania in supporting his amendment. This is the last opportunity for a bipartisan amendment to reform sugar subsidies that are costing consumers \$3.5 million a year and losing 20,000 jobs a year in this country.

This amendment maintains the current sugar program but rolls back the additional subsidies that were provided for sugar in the 2008 farm bill.

Mr. TOOMEY. I thank the Senator from New Hampshire. Let me point out that this amendment is such a modest reform. It lowers the price support on raw sugar, for instance, from 18.75 cents per pound all the way down to 18 cents per pound.

This is an amendment that will save consumers money, save taxpayers money and, most importantly, it will save jobs. As the Department of Commerce pointed out, for every job saved by the sugar program, three jobs are lost. It is a modest amendment that simply restores us to the policy prior to 2008.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I strongly oppose this argument. If we want to jeopardize 142,000 American jobs, this is the vote to do it. We will see these jobs shipped overseas.

The bottom line is that this program operates at zero cost to the taxpayers. The Congressional Budget Office says it will continue operating at zero cost for the next 10 years. This is about American jobs in American communities all across this country. We are talking about 142,000 jobs. If we are importing cheap sugar at a point where we undermine American jobs, what have we gained? We want to export our products, not our jobs. That is what this amendment would do.

I urge strongly a “no” vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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 result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 151 Leg.]

#### YEAS—46

Alexander	Durbin	McConnell
Ayotte	Feinstein	Menendez
Blumenthal	Graham	Merkley
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Heller	Reed
Brown (OH)	Hutchison	Sessions
Carper	Inhofe	Shaheen
Casey	Johnson (WI)	Snowe
Coats	Kohl	Toomey
Coburn	Kyl	Warner
Collins	Lautenberg	Webb
Coons	Lee	Whitehouse
Corker	Lugar	Wyden
Cornyn	McCain	
DeMint	McCaskill	

#### NAYS—53

Akaka	Harkin	Nelson (FL)
Barrasso	Hoeven	Pryor
Baucus	Inouye	Reid
Begich	Isakson	Risch
Bennet	Johanns	Roberts
Bingaman	Johnson (SD)	Rockefeller
Boxer	Kerry	Rubio
Burr	Klobuchar	Sanders
Cantwell	Landrieu	Schumer
Cardin	Leahy	Shelby
Chambliss	Levin	Stabenow
Cochran	Lieberman	Tester
Conrad	Manchin	Thune
Crapo	Mikulski	Udall (CO)
Enzi	Moran	Udall (NM)
Franken	Murkowski	Vitter
Gillibrand	Murray	Wicker
Hagan	Nelson (NE)	

#### NOT VOTING—1

Kirk

The amendment (No. 2433) was rejected.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Minnesota.

#### AMENDMENT NO. 2299

Ms. KLOBUCHAR. I call up my amendment No. 2299.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Ms. KLOBUCHAR] proposes amendment numbered 2299.

Ms. KLOBUCHAR. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Secretary of Agriculture and Secretary of Transportation to conduct a study on rural transportation issues)

On page 782, between lines 14 and 15, insert the following:

#### SEC. 6203. STUDY OF RURAL TRANSPORTATION ISSUES.

(a) IN GENERAL.—The Secretary and the Secretary of Transportation shall jointly conduct a study of transportation issues re-

garding the movement of agricultural products, domestically produced renewable fuels, and domestically produced resources for the production of electricity for rural areas of the United States, and economic development in those areas.

(b) INCLUSIONS.—The study shall include an examination of—

(1) the importance of freight transportation, including rail, truck, and barge, to—

(A) the delivery of equipment, seed, fertilizer, and other products important to the development of agricultural commodities and products;

(B) the movement of agricultural commodities and products to market;

(C) the delivery of ethanol and other renewable fuels;

(D) the delivery of domestically produced resources for use in the generation of electricity for rural areas;

(E) the location of grain elevators, ethanol plants, and other facilities;

(F) the development of manufacturing facilities in rural areas; and

(G) the vitality and economic development of rural communities;

(2) the sufficiency in rural areas of transportation capacity, the sufficiency of competition in the transportation system, the reliability of transportation services, and the reasonableness of transportation rates;

(3) the sufficiency of facility investment in rural areas necessary for efficient and cost-effective transportation; and

(4) the accessibility to shippers in rural areas of Federal processes for the resolution of grievances arising within various transportation modes.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall submit a report to Congress that contains the results of the study required under subsection (a).

(d) PERIODIC UPDATES.—The Secretary and the Secretary of Transportation shall publish triennially an updated version of the study described in subsection (a).

#### SEC. 6204. AGRICULTURAL TRANSPORTATION POLICY.

Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended by striking subsection (j) and inserting the following:

“(j) POLICY DEVELOPMENT PROCEEDINGS.—The Secretary shall participate on behalf of the interests of agriculture and rural America in all policy development proceedings or other proceedings of the Surface Transportation Board that may establish freight rail transportation policy affecting agriculture and rural America.”.

Ms. KLOBUCHAR. Mr. President, I rise today to urge my colleagues to support this bipartisan amendment. Senator HOEVEN of North Dakota is a cosponsor, and this helps address the transportation needs of rural America.

This amendment simply calls for a study on rural transportation and takes a close look at the issue of captive shippers. Farmers, energy producers, and manufacturers who depend on freight rail service find themselves trapped today in a back-to-the-future world, struggling with a problem that has resurfaced from a century ago. Many of these end users—these captive customers—have only one railroad to serve them. Three decades ago there were 63 class I railroads and today only 7 remain. This amendment simply looks at the effect this situation has on transportation in rural areas. It is sup-

ported by nearly 40 national and regional agricultural and energy organizations.

I urge my colleagues to support this amendment, and I ask for a voice vote.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I strongly support Senator KLOBUCHAR's amendment and appreciate her great work.

I yield back the remaining time, and it is my understanding we can proceed to a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2299) was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

#### MOTION TO RECOMMIT

Mr. LEE. Mr. President, I have a motion to recommit at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Utah [Mr. LEE] moves to recommit the bill, S. 3240, to the Committee on Agriculture, Nutrition and Forestry with instructions to report the same back to the Senate with a reduction in spending to 2008 levels so that overall spending shall not exceed \$714,247,000,000.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. LEE. Mr. President, I introduce this motion to recommit to move us back to 2008 levels. We cannot continue to kick this can down the road in perpetuity. Our spending levels threaten to impair our ability to fund everything from defense to entitlements and everything that falls in between. This is a good start, and this is something that would cut the 10-year cost of this bill by \$254 billion. We need to do it. We need to send it back to the committee, where the committee will have discretion on exactly how to accomplish that.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, I strongly oppose this motion to recommit. I want to read the cost estimate of the bill prepared by the Congressional Budget Office. This bill spends \$23.6 billion less than we project would be spent if those programs were continued as under current law. This bill is \$23 billion in deficit reduction, according to the nonpartisan, independent Congressional Budget Office.

Frankly, we believe, in agriculture, on a bipartisan basis, that we have done our job. We have scoured every page, reduced the deficit by \$23 billion-plus, and eliminated 100 different programs and authorizations within our jurisdiction. Frankly, I think we are offering, within what we can do, reform and deficit reduction of which we should all feel very proud.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Utah.

Mr. LEE. Madam President, in my approximately 20 seconds remaining, let me say that if we want to continue the same budgeting process that has put us nearly \$16 trillion in debt, then we should proceed to vote against this. If, on the other hand, we want to turn this around and maintain our ability to fund essential government programs, we need to pass this.

