

annualized volume of cellulosic biofuel production for the facility for the current calendar year.

“(II) CALCULATION.—An estimate under clause (i) with respect to the following calendar year of the projected volume of cellulosic biofuel production (as described in paragraph (7)(D)(i)), shall be equal to the total of the estimated annual volumes of cellulosic biofuel production for all cellulosic biofuel production facilities described in subclause (I) for the current calendar year.”.

(b) REDUCTION IN APPLICABLE VOLUME.—Section 211(o)(7)(D)(i) of the Clean Air Act (42 U.S.C. 7545(o)(7)(D)(i)) (as amended by section 12301(c)(3)(A)) is amended—

(1) in the first sentence, by striking “based on the” and inserting “using the exact”; and

(2) in the second sentence—

(A) by striking “may also reduce” and inserting “shall also reduce”; and

(B) by striking “by the same or a lesser volume” and inserting “by the same volume”.

**SEC. 12303. REDUCTION IN APPLICABLE VOLUME OF RENEWABLE FUEL CORRESPONDING TO CERTAIN REDUCTIONS IN APPLICABLE VOLUME OF BIOMASS-BASED DIESEL.**

Section 211(o)(7)(E)(ii) of the Clean Air Act (42 U.S.C. 7545(o)(7)(E)(ii)) (as amended by section 12301(c)(3)(B)) is amended in the second sentence by striking “may also reduce” and inserting “shall reduce”.

**SEC. 12304. APPLICABILITY AND REGULATIONS.**

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by sections 12301 through 12303 to section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) shall apply only with respect to calendar year 2014 and each calendar year thereafter.

(b) REGULATIONS.—The Administrator of the Environmental Protection Agency shall—

(1) not later than 1 year after the date of enactment of this Act, promulgate regulations to carry out the amendments described in subsection (a); and

(2) take any steps necessary to ensure those amendments are carried out for calendar year 2014 and each calendar year thereafter.

**SEC. 12305. PROHIBITION OF GASOLINE BLENDS WITH GREATER THAN 10-VOLUME-PERCENT ETHANOL.**

Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency may not, including by granting a waiver under section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)), authorize or otherwise allow the introduction into commerce of gasoline containing greater than 10-volume-percent ethanol.

**SEC. 12306. PROHIBITION OF WAIVERS.**

(a) IN GENERAL.—Any waiver granted under section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)) before the date of enactment of this Act that allows the introduction into commerce of gasoline containing greater than 10-volume-percent ethanol for use in motor vehicles shall have no force or effect.

(b) CERTAIN WAIVERS.—The waivers described in subsection (a) include the following:

(1) The waiver entitled, “Partial Grant and Partial Denial of Clean Air Act Waiver Application Submitted by Growth Energy To Increase the Allowable Ethanol Content of Gasoline to 15 Percent; Decision of the Administrator”, 75 Fed. Reg. 68094 (November 4, 2010).

(2) The waiver entitled, “Partial Grant of Clean Air Act Waiver Application Submitted by Growth Energy To Increase the Allowable Ethanol Content of Gasoline to 15 Percent; Decision of the Administrator”, 76 Fed. Reg. 4662 (January 26, 2011).

**SEC. 12307. MISFUELING RULE.**

The portions of the rule entitled, “Regulation to Mitigate the Misfueling of Vehicles and Engines with Gasoline Containing Greater Than Ten Volume Percent Ethanol and Modifications to the Reformulated and Conventional Gasoline Programs”, 76 Fed. Reg. 44406 (July 25, 2011) to mitigate misfueling shall have no force and effect beginning on the date that is 60 days after the date of enactment of this Act.

**SA 1141.** Mr. COBURN (for himself and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 954, to reauthorize agricultural programs through 2018; which was ordered to lie on the table; as follows:

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

**SEC. 12213. SMALL BUSINESS FAIRNESS AND REGULATORY TRANSPARENCY.**

Section 609(d) of title 5, United States Code, is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(4) the Department of Agriculture.”.

**SA 1142.** Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 954, to reauthorize agricultural programs through 2018; which was ordered to lie on the table; as follows:

On page 299, line 18, strike “May 1, 2013” and insert “the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2013”.

On page 306, strike lines 12 through 16 and insert the following:

“(A)(i) Subject to clause (ii), in the case of wetland that the Secretary determines was converted after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2013 and continues to be

Beginning on page 306, strike line 21 and all that follows through page 307, line 3.

On page 307, line 4, strike “for” and insert “For”.

On page 307, strike lines 13 through 18, and insert the following:

“(B) In the case of a wetland that the Secretary determines was converted prior to the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2013, ineligibility under this subsection shall not apply.

On page 307, line 19, strike “(C)” and insert “(D)”.

**SA 1143.** Mr. REID (for Ms. HIRONO) proposed an amendment to the resolution S. Res. 129, recognizing the significance of May 2013 as Asian/Pacific American Heritage Month as an important time to celebrate the significant contributions of Asian Americans and Pacific Islanders to the history of the United States; as follows:

In the fifth whereas clause of the preamble, strike “nearly 6 percent” and insert “approximately 5.5 percent and 0.4 percent, respectively.”.

**AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. STABENOW. Mr. President, I ask unanimous consent that the Com-

mittee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 23, 2013, at 11 a.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 23, 2013, at 10 a.m., in room 216 of the Hart Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on May 23, 2013, at 9 a.m., in room 406 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 23, 2013, at 10 a.m., to hold a hearing entitled, “United States-European Union Economic Relations: Crisis and Opportunity.”

