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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, June 12, 2012, at 10 a.m.

Senate

MONDAY, JUNE 11, 2012

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

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

Let us pray.

Lord God, hear our prayers. You are the source of all our blessings, the author of our liberty, and the guide for our future. Make us a people with reverence for Your Name.

Infuse our lawmakers with the spirit of Your kindness so that they may desire to give rather than to get, to share rather than to keep, to praise rather than to criticize, and to forgive rather than to condemn. May their lives be the reflection of Your goodness and grace, as they commit themselves to enjoy the privilege of working for You.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 11, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. The Senate is considering the motion to proceed to the farm bill postcloture.

At 4:30, the Senate will proceed to executive session to consider the nomination of Andrew Hurwitz of Arizona to be a United States Circuit Judge for the Ninth Circuit. At 5:30 p.m., there will be a cloture vote on the Hurwitz nomination.

Mr. REID. Mr. President, Democrats and Republicans hold a different view on many issues. But the bipartisan work by Senators STABENOW and ROBERTS on the agriculture jobs bill demonstrates, despite our differences, we can still find common ground. I hope their cooperative spirit guides our work on this important legislation this week. American farmers are counting on us, and so is the economy.

Despite the uncertain economic times, America's farms are the most productive in the world, exporting $136 billion worth of products last year and supporting 16 million private sector jobs. But to keep American farms strong, Congress must pass a strong farm bill.

This legislation creates jobs, cuts subsidies, and reduces the deficit. The bill includes important reforms to farm and food stamp programs. It saves $23 billion, which will be used to reduce the deficit. And it will give farmers the certainty they need to maintain the largest trade surplus of any sector of our economy.

Helping American farmers thrive is an important part of our work to get the economy on a firm footing again. I commend Senators STABENOW and ROBERTS for their leadership on this issue. We are working now to come up with a list of amendments on this legislation.

It is a shame we are now wasting 30 hours postcloture on this bill. It is a bill that passed by 90 Senators agreeing that we should move forward to debate. But it now appears we are in a situation that we were in last week and the week before and the week before that, when the Republicans have made a decision that they would rather do anything they can to stop jobs from being created, hoping it will help them with the elections come November.

Too often in this Congress the Republican strategy has been to kill job-creating bills in the hopes of harming the economy and hurting President Obama. It forces the Senate to spend weeks passing consensus legislation that once was passed in a matter of minutes.

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

They have held many important jobs measures hostage to extract votes on unrelated, ideological amendments. It appears we are in that same place right here on this bill.

I am disappointed, as I have already said, that they have caused us to waste 30 hours on procedural hurdles on this bill. We shouldn't have to do that. We shouldn't have to run that clock when 90 Senators agree we should move to the bill. That is what happened last week.

I hope my Republican friends will dispense with these delay tactics. This is a bill that creates jobs, cuts subsidies, and protects our working farmers.

We hear the hue and cry from our Republican friends all the time that they want to reduce the deficit. How about one bill, in one fell swoop, with $23 billion of deficit reduction—a bill that will reduce subsidies, get rid of a lot of waste and abuse, and create jobs.

We are in this position where my friends have said, just as the Republican leader has said, that their only goal is to defeat Obama, not help our country, and that is too bad.

Would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. REID. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. JOHANNS. Mr. President, I come to the floor today to discuss the farm bill that is now before the Senate. I want to say at the outset that this is a reform-minded bill that saves money and continues the evolution of farm policy in our Nation.

I commend the chair and ranking member of the Agriculture Committee for working to craft a farm bill that helps equip producers with improved risk management tools while being mindful of our very challenging budget situation.

This bipartisan bill will reduce the deficit by $23.6 billion because of changes to every title and the elimination of nearly 100 Federal programs overall. It shifts farm policy further away from dependence on income support and, instead, focuses on risk management.

But to truly appreciate where we are in farm policy today, it is important to spend a minute examining how we got here.

In the 1930s, depression and disaster ravaged our country's farm sector. At the time a quarter of this country's population lived and worked on farms and ranches, and most of what they produced was consumed relatively close to where it was grown.

When prices collapsed and dust storms swept the Plains, many were forced off their land to look for work in the cities. But oftentimes no work was to be found.

In response to this situation, Congress passed the first farm bill. It was called the Agricultural Adjustment Act of 1933. The act placed the Federal Government in the driver's seat in making farm production decisions. A structure to eliminate crop and livestock surpluses was established—the thought being, if that was done, it would drive up prices. Literally, crops were plowed under and livestock was slaughtered to reduce supply and then, hopefully, to increase farm prices, according to the thinking at the time.

The Agricultural Adjustment Act of 1938 made federally funded price supports mandatory for several crops. That would include corn, cotton, and wheat.

Then another law was passed in 1949. It mandated extensive government intervention to maintain parity with prices prior to World War I.

I am not going to start an argument today about whether all of this was the right farm policy during the 1930s and 1940s. I will leave that for another time. But I can say, with no hesitation whatsoever, it is absolutely the wrong approach for the farm economy today and virtually no one disagrees with that.

Over the past several decades, farm bills have improved from those early laws, and U.S. farm policy has slowly but surely become a more market-oriented policy. For a long time the main goal was to support prices for a list of crops. We set high prices in law which distorted markets and discouraged cultivation of crops that did not benefit from price supports.

In 1996, Congress began to shift away from the distorting farm policies of the past, and direct payments were introduced to temporarily support farmers as they transitioned away from an agricultural economy that was very reliant upon government intervention.

Removing the government from price and supply controls created new risks to farmers, and it created uncertainty from Mother Nature. Congress then responded with ad hoc disaster spending to help farmers and ranchers address losses due to weather and other disasters. In fact, since 1996, USDA's Economic Research Service estimates that $43 billion has been spent on these ad hoc and emergency programs.

To help manage these risks in a more fiscally responsible way, a crop insurance program has emerged. This highly effective public-private partnership helps farmers customize protection for their individual operations. Over time, crop insurance has become the risk management tool for farmers.

These are policies sold by private companies for over 100 different crops, and roughly 85 percent of acreage for major crops is now covered by crop insurance.

Last year, in spite of the drought in much of the southern plains and flooding in States such as Nebraska and many other States, farmers and ranchers did not call for emergency relief. In fact, I have heard clearly from farmers in Nebraska that crop insurance is working well.

Today's farmers are certainly some of the most sophisticated and talented businesspeople in our Nation. The fruits of their labor produce an abundance of healthy low-cost food for Americans and, for that matter, people around the world. In fact, trade currently accounts for more than 25 percent of all U.S. farm receipts, and 1 out of every 3 crop acres—1 out of 3—is now exported.

In 2011 agricultural exports reached $136 billion. Our efficient export system, including handling, processing, and distribution of our food and agricultural products, creates millions of U.S. jobs. Given the projected global population growth of an additional 2.5 billion people by 2050, U.S. agriculture is positioned to experience significant growth in just a few years.

This farm bill ensures that USDA is focused on maintaining current export markets and gaining access to new emerging markets for U.S. farm and food products. This is the first farm bill in recent history that does not pay farmers a specific payment just because they are farmers. You see, farmers have come to realize that risk management is best handled with crop insurance. In fact, in many listening sessions I have had around the State, virtually no one asked for the continuation of direct payments.

The bill actually saves $15 billion from commodity crop support by eliminating four programs, including direct payments; countercyclical payments; the Average Crop Revenue Election Program, called ACRE; and the Supplemental Revenue Assistance Program, called SURE.

It does not raise loan rates, the price levels that have traditionally triggered the making of payments. It focuses the farm program on revenue, not price—something I proposed as the U.S. Secretary of Agriculture when I served in the Cabinet.

I remind my colleagues that our job in writing a farm bill is not to protect the interests of specific commodity groups. Instead, the farm bill should be about preserving the health of our agricultural economy. This farm bill continues a history of steps in that direction.

It seeks to minimize distortions and allows farmers to respond to market incentives—not determined by artificial prices set in a Federal statute.

I am also glad to see a step forward on payment limits and changes to ensure that those who receive government payments are actively engaged in farming.

I am especially pleased with the efforts to streamline and simplify the conservation programs. That is an issue I have heard a lot about. This bill actually consolidates 23 conservation programs into 13. In fact, I proposed similar changes as Agriculture Secretary during the last farm bill process. The improvements reduce costs as well as make the programs more farmer friendly.

This bill also provides for the basic research at USDA, universities, and elsewhere that is needed to meet the demand for our farmers to produce more food, and on less land, and it does so in a way that includes new avenues to ensure that important work continues in these times of very tight Federal budgets.

Finally, I am pleased this bill builds on efforts to encourage beginning farmers and ranchers, veterans, and others looking for careers in agriculture.

It is important to me that we keep this farm bill as simple and streamlined as possible. I think we can agree that a bill that eliminates nearly 100 Federal programs does just that.

Given our Nation's daunting budget situation, it is appropriate that this bill saves $23.6 billion, taking yet another step in the right direction to reforming farm policy for the 21st century.

I hope we can keep this bill moving to help ensure certainty for farmers, ranchers, and others in rural communities where livelihoods are impacted by these policies. But make no mistake, good farm policy does not end with a good farm bill. Our farmers and ranchers also deserve a more constructive regulatory environment and a fairer tax system. So while I support the bill, I hope we can get some amendments pending to make a good bill a better bill.

This is so important that I led a letter with 43 other Senators asking for an open amendment process. I look forward to the debate and to passing a very reform-minded farm bill.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. GRASSLEY and Mr. KYL are printed in today's RECORD under ''Executive Session.'')

THE ECONOMY

Mr. KYL. Mr. President, I wish to comment on something the President recently said that is very much in the news.

Last Friday, the President of the United States said, ''The private sector is doing just fine.''

This is not taken out of context. He was talking about economically. His office leader explained what he was really talking about is the comparison between the public sector and the private sector, and I take him at his word there.

The President said:

> Where we're seeing weaknesses in our economy have to do with state and local government—oftentimes cuts initiated by governors or mayors who are not getting the kind of help that they have in the past from the federal government and who don't have the same kind of flexibility as the federal government in dealing with fewer revenues coming in.

I think that is generally true. But here are the two key points I would make in response: First, everyone—not just government employees—is suffering. They are struggling in the Obama economy.

Yes, the number of government jobs has decreased during the last 40 months since President Obama took office, but overall employment in government has increased on the whole in recent years, even with the reductions that have occurred in the last couple of years.

For example, according to the Bureau of Labor Statistics, total government employees added up to 21,847,000—rounded off—in January 2006. That is just a little over 6 years ago—21,847,000. By comparison, last month the total amount of government employees added up to 21,969,000. So there are a few more government employees today—State, Federal, and local—than there were just 6 years ago. I would just ask, how on Earth did we get by in this country with only 21,847,000 government workers in 2006? I think we were doing just fine.

The reality is, when a private firm faces financial difficulty, usually the first area the firm looks to in terms of saving money is its workforce. It is too bad, but frequently firms have to lay off workers because they simply can't afford to continue to pay that many workers.

I will just give the experience of a friend of mine in Arizona who said: This recession was probably the best thing that happened to us because it forced us to look at our workforce, how we did business, and whether we could make savings. He said: Today, we are making more money than we ever have, even with a lower workforce, because we found that we could make do and make the improvements that made us more efficient.

We are asking that to be done in government. Government doesn't have a right to continue to grow and grow. Government should be as efficient as the private sector, including with respect to the number of people it hires to do the work that has to be done. After all, the private sector has to take care of paying both the employees in the private sector and the employees in the government sector. Who pays government employees? All of our constituents, the people in the private sector.

So we in the government have an obligation to run the governments—Federal, State, and local—as efficiently and leanly as we possibly can. If we find we can run the government with just a few more employees today than we had, for example, 6 years ago, then all the better for our economy and all the better for the taxpayers who have to pay their salaries.

So there isn't some right of the Federal Government to continue to grow its workforce at a rate higher than the private sector. Rather, we should be trying to run the government on as few a number of employees as necessary to do the work the American people want us to do. But here is the larger point: As the Wall Street Journal points out, the reason the government workforce has shrunk since January 2009 is not due to smaller budgets or dwindling aid, as the President suggested. As the Wall Street Journal notes, revenues to State and local governments have increased during the last 2 years, according to census data. The main problem is rising health care and pension costs for government workers, and we have seen the experience in a State such as Wisconsin in having to deal with that to make some reductions, which caused a lot of political turmoil in the State. But at the end, the voters of the State said: We agree. We need to cut government cost as it relates to the health care and pension commitments we have made to our government employees.

While government has experienced some job losses, it is important to remember that benefits enjoyed by government workers are far superior to those enjoyed by those employed in the private sector. For example, according to an article in the National Review magazine, on an hourly basis private sector employees' benefits cost their companies $2.15 an hour. State and local government workers cost taxpayers $4.72 an hour—219 percent more.

For retirement benefit costs, the private sector figure works out to $1.02 per hour. The State and local workers sum, $3.37 an hour—a 330-percent premium.

This is where the extra costs are for government workers. You can't blame State and local governments for trying to provide more efficiency for their operations by conforming their practices for health care and pension benefits more to those in the private sector.

Why do government employees deserve more? I guess that is the question. As is a matter of fairness—and especially when compared to people who are paying their salaries—I don't think anyone can argue that government employees should have twice as much or three times as much of a benefit as somebody in the private sector.

The second point I would make is this: At 4.2 percent, according to the latest data from the Bureau of Labor Statistics, the unemployment rate among government workers is also far below that of the private sector. We know the average in the country is 8.2 percent, and that is only the people who are still looking for work. If we

took all the people who are out of work, it would be about 11.1 or 11.2 percent. But among government workers, the unemployment rate is 4.2 percent.

Compare that with unemployment in some other sectors. In agriculture, it is 9.5 percent; 8.1 percent in the wholesale and retail trade; 9.7 percent in leisure and hospitality, to name just a few industries. In each of these I named—I think each of them would be thrilled to have unemployment at 4.2 percent. When the President says the real problem is with government employment, the private sector is doing just fine, the facts simply belie that. The President was wrong; he was incorrect.

Finally, let me address his theory of how an economy grows. Unemployment, as I said, is 8.2 percent nationwide. Labor force participation is at historic lows—the number of people actually working or looking for work. GDP growth in the first quarter of 2012 was a very anemic 1.9 percent. This is not enough for this country to grow and prosper and the President wants to borrow or raise taxes from that segment of our society so taxpayers can finance more government workers? That does not make sense.

I think not only is the President wrong on the facts about the private sector doing just fine, he has it wrong as to what the solution would be. The solution to help government workers is to have the private sector do better so it can afford to help—to hire more government workers and to pay them better benefits. Government stimulus spending and aid to States has not grown the economy so far and it is obviously not going to do so in the future.

Rather than divide the country into public versus private sector workers, Federal versus State and local workers, rich versus poor, men versus women, as the President is wont to do, I hope we work hard to represent all Americans. No one benefits in the long run from an enormous government with an appetite to grow more and more, crushing economic growth and crowding out the private sector, a government that drives up costs for job creators and forces companies to lay off private sector workers. None of us benefits from that. Yet that is what we are seeing playing out right now. The total number of unemployed and underemployed is over 23 million people in the United States. Think of that. That is the number of people who are looking for work who have stopped looking for work or who do not have the kind of work they could be doing. Economic growth last quarter, as I said, was only 1.9 percent; only 69,000 new jobs added. We need more than twice that many jobs added each month in order to keep pace with the new workers coming into the economy, so we are losing ground in terms of jobs created. I don't think the President's solution of more spending on government employees is the answer. I think that is a recipe of another 40 months of 8 percent-plus unemployment. At that rate we are not going to get out of the economic difficulties we are in right now. Let's do things that support the private sector, things that help the private sector. The healthier the economy is, the more growth we have, the more we are able to do for the public sector as well. That is the ultimate answer.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

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

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

The legislative clerk read the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes of debate equally divided and controlled between the two leaders or their designees.

Mr. LEAHY. Mr. President, I understand that the intent was to have the vote at 5:30.

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I ask unanimous consent that the time be divided in such a way that the vote will occur at 5:30.

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

Mr. LEAHY. Last week's confirmation of Jeffrey Helmick to a judicial emergency vacancy in the Northern District of Ohio marked the 150th confirmation of a Federal circuit or district court nominee of President Obama's. I do not say that for self-congratulations because we should acknowledge that we had already confirmed 150 of President Bush's circuit and district court nominees 9 months earlier, in September of his third year in office.

In other words, to have matched what we had done so far for President Obama, we would have had to have had this number late last year. I mention that because it is one measure of how far behind we are in the consideration of President Obama's nominees. Part of that is because a very large number of nominees who went through the Judiciary Committee unanimously last year who would normally be confirmed by voice vote within 1 week or so after they went through Committee were delayed on the Executive Calendar until this year.

I would point out another thing, which is that today is June 11, but by June 15 of President Bush's fourth year in office, the Senate had already confirmed 180 Federal circuit and district court judges—150 for President Obama, 180 for President Bush—30 more judges for President Bush than we have been allowed to consider and confirm during President Obama's administration to date.

There are still more than 70 judicial vacancies around the country. That is more than when President Obama came into office. One of the reasons it is more is that when Democrats were in control, we moved President Bush's nominees much faster than Republicans have allowed us to move President Obama's.

The unprecedented delays in the consideration of President Obama's nominations were confirmed by a recent Congressional Research Service report on judicial nominations. The median number of days President Obama's circuit court nominees have been delayed from Senate consideration after being voted on by the Judiciary Committee has skyrocketed to 132 days. As the report notes, that is ''roughly 7.3 times greater than the median number of 18 days for the 61 confirmed circuit nominees of his immediate predecessor, President G.W. Bush.'' Similarly, district court nominees are being unnecessarily delayed. The median time from Committee vote to Senate vote has gone from 21 days during the George W. Bush presidency to 90 days for President Obama's district nominees.

There are 18 judicial nominees sitting here waiting for final Senate consideration. They have been approved by the Judiciary Committee with bipartisan votes. It is my hope the Senate will be allowed to consider those other nominees and make real progress.

In fact, today the Senate is voting on whether to end a partisan filibuster against the nomination of Justice Andrew Hurwitz of Arizona to fill a judicial emergency vacancy in the Ninth Circuit. He is supported by both the Senators from Arizona, Mr. KYL, the deputy Republican leader, and Mr. MCCAIN. Last month, the Senate finally began taking actions I have been urging for months. We were finally able to consider and confirm the nominations of Judge Jacqueline Nguyen and Judge Paul Watford of California to judicial emergency vacancies on the United States Court of Appeals for the Ninth Circuit. The delay in the consideration of all these nominees follows the pattern also seen with Judge Morgan Christen of Alaska last December despite the strong support of the senior Senator from Alaska, Senator MURKOWSKI. I commend Senators from both sides of the aisle who rejected the misguided effort to filibuster the nomination of Judge Watford.

Normally, on a nomination such as Justice Hurwitz's, we would not even

be having a cloture vote, but we seem to have a new standard that is required for President Obama that was not required of the other Presidents since I have been here. It was not required for President Ford or President Carter or President Reagan or President George H.W. Bush or President Clinton or President George W. Bush.

I mention those because those are the only Presidents with whom I have served. We did not have that standard. Suddenly, we have this brand new standard for President Obama. So for the 28th time, the majority leader has been forced to file for cloture to get an up-or-down vote on one of President Obama's judicial nominations.

By comparison, during the entire 8 years, not 3½ years but 8 years, that President Bush was in office, cloture was filed in connection with 18 of his judicial nominees, most of whom were not confirmed or were not passed out of the Judiciary Committee by a bipartisan majority. Most were opposed as extreme ideologues.

Justice Hurwitz is not a nominee who should be filibustered or require cloture in order to be considered by the Senate. He is a nominee with impeccable legal credentials and qualifications. I urge Senators to see through the specious and unfair attacks from the extreme right and narrow special interest groups. Senator KYL and Senator MCCAIN are right to support his nomination, and this good man and excellent judge should be confirmed. Justice Hurwitz is a respected and experienced jurist on the Arizona Supreme Court. His nomination has the strong support of his home state Senators, Senator JOHN MCCAIN and Senator JON KYL. Justice Hurwitz was reported favorably out of Committee with bipartisan support over three months ago. His nomination received the highest possible rating of the American Bar Association Standing Committee on the Federal Judiciary after their nonpartisan peer review found him to be ''well qualified.'' He has all the credentials anyone could want, has exhibited good judgment on the bench, and has the right judicial temperament. He is the kind of nominee who would at any other time in our history be confirmed unanimously or nearly so by the Senate in an expeditious manner. Not so this year, during this presidential administration. Despite the fact that this President has reached across the aisle to work with Republican home state Senators, Justice Hurwitz faces partisan opposition.

When Senator KYL introduced Justice Hurwitz to the Judiciary Committee at his hearing in January, he underscored what a qualified nominee he is. Senator KYL said:

> It is very easy to see and it is obvious to those of us who have been in Arizona a long time why Justice Hurwitz was awarded the ABA's highest rating, unanimous well qualified. So it will be my privilege to support his nomination, and I am honored to be able to introduce him to the panel today.

Justice Hurwitz is an outstanding nominee with impeccable credentials and qualifications. He has had nine years of experience as a judge on Arizona's highest court, and has shown a record of excellence as a jurist. No one has criticized a single decision he has made from the bench in his nine years as justice. Let me repeat that: No one can point to a single decision he has made and be critical. It is because of his record that he has the strong support of both Republican Senators from Arizona as well as many, many others from both sides of the political aisle.

A graduate of Princeton University and Yale Law School, Justice Hurwitz served as the Note and Comment Editor of the Yale Law Journal. Following graduation, he clerked on every level of the Federal judiciary: First for Judge Jon O. Newman, who was then U.S. District Judge on the District of Connecticut. Subsequently, he clerked for Judge Joseph Smith of the U.S. Court of Appeals for the Second Circuit. Then he clerked for Justice Potter Stewart of the U.S. Supreme Court.

He then distinguished himself in private practice, where he spent over 25 years at a law firm in Phoenix, Arizona. While in private practice, Justice Hurwitz tried more than 40 cases to verdict or final decision. He argued numerous times in the Ninth Circuit and other state and Federal appellate courts. One of the Supreme Court cases he argued was Ring v. Arizona, a case which he won 7–2, with the votes of Justices Scalia and Thomas.

Justice Hurwitz has also taught classes at Arizona State University's Sandra Day O'Connor College of Law for approximately 15 years on a variety of subjects including ethics, Supreme Court litigation, legislative process, civil procedure, and Federal courts.

By any traditional measure, he is the kind of judicial nominee who should be confirmed by an overwhelming bipartisan vote, and I find it very disappointing that notwithstanding the strong support of Senator KYL and Senator MCCAIN, so many Republican Senators seem eager to oppose this nomination.

An unfair campaign is being mounted by the extreme right against this outstanding nominee. The apparent basis of that campaign is not any decision that Justice Hurwitz made, incidentally. He has never been overturned. So it is not from any decision he made but rather a decision Judge Newman made while Justice Hurwitz was a young law clerk 40 years ago.

Anyone who knows Judge Newman especially knows this was his decision, not that of a clerk. Judge Jon Newman makes his own decisions. He always has. Actually, in this particular case, the decision he made was ultimately accepted by the U.S. Supreme Court as the law of the land.

Why Senators who know better would suggest that somehow, 40 years ago, a law clerk could convince a judge how to vote—law clerks traditionally are asked by the judge to give them what is the law. What is the law for this position, what is the law for the opposite position, give that to me.

But I have never known a judge, certainly no Federal judge, whether appointed by a Republican or Democrat, who did not make up their own mind. No judge had their law clerks make up their mind. Law clerks give them the material on both sides. So the opposition to this nomination marks a new low. I say that in a way that pains me, after 37 years in this body.

Some are attempting to disqualify a nominee who has impeccable credentials, who has the highest possible rating, because a Federal judge, now retired, for whom that nominee clerked some 40 years ago, decided a case with which some Senators disagree, even though that is the law that has been upheld, even by a very conservative Supreme Court.

Come on. They are against Roe v. Wade. They oppose the constitutional right for women to have privacy recognized in that case. That is their right. But what is not right is them attributing responsibility for the judge's decision which properly construed the Constitution, to his clerk.

To then say, because this judge properly construed the Constitution the way it has been upheld by the Supreme Court, we have to look at the man who was his clerk 40 years ago and vote him down.

Come on, that is Alice in the Wonderland. If we start doing that sort of thing, then we can vote down anybody for anything. Oh, when they were 11 years old, they stayed out late one night. We can't have a judge on our court who disobeyed the rules, the laws laid down by their families, and they were out late. What about that time when they were a freshman in college and they stayed out too late? Oh, throw that man out. The fact that Justice Hurwitz served on the Arizona Supreme Court and never had one of his cases overturned—the heck with that. Forty years ago his qualifications were such that he was able to be a law clerk, but out of the thousands of decisions of the judge he clerked for, we disagreed with one—even though that is the law of the land today—therefore, we cannot do anything about that judge, so we will get the guy who clerked for him. I wonder who turned the lights on in that building at that time. Maybe we should make sure they never get a job anywhere else either. Come on.

This opposition follows after we saw the opposition to Judge Paul Watford, who clerked for a very conservative judge, Judge Alex Kozinski, who had been appointed by President Reagan and now serves as chief judge of the Ninth Circuit. Judge Kozinski strongly supported his nomination. But somewhere in the ether, they found something that went against him. The 34 Senate Republicans who voted against the confirmation of Paul Watford did not credit him for having clerked for a

conservative judge who wrote conservative opinions with which they agreed. So this is another one-way street, another ratcheting down of the process, another excuse for opposing a highly qualified nominee. And it is wrong.

This also follows a pattern. Senate Republicans have attacked nominees by attributing the position of the nominee's legal client to the judicial nominee. That is something, incidentally, that Chief Justice Roberts strongly condemned at his confirmation hearing, and I agree with him. In fact, I voted for Chief Justice Roberts. The fact is, lawyers are often asked to represent people on one side or the other.

John Adams, who became our President, who worked so hard to have us break free from Britain, defended the British soldiers who were involved in the Boston Massacre because he said we have to show not only our new country but the world that we stand for the rule of law and that everybody in court gets adequate representation. I mention that because when they opposed Judge Helmick, they argued that because he served as a court-appointed lawyer for a defendant in a terrorism case, that means he supports terrorism. Baloney. I represented criminals when I was in private practice, and I prosecuted criminals when I was a prosecutor. Now, what does that mean? It means I followed the law and played the part a lawyer should play in these proceedings. That is why, after what they did with Judge Helmick, I reminded them of John Adams defending the British soldiers after the Boston Massacre. I had a person ask me: Is it possible that you have Senators who have never read a history book? I said that I never thought so before.

I also looked at how they filibustered Caitlin Halligan, who served as her State's top appellate lawyer. They filibustered her because she defended the constitutionality of her State's law. Let's take a look at what a Hobson's choice we have there. If you are the State's top lawyer and you defend your State's law, we cannot possibly support you. Let's say that she was the State's top lawyer and she opposed the State's law. Then they would say: Oh, we obviously cannot support you. So you are damned if you do and damned if you don't.

They opposed the nomination of Jesse Furman. Why? Well, he wrote something when he was a freshman in college, before he even went to law school. Oh my goodness gracious, let's hope we don't have a judicial nominee who may have written for a college newspaper. Can you imagine? I might ask every Senator to go back and look at some of the papers they wrote in high school and college.

If somebody brought those up today, they would probably say: Who wrote this garbage?

Well, you did, Senator. So following your standards, I assume you are going to retire today and notify the government.

I have seen Senate Republicans grossly distorting a nominee's record to make him out to be a caricature, as with Goodwin Liu.

Now we are seeing Senate Republicans attack a nominee for serving as a law clerk to a distinguished Federal judge. By those standards, does that mean Democrats should oppose anybody who clerked for Justice Scalia or Justice Thomas because we disagree with some of their decisions? Are we saying we won't confirm those clerks? Boy, I have cast some bad votes if we are using that standard because I have voted for people who have been law clerks for judges whose opinions I disagreed with. I was there to vote on the law clerk who may have had a distinguished career in the law, and I look at their career.

I urge Senate Republicans to reject this attack, as Senator KYL and others do, and vote to confirm Justice Hurwitz. Let him be a judge on his own substantial record as a judge. This nominee has been a judge on the Arizona Supreme Court for 9 years. Let's judge him on that record. Let's accept the fact that President Obama did what I urged him to do. He talked to the Senators of the State and got their support for his nominee. It didn't matter whether they were Republicans or Democrats.

In March when the Judiciary Committee voted on Justice Hurwitz's nomination, Senator KYL stated:

> [T]he real question is . . . how he has comported himself in the place where you can really judge [him]—on the Arizona Supreme Court. Not once has an opinion that Justice Hurwitz wrote or joined in been overturned by a higher court.

Senator KYL further stated:

> [Justice Hurwitz] is a good example of a person who probably has some views personally that are different from mine, but whose opinions obviously carefully adhere to the law. And, after all, I think that is what most of us are looking for in judicial nominations. So I am pleased to support him without reservation and would urge my colleagues to support his nomination as well.

I agree with Senator KYL and commend him.

In direct and express answer to a question from Senator SESSIONS, Justice Hurwitz explained that his personal views would have no role in his decisions as a judge, and that they have never played a role in all his years as a judge. We know from Justice Hurwitz's record that he is a judge's judge. He is a person who meticulously analyzes the law and applies the facts of the case to the law. There is no evidence to contend that Justice Hurwitz would not do the same on the Ninth Circuit.

The Chief Judge of the Ninth Circuit along with the members of the Judicial Council of the Ninth Circuit, wrote to the Senate months ago emphasizing the Ninth Circuit's ''desperate need for judges,'' urging the Senate to ''act on judicial nominees without delay,'' and concluding ''we fear that the public will suffer unless our vacancies are filled very promptly.'' The judicial emergency vacancies on the Ninth Circuit are harming litigants by creating unnecessary and costly delays. The Administrative Office of U.S. Courts reports that it takes nearly five months longer for the Ninth Circuit to issue an opinion after an appeal is filed, compared to all other circuits. The Ninth Circuit's backlog of pending cases far exceeds other Federal courts. As of September 2011, the Ninth Circuit had 14,041 cases pending before it, far more than any other circuit.

When Senate Republicans filibustered the nomination of Caitlin Halligan to the D.C. Circuit for positions she took while representing the State of New York, they contended that their underlying concern was that the caseload of the D.C. Circuit did not justify the appointment of another judge to that Circuit. I disagreed with their treatment of Caitlin Halligan, their shifting standards and their purported caseload argument. But if caseloads were really a concern, Senate Republicans would not have delayed action on the nominations to judicial emergency vacancies on the overburdened Ninth Circuit for months and months.

We are still lagging behind what we accomplished during the first term of President George W. Bush. During President Bush's first term we reduced the number of judicial vacancies by almost 75 percent. When I became Chairman in the summer of 2001, there were 110 vacancies. As Chairman, I worked with the administration and Senators from both sides of the aisle to confirm 100 judicial nominees of a conservative Republican President in 17 months.

We continued when in the minority to work with Senate Republicans to confirm President Bush's consensus judicial nominations well into 2004, a presidential election year. At the end of that presidential term, the Senate had acted to confirm 205 circuit and district court nominees. In May 2004, we reduced judicial vacancies to below 50 on the way to 28 that August. Despite 2004 being an election year, we were able to reduce vacancies to the lowest level in the last 20 years. At a time of great turmoil and political confrontation, despite the attack on 9/11, the anthrax letters shutting down Senate offices, and the ideologically driven judicial selections of President Bush, we worked together to promptly confirm consensus nominees and significantly reduce judicial vacancies.

In October 2008, another presidential election year, we again worked to reduce judicial vacancies and were able to get back down to 34 vacancies. I accommodated Senate Republicans and continued holding expedited hearings and votes on judicial nominations into September 2008. We lowered vacancy rates more than twice as quickly as Senate Republicans have allowed during President Obama's first term.

By comparison, the vacancy rate remains nearly twice what it was at this point in the first term of President

Bush, and has remained near or above 80 for nearly three years. If we could move forward to Senate votes on the 18 judicial nominees ready for final action, the Senate could reduce vacancies below 60 and make progress.

Once the Senate is allowed to vote on this nomination, we need agreement to vote on the 17 other judicial nominees stalled on the Executive Calendar. Another point made by the Congressional Research Service in its recent report is that not a single one of the last three presidents has had judicial vacancies increase after their first term. In order to avoid this, the Senate needs to act on these nominees before adjourning this year.

As the Congressional Research Service report makes clear, in five of the last eight presidential election years, the Senate has confirmed at least 22 circuit and district court nominees after May 31. The notable exceptions were during the last years of President Clinton's two terms in 1996 and 2000 when Senate Republicans would not allow confirmations to continue. Otherwise, it has been the rule rather than the exception. So, for example, the Senate confirmed 32 in 1980; 28 in 1984; 31 in 1992; 28 in 2004 at the end of President George W. Bush's first term; and 22 after May 31 in 2008 at the end of President Bush's second term.

So let us move forward to confirm Justice Hurwitz. We need to work to reduce the vacancies that are burdening the Federal judiciary and the millions of Americans who rely on our Federal courts to seek justice. Let's work in a bipartisan fashion to confirm these qualified judicial nominees. If we do that, we can address the judicial crisis facing this country. We may not only restore the faith of the American people in the Federal judiciary but start restoring their faith in the U.S. Senate, which is a body I love, which the American people see as being far too polarized. I think that is the right thing to do.

Mr. President, I suggest the absence of a quorum, and I ask that the time be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

HURWITZ NOMINATION

Mr. GRASSLEY. Mr. President, I come to the floor to tell my colleagues why they should not support cloture on the Hurwitz nomination.

On Saturday, December 2, 1989, this 4-year-old boy in the photo, Christopher, was dressed in his favorite clothes by his mother Deborah Milke. She told him James Styers, who shared the apartment with Debra, would take him to the mall to see Santa Claus. After picking up another man, Roger Scott, they stopped at a couple drug stores and then the two men and Christopher had pizza for lunch.

Rather than taking Christopher to see Santa Claus at the mall, they drove him to the desert. Christopher was told they were going to look for snakes. Instead, Christopher was shot three times in the back of the head by Styers, his body left in the desert.

James Styers, 63, was convicted of first-degree murder of the 4-year-old boy, conspiracy to commit first-degree murder, child abuse, and kidnapping—all supposedly at the request of the boy's mother. Debra Milke, James Styers, and Roger Scott were all sentenced to death for the killing.

After years of appeals, the case found itself in Federal Court, making its way to the Ninth Circuit. In 2008, nearly 19 years after the terrible crime took place, the Ninth Circuit sent the Styers case back to Arizona, claiming that the State court did not adequately consider the post-traumatic stress disorder Styers suffered because of his military service in Vietnam.

Just about 1 year ago, in June 2011, some 22 years after this horrific, evil event occurred, the Arizona Supreme Court heard the appeal. In a 4-to-1 decision, the court acknowledged Styers' post-traumatic stress disorder but nonetheless ruled it didn't outweigh the aggravating factors found during trial. Styers' death sentence was upheld, and he remains on Arizona's death row.

The nominee before the Senate, whom we will be voting on, Justice Andrew Hurwitz, was the lone dissenter in that 4-to-1 decision. He was the sole person on the Arizona Supreme Court who believed that Christopher's murderer should be given another trial.

Another trial would have resulted in another round of delays. If he had his way, the victim in this crime would still be awaiting justice. Arizona taxpayers would be facing unnecessary expenses, and society at large would still be waiting for a resolution to this case.

Today, we are asked by the President and by the majority leader to confirm this judge to be a U.S. circuit judge for the Ninth Circuit. I strongly disagree he should be rewarded with a lifetime appointment to the Federal bench. For reasons I will outline, I oppose this nomination and urge all Senators to do likewise. I urge you to vote no on cloture, and, if it occurs, on any vote on final confirmation.

In the Styers case, Justice Hurwitz acknowledged his position would result in further delay in the case and also conceded it was unlikely a new sentencing proceeding would produce a different result. In his dissent, he cited Ring v. Arizona.

Ring v. Arizona was a case Judge Hurwitz had personally argued before the Supreme Court of the United States in 2002, before his appointment to the Arizona Supreme Court. In that case, he argued that Arizona's capital punishment sentence law was unconstitutional, although the Supreme Court had previously upheld the Arizona statute in a 1990 decision.

Let me make this clear: Mr. Hurwitz, as an attorney, advocated against the death penalty. This was not just advocacy for a paying client or as a court-appointed attorney. As I have said before, judicial nominees should not be judged by the clients they represent. But in this case, Mr. Hurwitz volunteered for this case. He did it on a pro bono basis. Then, after advocating in this case in private practice, he used the same case as the basis for dissenting in another Arizona death penalty case.

Timothy Stuart Ring was sentenced to death in 1996 by an Arizona Superior Court judge for the 1994 killing of John Magoch, an armored car driver. Mr. Hurwitz successfully challenged the Arizona death penalty statute. He then argued before the Arizona Supreme Court on behalf of the 29 inmates then on death row in Arizona. Mr. Hurwitz asked the Arizona Supreme Court to either throw out each man's death sentence and order a new trial or to resentence each to life imprisonment with the possibility of parole. According to press accounts at the time, Hurwitz said the next step following the Arizona v. Ring ruling should be to resentence the inmates to life in prison, saying that allowing the previous death sentence to stand would be a ''dangerous precedent.'' However, the State's high court refused to overturn the convictions and death sentences on a blanket basis, ruling that the trials were fundamentally fair and that the U.S. Supreme Court's ruling didn't require throwing out all death sentences.

I believe there is strong evidence that Justice Hurwitz is unable to differentiate between his personal views and his responsibility as a judge. I believe Judge Hurwitz's record suggests that he allows his own personal policy preference to seep into his judicial decisionmaking. Others share this view. The fear that political activism would translate into judicial activism once on the bench was expressed in the following quote from a 2003 article summarizing the various candidates for the seat now occupied by Justice Hurwitz:

> But the final name on the list, Andrew Hurwitz . . . will be a controversial choice for Napolitano, in some ways. He is considered the most liberal of the candidates, even labeled by some as an ideologue. . . . He wears his passion for the law in the open, and eagerly engaged in debates with the commission members about recent death penalty decisions and his past as a member of the Arizona Board of Regents. . . . In the end, the commission almost didn't include Hurwitz's name on the list; he got just eight votes, barely a majority.

We certainly do not need more of that on the Ninth Circuit.

The Styers case was not the only death penalty case in which Justice Hurwitz was the lone dissenter. In another death case, Donald Beaty was convicted of the May 9, 1984, murder in Tempe of 13-year-old Christy Ann Fornoff. She was abducted, sexually assaulted, and suffocated to death by Beaty while collecting newspaper subscription payments for her Phoenix Gazette newspaper route.

Beaty, who has been on death row since July 1985, was scheduled to die by lethal injection at an Arizona Department of Corrections prison in Florence at 10 a.m. on May 25 last year. Again, the victim's family and Arizona citizens had to wait 27 years for justice to be served, but they would have to wait a few more hours. Beaty's execution was delayed for most of the day as his defense team tried to challenge the Arizona Department of Corrections' decision to substitute one drug for another in the State's execution drug formula. State and Federal courts denied requests by inmate Donald Beaty to block his scheduled execution because of a last-minute replacement of one of three execution drugs. The Arizona Supreme Court ruled 4 to 1 to lift the stay. The majority held that Beaty's lawyers hadn't proved he was likely to be harmed by the change. Again, there was one dissenter: Justice Hurwitz. If he had his way, the State would have had to start over with the death warrant process, leading to additional delays and pain to the victim's family.

Meanwhile, U.S. district judge Neal Wake, in Phoenix, refused to block the execution, and the Supreme Court declined to consider two stay requests for Beaty. Beaty was pronounced dead at 7:38 p.m., more than 9 hours after his execution had initially been scheduled. Arizona attorney general Tom Horne called the daylong delay a ''slap in the face'' to the Fornoff family.

These cases are not just anecdotal evidence or isolated incidents taken out of context. A study by court watcher and Albany law school professor Vincent Bonventre validated the prodefendant posture of Justice Hurwitz. Let me summarize his results, which I have borrowed from the Professor's Web site.

In a 2008 study, Professor Bonventre examined the criminal decisions in which the Arizona Supreme Court was divided over the past 5 years. His graph, the graph I have up here, portrays the voting spectrum—the ideological proprosecution versus prodefendant spectrum—of the justices. As shown in the graph, the greatest contrast is between the record of then-Chief Justice McGregor and Justice Hurwitz. At one end is her record of taking the more proprosecution position in all the divided cases during the 5-year period, and at the other end is Judge Hurwitz's record. According to this professor, Justice Hurwitz sided with the prodefendant position 83 percent of the time. This is well outside the mainstream for other members of this court.

All of this leads me to believe that Justice Hurwitz, who in private practice only devoted about 2 percent of his litigation practice to criminal law, has deeply held views on the criminal justice system in general and the death penalty in particular. We do not need to add another prodefendant, activist judge to the Ninth Circuit or to any other court. Victims such as Christopher and Christy, their families, and society as a whole deserve better.

There is another issue I find extremely troubling regarding Justice Hurwitz. In 2002 he authorized a Law Review article entitled ''John O. Newman and the Abortion Decision: A remarkable first year.'' His article examined two 1972 abortion decisions by Judge Newman, a district court judge for the District of Connecticut. Both of Judge Newman's decisions struck down Connecticut's law restricting abortions.

Justice Hurwitz's article detailed how those two decisions proved to be incredibly influential on the Supreme Court's Roe v. Wade decision less than a year later. In fact, Judge Hurwitz argued that Judge Newman's opinions provided the framework for Roe. More specifically, the much criticized viability cutoff point that formed the basis of Roe came directly from Judge Newman's opinion.

In his article, Judge Hurwitz noted how influential Judge Newman's opinion was on the Supreme Court's decision to adopt viability as a cutoff point for legal abortion, rather than the first trimester. He stated:

> Judge Newman's Abele II opinion not only had a profound effect on the United States Supreme Court's reasoning, but on the length of time that a pregnant woman would have the opportunity to seek an abortion.

Justice Hurwitz had a unique perspective and insight into how these events unfolded. As a young lawyer, Justice Hurwitz clerked for Judge Newman in 1972 when he drafted the abortion decisions. Then, in the fall of that year and several weeks after Judge Newman's second abortion decision was released, Justice Hurwitz interviewed for Supreme Court clerkships. At the time, the Supreme Court Justices were considering Roe. In fact, they were trading drafts of the Court's opinion which was eventually handed down in January of 1973.

Justice Hurwitz further noted in his article that when he interviewed for Supreme Court clerkships, it became clear to him how influential Judge Newman's opinion was on the Court, meaning the Supreme Court. Justice Hurwitz wrote:

> The author received some small inkling of the influence of Abele II on the Court's thinking in the fall of 1972, when interviewing for clerkships at the Supreme Court. Justice Powell devoted over an hour of conversation to a discussion of Judge Newman's analysis, while Justice Stewart (my future boss) jokingly referred to me as ''the clerk who wrote the Newman opinion.''

Now, I recognize that Judge Hurwitz was clerking for a Federal judge. It was Judge Newman who signed those abortion opinions and Judge Newman who was ultimately responsible for them. My primary concern rests on the article Justice Hurwitz wrote 30 years later, in 2002, embracing and celebrating the rationale and framework for Roe v. Wade. Justice Hurwitz praised Judge Newman's opinion for its ''careful and meticulous analysis of the competing constitutional issues.'' He called the opinion ''striking, even in hindsight.'' Let me remind everyone that the constitutional issues and analysis he praises are Newman's influence on the Supreme Court's expansion of the ''right'' to abortion beyond the first trimester of pregnancy. This, Hurwitz wrote, ''effectively doubled the period of time in which States were barred from absolutely prohibiting abortions.''

Furthermore, Newman's opinion in Abele II was even more drastic and far-reaching than Roe turned out to be. He said that the ''right'' to abortion could be found in the ninth amendment, a theory about unenumerated rights that the Supreme Court rejected in Roe and has not endorsed elsewhere.

Hurwitz's article was clearly an attempt to attribute great significance to the decisions in which the judge for whom he had clerked had participated. I think that by any fair measure, it is impossible to read Justice Hurwitz's article and not conclude that he wholeheartedly embraces Roe and, importantly, the constitutional arguments that supposedly support Roe. He takes this view despite near universal agreement among both liberal and conservative legal scholars that Roe is one of the worst examples of judicial activism in our Nation's history. For example, Professor Tribe, a liberal constitutional law scholar, wrote:

> One of the most curious things about Roe is that behind its own verbal smokescreen, the substantive judgment on which it rests is nowhere to be found.

Stuart Taylor wrote:

> Roe v. Wade did considerable violence to the constitutional fabric. When the 7–2 decision came down in 1973, very few scholars thought its result could plausibly be derived from the Constitution; not one that I know of considered Blackman's opinion a respectable piece of constitutional reasoning.

Even Justice Ginsburg has repeatedly criticized Roe. She wrote that the Court's ''heavy-handed judicial intervention was difficult to justify and appears to have provoked, not resolved, conflict.''

We are not talking about an article published shortly after graduating from law school. Mr. Hurwitz published it 30 years after graduating from law school, when he was well established and a seasoned lawyer. In fact, he published this article shortly before joining the Arizona Supreme Court. All of this leads me to question his ability to be objective should this issue come before him if he is confirmed to the Ninth Circuit.

I would note the following groups have expressed opposition to this nomination: the National Right to Life, Heritage Action, Concerned Women for America, Faith and Freedom Coalition, Liberty Counsel Action, Family Research Council, Eagle Forum, Traditional Values Coalition, Americans United for Life, Susan B. Anthony List, American Center for Law and Justice, Judicial Confirmation Network, and

Judicial Action Group have written in opposition to this nomination. I ask unanimous consent to have printed in the RECORD a copy of these letters.

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

NATIONAL RIGHT TO LIFE COMMITTEE, INC.,
Washington, DC, June 8, 2012.

Re NRLC scorecard advisory in opposition to cloture on the nomination of Andrew Hurwitz to the U.S. Court of Appeals for the Ninth Circuit.

Sen. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: On Monday, June 11, the Senate will vote on whether to invoke cloture on the nomination of Andrew D. Hurwitz to the U.S. Court of Appeals for the Ninth Circuit. The National Right to Life Committee (NRLC), the nationwide federation of state right-to-life organizations, urges you to vote against cloture, and reserves the right to include the roll call on cloture in the NRLC scorecard of key right-to-life votes of the 112th Congress.

In 1972, Hurwitz was a clerk to Jon O. Newman, a U.S. District Judge for the District of Connecticut. During the time that Hurwitz was Newman's clerk, Newman issued a sweeping ruling that struck down a recently enacted Connecticut law that prohibited abortion except to save the life of mother. The Newman ruling—styled as Abele II—was issued the year before the U.S. Supreme Court handed down Roe v. Wade, but after the Supreme Court had conducted the first of two rounds of oral arguments in that case.

In Abele II, Newman enunciated a new constitutional doctrine under which state prohibitions on abortion prior to ''viability'' would be deemed to be violations of a constitutional ''right to privacy.'' Newman's ruling left it an open question to what extent a state would be permitted to apply limitations on abortion even after ''viability.''

In 2002, when Hurwitz was 55 years old and already a justice on the Arizona supreme court, he authored an article titled, ''Jon O. Newman and the Abortion Decisions,'' which appeared in the New York Law School Law Review. In this article, Hurwitz argues that Newman's Abele II ruling heavily influenced the then-ongoing deliberations of the U.S. Supreme Court in Roe v. Wade. Hurwitz makes a persuasive case for his thesis, citing comments made by Supreme Court justices during the second round of oral arguments in the Roe case, information from the now-public archives of some of the justices who were involved, and personal conversations with Justice Stewart (for whom Hurwitz clerked in 1973–74) and others who were directly involved in the crafting of Roe v. Wade.

Hurwitz provides particularly detailed and plausible evidence that Newman's opinion was instrumental in persuading Justice Blackmun to abandon a draft opinion that would have limited the ''right to abortion'' to the first three months of pregnancy, and to adopt instead the more sweeping doctrine laid down in the final Roe v. Wade ruling, under which states were barred from placing any meaningful limitation on abortion at any point prior to ''viability'' (and severely circumscribed from doing so even after ''viability'').

Hurwitz wrote: ''This viability dictim, first introduced by Justice Blackmun into the Roe drafts only after Justice Powell had urged that he follow Judge Newman's lead, effectively doubled the period of time in which states were barred from absolutely prohibiting abortions . . . Judge Newman's Abele II opinion not only had a profound effect on the United States Supreme Court's reasoning, but on the length of time that a pregnant woman would have the opportunity to seek an abortion.'' The entire tone of Hurwitz's article leaves no doubt that he considers Newman's role in leading the Supreme Court majority to adopt a much more expansive right to abortion than otherwise might have occurred, to be a major positive achievement of Newman's career.

Roe v. Wade has been critiqued as constitutionally indefensible even by liberal legal scholars who agree with legal abortion as social policy. Many others believe that Newman and the Supreme Court justices who Hurwitz asserts followed Newman's ''lead,'' were engaged in a super-legislative activity—an exercise memorably denounced by dissenting Justice Byron White as ''an exercise in raw judicial power.'' Of these critiques, there is no hint in Hurwitz's presentation, which is laudatory from start to finish.

The recasting of the draft Roe ruling, which Hurwitz credibly attributes to Newman's influence, had far-reaching consequences. The absolute number of abortions performed nationwide in the fourth, fifth, and sixth months of pregnancy increased greatly after Roe was handed down. Abortion methods were refined, under the shield of Roe, to more efficiently kill unborn human beings in the fourth month and later. The most common method currently employed is the ''D&E,'' in which the abortionist twists off the unborn child's individual arms and legs by brute manual force, using a long steel Sopher clamp. (This method is depicted in a technical medical illustration here: http://www.nrlc.org/abortion/pba/DEabortiongraphic.html) Well over four million second-trimester abortions have been performed since Roe was handed down.

This carnage is in part the legacy of Jon O. Newman—but Judge Hurwitz clearly wants to claim a measure of the credit for himself, as well. In Footnote no. 55 of his article, Hurwitz relates a 1972 interview in which Justice Stewart ''jokingly referred to me as 'the clerk who wrote the Newman opinion'.'' Hurwitz remarks that this characterization ''I assume . . . was based on Judge Newman's generous letter of recommendation, a medium in which some exaggeration is expected.'' It is impossible to read Footnote 55 without concluding that Judge Hurwitz could not resist the opportunity to put on record his personal claim to having played an important role in the development of the expansive abortion right ultimately adopted by the U.S. Supreme Court.

NRLC urges you to oppose cloture on the nomination of Judge Hurwitz, and reserves the right to include the cloture vote in the NRLC scorecard for the 112th Congress.

Respectfully,

DOUGLAS JOHNSON,
Legislative Director.

[From Heritage Action for America, June 8, 2012]

KEY VOTE ALERT: ''NO'' ON THE NOMINATION OF ANDREW HURWITZ

On Monday (June 11), the Senate is scheduled to vote on the nomination of Andrew Hurwitz to the Ninth Circuit Court of Appeals. Mr. Hurwitz's previous actions and writings raise serious questions as to whether he'd be able to follow the rule of law from the bench.

In the past, Mr. Hurwitz has encouraged courts to legislate from the bench. In the Supreme Court case of Ring v. Arizona, he suggested the Supreme Court change the wording of the Constitution in order to achieve a ruling based on his beliefs, which would have made the state's death penalty sentencing unconstitutional. He believed so strongly in the cause of this case that he worked pro bono.

His foray into activist-legislating was not limited to that case, though. He has also said that would look to previous Supreme Court decisions on relevant issues before consulting the United States Constitution. He also believes that Judges have the power—and supposedly the better judgment—to bestow rights upon American citizens, outside of the law.

Placing personal beliefs ahead of the law and the Constitution, as Mr. Hurwitz appears to do, is a dangerous subversion of the rule of law. Those who support the rule of law, and the role it plays in civil society, cannot allow such judges to be confirmed.

Heritage Action opposes the nomination of Andrew Hurwitz and will include it as a key vote in our scorecard.

CONCERNED WOMEN FOR AMERICA,
LEGISLATIVE ACTION COMMITTEE,
Washington, DC, February 15, 2012.

SENATOR,
U.S. Senate,
Washington, DC.

DEAR SENATOR: Concerned Women for America Legislative Action Committee (CWALAC) and its more than half a million members around the country respectfully ask that you oppose the nomination of Andrew David Hurwitz to be a United States Circuit Judge for the Ninth Circuit.

Roe v. Wade represents one of the most blatant disregards for the U.S. Constitution and our founding principles in American history. Nearly every sincere legal scholar, including many committed liberal ones, admit its arguments are not based in law.

Edward Lazarus, for example, who clerked for Roe's author, Justice Blackmun, has said, ''As a matter of constitutional interpretation and judicial method, Roe borders on the indefensible. . . . Justice Blackmun's opinion provides essentially no reasoning in support of its holding.''

That is why it is inexcusable for Mr. Hurwitz to take pride in helping craft the decision that provided the underlining arguments for it, as he helped craft a similar decision when he clerked for District Judge Jon O. Newman of the District of Connecticut. Hurwitz proudly recounts how he was referred to as ''the clerk who wrote the Newman opinion,'' the decision that served as the basis for Roe, when he went on to apply for clerkships at the Supreme Court.

As a women's organization we simply cannot overlook the pain that Mr. Hurwitz's radical view of the Constitution has brought women. As the Supreme Court finally admitted on its recent partial-birth abortion decision in Gonzalez v. Carhart:

''It is self-evident that a mother who comes to regret her choice to abort must struggle with grief more anguished and sorrow more profound when she learns, only after the event, what she once did not know: that she allowed a doctor to pierce the skull and vacuum the fast-developing brain of her unborn child.''

That grief and anguish are the practical results of Mr. Hurwitz's legal theory refusing to recognize the unborn baby as a ''person'' until the baby is born. We urge you to oppose this nomination, and we plan to score each and every vote on it.

Sincerely,

PENNY NANCE,
President and Chief Executive Officer.

FRCAction,
Washington, DC, February 29, 2012.

Senator,
U.S. Senate,
Washington, DC.

Dear Senator: On behalf of Family Research Council Action (FRCA), the legislative arm of the Family Research Council, and the families we represent, I want to urge you to vote NO on the confirmation of Andrew Hurwitz to the U.S. Ninth Circuit Court of Appeals. In a 2003 Law Review article entitled John O. Newman and the Abortion Decision, Mr. Hurwitz praises a Connecticut District Judge for the prescient and seminal role he played in informing Roe v. Wade. This article revealed, not only his admiration for the Judge (for whom he was clerking at the time), but also a disquieting admiration for Roe and its tenuous foundation.

A modicum of privilege can be sensed as Mr. Hurwitz recounts his clerkship during the ''remarkable'' months of 1972 as Roe was being argued. That year he had caught the attention of the Supreme Court while aiding Judge Newman in casting the swing vote in a case ushering abortion into Connecticut. Indeed, in one footnote (55) of his essay, Hurwitz speaks candidly of the reputation he had with Supreme Court Justice Stewart as ''the clerk who wrote the Newman Opinion.''

It is telling that at a time when many scholars are abandoning the divisive and indefensible position of Roe, Hurwitz comes to its defense for reasons that, given his history, cannot be ruled out as personal.

In his article, Mr. Hurwitz commends Judge Newman for his ''careful and meticulous analysis of the competing constitutional issues.'' Hurwitz wrote, ''He [Newman] placed primary reliance on the natural implications of Griswold: if the capacity of a fetus to be born made it a person endowed with Fourteenth Amendment Rights, the same conclusion would seemingly also apply to the unfertilized ovum, whose potentiality for human life could be terminated under Griswold.'' One can hardly call the analysis that fails to see the difference between an unfertilized ovum and a fetus ''meticulous'' yet Hurwitz claims its still, ''striking after 30 years.''

This failure to distinguish a fetus from an unfertilized ovum is part of a larger inability to understand the question of when life begins through a biological lens. Hurwitz recalls a ''candid concession'' made by Newman (presumably shared by himself) who confided he felt the issue of when life begins was ultimately philosophical rather than legal when, in fact, it is neither.

Finally, Mr. Hurwitz praises Judge Newman on his insight regarding allowing limitations to abortion after viability as opposed to the first trimester. This stance he claims greatly influenced Blackmun in the Roe decision to ''effectively double the period of time in which states were barred from absolutely prohibiting abortions.'' This position is one that many state and congressional lawmakers have found morally objectionable due to medical research demonstrating the fetus' ability to feel pain as early as 18 weeks.

Mr. Hurwitz's vaulting regard for Roe, his personal involvement in its formulation and his inability to see its shortcomings, offer no assurances he will arbitrate impartially from the bench. For these reasons we urge you to oppose the nomination of Andrew Hurwitz to the Ninth Circuit Court of Appeals.

Sincerely,

Thomas McClusky,
Senior Vice President.

Hon. Jeff Sessions,
Russell Senate Office Building,
Washington DC.

Dear Senator Sessions: Andrew David Hurwitz is the self-titled architect of Roe v. Wade, a court decision responsible for the 55 million abortions performed in the United States since 1973 while proudly trumpeting his repeal of the death penalty in Arizona as ''the best episode'' of his career in private practice.

Babies get the death penalty. But murderers don't? Hurwitz is unqualified to serve on the federal bench.

Not only are Hurwitz's views on justice way beyond the mainstream, Hurwitz's pride—for lack of a better term—over Roe v. Wade is simply appalling even to the most jaded observer of American politics. Such is this pride that Hurwitz has gone out of his way to specifically identify himself with the license Roe v. Wade introduced into American culture, despite some question as to his actual influence.

Moreover, Hurwitz refuses to do what most members of the legal community have already done, namely back away from the legal premise underlying Roe v. Wade.

The confirmation of such a nominee to an already extremely liberal Ninth Circuit court would be an immediate disaster. Anyone who allows Hurwitz a free pass sends an extraordinary clear sign that Senate Republicans would govern no differently than the liberal Senate we have today.

Traditional Values Coalition on behalf of our 43,000 churches and ministries and the millions of Americas we represent will be scoring this critical make-or-break vote. If not on Hurwitz, where will our conservative leaders make a stand?

Sincerely,

Andrea Lafferty,
President, Traditional Values Coalition.

Washington, DC,
February 27, 2012.

Dear Senator: I am writing today on behalf of Americans United for Life Action (AUL Action)—the legislative arm of Americans United for Life (AUL), the oldest national pro-life public-interest law and policy organization—to express our strong opposition to the nomination of Justice Andrew David Hurwitz to the 9th Circuit Court of Appeals. We respectfully urge you to oppose his nomination.

We believe that it is important to focus on the period of Justice Hurwitz's clerkship for United States District Judge Jon O. Newman, despite the fact that it was four decades ago. His clerkship is important because it reveals Hurwitz to be a supporter both of judicial activism and of extreme pro-abortion views.

Justice Hurwitz clerked for Judge Newman during his first year on the court. During this time, Newman authored opinions in two abortion decisions striking down Connecticut's abortion restrictions, commonly known as Abele I and Abele II.

It became well known that Hurwitz played a significant role in shaping these decisions. Hurwitz admitted that Supreme Court Justice Potter Stewart, for whom he later clerked, ''jokingly referred to me as 'the clerk who wrote [Abele II].' ''

Abele II was a radical opinion, the anti-life influence of which is still with us today. Two features of Abele II are pillars of Roe: the conclusion that a ''fetus'' is not a ''person'' under the Fourteenth Amendment, and the singling out of ''viability'' as the point in time before which the state has no interest in protecting the lives of unborn babies.

Hurwitz has done nothing to distance himself from these extreme positions in the intervening years. To the contrary, he has embraced—and even celebrated—them. In his article from 2002 on Judge Newman, he praised the Abele II ruling.

Americans want judges who apply the law, not make policy. As someone who greatly influenced one of the most divisive and constitutionally unfounded Supreme Court decisions in our nation's history, Justice Hurwitz is not qualified to serve on a federal circuit court.

We respectfully ask that you vote against Justice Hurwitz's nomination.

Sincerely,

Charmaine Yoest,
President & CEO,
Americans United for Life.

American Center
for Law & Justice,
Washington, DC, February 27, 2012.

Hon. Patrick J. Leahy,
Chairman, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Hon. Charles E. Grassley,
Ranking Member, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Dear Chairman Leahy and Ranking Member Grassley: The American Center for Law and Justice (ACLJ) is writing to express its concerns about the nomination of Andrew D. Hurwitz to the United States Court of Appeals for the Ninth Circuit.

Justice Hurwitz's outspoken defense of Roe v. Wade forces us to conclude that he is unable to be a neutral and impartial judge and will likely attempt to legislate from the bench. Not only does he support the holding of Roe, but he also adamantly supports its long discredited reasoning. As explained by the law clerk who assisted Justice Blackmun in authoring the Roe opinion, ''As a matter of constitutional interpretation and judicial method, Roe borders on the indefensible'' and ''Roe must be ranked among the most damaging of judicial decisions.''

In a 2002 law review article, Justice Hurwitz praised the reasoning of Roe and proudly discussed how he helped author the opinion that influenced the Roe decision. In 1972, he was the clerk for Connecticut District Court Judge Jon O. Newman when Judge Newman wrote the opinion in Abele v. Markum (commonly known as Abele II, which used a ''viability'' standard in evaluating a right to abortion. Abele II was released just three weeks before the Supreme Court heard re-argument in Roe and eventually ruled that a woman had a constitutional right to an abortion before viability. Justice Hurwitz states that the reasoning in Abele II ''was in almost perfect lockstep'' with Roe, and it ''not only had a profound effect on the United States Supreme Court's reasoning, but on the length of time that a pregnant woman would have the opportunity to seek an abortion.''

The pride Justice Hurwitz takes in having helped author the opinion that influenced Roe reveals the scope and passion of his judicial activism. In his 2002 article he states of his Supreme Court clerkship interviews:

Justice Powell devoted over an hour of conversation to a discussion of Judge Newman's analysis, while Justice Stewart (my future boss) jokingly referred to me as 'the clerk who wrote the Newman opinion.' I assume that the latter was based on Judge Newman's generous letter of recommendation, a medium in which some exaggeration is expected.