I urge my colleagues to support the motion to recommit, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. STABENOW. Madam President, let me take just 1 second to say that this bill turns us in a different direction—\$23 billion-plus in deficit reduction. It may be the only bipartisan deficit reduction proposal we will pass in the Senate before the election.

I urge a “no” vote.

The PRESIDING OFFICER. The question is on agreeing to the motion. 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 result was announced—yeas 29, nays 70, as follows:

[Rollcall Vote No. 152 Leg.]

#### YEAS—29

Ayotte	Graham	Paul
Barrasso	Hatch	Risch
Blunt	Inhofe	Roberts
Burr	Johnson (WI)	Rubio
Coburn	Kyl	Sessions
Corker	Lee	Shelby
Cornyn	McCain	Toomey
Crapo	McConnell	Vitter
DeMint	Moran	Wicker
Enzi	Murkowski	

#### NAYS—70

Akaka	Gillibrand	Mikulski
Alexander	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Heller	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Rockefeller
Brown (MA)	Johanns	Sanders
Brown (OH)	Johnson (SD)	Schumer
Cantwell	Kerry	Shaheen
Cardin	Klobuchar	Snowe
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Chambliss	Lautenberg	Thune
Coats	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Collins	Lieberman	Warner
Conrad	Lugar	Webb
Coons	Manchin	Whitehouse
Durbin	McCaskey	Wyden
Feinstein	Menendez	
Franken	Merkley	

#### NOT VOTING—1

Kirk

The motion was rejected.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENTS NOS. 2195, 2246, 2403, 2443, 2363, AS MODIFIED

Mrs. STABENOW. Madam President, we have been hard at work to pull to-

gether some amendments we need to do in a vote. I ask unanimous consent the following amendments that are in order under the unanimous consent agreement be agreed to: Ayotte No. 2195, Blunt No. 2246, Moran No. 2403, Moran No. 2443, and Vitter No. 2363, as modified with the changes at the desk.

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

The amendments were agreed to, as follows:

#### AMENDMENT NO. 2195

(Purpose: To require a GAO report on crop insurance fraud)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_\_. GAO CROP INSURANCE FRAUD REPORT.

Section 515(d) of the Federal Crop Insurance Act (7 U.S.C. 1515(d)) is amended by adding at the end the following:

“(6) GAO CROP INSURANCE FRAUD REPORT.—As soon as practicable after the date of enactment of this paragraph, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study regarding fraudulent claims filed, and benefits provided, under this subtitle.”.

#### AMENDMENT NO. 2246

(Purpose: To assist military veterans in agricultural occupations)

On page 999, strike line 13 and insert the following:

“actions with employees of the Department.  
“(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—For purposes of carrying out the duties under subsection (b), the Military Veterans Agricultural Liaison may enter into contracts or cooperative agreements with the research centers of the Agricultural Research Service, institutions of higher education, or nonprofit organizations for—

“(1) the conduct of regional research on the profitability of small farms;

“(2) the development of educational materials;

“(3) the conduct of workshops, courses, and certified vocational training;

“(4) the conduct of mentoring activities; or

“(5) the provision of internship opportunities.”.

#### AMENDMENT NO. 2403

(Purpose: To increase the minimum level of nonemergency food assistance)

On page 291, lines 20 and 21, strike “15 percent” and insert “20”.

#### AMENDMENT NO. 2443

(Purpose: To improve farm safety at the local level)

In section 7408, strike “(2) in subsection (h)—” and insert the following:

(2) by redesignating subsection (h) as subsection (i);

(3) by inserting after subsection (g) the following:

“(h) STATE GRANTS.—

“(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term ‘eligible entity’ means—

“(A) an agency of a State or political subdivision of a State;

“(B) a national, State, or regional organization of agricultural producers; and

“(C) any other entity determined appropriate by the Secretary.

“(2) GRANTS.—The Secretary shall use such sums as are necessary of funds made available to carry out this section for each fiscal year under subsection (i) to make grants to States, on a competitive basis, which States

shall use the grants to make grants to eligible entities to establish and improve farm safety programs at the local level.”; and

(4) in subsection (i) (as redesignated by paragraph (2))—

#### AMENDMENT NO. 2363, AS MODIFIED

(Purpose: To ensure that extras in film and television who bring personal, common domesticated household pets do not face unnecessary regulations and to prohibit attendance at an animal fighting venture)

At the end of title XII, add the following:

#### SEC. 12207. ANIMAL WELFARE.

Section 2(h) of the Animal Welfare Act (7 U.S.C. 2132(h)) is amended by adding “an owner of a common, domesticated household pet who derives less than a substantial portion of income from a nonprimary source (as determined by the Secretary) for exhibiting an animal that exclusively resides at the residence of the pet owner,” after “stores.”.

#### SEC. 12208. PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT; ENFORCEMENT OF ANIMAL FIGHTING PROVISIONS.

(a) PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)—

(A) in the heading, by striking “SPONSORING OR EXHIBITING AN ANIMAL IN” and inserting “SPONSORING OR EXHIBITING AN ANIMAL IN, ATTENDING, OR CAUSING A MINOR TO ATTEND”; and

(B) in paragraph (1)—

(i) in the heading, by striking “IN GENERAL” and inserting “SPONSORING OR EXHIBITING”; and

(ii) by striking “paragraph (2)” and inserting “paragraph (3)”;

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following new paragraph:

“(2) ATTENDING OR CAUSING A MINOR TO ATTEND.—It shall be unlawful for any person to—

“(A) knowingly attend an animal fighting venture; or

“(B) knowingly cause a minor to attend an animal fighting venture.”; and

(2) in subsection (g), by adding at the end the following new paragraph:

“(5) the term ‘minor’ means a person under the age of 18 years old.”.

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended—

(1) by striking “Whoever” and inserting “(a) IN GENERAL.—Whoever”; and

(2) in subsection (a), as designated by paragraph (1) of this section, by striking “subsection (a),” and inserting “subsection (a)(1),”;

(3) by adding at the end the following new subsections:

“(b) ATTENDING AN ANIMAL FIGHTING VENTURE.—Whoever violates subsection (a)(2)(A) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 1 year, or both, for each violation.

“(c) CAUSING A MINOR TO ATTEND AN ANIMAL FIGHTING VENTURE.—Whoever violates subsection (a)(2)(B) of section 26 (7 U.S.C. 2156) of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.”.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

#### AMENDMENT NO. 2287

Mr. CARPER. I call up amendment No. 2287 and ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Delaware [Mr. CARPER], for himself and Mr. BOOZMAN, proposes an amendment numbered 2287.

The amendment is as follows:

(Purpose: To modify a provision relating to high-priority research and extension initiatives)

On page 805, strike lines 18 through 22 and insert the following:

(43), (47), (48), (51), and (52);

(B) by redesignating paragraphs (6), (9), (10), (40), (44), (45), (46), (49), and (50) as paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9), respectively; and

(C) by adding at the end the following:

“(10) CORN, SOYBEAN MEAL, CEREAL GRAINS, AND GRAIN BYPRODUCTS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of carrying out or enhancing research to improve the digestibility, nutritional value, and efficiency of use of corn, soybean meal, cereal grains, and grain byproducts for the poultry and food animal production industries.”;

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. CARPER. Madam President, roughly two-thirds of the cost of raising a chicken is the cost of feed. In recent years, the cost of feed, including the cost of corn, has, as we know, risen dramatically, raising with it the cost of chicken and other meats in our supermarkets. These rising costs have placed a strain on the poultry industry, among others, and on consumers too. That is why I joined with Senator BOOZMAN in offering an amendment to this bill that makes improving the efficiency, digestibility, and nutritional value of feed for poultry and livestock—including corn, soybean meal, grains and grain byproducts—a top research priority at the U.S. Department of Agriculture.

By improving the food used to raise our chickens and livestock we can provide the poultry and livestock industry with a greater variety of feed choices for use in their operations. But this research will not only benefit our country's food producers, it also benefits our Nation's families by continuing to provide consumers with affordable high-quality food.

Senator BOOZMAN and I urge its adoption.

Ms. STABENOW. I commend Senator CARPER. I have to say he has mentioned to me many times there are 300 chickens for every person in Delaware. I think I have that in my memory now. I commend him for his work.

We are yielding back time, and we have agreed to a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2287) was agreed to.

MOTION TO RECOMMIT WITH INSTRUCTIONS

Mr. JOHNSON of Wisconsin. Madam President, I have a motion at the desk.

The legislative clerk read as follows:

Mr. Johnson the Senator from Wisconsin, moves to recommit the bill S. 3240 to the Committee on Agriculture, Nutrition, and Forestry of the Senate with instructions to report the same back to the Senate after removing the title relating to nutrition and to report to the Senate as a separate bill the title related to nutrition.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

The Senator from Wisconsin.

Mr. JOHNSON of Wisconsin. This is a pretty straightforward motion. It re-commits the bill in the Senate back to the committee to have that committee report back to the full Senate two separate bills. It recognizes the reality that what we have in front of us is not really a farm bill but a food stamp bill.

The history is that in 1964 we made food stamps permanent. In 1973 we combined the food stamp portion with the farm bill to ease passage of both votes—to make it easier to spend money. That has worked pretty well because when the food stamp bill was first passed, it cost \$375 million—million—per year. Really, 500,000 people were eligible. Since that point in time it is now going to cost \$772 billion over 10 years. It is now 78 percent the size of this entire package.

Again, I think it is more than appropriate to split these bills in two so both bills, the food stamp bill and the farm bill, would get more scrutiny and there would be more debate.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSON of Wisconsin. I ask for the yeas and nays.

Ms. STABENOW. Madam President, I rise to oppose the motion to recommit. After all the hard work we have been doing, I am not sure we want to do it twice this year on a farm bill. But on a more serious note, let me just indicate, again, these are major reforms, \$23 billion-plus in deficit reduction. It addresses the diversity of agriculture—16 million jobs are connected to agriculture in every corner of our country. All of us have a stake in food security. We have the safest, most affordable food supply in the world thanks to a lot of hard-working folks all across this country.

We believe what we have put forward is something worthy of support. We appreciate all the hard work everyone is doing, the changes that are being made. But I urge we not recommit this bill.

Mr. JOHNSON of Wisconsin. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

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. (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—40

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

NAYS—59

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

NOT VOTING—1

Kirk

The motion was rejected.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2254

Mr. SANDERS. Mr. President, I call up my amendment No. 2254.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 2254.

Mr. SANDERS. Mr. President, I ask that reading of the amendment be dispensed with.

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

(Purpose: To improve the community wood energy program)

On page 914, line 14, strike “Section” and insert the following:

(a) DEFINITION OF BIOMASS CONSUMER COOPERATIVE.—Section 9013(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

“(1) BIOMASS CONSUMER COOPERATIVE.—The term ‘biomass consumer cooperative’ means a consumer membership organization the purpose of which is to provide members with services or discounts relating to the purchase of biomass heating products or biomass heating systems.”.

(b) GRANT PROGRAM.—Section 9013(b)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(b)(1)) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) grants of up to \$50,000 to biomass consumer cooperatives for the purpose of establishing or expanding biomass consumer cooperatives that will provide consumers with services or discounts relating to—

“(i) the purchase of biomass heating systems;

“(ii) biomass heating products, including wood chips, wood pellets, and advanced biofuels; or

“(iii) the delivery and storage of biomass of heating products.”.

(c) **MATCHING FUNDS.**—Section 9013(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(d)) is amended—

(1) by striking “A State or local government that receives a grant under subsection (b)” and inserting the following:

“(1) **STATE AND LOCAL GOVERNMENTS.**—A State or local government that receives a grant under subparagraph (A) or (B) of subsection (b)(1)”;

(2) by adding at the end the following:

“(2) **BIOMASS CONSUMER COOPERATIVES.**—A biomass consumer cooperative that receives a grant under subsection (b)(1)(C) shall contribute an amount of non-Federal funds (which may include State, local, and non-profit funds and membership dues) toward the establishment or expansion of a biomass consumer cooperative that is at least equal to 50 percent of the amount of Federal funds received for that purpose.”.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Section

Mr. SANDERS. Mr. President, this is a noncontroversial amendment which, according to the CBO, has zero costs. It is supported by the National Wildlife Federation, the American Forest Foundation, the Biomass Thermal Energy Council, and the Trust for Public Land.

This amendment would simply allow, under the Community Wood Energy Program, a new category of small grants to be created which would provide seed capital for biomass cooperatives through grants of up to \$50,000. These cooperatives would have the opportunity to work with local wood pellet or wood chip manufacturers to supply bulk purchases that provide consumers with modest discounts.

This amendment can help our Nation move forward to more locally produced renewable biomass heating. Again, according to the CBO, it has zero costs, and I would ask for the support of my colleagues.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I support the amendment by the Senator from Vermont and yield back time. It is my understanding that we will proceed to a voice vote.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2254) was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

#### AMENDMENT NO. 2363, AS MODIFIED

Ms. STABENOW. Mr. President, I ask unanimous consent that the adoption of Vitter amendment No. 2363, as modified, be vitiated; and further, that the Vitter amendment, as modified, be subject to a 60-affirmative-vote threshold.

I turn now to Senator VITTER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I expect this amendment to pass, but I know some Members expected a vote, and I certainly wanted to provide them that vote with a 60-vote threshold.

I urge support of this bipartisan amendment. It does two things. First of all, it clears up a situation in the context of the film industry where there are certain unintended regulations of extras and actors bringing their pets on the set. All of a sudden that is being captured by regulation which is intended for zoo animals and circus animals, and things such as that. There is no opposition to this part of the amendment at all.

Secondly, because of the modification, which adds a provision supported by myself and Senators BLUMENTHAL, KIRK, and others, that would make it illegal under Federal law to attend an animal fight. It is already outlawed to help organize an animal fight under Federal law. It is also illegal to attend one under State law in 49 States. This will make Federal law similar to State law and will help Federal authorities work with local government in sting operations, and that is what they normally do.

I ask support for this amendment.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have been in contact with Senator MCCONNELL. We are making good progress here. The goal is to get down to 10 votes. Once we get down to 10 votes, we will stop for the night. We should be able to do that in the next hour or hour and half, give or take a few minutes. I think the goal is reachable.

We will come in tomorrow. We have some important votes tomorrow. Don't forget that we have flood insurance. I hope we can move up the vote on cloture on flood insurance tomorrow. If not, we are going to have to vote on it on Friday. We have done that in the past. We should be able to do that. The goal is 10 votes left by the time we leave here this evening.

The PRESIDING OFFICER. Is there further debate on the Vitter amendment?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. STABENOW. Mr. President, if I might, I am not sure if we have anyone in opposition. I rise in strong support of this amendment. We know that there are Members who wanted the opportunity to vote and record a “no” vote. I hope that since we passed this by a voice vote a bit ago, we will have an overwhelming affirmative vote for this amendment. I urge a “yes” vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant 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 result was announced—yeas 88, nays 11, as follows:

[Rollcall Vote No. 154 Leg.]

#### YEAS—88

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

#### NAYS—11

Alexander	DeMint	Paul
Bingaman	Graham	Rubio
Burr	Inhofe	Sessions
Coburn	Lee	

#### NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, as modified, the amendment is agreed to. The Senator from Georgia.

#### AMENDMENT NO. 2438

Mr. CHAMBLISS. Mr. President, I call up Chambliss amendment No. 2438. The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 2438.

The amendment is as follows:

(Purpose: To establish highly erodible land and wetland conservation compliance requirements for the Federal crop insurance program)

At the end of subtitle G of title II, add the following:

#### SEC. 2609. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION FOR CROP INSURANCE.

(a) **HIGHLY ERODIBLE LAND PROGRAM INELIGIBILITY.**—

(1) **IN GENERAL.**—Section 1211(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3811(a)(1)) is amended—

(A) in subparagraph (C), by striking “or” at the end;

(B) in subparagraph (D), by adding “or” at the end; and

(C) by adding at the end the following:

“(E) any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);”.

(2) **EXEMPTIONS.**—Section 1212(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3812(a)(2)) is amended—

(A) in the first sentence, by striking “(2) If,” and inserting the following:

“(2) ELIGIBILITY BASED ON COMPLIANCE WITH CONSERVATION PLAN.—

“(A) IN GENERAL.—If,”;

(B) in the second sentence, by striking “In carrying” and inserting the following:

“(B) MINIMIZATION OF DOCUMENTATION.—In carrying”; and

(C) by adding at the end the following:

“(C) CROP INSURANCE.—In the case of payments that are subject to section 1211 for the first time due to the amendment made by section 2609(a) of the Agriculture Reform, Food, and Jobs Act of 2012, any person who produces an agricultural commodity on the land that is the basis of the payments shall have until January 1 of the fifth year after the date on which the payments became subject to section 1211 to develop and comply with an approved conservation plan.”.

(b) WETLAND CONSERVATION PROGRAM IN-ELIGIBILITY.—Section 1221(b) of the Food Security Act of 1985 (16 U.S.C. 3821) is amended by adding at the end the following:

“(4) Any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).”.

Mr. CHAMBLISS. Mr. President, this amendment would require those who receive crop insurance protection from the Federal Government to now follow conservation compliance laws. Conservation compliance was enacted as part of the 1985 farm bill and has contributed almost singlehandedly to almost three decades of progress in limiting erosion, cleaning up waterways, and protecting wetlands. For those of us who love to fish and hunt, that has been of critical importance. No other program has done more for protecting our farmland and topsoil than conservation compliance.

In 1996 Congress exempted crop insurance from the conservation requirement. Back then, the reason for doing so was to increase participation in the Crop Insurance Program. And that is exactly what we have seen. We have seen premium subsidies increase by 500 percent.

The farm bill we are debating now will incentivize farmers to move from title I programs to crop insurance, and as a result soil and wetland conservation will not be a policy priority. And it should be. This shift will likely adversely impact soil and conservation without this amendment.

If crop insurance is going to be the preferred safety net for farmers, then we also need to make sure the program does not incentivize farmers to eliminate the gains we have made in the last 25 years.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHAMBLISS. I urge adoption of the amendment.

Who yields time?

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise to speak in opposition to the amendment of my friend and colleague.

The battle cry for conservation compliance requirements to be attached to crop insurance seems, strangely, to assume that conservation compliance is somehow eliminated in commodity

programs in this new bill. This is not true. Conservation compliance is attached to the new farm revenue program in title I of the bill. Conservation compliance is also attached to the marketing loan program.

To duplicate the same requirements in crop insurance is wasteful of government resources, taxpayer dollars, and will cause a lot more paperwork. When your farmers find out you are wasting taxpayer dollars and are in charge of a duplicative effort and making them fill out more paperwork, you will have to hide in your office for 4 weeks. Do not hide in your office for 4 weeks. Vote no.

Mr. GRASSLEY. Amen.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call 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 result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—52

Bennet	Harkin	Murkowski
Bingaman	Hatch	Pryor
Boozman	Inouye	Reed
Boxer	Isakson	Reid
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Kerry	Rubio
Burr	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Kyl	Shaheen
Casey	Landrieu	Snowe
Chambliss	Lautenberg	Tester
Collins	Leahy	Udall (NM)
Coons	Levin	Warner
Durbin	Lieberman	Webb
Feinstein	Manchin	Whitehouse
Franken	Menendez	Wyden
Graham	Merkley	
Hagan	Mikulski	

NAYS—47

Akaka	DeMint	Murray
Alexander	Enzi	Nelson (NE)
Ayotte	Gillibrand	Nelson (FL)
Barrasso	Grassley	Paul
Baucus	Heller	Portman
Begich	Hoeven	Risch
Blumenthal	Hutchison	Roberts
Blunt	Inhofe	Sessions
Cantwell	Johanns	Shelby
Coats	Johnson (WI)	Stabenow
Coburn	Lee	Thune
Cochran	Lugar	Toomey
Conrad	McCain	Udall (CO)
Corker	McCaskill	Vitter
Cornyn	McConnell	Wicker
Crapo	Moran	

NOT VOTING—1

Kirk

The amendment (No. 2438) was agreed to.

AMENDMENT NO. 2437

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I call up amendment No. 2437.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 2437.

Mr. THUNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To limit the amount of premium subsidy provided by the Federal Crop Insurance Corporation on behalf of any person or legal entity with an average adjusted gross income in excess of \$750,000, with a delayed application of the limitation until completion of a study on the effects of the limitation)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. **LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.**

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 11023(b)) is amended by adding at the end the following:

“(9) LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.—

“(A) DEFINITION OF AVERAGE ADJUSTED GROSS INCOME.—In this paragraph, the term ‘average adjusted gross income’ has the meaning given the term in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(a)).

“(B) LIMITATION.—Notwithstanding any other provision of this subtitle and beginning with the 2014 reinsurance year, in the case of any producer that is a person or legal entity that has an average adjusted gross income in excess of \$750,000 based on the most recent data available from the Farm Service Agency as of the beginning of the reinsurance year, the total amount of premium subsidy provided with respect to additional coverage under subsection (c), section 508B, or section 508C issued on behalf of the producer for a reinsurance year shall be 15 percentage points less than the premium subsidy provided in accordance with this subsection that would otherwise be available for the applicable policy, plan of insurance, and coverage level selected by the producer.

“(C) APPLICATION.—

“(i) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the approved insurance providers, shall carry out a study to determine the effects of the limitation described in subparagraph (B) on—

“(I) the overall operations of the Federal crop insurance program;

“(II) the number of producers participating in the Federal crop insurance program;

“(III) the amount of premiums paid by participating producers;

“(IV) any potential liability for approved insurance providers;

“(V) any crops or growing regions that may be disproportionately impacted;

“(VI) program rating structures;

“(VII) creation of schemes or devices to evade the impact of the limitation; and

“(VIII) underwriting gains and losses.

“(ii) EFFECTIVENESS.—The limitation described in subparagraph (B) shall not take effect unless the Secretary determines, through the study described in clause (i), that the limitation would not—

“(I) increase the premium amount paid by producers with an average adjusted gross income of less than \$750,000;

“(II) result in a decline in the availability of crop insurance services to producers; and



“(III) increase the costs to the Federal government to administer the Federal crop insurance program established under this subtitle.”.

Mr. THUNE. Mr. President, in the years 1994 to 2003, the Congress appropriated over \$36 billion in ad hoc or emergency assistance for farmers and ranchers across this country above and beyond the normal farm program payments. Let me say that again—\$36 billion in a 10-year period between 1994 and 2003 above and beyond normal farm program payments.

Since the emergence of the Crop Insurance Program, we have seen those disaster ad hoc emergency bills go away. The Crop Insurance Program is the centerpiece of this farm policy. That is what this entire farm bill is built around. That is what farmers and producers in this country said they wanted.

There is going to be an amendment offered by our colleagues Senators DURBIN and COBURN that would limit the availability of that to people who have adjusted gross incomes under \$750,000. What I would say to that is that this amendment—the amendment I am offering—is not about those who are making more than \$750,000; it is about those who make less whose premiums would go up as a result of that change.

We need a good, strong Crop Insurance Program for the farmers in this country. That is what this farm bill is built upon. We should not take any chances with it.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this is a good farm bill. It eliminates direct payments and a lot of subsidies. But there is one aspect of Federal subsidy in this bill that goes untouched; it is the Federal subsidy from our Treasury to pay for the crop insurance premiums. Sixty-two percent, the GAO tells us, of crop insurance premiums are paid for by taxpayers, which means those who are using crop insurance are relying on the Treasury.

So Senator COBURN and I, a political odd couple I will admit, said, for at least those making over \$750,000 a year, we are going to trim the Federal subsidy by 15 percentage points. How many farmers would be affected by this nationwide—15,000 farmers out of 1.5 million.

The Thune amendment says: We cannot reduce this subsidy, even though it saves us \$1 billion. We cannot reduce this subsidy—in his language—if it adds any administrative expense. So if it costs \$1 to even figure out who the 15,000 farmers are, no way we are going to save \$1 billion.

Vote against the Thune amendment and then vote for Durbin-Coburn. Voting for both does not get the job done.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THUNE. Mr. President, I ask unanimous consent to be able to respond to the comments of the Senator from Illinois.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, how much time does he have remaining?

The PRESIDING OFFICER. No time is remaining.

Is there objection?

Mr. DUBIN. Objection.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

Ms. STABENOW. Mr. President, I would support the yeas and nays and just strongly urge a “yes” vote on the Thune amendment.

Mr. ROBERTS. Mr. President, I will support the yeas and nays and stand with the chairwoman and Senator THUNE.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—44

Alexander	Heller	Nelson (NE)
Barrasso	Hoeven	Nelson (FL)
Begich	Hutchison	Reid
Blunt	Inhofe	Risch
Casey	Isakson	Roberts
Chambliss	Johanns	Sanders
Coats	Johnson (SD)	Schumer
Collins	Klobuchar	Shelby
Cornyn	Landrieu	Snowe
Crapo	Leahy	Stabenow
Enzi	Lugar	Tester
Feinstein	McCaskill	Thune
Gillibrand	McConnell	Vitter
Hagan	Moran	Wicker
Hatch	Murkowski	

NAYS—55

Akaka	DeMint	Mikulski
Ayotte	Durbin	Murray
Baucus	Franken	Paul
Bennet	Graham	Portman
Bingaman	Grassley	Pryor
Blumenthal	Harkin	Reed
Boozman	Inouye	Rockefeller
Boxer	Johnson (WI)	Rubio
Brown (MA)	Kerry	Sessions
Brown (OH)	Kohl	Shaheen
Burr	Kyl	Toomey
Cantwell	Lautenberg	Udall (CO)
Cardin	Lee	Udall (NM)
Carper	Levin	Warner
Coburn	Lieberman	Webb
Cochran	Manchin	Whitehouse
Conrad	McCain	Wyden
Cooms	Menendez	
Corker	Merkley	

NOT VOTING—1

Kirk

The amendment (No. 2437) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2439

Mr. COBURN. I call up amendment No. 2439.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. DURBIN, proposes an amendment numbered 2439.

The amendment is as follows:

(Purpose: To limit the amount of premium subsidy provided by the Federal Crop Insurance Corporation on behalf of any person or legal entity with an average adjusted gross income in excess of \$750,000, with a delayed application of the limitation until completion of a study on the effects of the limitation)

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.**

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 11023(b)) is amended by adding at the end the following:

“(9) LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.—

“(A) DEFINITION OF AVERAGE ADJUSTED GROSS INCOME.—In this paragraph, the term ‘average adjusted gross income’ has the meaning given the term in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(a)).

“(B) LIMITATION.—Notwithstanding any other provision of this subtitle and beginning with the 2014 reinsurance year, in the case of any producer that is a person or legal entity that has an average adjusted gross income in excess of \$750,000 based on the most recent data available from the Farm Service Agency as of the beginning of the reinsurance year, the total amount of premium subsidy provided with respect to additional coverage under subsection (c), section 508B, or section 508C issued on behalf of the producer for a reinsurance year shall be 15 percentage points less than the premium subsidy provided in accordance with this subsection that would otherwise be available for the applicable policy, plan of insurance, and coverage level selected by the producer.

“(C) APPLICATION.—

“(i) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Government Accountability Office, shall carry out a study to determine the effects of the limitation described in subparagraph (B) on—

“(I) the overall operations of the Federal crop insurance program;

“(II) the number of producers participating in the Federal crop insurance program;

“(III) the level of coverage purchased by participating producers;

“(IV) the amount of premiums paid by participating producers and the Federal Government;

“(V) any potential liability for participating producers, approved insurance providers, and the Federal Government;

“(VI) different crops or growing regions;

“(VII) program rating structures;

“(VIII) creation of schemes or devices to evade the impact of the limitation; and

“(IX) administrative and operating expenses paid to approved insurance providers and underwriting gains and loss for the Federal government and approved insurance providers.

“(ii) EFFECTIVENESS.—The limitation described in subparagraph (B) shall not take effect unless the Secretary determines, through the study described in clause (i), that the limitation would not—

“(I) significantly increase the premium amount paid by producers with an average adjusted gross income of less than \$750,000;



“(II) result in a decline in the crop insurance coverage available to producers; and

“(III) increase the total cost of the Federal crop insurance program.”.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this is an amendment that both Senator DURBIN and I have offered. It is not nearly as severe as the GAO's recommendation for this program.

The very wealthiest of farmers, in terms of income in this country, are the people most likely to buy less crop insurance, not more. Yet we subsidize them at the same rate as we do the middle-income and lower income farmers.

This is straightforward. If you want to save \$1 billion, if you want to tackle the debt, here is a way that will allow us to save \$1 billion and not put anybody at risk. Highly capitalized farmers don't insure at the same rate as lower capitalized farmers.

This will be the only program, if this amendment doesn't pass, that doesn't have a payment limitation on it in terms of adjusted gross income. So there should be no question we should do this just in terms of fairness of all the sacrifices we are going to ask everybody else in this country to make in the coming years. This ought to be part of this farm program.

I yield back.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time? The Senator from Kansas.

Mr. ROBERTS. Mr. President, on behalf of Chairwoman STABENOW, myself, Senator THUNE, and every farm organization and commodity group in America, I rise in opposition to this amendment. It will impact every single producer in the program, not those that exceed this arbitrary limit or “rich producers.” The rest will pay higher premiums when they are out of the program because that is what happens with an insurance pool.

I have no doubt, just as sure as I am standing here and the Senator from Oklahoma is sitting there and contemplating this, that under this amendment we will soon return to the days of low crop insurance participation, multibillion-dollar ad hoc disaster programs, just as in the 1990s—\$36 billion over 10 years, \$11 billion in 1 year. These are a disaster to plan, to legislate, and to implement.

If you are for these ad hoc disaster programs, you better hide for at least 6 weeks in your office. We just passed two where you are hiding for 2 and 4. Now you are going to have to hide in your office for 6 weeks. Don't hide in your office for 6 weeks. Vote no.

The PRESIDING OFFICER. The Senator's time has expired.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative 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 result was announced—yeas 66, nays 33, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—66

Akaka	Feinstein	Mikulski
Alexander	Franken	Murkowski
Ayotte	Graham	Murray
Begich	Grassley	Nelson (FL)
Bennet	Harkin	Paul
Bingaman	Hatch	Portman
Blumenthal	Heller	Reed
Boxer	Inouye	Reid
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Johnson (WI)	Rubio
Burr	Kerry	Schumer
Cantwell	Klobuchar	Sessions
Cardin	Kohl	Shaheen
Carper	Kyl	Shelby
Casey	Lautenberg	Snowe
Coburn	Lee	Toomey
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Cooms	Manchin	Warner
Corker	McCain	Webb
DeMint	Menendez	Whitehouse
Durbin	Merkley	Wyden

NAYS—33

Barrasso	Hagan	Moran
Baucus	Hoeven	Nelson (NE)
Blunt	Hutchison	Pryor
Boozman	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Sanders
Cochran	Landrieu	Stabenow
Cornyn	Leahy	Tester
Crapo	Lugar	Thune
Enzi	McCaskill	Vitter
Gillibrand	McConnell	Wicker

NOT VOTING—1

Kirk

The amendment (No. 2439) was agreed to.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, we have made a lot of progress on this legislation. We are down to 10 or 11 amendments. We are going to come in tomorrow and finish this bill. We are going to try to get permission—I understand we can—to have a cloture vote tomorrow.

We have to figure out where we are going on flood insurance. It is obvious, with all the problems we are having with flood insurance, we are not going to finish that tomorrow or the next day; but we have to work toward completing that as quickly as we can next week. Remember, the program expires at the end of the month—and the end of the month is coming very quickly. We have two voice votes, but this will be the last recorded vote. We will come in tomorrow and work through these. We will have the staff work with the requests people have for time on the floor and other things that need to be done.

We don't know exactly what time we are coming in tomorrow or what time

the votes will start, but as soon as we can. There will be votes all through the lunch hour. Everybody should understand that. We hope to be able to finish by 3 p.m. tomorrow afternoon.

AMENDMENT NO. 2340

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I call up Chambliss amendment No. 2340.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for himself and Mr. ISAKSON, propose an amendment numbered 2340.

The amendment is as follows:

(Purpose: To move the sugar import quota adjustment date forward in the crop year)

On page 69, strike line 15 and insert the following:

(2) SUGAR IMPORT QUOTA ADJUSTMENT DATE.—Section 359k(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk(b)) is amended—

(A) by striking “APRIL 1” each place it appears and inserting “FEBRUARY 1”; and

(B) by striking “April 1” each place it appears and inserting “February 1”.

(3) EFFECTIVE PERIOD.—Section 359l(a) of

Mr. CHAMBLISS. Mr. President, the amendment I am offering has a very focused and modest reform objective—specifically, to accelerate by 60 days the date on which USDA may increase the import quota, if in the agency's judgment such action is needed to adequately supply the Nation's demand for sugar.

The current farm bill prohibits the USDA from adjusting the minimum sugar quota imports until April 1 of the crop year unless there is an emergency shortage of sugar that is caused by war, flood, hurricane, or other natural disaster, or other similar event as determined by the Secretary.

Experience with the April 1 date has been very unsatisfactory to independent domestic sugar refiners and their refined sugar customers who have annually experienced shortfalls in the supply of sugar and endured the elevated prices that ensue from inadequacy of timely supply. The April 1 date leaves precious little time in the balance of the sugar crop year for USDA's complex bureaucratic process.

I ask support for this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask that we take this as a voice vote. We have an agreement to proceed to do that.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 2340) was agreed to.

AMENDMENT NO. 2432

Mr. CHAMBLISS. Mr. President, I ask that my amendment No. 2432 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 2432.

The amendment is as follows:

(Purpose: To repeal mandatory funding for the farmers market and local food promotion program) In section 10003(7), strike subparagraph (A).

Mr. CHAMBLISS. Mr. President, this amendment simply strikes \$20 million annually in mandatory funds from the Farmers Market Promotion Program. The program will still retain its authorization for annual appropriations at \$20 million per year.

I understand the important role that farmers markets play in connecting consumers with the farmers who grow their food. However, this is a grant program that should be funded with discretionary appropriations. We can't give every program in the farm bill mandatory money at a time of fiscal crisis.

The number of farmers markets in the United States has grown exponentially over the last 5 years. The Agriculture Marketing Service reports that in mid-2011, there were 7,175 farmers markets in the United States. This was a 17-percent increase over 2010.

This amendment will save the government \$200 million over the next 10 years while still allowing the program to retain its integrity. I ask for consideration and for an affirmative vote.

Ms. STABENOW. Mr. President, I strongly oppose this amendment. This relates to a very important growth area in agriculture regarding farmers markets. We now have farmers markets all across the country in every community, providing the chance for local growers to come together, for families to receive healthy food and have access to local food in their communities.

I know in Michigan for every \$10 families spend at a farmers market we have \$40 million in economic activity—just in Michigan alone, for \$10.

I strongly urge a “no” vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2432) was rejected.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I first want to say thank you to all of our colleagues for their wonderful work today—and apologize. I think when I was speaking a moment ago I was not exactly clear, after numerous hours on the floor. It is true that if a family spends \$10 at a farmers market, it generates economic activity in Michigan of \$40 million—that is if every family in Michigan spent \$10. I don't know if that is any clearer, but I apologize. I think at the end of the day I was not clear.

Before going to a unanimous consent request, I thank the leader—both our leaders for their patience and diligence

and for supporting our efforts. We have had a long day. People have worked very hard. We are near the end. We are going to have a farm bill. We are going to have major reform, \$23 billion in deficit reduction. We are doing it altogether through a process where we propose amendments and vote on amendments, and the Senate is operating in regular order. We appreciate everybody's hard work, hanging in there with us as we get this done, which we are on the path to do tomorrow.

#### AMENDMENT NO. 2202

I ask unanimous consent that the Bennet-Crapo amendment No. 2202 be agreed to.

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

The amendment (No. 2202) was agreed to, as follows:

(Purpose: To improve agricultural land easements)

On page 205, line 4, insert “by eligible entities” after “purchase”.

On page 207, lines 10 and 11, strike “contiguous acres” and insert “areas”.

On page 208, line 24, insert “if terms of the easement are not enforced by the holder of the easement” before the semicolon at the end.

#### EASEMENT AND INSECT INFESTATION

Mr. BENNET. Mr. President, I rise today to speak in strong support of the farm bill we have on the floor, and to recognize chairwoman STABENOW and ranking member ROBERTS for constructing a bill that passed the Committee with strong, bipartisan support.

I would like to express my strong support for the bill's work on conservation including a reformed and stronger conservation title, and a provision known as “sodsaver” that was authored by Senator THUNE of South Dakota. I was a proud cosponsor of the provision when we marked up the bill in committee, and I am glad to see it in the package on the floor.

I would also thank the Chair for including the Bennet-Crapo amendment regarding conservation easements in the consent agreement, and I look forward to the amendment's expected passage later today.

Finally, I hope to continue to work with the chair and ranking member on two topics.

The first is easement policy. In my State of Colorado, easements are an important tool for protecting environmentally vital and valuable grasslands. We did a lot of great work in committee to simplify this program and make it easier for the administration, partner entities, and landowners to use. One great thing S. 3240 does is provide a waiver for grasslands of significance, making it easier for the Secretary to enter into agreements to conserve these areas. The west is experiencing grassland loss, which impacts soil and water quality. Anything we can do to make it easier to protect this land is needed.

The second issue centers on treating insect infestations in our national for-

ests. My State and others are experiencing epidemic levels of insect infestations causing unbelievable levels of tree mortality. I have been working with Senator BINGAMAN, Senator BAUCUS, Senator WYDEN, Senator MARK UDALL and others to make sure we have the right policies in place to react to the situation.

It is my understanding that the chairwoman would be willing to work with me on these important issues; is that correct?

Ms. STABENOW. I thank the Senator for his leadership as chairman of our conservation subcommittee. I have been glad to work with the Senator on this legislation and I am committed to continuing to work with him on easement and forestry issues.

#### CONSERVATION EASEMENT PROGRAM

Mrs. SHAHEEN. Mr. President, I ask permission to engage in a colloquy with the Senators from Michigan and Vermont, Senators STABENOW and LEAHY. I wish to address a problem that affects many farmers and agricultural producers in States, including New Hampshire, with significant forest cover. Agricultural producers face tremendous development pressures as the value of land increases. As chairwoman of the Agriculture Committee, I know Senator STABENOW has a great familiarity with this issue.

Ms. STABENOW. I thank my friend, the senior Senator from New Hampshire, for bringing attention to this important matter and for her incredible leadership on forestry issues. Since she was first sworn into the Senate, we have worked together on forest conservation efforts, which are so important for the Granite State and the Great Lakes State. As my friend knows, development and sprawl are certainly pressuring our productive agricultural lands. One critical component of the Agriculture Reform, Food, and Jobs Act of 2012, the Agricultural Conservation Easement Program, provides continued funding to allow farmers and ranchers to voluntarily purchase easements on their land to keep it in agricultural use.

Mrs. SHAHEEN. I agree that easement programs are an essential part of the effort to keep land available for agriculture. In New Hampshire, the Farmland Protection Program has provided a crucial backstop against development pressures, but the program has not been as effective as it can be. I know Senator LEAHY helped to create the Farmland Protection Program when he was chairman of the Agriculture Committee and his State has used this program very effectively.

Mr. LEAHY. Like New Hampshire, Vermont is one of the most forested States in the country. Even farms with a significant amount of open space tend to have significant forested acreage and both are feeling tremendous development pressures. While many agricultural producers in my state would like to purchase easements to keep

their lands working, a 2008 Natural Resource Conservation Service rule prohibited the agency from protecting tracts with more than two-thirds of their acres under forest cover. This rule has hampered conservation efforts in Vermont. Has it had a similar effect in Michigan?

Ms. STABENOW. It has. Like New Hampshire and Vermont, Michigan is heavily forested and this NRCS rule has impacted the ability of agricultural producers to purchase on their working lands. I would like to clarify that it is not the intent of Congress to limit eligibility for critical easement programs based on the forested acreage of otherwise eligible land.

Mrs. SHAHEEN. I thank my friend for making that critical clarification. Agricultural producers in New Hampshire and many other States work primarily on small farms. They may actively use only a small number of their acres at any given time, and the rest of their parcels tend to be forested. We need to ensure that Federal programs are tailored to fit local conditions and doing away with restrictions on forested land is an important part of making NRCS easement programs as effective as they can be.

Mr. LEAHY. I completely agree. We need to ensure that Federal programs are carried out in a manner that ensures we keep as much agricultural land in working production as we possibly can. In Vermont, our forests are an important part of that agricultural landscape, especially with our maple syrup producers who depend on these productive and working forestlands. According to USDA, the Northeast and many other heavily forested regions of the country have experienced long-term declines in cropland and forestland use as a result of urban pressures.

Ms. STABENOW. That is exactly right. Once rural land is developed it rarely reverts back to agricultural uses, which is why Federal programs are such a critical part of giving farmers alternatives to converting their land to nonagricultural uses. Our agricultural producers should be able to access these tools regardless of the percentage of their land they keep forested.

Mrs. SHAHEEN. I couldn't agree more. I thank the Senator from Michigan and the Senator from Vermont for engaging in this colloquy to address the importance of allowing agricultural producers who own heavily forested tracts to access NRCS easement programs. This issue is of critical importance to farmers in New Hampshire, Michigan, and many other States.

#### MULTI-YEAR PRICE DECLINES

Mr. REID. Mr. President, I would like to engage in a colloquy with my good friends and colleagues the Senator from Michigan and Chair of the Agriculture Committee, Senator STABENOW, and the Chairman of the Finance Committee, Senator BAUCUS from Montana.

The Senate has been working the past few weeks to get an agreement to

move forward and complete our work on the Farm Bill. The Senate Agriculture Committee passed a strong bipartisan bill out of the committee under the strong leadership of Senator STABENOW.

The Farm Bill is a reform bill which cuts federal spending by \$23 billion. This is a rare example, this Congress, of Senators working across the aisle to pass a bill which helps to expand our markets abroad, keep food on the table for working families, and ensure our conservation dollars are funding projects to protect the land for years to come.

With all of the changes in the farm bill the largest changes have been made to the Commodity Title of the Farm Bill.

Congress has eliminated direct payments for a market-based safety net which will pay producers when they actually experience a loss, known as the Agricultural Risk Coverage program. As direct payments are eliminated in this farm bill, how does the bill protect producers against multi-year price declines?

Mr. BAUCUS. I agree with my good friend, the majority leader, that this farm bill is a reform bill. And I would like to answer your questions about how it addresses—or struggles to address—multi-year price declines.

I worked very closely with Chairwoman STABENOW, through the Senate Agriculture Committee markup this spring, along with my colleagues, Senators CONRAD and HOEVEN, to ensure the Agricultural Risk Coverage program worked for farmers in the Northern Great Plains—not just the Midwest.

I commend the Chairwoman for working with me through that markup, and supporting my amendment which improved the farm level coverage option and her commitment for continued work to improve the bill for grain farmers in my home State of Montana.

One of the lingering questions is what happens to the Agricultural Risk Coverage program should we have a few years of consecutive price collapses in the market. I agree that the Agricultural Risk Program should follow market signals, and I commend this bill for doing just that. But when the market fails, there has to be a failsafe to prevent our farm policy from driving off a cliff—taking jobs and food security with it.

So although the bill is a step forward in creating a market-oriented safety net, it does not provide optimal protection for multi-year price declines. I filed an amendment which would have added price protection should we have multi-year price declines while ensuring it does not distort the marketplace.

This is a remaining concern I have with the Agricultural Risk Coverage program and I ask the majority leader and Chairwoman STABENOW for the continued commitment to ensure any agreement which comes out of a conference report with the House address-

es this weakness in the Agricultural Risk Coverage program.

Mr. REID. I thank Senator BAUCUS. I look forward to working with the Senator to ensure any final measure on the farm bill will address the Senators remaining concerns on multi-year price declines. It is vital to our farmers across the country that their safety net is not actually a rug that can be pulled out from underneath them.

Ms. STABENOW. I thank the majority leader and Senator BAUCUS for their continued work and advocacy for ensuring the farm bill works for parts of the country and all commodities.

Through the committee process, Senator BAUCUS has been true a leader to improve the Agricultural Risk Coverage program so it offers an adequate safety net to all farmers.

I think we have made great strides through the Senate Agriculture Committee markup in April but I understand that is the beginning of the process and not the end.

I believe the amendment Senator BAUCUS filed is thoughtful and would provide the Agricultural Risk Coverage program with an additional layer of protection from several years of steep price declines. I will continue to work with my colleague from Montana to ensure as the process moves forward Senator BAUCUS has my full support to address this issue in conference and include a market-based solution to multi-year price declines.

The farm bill supports over 16 million jobs nationwide. The farm bill is the truest jobs bill Congress has considered in the 112th Congress. As Senator BAUCUS said, we need to guarantee that our farmer's safety-networks for every farmer and rancher in America.

#### VOTE EXPLANATIONS

Ms. MCCASKILL. Mr. President, Senator NELSON of Nebraska's amendment No. 2242 to S. 3240 passed the Senate today by voice vote. I was not in the Senate chamber at the time the voice vote on the amendment was taken. Had I been present or had the amendment been subject to a roll call vote, I would have voted "present."

Mr. TESTER. Mr. President, had there been a recorded vote on amendment No. 2457 I would have opposed it. This amendment creates new and unnecessary reporting requirements that will burden rural broadband companies and could slow down the growth of broadband expansion in states like Montana.

Ms. STABENOW. Mr. President, I believe we are waiting on another possibility of an agreement on amendments that may come tomorrow. But at this point, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, if I ask unanimous consent to speak for 5 minutes to introduce a bill, not anything related to the farm bill, is that appropriate?

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

Ms. LANDRIEU. Mr. President, first let me say thank you to the Senator from Michigan and the Senator from Kansas for conducting another very long session today on agriculture. They did an extraordinary job helping us move through this important bill. I thank them very much, and I know we are going to take that up tomorrow.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 3321 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that following my comments, which will not be more than about 10 minutes, Senator BROWN of Ohio follow me for 10 minutes.

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

#### CALL FOR A SPECIAL COUNSEL

Mr. CHAMBLISS. Mr. President, 2 weeks ago, I stood in this Chamber and joined with Senator McCAIN calling for the appointment of a Special Counsel to investigate the recent series of leaks of classified information that are so damaging to our national security. Despite the bipartisan support for a Special Counsel, the Attorney General chose instead to appoint 2 United States Attorneys who will act under his supervision and conduct separate investigations of just two of these leaks.

I believe the American people, our Intelligence Community, and our allies deserve a better response from the Attorney General and from this Administration. These leaks have violated the public trust and potentially damaged vital liaison relationships we can ill afford to lose in our fight against ongoing threats from terrorism and hostile nations.

As I understand it, one prosecutor will investigate the leak on the AQAP bomb plot; the other, the leak on STUXNET. That's a real problem. This means other leaks, including the "kill list" story, will not be investigated. Yesterday, the Washington Post published a story that attributed information about apparent joint U.S.-Israeli cyber efforts to a former high-ranking U.S. intelligence official. It would sure be helpful if a Special Counsel had jurisdiction to look at all of these cases.

The timing, substance, and sourcing of these stories have also raised questions about whether they came from the White House and whether there is a pattern of leaks. It's hard to imagine how two U.S. Attorneys who work for this administration will be able to investigate this aspect of the case without being perceived as biased by those who are unhappy with what they ultimately find. We need a Special Counsel who will be trusted, no matter what he finds.

I am not questioning in any way the qualifications of these U.S. Attorneys

to do the jobs for which they were confirmed by this Senate. I know questions have been raised about the prior political activities of the U.S. Attorney for the District of Columbia and whether he might be too deferential to the White House. I have no specific reason to question the capabilities or integrity of either of these men. But the very serious nature of these leaks demands an investigation that is conducted in a manner totally above reproach and without any possible inference of bias.

Unfortunately, because these U.S. Attorneys must answer to the Attorney General, they cannot conduct independent investigations. With each key decision they make—whether to subpoena a journalist, what investigative techniques should be used, what charges can be brought—they will be subject to the Attorney General and his direction. That is hardly independent.

Last week, the Attorney General testified before the Senate Judiciary Committee that appointing a U.S. Attorney was the same thing that was done in the Valerie Plame case. I submit that was an entirely different scenario because in that case, Mr. Fitzgerald, who was a special counsel appointed, insisted on getting written confirmation that he would be truly independent from the then-acting Attorney General. He got that confirmation in writing from then-Acting Attorney General Comey.

Significantly, the Plame case involved a single leak of classified information, and was deemed serious enough to warrant an independent investigation. The former President also ordered his staff to come forward with any information they had about the source of the leak.

In this case, there have been a series of incredibly damaging leaks in articles citing "senior Administration officials" and White House "aides." We have seen no clear instructions from this Administration for officials to come forward. This situation seems to create a greater appearance of a conflict of interest for the Attorney General than was presented in the Plame investigation and calls out for the appointment of Special Counsel.

The Attorney General also testified that he could always appoint these U.S. Attorneys as Special Counsel if they needed to investigate acts outside their jurisdictions. Others have made the argument that we have to wait to see if these U.S. Attorneys do their jobs well before appointing a Special Counsel. Neither argument makes sense to me. Why on earth would we wait?

All of these leaks should be investigated together—not separately—and they must be investigated now. The leaks are relatively recent and the trail is still somewhat fresh. But if we have to wait to see how these men measure up, or if the trail takes us to a district outside their specific juris-

diction, we run the risk of losing evidence or memories fading. Those aren't risks anyone should be willing to take.

This is not, and must not become, political. It's about finding these criminals who have jeopardized our national security and ensuring that they are brought to justice in an independent, objective, apolitical investigation.

Again, I call on the Attorney General to do now what should have been done 2 weeks ago. This series of leaks should not be treated as business as usual. As Congress considers legislative solutions to put a stop to these leaks, the administration needs to step up its response. Appointing a special counsel who can independently and comprehensively investigate all of these leaks and find who is responsible for any and all of them is the best way to restore the public trust in our government and our government officials.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

#### CHILD NUTRITION

Mr. BROWN of Ohio. Mr. President, for many Ohio children, schools have let out for the year, and summer vacation is just beginning. During the school year, in my State—a State of about 11 million people—840,000 Ohio children receive some nutrition assistance through free or reduced-price school lunches or breakfasts during the school year. It is a statistic that tells the story of families struggling to get by. In many of these children's cases their parents have jobs but simply are not making enough money. It is a statistic that tells a story of how children are often helpless victims in a challenging economy. Many of these children come from the 18 percent of Ohio families—about 1 out of 6—who are food insecure. Essentially it means they are unsure where their next meal may actually come from. When the school year comes to a close, many of these children go hungry.

Where can these 840,000 students go? Where do they turn for nutritious meals when their school cafeterias are closed for the summer? The answer is the Summer Food Service Program run through the U.S. Department of Education and administered in my State by the Ohio Department of Education. For Ohio parents and guardians and school administrators, the Summer Food Service Program is available for them to find healthy meals for children during the summer. But too many Ohio families don't know about this critical program, and that is why it is so important to raise awareness and increase access to the program for all Ohio children regardless of where they live. Summer break shouldn't mean a break from good nutrition.

At the beginning of this talk, I mentioned that 840,000 Ohio children benefit from free and reduced school breakfast and lunch programs—840,000. But, unfortunately, last year in the