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

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 23, 2013, at 10:30 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled, “Nominations.”

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

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 23, 2013, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. STABENOW. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 23, 2013, at 2:30 p.m.

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

SUBCOMMITTEE ON THE EFFICIENCY AND EFFECTIVENESS OF FEDERAL PROGRAMS AND THE FEDERAL WORKFORCE

Ms. STABENOW. Mr. President, I ask unanimous consent that the Subcommittee on the Efficiency and Effectiveness of Federal Programs and the

Federal Workforce of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 23, 2013, at 10 a.m. to conduct a hearing entitled, "Improving Federal Health Care in Rural America: Developing the Workforce and Building Partnerships."

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

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

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider these nominations: Calendar Nos. 93, 94, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, with the exception of COL Joseph J. Heck, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, and 140, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy, that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid on the table with no intervening action or debate, that no further motions be in order to any of the nominations, any related statements be printed in the Record; and President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF STATE

Deborah Kay Jones, of New Mexico, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Libya.

James Knight, of Alabama, Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

#### THE JUDICIARY

Michael Kenny O'Keefe, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Robert D. Okun, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

#### IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

#### *To be brigadier general*

Col. James E. McClain

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position

of importance and responsibility under title 10, U.S.C., section 601:

#### *To be lieutenant general*

Lt. Gen. David L. Goldfein

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

#### *To be brigadier general*

Col. Robert C. Bolton

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 9335:

#### *To be brigadier general*

Col. Andrew P. Armacost

#### IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

#### *To be major general*

Brig. Gen. John F. Wharton

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

#### *To be brigadier general*

Col. Gabriel Troiano

The following named officer for appointment in the United States Army Medical Corps to the grade indicated under title 10, U.S.C., sections 624 and 3064:

#### *To be brigadier general*

Col. Jeffrey B. Clark

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

#### *To be major general*

Brig. Gen. James A. Adkins

#### *To be brigadier general*

Col. James D. Campbell

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

#### *To be brigadier general*

Colonel Wayne L. Black  
Colonel Michael K. Hanifan  
Colonel Daniel M. Krumrei  
Colonel Robert E. Windham, Jr.

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

#### *To be major general*

Brigadier General Mark E. Anderson  
Brigadier General Julie A. Bentz  
Brigadier General Courtney P. Carr  
Brigadier General Daniel R. Hokanson  
Brigadier General Francis S. Laudano, III  
Brigadier General Scott D. Legwold  
Brigadier General Roger L. McClellan  
Brigadier General Timothy M. McKeithen  
Brigadier General Michael D. Navrkal  
Brigadier General Bruce E. Oliveira  
Brigadier General Charles E. Petrarca, Jr.  
Brigadier General Kenneth C. Roberts  
Brigadier General William F. Roy  
Brigadier General William L. Smith

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

#### *To be brigadier general*

Colonel Steven R. Beach

Colonel Kenneth A. Beard  
Colonel Fred C. Bolton  
Colonel Michael J. Bouchard  
Colonel Gregory S. Bowen  
Colonel Mark D. Brackney  
Colonel John E. Burk  
Colonel Christopher M. Burns  
Colonel Sean M. Casey  
Colonel Russell A. Crane  
Colonel Richard H. Dahlman  
Colonel Marc Ferraro  
Colonel Robert A. Fode  
Colonel Christopher J. Fowler  
Colonel Paul F. Griffin  
Colonel Gerald E. Hadley  
Colonel Patrick M. Hamilton  
Colonel William M. Hart  
Colonel Robert T. Herbert  
Colonel Marvin T. Hunt  
Colonel Charles T. Jones  
Colonel Hunt W. Kerrigan  
Colonel John F. King  
Colonel Dirk R. Kloss  
Colonel Jeffrey P. Kramer  
Colonel Gordon D. Kuntz  
Colonel Masaki G. Kuwana, Jr.  
Colonel Donald P. Laucirica  
Colonel Mark S. Lovejoy  
Colonel Mark A. Lumpkin  
Colonel Robert K. Lytle  
Colonel Tammy J. Maas  
Colonel Francis B. Magurn, II  
Colonel Mark G. Malanka  
Colonel Thomas R. McCune  
Colonel Francis M. McGinn  
Colonel Michael D. Merritt  
Colonel Richard J. Noriega  
Colonel Robert D. Pasqualucci  
Colonel Val L. Peterson  
Colonel Christopher J. Petty  
Colonel John M. Rhodes  
Colonel Scott H. Schofield  
Colonel Linda L. Singh  
Colonel Danny K. Speigner  
Colonel Bryan E. Sunthimer  
Colonel Michael A. Sutton  
Colonel Steven A. Tabor  
Colonel Gregory A. Thingvold  
Colonel Michael C. Thompson  
Colonel Kirk E. Vanpelt  
Colonel William A. Ward  
Colonel Steven R. Watt  
Colonel Ronald P. Welch  
Colonel David B. Wiles  
Colonel Giselle M. Wilz  
Colonel James P. Wong  
Colonel Jerry L. Wood  
Colonel Gary S. Yaple

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

#### *To be major general*

Brigadier General Louis H. Guernsey, Jr.  
Brigadier General Kenneth L. Reiner

#### *To be brigadier general*

Colonel Stephen G. Kent  
Colonel Juan A. Rivera

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

#### *To be brigadier general*

Col. Richard J. Torres

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

#### *To be brigadier general*

Col. Michael Dillard

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624: