

panicked abortion industry would have us believe, Dr. Gosnell is an outlier, an outcast, nothing like the professional, competent, law-abiding late-term abortion providers around the country. But then again perhaps not.

Just a few weeks ago, a Planned Parenthood representative testified before the Florida State legislature and suggested that infants born alive during botched abortions might not be entitled to medical attention—in clear violation of Federal law, to say nothing of fundamental human rights and dignity. Even since then, undercover videos have caught late-term abortion providers telling pregnant mothers that even if their babies are accidentally born alive during the procedure, even if the law requires them to treat the newborn as a patient and citizen of the United States, and also telling them that even if the baby is born somewhere other than their clinic, they will see to it that the child does not survive.

So is the case of Dr. Gosnell an outlier or is the legitimacy of the late-term abortion industry merely a lie? The American people deserve to know.

Yesterday I introduced legislation to end the practice of late-term abortion in Washington, DC, after 20 weeks, the point at which science tells us unborn children can feel pain, in light of the chilling details coming in from Pennsylvania, Maryland, the District of Columbia, and various abortion clinics around the country that late-term abortions on pain-capable, unborn children are an important issue we need to debate.

Opinions will obviously be divided, as they always are on abortion-related issues. But we owe it to the American people to see if we can find common ground to protect innocent women and innocent children.

But there should be no division or controversy surrounding the sense-of-the-Senate resolution I called up a few minutes ago. The resolution has the support of every Republican Senator, pro-life and pro-choice Members alike.

The resolution expresses the sense of the Senate, affirming: The duty of the State and Federal Government agencies to protect women and children from violent criminals posing as health care providers; the equal human and constitutional rights of fully born infant children; the need to prevent and punish abusive, unsanitary, and illegal abortion practices.

One of the newborns Dr. Gosnell is accused of murdering, “Baby Boy A,” was born alive—breathing and moving—to an underage girl almost 30 weeks pregnant. Witnesses describe Gosnell severing the baby’s spine, discarding the child in a shoebox, and joking that he was big enough “to walk me to the bus stop.”

Joking. Joking.

A clinic employee estimated Baby Boy A’s birth weight at about 6 pounds, larger and heavier than two of my own children when they were born.

If there are other Kermit Gosnells out there waging their own personal war on women, we need to know about it, and we need to stop them.

I don’t think I can make a stronger argument for this resolution than the one the grand jury in the Gosnell case made itself:

Let us say right up front we realize this case will be used by both sides of the abortion debate. We ourselves cover a spectrum of personal beliefs about the morality of abortion. For us as a criminal grand jury, however, the case is not about that controversy; it is about disregard of the law and disdain for the lives and health of mothers and infants. We find common ground in exposing what happened here and in recommending measures to prevent anything like this from ever happening again.

I hope the Senate too, whose Members cover a similar spectrum of views on abortion, can follow the grand jury’s lead to find common ground in the pursuit of truth and justice for American women and children.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Again, Mr. President, I accept and sympathize with the goals of the resolution offered by my friend from Utah. What I am suggesting is a resolution that includes those criminals who may be posing as health care practitioners in one field of practice but extends the condemnation to all areas of practice.

I hope Senator LEE, my friend from Utah, will share my outrage at reprehensible and illegal actions that occur, unfortunately and tragically, in other areas of practice. Let me mention a few.

We ought to speak about the tragedy at the Pennsylvania clinic, where these incidents occurred, but we also should talk about the Oklahoma dentist who exposed as many as 7,000 patients to HIV and hepatitis B and C through unsanitary practices. Thousands of his patients are being tested to see if they have been infected. So far 60 of his patients have tested positive for these viruses. That is 60 people who trusted their dentist, a health care provider in a position of trust and responsibility, relying on him to respect and care for them safely and responsibly, and, instead they are now facing potentially life-threatening diseases that are as abhorrent and despicable in the lack of responsibility and care as what happened in Pennsylvania. We ought to talk about that incident with the same outrage that we talk about what happened, allegedly, in Pennsylvania.

We ought to speak about the health care practitioners at the Endoscopy Center of Southern Nevada who exposed 40,000 patients to hepatitis C through unsanitary practices. These unsanitary practices went on for years, and that is why this clinic may have hurt as many as 40,000 people. We are talking about 40,000 people, again, exposed to unnecessary danger because of the lack of trust and responsibility on the part of their health care provider.

We also ought to talk about the nursing director at Kern Valley nursing home in California who inappropriately medicated patients using antipsychotic drugs for her own convenience, resulting in the death of at least one patient.

We should be talking about the compounding pharmacies in Massachusetts and elsewhere in this country that provided products that killed and harmed thousands of people.

These incidents, as alleged, are willful violations of law, violations of human dignity and decency, that ought to shock the conscience of the Nation every bit to its core as much as the alleged misconduct and potential criminal activity in Pennsylvania.

These standards of care—or more appropriately and correctly, the violation of them—are simply unacceptable and intolerable, which is why my resolution would take as common ground the alleged Pennsylvania misconduct and include many other instances where standards of care—basic standards of decency and trust—are violated. I ask my friend from Utah to join me in espousing a resolution that establishes this kind of common ground.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. LEE. Mr. President, I appreciate the insight and the concern shared by my friend and colleague from Connecticut. These are all things we all ought to be thinking about, be concerned about, and be debating from time to time. To reiterate one of the points we need to make here: As with all health-care-providing institutions, all clinics, all hospitals need to be subjected to the scrutiny of some outside regulator. They need to have some accountability to those who will ensure that conditions there are safe, that the treatments being provided are effective, and that they are not going to result in more injury, in more disease, in life-threatening conditions, in emergency responders who show up not being able to access the patient in time because the hallways are too narrow, the exits are blocked or the hallways are crowded.

I appreciate the insight from my colleague from Connecticut and thank him for his remarks.

Thank you, Mr. President.

#### WATER RESOURCES DEVELOPMENT ACT OF 2013—Continued

Mrs. BOXER. Mr. President, can I ask what the order is at this time?

The PRESIDING OFFICER. The Senate is considering S. 601.

Mrs. BOXER. OK. So this is my understanding: I ask Senator BLUMENTHAL, do you have more to say on this matter with the resolution?

Mr. BLUMENTHAL. I do not.

Mrs. BOXER. OK. I know Senator COATS has some very important remarks to make about the death of a figure whom he cares about very much.

What I wish to propose, if I can, is to talk a little bit about this little back

and forth we had going between my two friends here, and then immediately following what will only take about 2 or 3 minutes is to yield the floor to Senator COATS for 10 minutes.

Mr. COATS. Less than that.

Mrs. BOXER. Less than that. For the benefit of all Senators, we think we are going to have a vote tonight on the Brown amendment. So everyone stay around. We are hoping to have that in the next half hour or so. That is our plan. We hope it will happen.

But I wanted to say in this back and forth we heard between two Senators why I was very strongly for the resolution that was put forward by Senator BLUMENTHAL.

Clearly, what we have in our society today are callous, abusive, unsanitary, or illegal health care practices. These horrible, callous practices turn into tragedies. They produce tragedies. As Senator BLUMENTHAL said, it goes across a wide array of various health care settings.

We do not come down here every day to call out one horrific problem after another. Certainly what has happened in Pennsylvania—and, again, I would take the admonition of Senator BLUMENTHAL, who was a prosecutor, we have to be careful when a jury is deliberating—but certainly if these allegations are true, the individuals involved should be punished to the full extent of the law—and the toughest kind of punishment—and I believe in other cases too.

I know my colleague has talked about a horrible situation in southern Nevada, where 40,000 patients were exposed to hepatitis C. Hepatitis C is a serious and life-threatening condition. Mr. President, 40,000 people were exposed to it. They did nothing. That is deserving of condemnation as well.

He talked about a nursing home in California, where we had the death of a patient because the nurse in that particular case—and nurses are some of the most extraordinarily wonderful people, but in this particular case she had her own convenience ahead of the situation. She improperly medicated patients using antipsychotic drugs, and we know one patient died.

Whatever the setting is—if it is a reproductive health care clinic, if it is a dentist, if it is any type of doctor, any kind of clinic—where there are willful violations of the law and violations of human dignity and violations of standard of care, we should call them out.

What I thought was so important about Senator BLUMENTHAL's resolution is that he took the spirit of Senator LEE's resolution. He did. He actually included in that what occurred in Pennsylvania. And we did get it to the Republicans 2 hours ago, so it was not a few minutes. I think that is a case in point where we could come together, where we say: Absolutely what happened in Pennsylvania is an outrage, it is a violation of everything we hold dear; and here are some other cases.

As long as I have the floor, I will conclude with this: I have been getting in-

involved in issues that deal with medical errors. I was stunned to find out, as I think are my colleagues—as a matter of fact, I met with a doctor from a Texas hospital where they have improved very much where they were losing patients, dozens of patients every month, because of medical errors, terrible errors that are preventable errors: the wrong prescriptions, the lack of monitoring, infections, terrible infections in hospitals. These are all horrible deaths that are preventable.

I think my colleague's resolution was very statesmanlike. I think what he did was he said to our colleagues who wanted to pass their resolution: Of course we will work with you. Let's broaden it. Let's include condemnation of other horrible tragedies that are occurring throughout the Nation, not just this one case, which is tragic and despicable and every word I could think of, but all these other cases, so we do not every day come here with another example. This is a broad problem in our country. We do the best out of most developed countries, but we still have a long way to go.

I wanted to explain why I supported my friend when he opposed the narrower resolution and support his broad resolution. I would urge my colleagues to work with us.

With that, I yield the floor to my friend from Indiana.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Indiana.

Mr. COATS. Mr. President, I thank my colleague for allowing me to speak as in morning business, and I ask unanimous consent to do that.

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

#### REMEMBERING OTIS RAY BOWEN

Mr. COATS. Mr. President, this past Saturday my State of Indiana lost a humble giant whose soft-spoken yet very firm convictions influenced many Hoosiers for many years, including me.

Former Indiana Governor Otis Ray Bowen, known affectionately to Hoosiers as "Doc," passed away at the age of 95, the culmination of a life spent in service to others.

Born in 1918, near Rochester, IN, Doc Bowen earned both a bachelor's degree and a medical degree from Indiana University, joining the Army Medical Corps, after completing his internship, in 1943.

He served in the Medical Corps of the U.S. Army during World War II and went ashore with the first wave of Allied troops during the invasion of Okinawa in 1945.

After the end of the war, Doc Bowen started a family medical practice in Bremen, IN, which he continued for the next 25 years. He estimated that during his career this family doctor delivered more than 3,000 babies.

He was first elected to political office in 1952 as Marshall County's coroner and then to the Indiana House of Representatives in 1956.

Doc lost the reelection following that 2-year stint by only 4 votes in 1958 but

then subsequently was elected to seven consecutive house terms, beginning in 1960. He became minority leader in 1965 and speaker in 1967. He served as speaker of the Indiana House through four legislative sessions.

As the 44th Governor of Indiana, from 1973 to 1981, Dr. Bowen served Hoosiers with dignity and respect. His tenure included numerous accomplishments, including landmark tax restructuring, improvements to State park facilities, and the development of a Statewide emergency medical services system.

One of the most significant accomplishments of Governor Bowen was a medical malpractice bill he signed into law. Aimed to reduce the cost of health insurance and the burden on doctors, Governor Bowen's medical malpractice law became a national model.

Hoosiers will also remember the Governor's passionate love of Indiana basketball. When the TV cameras would scan the players' bench, there was Doc, encouraging the team and, at times, casting a critical eye on the referee who just missed an important call.

Following his service as Governor, Dr. Bowen returned to medicine as a professor at the Indiana University Medical Center.

But his time in public service did not end there. President Ronald Reagan called Dr. Bowen out of private life and back into public service in 1985 by naming him Secretary of Health and Human Services—the first physician to serve in this position.

In 1989, Dr. Bowen returned to his Bremen home and continued to serve others through various charities and commissions.

I was privileged to be able to meet with him on some occasions—quietly, nonpublicly, just sharing stories, talking about his career, and, more importantly, his love for Indiana, his love for his wife, his love for his country.

This good doctor and good Governor will long be remembered as an example of political leadership and human decency. The imprint of his leadership and, most of all, the imprint of his character will live on in the minds and hearts of Hoosiers for generations to come.

My wife Marsha and I join millions of Hoosiers as we extend our deepest condolences to his family and also our gratitude for his shining example of a life well lived.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague for his very warm remarks.

I ask unanimous consent that notwithstanding the previous order, the Brown amendment No. 813, as modified with the changes that are at the desk, also be in order; that there be no amendments in order to the Brown amendment prior to a vote in relation to the amendment; that at 5:45 p.m. today, the Senate proceed to vote in relation to the Brown amendment No.

813, as modified; further, that all other provisions of the previous order remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I just asked unanimous consent to vote on the Brown amendment. I am going to be supporting that amendment. I think it is an important amendment. I just want to say to colleagues, we are making progress. It is not as fast as Senator VITTER and I would like, but considering the Senate it is not bad. We have moved through a number of amendments already, one particularly contentious amendment.

We are moving toward the finish line. I urge everyone to get their amendments in. I urge them, as best I can, to stay away from nongermane amendments that are controversial, that cause us to pause in our work. This is an important bill. This bill was last done in 2007. You would ask, why does it take so long? We used to do these bills every 2 or 3 years. But the reason it has taken this long, in the interim we decided we would no longer have earmarks.

That made this bill particularly difficult because normally we would mention the projects by name. We could not do that. So we had to figure a way to move forward by making sure we never listed any particular project. We did it in a good way. We said if there is a completed Army Corps report, the project runs forward. If there is a modification that has to be made that did not add to the cost of the project, it goes forward. In the future the local governments can come forward and pitch to the Corps directly. We need flood control in this country. We know that. We knew that before Superstorm Sandy. We certainly know it now. We need port dredging in this country to move our goods. Our goods must be moved, and goods to our country have to come into our ports.

We need environmental restoration. We need to take care of the Everglades. We need to take care of the Chesapeake. I have a place called the Salton Sea that is drying up. We need to take care of these kinds of challenges. We are going to turn to the Brown amendment. I am going to give up the floor now and hope he will explain it. I will be strongly supporting it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

#### AMENDMENT NO. 813, AS MODIFIED

Mr. BROWN. I thank the Senator from California, the chair of the committee who has done an extraordinary job with Senator VITTER on this bill.

I ask unanimous consent to call up amendment No. 813.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself, Mr. TOOMEY, Mr. CASEY, Ms. KLOBUCHAR and Mr. DURBIN, proposes an amendment numbered 813, as modified.

Mr. BROWN. 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 provide a multiagency effort to slow the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries)

At the end of title V, add the following:

#### SEC. 50. MULTIAGENCY EFFORT TO SLOW THE SPREAD OF ASIAN CARP IN THE UPPER MISSISSIPPI RIVER AND OHIO RIVER BASINS AND TRIBUTARIES.

(a) MULTIAGENCY EFFORT TO SLOW THE SPREAD OF ASIAN CARP IN THE UPPER MISSISSIPPI AND OHIO RIVER BASINS AND TRIBUTARIES.—

(1) IN GENERAL.—The Director of the United States Fish and Wildlife Service, in coordination with the Chief of Engineers, the Director of the National Park Service, and the Director of the United States Geological Survey, shall lead a multiagency effort to slow the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries by providing high-level technical assistance, coordination, best practices, and support to State and local governments in carrying out activities designed to slow, and eventually eliminate, the threat posed by Asian carp.

(2) BEST PRACTICES.—To the maximum extent practicable, the multiagency effort shall apply lessons learned and best practices such as those described in the document prepared by the Asian Carp Working Group entitled “Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States”, and dated November 2007, and the document prepared by the Asian Carp Regional Coordinating Committee entitled “FY 2012 Asian Carp Control Strategy Framework” and dated February 2012.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than December 31 of each year, the Director of the United States Fish and Wildlife Service, in coordination with the Chief of Engineers, shall submit to the Committee on Appropriations and the Committee on Natural Resources of the House of Representatives and the Committee on Appropriations and the Committee on Environmental and Public Works of the Senate a report describing the coordinated strategies established and progress made toward goals to control and eliminate Asian carp in the Upper Mississippi and Ohio River basins and tributaries.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) any observed changes in the range of Asian carp in the Upper Mississippi and Ohio River basins and tributaries during the 2-year period preceding submission of the report;

(B) a summary of Federal agency efforts, including cooperative efforts with non-Federal partners, to control the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries;

(C) any research that the Director determines could improve the ability to control the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries;

(D) any quantitative measures that Director intends to use to document progress in controlling the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries; and

(E) a cross-cut accounting of Federal and non-Federal expenditures to control the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries.

Mr. BROWN. Mr. President, I am pleased to offer today, with my colleagues from Pennsylvania, Senator TOOMEY and Senator CASEY, this amendment. As many of you know, the spread of Asian carp poses a threat to the Great Lakes’ ecosystem. Because of the work of my Great Lakes State colleagues from Minnesota to Michigan, Pennsylvania, we are working to address this problem.

But it is not, contrary to what many believe, limited just to the Great Lakes. The Ohio and Upper Mississippi River Basins also face the threat of these invasive species. This no-cost amendment that Senator TOOMEY and I are offering would support multiagency efforts to hold the spread of Asian carp in the Ohio and Upper Mississippi Basin.

I ask my colleagues for their support.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. TOOMEY. Mr. President, I would like to begin by thanking my colleague Senator BROWN for his leadership on this issue, and Senator CASEY, my colleague from Pennsylvania, who is supportive of this effort as well.

This is not a complicated amendment. I do not think it is a controversial amendment either. The fact is in southwestern Pennsylvania, we have three iconic rivers. In northwestern Pennsylvania we have access to and a coastline along a beautiful and important national treasure, Lake Erie.

On all of these, the rivers and Lake Erie, the commerce and the recreation that occurs on these waterways are potentially at risk to an invasion of the Asian carp. This, as we all know, is a very aggressive, large, nonindigenous species that could be very disruptive to the ecosystem of the rivers, to the ecosystem of Lake Erie.

What we discovered is that there is no single entity in the entire Federal Government that is responsible for coordinating our response, a response that will help to minimize the risk that the Asian carp would be able to invade the waterways and ultimately make their way into the Great Lakes.

It would be potentially devastating if the Asian carp were to do so. We have introduced this amendment to this bill which would simply do two things. It would place the U.S. Fish and Wildlife Service in charge of coordinating the Federal multiagency effort. That would include the National Park Service, the U.S. Geological Survey, and the Army Corps of Engineers. It would require an annual report on what is being done at

the Federal and State level to minimize the risk of an invasion of the Asian carp.

As I say, I believe this is a very constructive, modest amendment. I trust it is not controversial. I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I ask for the yeas and nays on the Brown amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio, Mr. BROWN.

Is there a sufficient second?

There is 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 (Mr. CARDIN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Missouri (Mrs. McCASKILL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Nevada (Mr. HELLER) and the Senator from Nebraska (Mr. JOHANNIS).

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—95

Alexander	Flake	Murphy
Ayotte	Franken	Murray
Baldwin	Gillibrand	Nelson
Barrasso	Graham	Paul
Baucus	Grassley	Portman
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Blumenthal	Hatch	Reid
Blunt	Heinrich	Risch
Boozman	Heitkamp	Roberts
Boxer	Hirono	Rockefeller
Brown	Hoeven	Rubio
Burr	Inhofe	Sanders
Cantwell	Isakson	Schatz
Carper	Johnson (SD)	Schumer
Casey	Johnson (WI)	Scott
Chambliss	Kaine	Sessions
Coats	King	Shaheen
Coburn	Kirk	Shelby
Cochran	Klobuchar	Stabenow
Collins	Landrieu	Tester
Coons	Leahy	Thune
Corker	Lee	Toomey
Cornyn	Levin	Udall (CO)
Cowan	Manchin	Udall (NM)
Crapo	McCain	Vitter
Cruz	McConnell	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Enzi	Mikulski	Wicker
Feinstein	Moran	Wyden
Fischer	Murkowski	

NOT VOTING—5

Cardin	Johannis	McCaskill
Heller	Lautenberg	

The amendment (No. 813), as modified, was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we have made progress on this bill in the last couple of days. We have had a difficult time on some of the amendments that were nongermane, but we worked our way through those. The two managers on this bill are waiting for amendments to be offered.

I hope we could get this bill done as quickly as possible. It is an important bill for every State in the Union. I hope it is not bogged down with a lot of non-relevant, nongermane amendments. If people want to offer them, have at it. I just don't think it is the right thing to do on this bill. We have already been through that. I have talked to Senator BOXER and Senator VITTER and they want to move through this bill.

There is a lot of good stuff in this legislation, and they have worked so hard. They have listened to all of their colleagues who have situations, and some of that can be resolved with a managers' amendment. So if Senators have to offer an amendment, go ahead and offer it, but let's try to get this legislation complete.

Monday is a no-vote day. We should do everything tomorrow to at least come up with a finite list of amendments because we are not going to spend all week on this bill next week, that is for sure.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 10 or 11 minutes.

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

#### INSIDER TRADING LAWS

Mr. GRASSLEY. Mr. President, with the passage of the STOCK Act last year, Congress made an important statement: When it comes to insider trading laws, there is no special exemption for Congress. If anyone in government provides confidential information to someone for the purpose of trading on it, that is insider trading.

It is illegal if the information is both material and nonpublic. The word "material" means a reasonable investor would want to know it before investing. "Nonpublic" means the information has not been released to the general public. To violate the law, the person making the disclosure must have a duty to keep the information secret.

Frankly, there is very little information in Congress that must be kept secret. Of course, that is a good thing. Unlike the executive branch, most of what Congress does is public immediately. But disclosing material nonpublic information can be a crime. Even if it is done intentionally, people might be investigated before getting a chance to clear their name. And there is a big difference between material nonpublic information and an expert's educated guess about what a government agency might do.

We now know that Wall Street has been harvesting expertise and tidbits of information from Washington, DC, for years while keeping us largely in the dark. In fact, the political intelligence industry is so big and so opaque that the Government Accountability Office was unable to quantify it or judge its size despite 1 whole year of investigating.

Political intelligence firms extract pieces of information from the govern-

ment and use that intelligence to make money on Wall Street. Each detail a political intelligence firm gathers may not be material or nonpublic on its own, but the purpose of collecting and analyzing those details is to get an edge in the markets over other investors.

That is not illegal, and I have never suggested that it should be. People should not be discouraged from sharing information and opinions about how our government operates. We should be more transparent, not less. The less open and transparent government is, the more opportunities there are to exploit government information for profit in the markets.

I have been investigating the role of political intelligence firms in the early release of information about Medicare Advantage rates prior to the public announcement on April 1st. There has been some confusion over the scope of my inquiry, so I want to be clear.

There are reports that the Securities and Exchange Commission is investigating whether material non-public information was released about the Medicare Advantage rates. My interest is much broader than that. Political intelligence is not the same thing as material non-public information. Gathering political intelligence includes a lot of activity that falls short of material non-public information. So, just because I am asking questions about how certain information or expert opinions flowed to these political intelligence firms, does not mean I am accusing anyone of any wrongdoing.

I am not seeking to ban the gathering of political intelligence. I am not suggesting that if someone was the source for some piece of political intelligence, that the source did anything illegal. But, the goal of these firms is to get an edge on other investors, and that should be understood by everyone who communicates with them.

This investigation has shed a great deal of light on the political intelligence industry. I hope to use this information to improve the legislation on political intelligence disclosure that I plan to re-introduce with Representative SLAUGHTER. I am trying to learn how these political intelligence firms function by using this real-world example, so that I can write better legislation on disclosure.

To be clear, I am not focused on examining whether particular Congressional staff acted properly with regard to their professional duties. Any reports to the contrary are simply inaccurate. What I think we need is more transparency. Government officials need to know what happens with the information they provide to outside parties. I want to arm government officials with knowledge about who they are talking to.

My inquiry started with Height Securities, the firm that put out an alert 18 minutes before the markets closed on April 1st. That alert caused a huge spike in the health insurance stocks

that stood to gain from the rate announcement.

I initially learned that an email on April 1st from a healthcare lobbyist to the analyst at Height Securities looked like the basis for the flash alert that moved the markets. In the interest of full disclosure, it has been reported in the press that the lobbyist was formerly on my staff. But, I continued to press for more information.

I learned that Height paid for his expertise on healthcare, although his entire billing amounted to only 1.75 hours of work before sending the email on April 1st. I learned that the Height analyst had also communicated with two other healthcare policy experts before putting out his alert to the market.

Then, I learned that the Centers for Medicare and Medicaid Services—CMS—had already made its decision to reverse the rate cuts much earlier, two weeks before the Height Securities alert.

The press has reported that there were major spikes in options trading on March 18th and March 22nd. Options trading is one way folks on Wall Street make big bets on a stock when they think they have a sure thing. March 18th happens to be the first trading day after CMS made its decision internally. March 22nd happens to be the day that CMS transmitted its draft decision to the White House more than a week before the public announcement. On that date, the circle of people in the administration who would have known about the CMS decision expanded significantly.

This suggests that political intelligence firms may have obtained key information for their clients in mid-March, not just the day of the announcement on April 1st.

The press also reported on the possible involvement of another political intelligence firm, Capitol Street. Capitol Street arranges conference calls between investors and governments experts.

In addition, I have asked two major hedge funds mentioned in the press whether they profited from trades in advance of the rate announcement. So the scope of my inquiry is broad. It is not focused on particular people. It is focused on the facts.

The Securities and Exchange Commission is also investigating. It is their job to determine whether any material non-public information was passed to Height or to anyone else in this case. That is not my job.

I am working on legislation to make the political intelligence industry more transparent. I am gathering facts to inform that legislation.

Remember, political intelligence does not necessarily involve material non-public information. But, people in government need to know who they are talking to and what they will do with your information. That is why it is so important to ensure that political intelligence relationships are transparent. Even if the information you

provide is merely an educated guess, it can still move markets. It can still create an impression that a fortunate few are making money from special access to insiders.

If political intelligence transparency is passed, government officials would be more fully informed when they provide expertise to these firms about how the information might be used. But as things stand, without transparency, you do not necessarily know what firms like Height Securities or Capitol Street do with the information you provide to them. You don't know if they have a contract with a lobbyist who is bringing in some other client for a meeting. You don't know that your discussion with that lobbyist's client might be repeated to people who are looking for an edge in the stock market. What you think may be an innocent detail or an educated guess may move markets.

At the end of the day, that is what these firms want to exploit. That is what they are after. That is what they sell. They should be honest and upfront with people about how they make money. Lobbying disclosure isn't perfect, but it has brought more transparency to the process.

Now, we need political intelligence disclosure too, for the same reasons.

Transparency increases the public's ability to trust that we are working for them, not for just for special interests. That principle should apply just as much to special interests on Wall Street as it does to special interests on K Street.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Rhode Island.

**MR. WHITEHOUSE.** Mr. President, I ask consent to follow Senator MORAN at the conclusion of his remarks.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

The Senator from Kansas.

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

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### CHARITABLE GIVING

**MR. MORAN.** Mr. President, April 15 has now come and gone, known as tax day to most Americans. Millions of Americans filed their returns last month and many took into account in filing that return the dollars they contributed to charitable and worthwhile causes. According to an organization called Giving USA, Americans gave nearly \$300 billion in 2011 to support important programs and services, from food pantries and medical research to youth programs and seed grants to start new businesses. Because of those generous donations of millions of Americans each year, not-for-profits have impacted the lives of countless individuals for decades.

An example back home in my State, an example of where a charitable contribution made a tremendous difference in the life of an individual is

William Wilkerson, a 16-year-old from Overland Park, KS. At age 3, William was diagnosed with moderate to severe bilateral hearing loss.

After visiting several doctors, William was taken to Children's Mercy Hospital, where he was fitted with his first set of hearing aids. He later put into words what he experienced that day: With so many different things that I had never heard before, it was as if somebody had turned on the world!

Denise Miller, the manager of the Children's Mercy Hearing and Speech Clinic, said this about the importance of donations: Because of the donor support we receive, we are able to fit the most appropriate hearing aids on each and every child, based on their own unique needs.

In 2011, the clinic fit nearly 500 patients with hearing aids bringing the world of sound to their ears and changing their lives forever.

Nonprofits like Children's Mercy Hospital depend on the generosity of Kansans and other Americans to help support their ongoing care for children.

But President Obama has proposed changes to the 100-year-old tradition of providing tax incentives for charitable giving that could significantly diminish this support for nonprofits.

In the President's 2014 budget is a proposal to cap the total value of tax deductions at 28 percent for higher income Americans—including the charitable tax deduction.

According to the Charitable Giving Coalition, this proposal could reduce donations to the nonprofit sector by more than \$5.6 billion every year. This reduction amounts to more than the annual operating budgets of the American Red Cross, Goodwill, the YMCA, Habitat for Humanity, the Boys and Girls Clubs, Catholic Charities, and the American Cancer Society combined. A reduction in giving of this magnitude would have a devastating impact on the future of charitable organizations in our country.

Given our country's current economic situation, more Americans have turned to nonprofits for help in recent years. According to the Nonprofit Finance Fund, 85 percent of nonprofits experienced higher demand for their services in 2011 and at least 70 percent have seen increased demand since 2008. Our country depends upon a strong philanthropic sector to provide a safety net for services, especially given the tighter local and State budgets.

Americans understand the value and impact of the charitable deduction, which is why a recent United Way Worldwide survey found that two out of every three Americans are opposed to reducing the charitable tax deduction.

Nonprofits are best equipped to provide assistance on the local level and can often do so in a far more effective manner than many government programs. Studies have shown that for every \$1 subject to the charitable deduction, communities will receive \$3 in benefits.

The Federal Government will be hard-pressed to find a more effective way to generate that kind of public impact. Congress has previously acknowledged the benefits of private investments and regularly passes charitable giving incentives in the wake of a natural disaster to encourage more giving.

Last October, when Hurricane Sandy tore across the east coast, the storm left thousands of residents without the basic necessities of life: food, water, and shelter. Within 6 weeks, the American Red Cross served more than 8 million meals, provided more than 81,000 shelter stays, and distributed more than 6 million relief items to thousands of residents impacted by the storm.

In times of crisis, Americans depend on relief service organizations such as the American Red Cross, Catholic Charities, and the Salvation Army—all not-for-profit organizations whose main purpose is to help their fellow citizens when they need it the most.

Nonprofits such as Habitat for Humanity also help families make a fresh start in life after a disaster. In May of 2007, an EF5 tornado swept through my home State of Kansas devastating 95 percent of the town of Greensburg.

Diana Torres, a single mom, had lived in Greensburg for nearly 7 years when the tornado destroyed the home they were renting. Diana faced the likelihood of having to move out of State when the Wichita Habitat for Humanity stepped in with 1,400 volunteers to build a new home. Thanks to special financing and donated supplies, Diana could afford to purchase the home for her family.

Executive director of the Wichita Habitat for Humanity Linda Stewart said those who support Habitat “know they are making a difference in someone’s life that lasts for years.” That is what not-for-profits do every day across Kansas and around our country. They make a difference one life at a time.

Since the founding of our Nation, neighbors have been helping other neighbors. They lend that helping hand that is so often needed. The charitable deduction is one way to encourage that tradition to continue.

Any change in the Tax Code related to charitable giving would have a long-lasting and negative consequence, not necessarily to the generous donor but, more importantly, to the millions of Americans who rely upon the services provided by a charitable organization. With our economy still recovering and the tremendous need for charitable causes, the President should be encouraging Americans to give more, not less, and Congress should reject this administration’s proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I would like to ask consent to speak for up to 15 minutes as if in morning business.

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

#### CLIMATE CHANGE

Mr. WHITEHOUSE. As I am sure the Presiding Officer suspects, I am back on the floor again to urge that we awaken to what carbon pollution is doing to our planet, to our oceans, to our seasons, and to our storms. I wonder why is it that we are so comfortably asleep when the warnings are so many and so real. What could beguile us away from wakefulness and duty?

I was recently at a Senate meeting when I heard a Member of our Senate community say: “God won’t allow us to ruin our planet.” Maybe that is why we do nothing. We are comfortable that God somehow will not allow us to ruin our planet. That seems like such an extraordinary notion, I thought I would reflect on it in my remarks this week.

First of all, the statement refers to God and is couched in religious terms, but is it truly an expression of religious inquiry? I think not. It is less an expression of religious thinking than it is of magical thinking. The statement that God will not allow us to ruin our planet sweeps aside ethics, responsibilities, consequences, duties, even awareness. It comforts us with the anodyne assumption that no matter what we do, some undefined presence will—through some undefined measure—make things right and clean up our mess. That is seeking magical deliverance from our troubles, not divine guidance through our troubles.

Is God truly here just to tidy up after our sins and follies, to immunize us from their consequence? If that is true, why does the Bible say in Galatians 6:7, “Do not be deceived . . . whatever one sows, that will he also reap.” If God is just a tidy-up-after-us God, why does the book of Job 4:8 warn that “those who plow iniquity and sow trouble reap the same.” If God is not a God of consequences, why does Luke 6:38 tell us, “For with the measure you use, it will be measured back to you.” Proverbs 22:8 tells us, “Whoever sows injustice will reap calamity.”

Jeremiah 17:10 says, “I the Lord search the heart and test the mind to give every man according to his ways, according to the fruit of his deeds.”

So it seems we should not walk in the counsel of the wicked or sit in the seat of the scoffers and then expect there will be no bitter fruit of our deeds, no consequence.

We are warned in the Bible not to plow iniquity, not to eat the fruit of lies. Where in the Bible are we assured of safety if we do? I see no assurances of that. The Bible says in 1 Samuel 2:3 that “the Lord is a God of knowledge, and by him actions are weighed.” At Thessalonians 1:6, “God considers it just to repay with affliction those who afflict.” Those who “sow the wind,” the Bible says, “they shall reap the whirlwind.”

Look at our own American history. If God is just here to tidy up after our

sins and follies, how could Abraham Lincoln say this about our bloody Civil War to free and redeem us from the sin of slavery? Here is what Lincoln said about that war:

Yet, if God wills that it continue, until all the wealth piled by the bond-man’s two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said: “The judgments of the Lord, are true and righteous judgment altogether.”

That was Abraham Lincoln. Blood drawn by the sword in equal measure to that drawn by the lash as the true and righteous judgment of the Lord—that doesn’t sound like a God of amnesty.

Go to the very beginning. If we live in a state of God-given general amnesty from consequences, why were Adam and Eve expelled from Eden for their sin? Why was Cain sent into the wilderness, condemned to wander for the crime against his brother? If it is your assertion that God’s love has no measure of tough love, wander a bit through the Old Testament before getting too married to that idea.

If the Old Testament is too bloodthirsty for you, look at Revelations 11:18:

And thy wrath is come, and the time . . . that thou . . . shouldest destroy them which destroy the earth.

If we believe in an all-powerful God, we must then believe that God gave us this Earth, and we must in turn believe God gave us its laws of gravity, chemistry, and physics. We must also believe that God gave us our human powers of intellect and reason. He gives us these powers so we, his children, can learn and understand Earth’s natural laws, which he also gave us, so that as his children we can use that understanding of Earth’s natural laws to build and create and prosper on his Earth.

Hasn’t that, in fact, been the path of human progress? We learn these natural laws, and we apply them to build and create and we prosper.

Why then when we ignore his plain, natural laws, when we ignore the obvious conclusions to be drawn by our God-given intellect and reason would God—the tidy-up God—drop in and spare us? Why would he allow an innocent child to burn its hand when it touches the hot stove but protect us from this lesson? Why would he allow a badly engineered bridge or building to fall, killing innocent people, but protect us from this mistake? Why would he allow cholera to kill in epidemics until we figure out that the well water is contaminated?

The Earth’s natural laws and our capacity to divine them are God’s great gift to us, allowing us to learn and build great things and cure disease. But God’s gift to us of a planet with natural laws and natural order has as an integral part of that gift consequences—consequences when we get



that law and order wrong. The child's hand burns, the bridge falls, the disease spreads. If it didn't matter whether we got it right or wrong, there would be no value to God's creation of that natural law and order in the first place.

So is that then to be our answer to polluting our atmosphere with carbon by the megaton and changing our climate and changing our seas? Is it to be our answer to that, that God would not allow us to ruin our planet? We are to continue to pollute our Earth with literally megatons each year of carbon, heating up our atmosphere, acidifying our seas, knowing full well by His natural laws what the consequences are? Instead of correcting our own behavior, we are going to bet on a miracle? That is the plan? Excuse me, but that is not the American way. President Kennedy described the American way as he ended his inaugural address connecting our work to God's:

... let us go forth, to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own.

That is the order of things. We are here to do God's work. He is not here to do ours. How arrogant. How very far from humility would be the self-satisfied smug assurance that God—a tidy-up-after-us God—will come and clean up our mess; that on this Earth, God's work need not be our own.

Remember the story of the man trapped in his house during a huge flood. A faithful man, he trusted God to save him. As the waters began to rise in his house, his neighbor came by and offered him a ride to safety, and he said: I am waiting for God to save me. So the neighbor got in his pickup truck and drove away.

As the water rose, the man climbed to the second floor of his house, and a boat came by his window with people who were headed for safe ground. They threw a rope and they yelled at the man to climb out and come with them, but he told them: No, I trust in God to save me. They shook their heads, and they moved on.

The flood waters kept rising, and the man clambered up onto his roof. A helicopter flew by, and a voice came over the loud speaker offering to lower a ladder to the man, let him climb up and fly to safety. The man waved the helicopter away, shouting back that he counted on God to save him, so the helicopter left.

Well, eventually the floodwaters swept over the roof, and the man was drowned. When the man reached Heaven, he had some questions for God:

God, he asked, didn't I trust in You to save me?

Why did You let me drown?

God answered: I sent you a pickup truck, I sent you a boat, I sent you a helicopter. You refused my help.

Just as God sent the pickup truck, the boat, and the helicopter to the drowning man, he has sent us everything we need to solve this carbon pollution problem. We just refuse. We just

refuse. Some of us even deny that the floodwaters are rising.

As I have indicated in previous speeches, climate denial is bad science. Indeed, it is such bad science it falls into the category of falsehood. Climate denial is bad economics, ignoring that in a proper marketplace the costs of carbon pollution should be factored into the price of carbon. Climate denial is bad policy in any number of areas—bad national security policy, bad environmental policy, bad foreign policy, bad economic policy.

Although I am a Senator, not a preacher, from everything I have learned and believe, it seems to me that climate denial is also bad religion and bad morals. Hopes for a nanny God who will, with a miracle, grant us amnesty from our folly is not aligned with history or text of the Bible.

We need to face the fact that there is only one leg on which climate denial stands: money. The polluters give and spend money to create false doubt. The polluters give and spend money to buy political influence. The polluters give and spend money to keep polluting. That is it—not truth, not science, not economics, not safety, not policy, and certainly not religion, nor morality. Nothing supports climate denial—nothing except money.

But in Congress, in this temple, money rules. So here I stand in one of the last places on Earth that is still a haven to climate denial. In our arrogance, we here in Congress think we can somehow ignore or trump Earth's natural laws—laws of chemistry, laws of physics, laws of science—with our own political lawmaking, with our own political influence. But we are fools to think that. The laws of chemistry and the laws of physics neither know nor care what we say or do here.

So we need to wake up. We need to walk not in the counsel of the wicked, nor sit in the seat of scoffers, but with due humility awaken to our duty and get to work because here on Earth God's work must truly be our own.

Thank you very much. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I just want to say to Senator WHITEHOUSE before he leaves the floor how much I appreciated his remarks tonight and how much I learned from his remarks. I wish to say to the Senator that I think he put forward the most cogent argument from a religious perspective as to why we have to take action to make sure we don't lose this planet. We are in a planetary emergency. As he said, this is the last place in the world, almost, that doesn't get it.

I wish to say to the Senator from Rhode Island that the reason so many religious leaders are in our coalition to call attention to climate change, to call attention to global warming, to call attention to the rising waters, to call attention to the terrible droughts, to the terrible fires, to the terrible

storms, to the extreme weather and all the things we are seeing around us—the Senator from Rhode Island has laid it out chapter and verse, we can truly say, chapter and verse, and I so appreciate what he is doing here. I so appreciate his consistent voice, his passionate voice.

I so appreciate that he is on the committee I am so proud to chair, the Environment and Public Works Committee. We are on a bill that deals with the public works side of the committee. We have good camaraderie there. But when it comes to protecting the environment, it is as if there are just two totally different species of humanity—the deniers and the believers. I am proud to be on the side of the believers. I believe America is built on facts. It is built on, yes, religious beliefs and scientific proof.

I think the Senator from Rhode Island laid it out tonight in such a magnificent way that I intend to send the Senator's remarks, with his permission, to all of our colleagues, to put them up on my Web site because I am so proud to stand with the Senator from Rhode Island in this fight. This is a fight, and as my friend from Rhode Island said it is a fight that puts on one side the special interests, the polluters, the money, versus those who just say we have to save this planet. It is our responsibility. It is our God-given responsibility.

I thank the Senator from Rhode Island so much, and I yield to him.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I just want to say how honored I am to serve on Senator BOXER's committee with her as our chairman and leader and how eager I am to fight beside her in the struggles ahead.

With that, with my appreciation, I yield the floor.

Mrs. BOXER. Mr. President, I wish to say to my friend, today was a great day for the Senator from Rhode Island, not only because of the speech that I think is quite memorable but also because of the amendment he passed with the help of our Republican friends, to set up an oceans trust fund. I think this is a good, positive day, and I am very pleased about that.

I would ask the staff if we are ready to make the unanimous consent request.

We will be in 2 minutes. So I would say to my colleague that we are going to dispose of about six amendments very quickly on the floor, with the indulgence of the Senator, and we should be free and done with this business in a few minutes.

Mr. HOEVEN. I thank the Senator. No objection.

Mrs. BOXER. I thank the Senator.

So we will put in a quorum call. I ask unanimous consent to complete my remarks after the remarks of Senator HOEVEN.

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

The PRESIDING OFFICER. The Senator from California.

AMENDMENTS NOS. 801, 806, 835, 833, AND 832, EN BLOC

Mrs. BOXER. Mr. President, I ask unanimous consent that notwithstanding the previous order, the following amendments which have been cleared on both sides be considered and agreed to en bloc: Pryor amendment No. 801, as modified, with the changes at the desk; Pryor amendment No. 806; Inhofe amendment No. 835, with a modification to the instruction lines; McCain amendment No. 833; and Murray amendment No. 832; further, that all of the provisions of the previous order remain in effect.

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

The amendments were agreed to, as follows:

#### AMENDMENT NO. 801, AS MODIFIED

(Purpose: To direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms)

At the end, add the following:

#### TITLE XII—MISCELLANEOUS

#### SEC. 12001. APPLICABILITY OF SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.

(a) DEFINITIONS.—In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) FARM.—The term “farm” has the meaning given the term in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(3) GALLON.—The term “gallon” means a United States liquid gallon.

(4) OIL.—The term “oil” has the meaning given the term in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(5) OIL DISCHARGE.—The term “oil discharge” has the meaning given the term “discharge” in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(6) REPORTABLE OIL DISCHARGE HISTORY.—The term “reportable oil discharge history” has the meaning used to describe the legal requirement to report a discharge of oil under applicable law.

(7) SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.—The term “Spill Prevention, Control, and Countermeasure rule” means the regulation, including amendments, promulgated by the Administrator under part 112 of title 40, Code of Federal Regulations (or successor regulations).

(b) CERTIFICATION.—In implementing the Spill Prevention, Control, and Countermeasure rule with respect to any farm, the Administrator shall—

(1) require certification of compliance with the rule by—

(A) a professional engineer for a farm with—

(i) an individual tank with an aboveground storage capacity greater than 10,000 gallons;

(ii) an aggregate aboveground storage capacity greater than or equal to 20,000 gallons; or

(iii) a reportable oil discharge history; or

(B) the owner or operator of the farm (via self-certification) for a farm with—

(i) an aggregate aboveground storage capacity not more than 20,000 gallons and not less than the lesser of—

(I) 6,000 gallons; or

(II) the adjustment described in subsection (d)(2); and

(ii) no reportable oil discharge history of oil; and

(2) not require a certification of a statement of compliance with the rule—

(A) subject to subsection (d), with an aggregate aboveground storage capacity of not less than 2,500 gallons and not more than 6,000 gallons; and

(B) no reportable oil discharge history; and

(3) not require a certification of a statement of compliance with the rule for an aggregate aboveground storage capacity of not more than 2,500 gallons.

(c) CALCULATION OF AGGREGATE ABOVEGROUND STORAGE CAPACITY.—For purposes of subsection (b), the aggregate aboveground storage capacity of a farm excludes—

(1) all containers on separate parcels that have a capacity that is 1,000 gallons or less; and

(2) all containers holding animal feed ingredients approved for use in livestock feed by the Commissioner of Food and Drugs.

(d) STUDY.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture, shall conduct a study to determine the appropriate exemption under subsection (b)(2)(A) and (b)(1)(B) to not more than 6,000 gallons and not less than 2,500 gallons, based on a significant rise of discharge to water.

(2) ADJUSTMENT.—Not later than 18 months after the date on which the study described in paragraph (1) is complete, the Administrator, in consultation with the Secretary of Agriculture, shall promulgate a rule to adjust the exemption levels described in subsection (b)(2)(A) and (b)(1)(B) in accordance with the study.

#### AMENDMENT NO. 806

(Purpose: To provide a work-in-kind credit)

In section 2012, strike subsection (b) and insert the following:

(b) APPLICABILITY.—Section 2003(e) of the Water Resources Development Act of 2007 (42 U.S.C. 1962d-5b) is amended—

(1) by inserting “, or construction of design deficiency corrections on the project,” after “construction on the project”; and

(2) by inserting “, or under which construction of the project has not been completed and the work to be performed by the non-Federal interests has not been carried out and is creditable only toward any remaining non-Federal cost share,” after “has not been initiated”.

#### AMENDMENT NO. 835, AS MODIFIED

(Purpose: To provide for rural water infrastructure projects)

On page 319, between lines 9 and 10, insert the following:

(10) RURAL WATER INFRASTRUCTURE PROJECT.—The term “rural water infrastructure project” means a project that—

(A) is described in section 10007; and

(B) is located in a water system that serves not more than 25,000 individuals. On page 527, strike lines 1 through 3, and insert the following:

(2) ELIGIBLE PROJECT COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the eligible project costs of a project shall be reasonably anticipated to be not less than \$20,000,000.

(B) RURAL WATER INFRASTRUCTURE PROJECTS.—For rural water infrastructure projects, the eligible project costs of a project shall be reasonably anticipated to be not less than \$5,000,000.

#### AMENDMENT NO. 833

(Purpose: To protect the American taxpayer by establishing metrics to measure the effectiveness of grants administered by the national levee safety program)

In section 6004(i)(2), add at the end the following:

(C) MEASURES TO ASSESS EFFECTIVENESS.—Not later than 1 year after the enactment of this Act, the Secretary shall implement quantifiable performance measures and metrics to assess the effectiveness of the grant program established in accordance with subparagraph (A).

#### AMENDMENT NO. 832

(Purpose: To modify the definition of the term “cargo container”)

On page 305, strike lines 11 through 14 and insert the following:

“(i) CARGO CONTAINER.—The term ‘cargo container’ means a cargo container that is 1 Twenty-foot Equivalent Unit.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise in support of amendment No. 802, which I understand will be offered to the WRDA bill by my colleague from Louisiana Senator LANDRIEU which would stop flood insurance premiums from skyrocketing until FEMA completes its study on the affordability of premiums of the National Flood Insurance Program.

As everyone here knows, my home State of New Jersey was at the epicenter of Superstorm Sandy which destroyed thousands of homes, left millions without power, and caused billions of dollars in damage. But despite the devastation, the people of New Jersey didn’t give up. They began rebuilding, and we showed the country that “Jersey Tough” isn’t just a slogan.

But even as we slowly recover from the worst natural disaster in our State’s history, a manmade disaster is looming in the distance, jeopardizing our recovery. The combination of updated flood maps and the phaseout of premium subsidies for the National Flood Insurance Program threaten to force victims out of their homes and destroy entire communities.

It is like a triple whammy. We have the consequences of Superstorm Sandy, which devastated homes, so they have to rebuild. Many times, that insurance didn’t rise to the level of the cost of rebuilding. Secondly, and as a result of flood maps that came in after the storm, there are now requirements for new elevations. Thirdly, the premiums are going to skyrocket because the subsidies go down. So we have a triple whammy.

Now, many homeowners are going to be forced to pay premiums that are several times higher than their current policy. Those who cannot afford the higher premiums will either be forced to sell or abandon their homes. This, in turn, will drive down property values and local revenues at the worst possible time—when we are doing everything we can to bring communities back to life after the storm.

I have heard from countless New Jerseyans. Many who are facing this



predicament have come to me in tears. These are hard-working middle-class families who have played by the rules, purchased flood insurance responsibly, and now are being priced out of the only home in which they have ever lived. This amendment would delay these potentially devastating changes until FEMA completes its study on premium affordability.

This study is the result of a requirement I authored in the flood insurance bill last year because I was concerned that premiums could become unaffordable for too many families. Of course, at that time the challenge was made by many of our colleagues, particularly on the other side of the aisle, who said: Well, we will let the flood insurance program die unless it can be self-sufficient.

Given the choice between having no flood insurance program—that, therefore, would mean no homeowner would have any insurance available to them, and, of course, it dramatically reduces the value of the home if you cannot get flood insurance and you are in a flood plain—or having a flood insurance program under the conditions our colleagues insisted on, there was a need to have a flood insurance program. But because I knew that had some potential rate shock to individuals, the study I required and sought and achieved in the flood insurance bill last year was because of this concern of unaffordability for too many families. That was even before Superstorm Sandy struck.

While my friends on the other side of the aisle protested my efforts to provide assistance to help low- and middle-income families afford insurance, I was able to include a requirement that FEMA conduct this study on affordability. Well, it has been 10 months since we passed the reauthorization, and there is still no study.

Unfortunately, my concerns about premiums becoming unaffordable have already come true for many New Jersey homeowners. Until FEMA does its job and provides options, according to the law, to improve affordability, the people of New Jersey should not have to face these skyrocketing premiums at a time they are, in essence, getting a triple whammy: They lost their homes or their homes are dramatically uninhabitable, they have to rebuild—in many cases, because of new flood maps, they will have to elevate—and they will have to pay incredibly higher premiums. That is simply a devastation that should not take place.

We all remember the devastation that happened in New Jersey in late October and the way the country came together to help the victims. Last week we marked the 6-month anniversary of Sandy, and the work is far from over. We still have too many people out of their homes and too many people who are afraid of losing their homes.

New Jersey families already suffered from a natural disaster. The next disaster should not be a manmade one. I

urge my colleagues to support this amendment.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Connecticut.

#### MORNING BUSINESS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### TRIBUTE TO JOEL NAJMAN

Mr. LEAHY. Mr. President, to many Vermonters, Joel Najman is part of rock-and-roll radio history. Taking the reins of the Vermont Public Radio show “My Place” 30 years ago this spring, he captivated rock-and-roll enthusiasts from around the region and staked his claim in Vermont radio history.

Marcelle and I have known Joel for many years and have followed his career with great interest. Starting in radio at Vermont's own Middlebury College, Joel went on to WJOY in South Burlington and continues to work WDEV in Waterbury, in addition to hosting “My Place” on Vermont Public Radio.

Joel first joined “My Place” as a substitute host in 1982. After taking over full time in 1983, he took the show far beyond an “oldies rock radio hour” and made it his mission to apply cultural and historical context to rock music for his listeners. In each hour-long episode, he examines rock-and-roll history, providing his listeners with details that often take years to accumulate. He has even been known to spend his entire radio hour picking apart a single song.

In 2004, he was inducted into the Vermont Broadcaster's Hall of Fame, and the Vermont State Legislature recently passed a resolution honoring him as a “rock and roll impresario.” Today, I would like to congratulate Joel for his 30 years as host of “My Place.” I ask unanimous consent an article from the Vermont publication, *Seven Days*, entitled, “Vermont Legislature Honors ‘My Place’ Host Joel Najman” be printed in the RECORD.

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

[From *Seven Days*, Apr. 26, 2013]

VERMONT LEGISLATURE HONORS “MY PLACE”  
HOST JOEL NAJMAN  
(By Dan Bolles)

On Wednesday, April 24, the Vermont Legislature surprised Joel Najman with a resolution congratulating the local DJ on his 30th anniversary as the host of the Vermont Public Radio show, and rock-and-roll time machine, “My Place.”

“My Place” was originally hosted by David Field and began life as a wide-ranging, inter-

active retrospective of rock and roll from the 1950s and '60s. But Najman dramatically revamped the show's format when he took over in 1983, after serving as a substitute host the year prior.

Najman is as passionate a musicologist as he is a fan, which is really saying something. In each hourlong episode, he hones in on a specific theme or topic, sometimes sharpening his focus to a single song, and examines its historical context and cultural importance in painstaking detail.

He's said those details can take years—yes, years—of sleuthing to fully unearth. Recent episodes of “My Place” have explored the first and second waves of the British Invasion, Berry Gordy's pre-Motown canon and “Popular Songs About Women.”

“There are a lot of oldies stations, and you can buy oldies CDs, or go online and MP3 them or however you want to get the music,” said Najman in a 2007 interview with *Seven Days* celebrating his 25th anniversary. “But it's relating it to the evolving culture of that time and the stories behind the songs—how they came about, how they were made—which has always been my hobby.”

Some hobby.

If you're into stiff, overly formal verbiage with lots of “Whereas”-es, you can read the full resolution here. Whereas, if you'd like to hear from the man himself, Najman will appear as a guest on VPR's “Vermont Edition” on Monday, April 29.

Whereas, you could also listen to “My Place” on VPR Saturdays at 8 p.m.

Congrats, Joel.

#### TRIBUTE TO BRIAN JOSEPH DAVID

Mr. REID. Mr. President, I rise today to pay tribute to Mr. Brian Joseph David, who retired from the Department of Defense on December 31, 2012, after 30 years of dedicated service to the Federal Government. Mr. David's expertise in continuity issues greatly enhanced the safety and security of the legislative, executive, and judicial branches of government.

While serving as the Detection Project Officer for the Joint Program Office of Biological Defense, JPO-BD, Mr. David supervised and operated DOD's first integrated biological and chemical detection system, which was deployed overseas for force protection during Operation Desert Thunder in Kuwait. He also created the Concept of Operations for the Portal Shield biological detection Advanced Concept Technology Demonstration, ACTD, Program, which was implemented during actual deployment conditions. He was awarded the Superior Civilian Service Award for successfully leading this deployment overseas.

Mr. David played an integral role providing advice and counsel to assist national emergency managers as they worked to mitigate and recover evidence from biological warfare attacks on the Senate. Mr. David's knowledge and expertise significantly reduced the recovery time and expenses related to the anthrax and ricin attacks on the Senate. He oversaw a major chemical, biological, radiological, and explosives defense effort to protect our country's national assets. By combining surveillance and identification technologies, defensive measures and mitigation capabilities, Mr. David formed a standard