Roe and Abele II are two notorious examples of judges legislating from the bench. Given his involvement with Abele II and his pride in its effect on Roe, Justice Hurwitz confirms his admiration for an activist judiciary. Every judge must be neutral, objective, and faithful to the Constitution and our

laws. This must be especially true of appellate judges. Because the United States Supreme Court hears very few cases (approximately 100 per year), federal circuit courts have the final say on the vast majority of cases in the federal system. Between April 1, 2010 and March 31, 2011, the Ninth Circuit terminated more than 13,000 appeals. Because of the vast number of cases heard by the federal Courts of Appeals, especially the Ninth Circuit, it is critical that only neutral, impartial judges are elevated to those courts. Justice Hurwitz's support for the long discredited reasoning and activism of Roe and his role in constructing the Abele II opinion that influenced Roe starkly indicate his bias, his comfort with extra-constitutional decision making, and a desire to legislate from the bench.

We urge the Committee to carefully consider the important issues noted above as they review Justice Hurwitz's nomination.

Sincerely,

JAY A. SEKULOW,
Chief Counsel.

JUDICIAL ACTION GROUP,
Washington, DC.

ANDREW DAVID HURWITZ—
NOMINEE TO THE 9TH CIRCUIT COURT OF APPEALS

HURWITZ: THE ''THE ARCHITECT'' AND ''LONE REMAINING DEFENDER'' OF ROE V. WADE

Action: Contact the Senate Judiciary Committee Members and tell them to vote ''no'' on Hurwitz on Thursday, 3/1/12.

Hurwitz acted as a key author of abortion court decisions that were eventually relied upon by the Supreme Court in Roe v. Wade. As a young law clerk to Judge Jon O. Newman (U.S. District Court Judge for the Dist. of Connecticut) Hurwitz played a key role in authoring two 1972 decisions which the U.S. Supreme Court mimicked and expanded in the majority opinion of Roe v. Wade. According to Hurwitz in his law review article dedicated to the 1972 pro-abortion decisions that he helped author, Newman ''had an enormously productive and influential first year. Twice confronted . . . with cases challenging the constitutionality of Connecticut's anti-abortion statute, he [we] produced two memorable [pro-abortion] opinions.'' As Judge Newman's Law Clerk, Hurwitz played a significant role in authoring these opinions. Hurwitz claims that these pro abortion decisions influenced the Supreme Court's decision in Roe and Hurwitz makes it clear that he is very proud of his role in these pro-abortion decisions. Hurwitz claims:

''One need no longer speculate on the point: it is now clear that Jon O. Newman [and Hurwitz] had, in words of one historian, 'crucial influence' on both the outcome and the reasoning in the [Roe v. Wade] case.''

'''[I] received some small inkling of the influence of Abele II [Judge Newman's pro-abortion decision] on the [Supreme] Court's thinking [in Roe v. Wade] in the fall of 1972, when interviewing for clerkships at the Supreme Court . . . Justice Stewart (my future boss) jokingly referred to me as 'the clerk who wrote the [pro-abortion] Newman opinion.''

Hurwitz's continued celebration of Roe places him far outside the mainstream even among liberal legal experts. While legal experts on both ends of the Abortion debate have wisely chosen to back away from the indefensibly extrapolative arguments made in the Court's decision in Roe, Hurwitz instead chooses to celebrate the patently activist conclusions of this ruling.

Hurwitz continues to take pride in his role crafting the case that had '''Crucial Influence' on both the outcome and the reasoning in Roe v. Wade].'' Roe is not only a constitutional abomination but also a moral abomination that has resulted in judicial sanction of the killing of tens of millions of unborn children. Hurwitz should be ashamed of his role in Roe. His pride in his role in Roe is expressed not only as a young law clerk in 1972 but as recently as 2003, at the age of 52. Hurwitz's pride in his role in Roe is cause for great concern.

Hurwitz refused to answer the questions of Senators Grassley and Sessions regarding his role in the pro abortion decision, even though he previously wrote about and praised it. In response to several questions from Senator Grassley and Senator Sessions, Hurwitz refused to answer, claiming ''I do not think it appropriate for a former law clerk to comment on the correctness of an opinion written by a judge during the clerkship term.'' However, Hurwitz previously commented extensively on the same (Abele) decisions extensively in a law review article, bragging about his role in the decision and even going so far as to praise the decision as a ''careful and meticulous analysis of the competing constitutional issues.'' The decision was not a ''careful and meticulous analysis,'' and reasonable legal scholars (liberal and conservative) do not differ on that point.

Hurwitz celebrates his role in the Supreme Court's activist decision striking down Arizona's death penalty scheme as the best episode of his private practice. Senator Sessions asked Judge Hurwitz to explain his role in Ring:

''You served as pro bono as lead counsel in the seminal Supreme Court case of Ring v. Arizona, which struck down Arizona's death penalty sentencing scheme as unconstitutional, and also invalidated several other States' statutes as well. You were quoted in an article by the Arizona Attorney newsletter as saying that the experience was 'the best episode in [your] wonderful career in private practice.'''

Hurwitz responded tersely: ''I was referring to the experience of arguing before the Supreme Court.''

Hurwitz's response fails to acknowledge, however, that he invited and encouraged the Court to legislate from the bench and to effectively change the very wording of the Constitution to arrive at a brand new result. Hurwitz invitation for the court to usurp legislative power is a shameful act and would not be made by any attorney who respects the text of the constitution. Moreover, Hurwitz so believed in the activist cause of the Ring case that he performed his legal services for free, i.e., pro bono.

Hurwitz would side with activist judges, even when in conflict with the Constitution. In response to written questions from Senator Jeff Sessions, Hurwitz states: ''I do not believe that the Constitution changes from one day to the next, although I recognize that the Supreme Court may effectively produce that result when it overrules a prior decision.'' Even while recognizing that the Court cannot legislate from the bench and change the meaning of the Constitution, Hurwitz states that he would not look first to the constitution and other laws, but would only consider the Constitution if other judges had not already addresses an issue in a given case. Hurwitz replied to Senator Sessions: ''I would of course look to binding Supreme Court precedent first. If there were none, I would then look to precedents within my circuit. Assuming that neither my circuit nor the Supreme Court had addressed the issue, I would then analyze the language of the statute and the Constitution.''

Hurwitz asserts that Constitutional Rights—such as the right to privacy—can be created by judges. Hurwitz believes that rights can be created outside of the law, by judges who decide on their own whether those rights are 'deeply rooted in this Nation's history and tradition.' *Washington* v. *Glucksberg*, 521 U.S. 702, 720–21 (1997).'' Hurwitz wrote to Senator Grassley: ''The Court has held that the due process clauses protect certain fundamental rights and that the right to privacy is one of those rights.''

Mr. GRASSLEY. In addition, I ask unanimous consent to have printed in the RECORD a letter signed by a variety of leaders expressing their opposition to this nomination.

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

MAY 24, 2012.

Re Opposition to Andrew David Hurwitz.

Hon. JON KYL,
Hart Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR KYL: Your long and distinguished career in the Senate has given us many opportunities to agree with each other, particularly on the issues of life and defense of the unborn. In recognition of this legacy, we respectfully ask that you vote ''nay'' on the question of the confirmation of Andrew David Hurwitz to the United States Court of Appeals for the Ninth Circuit, and that you encourage your Senate colleagues to do the same.

Hurwitz was a key author of two pro-abortion court decisions whose rationale was significantly relied upon by the Supreme Court in Roe v. Wade. As a young law clerk to Judge Jon O. Newman (U.S. District Court Judge for the Dist. of Connecticut) Hurwitz played a key role in authoring two 1972 decisions which the U.S. Supreme Court mimicked and expanded in the majority opinion of Roe v. Wade. Hurwitz accurately claims that these pro-abortion decisions influenced the Supreme Court's decision in Roe and Hurwitz makes it clear that he is proud of his role in these pro-abortion decisions. Hurwitz wrote:

''One need no longer speculate on the point: it is now clear that Jon O. Newman [and Hurwitz] had, in words [sic] of one historian, 'crucial influence' on both the outcome and the reasoning in the [Roe v. Wade] case.''

Hurwitz continued:

''[I] received some small inkling of the influence of Abele II [Judge Newman's pro-abortion decision] on the [Supreme] Court's thinking [in Roe v. Wade] in the fall of 1972, when interviewing for clerkships at the Supreme Court . . . Justice Stewart (my future boss) jokingly referred to me as 'the clerk who wrote the [pro-abortion] Newman opinion.'''

While legal experts on both ends of the abortion debate have wisely chosen to back away from the constitutionally indefensible ''reasoning'' of the Court's decision in Roe, Hurwitz instead chose to celebrate it. Hurwitz's recent and continued celebration of Roe places him far outside the mainstream of legal thought and demonstrates his fundamental misunderstanding of the Constitutional role of the Judiciary. As such, Hurwitz is one of President Obama's most controversial and dangerous nominees.

Hurwitz's professional record is distinguished by his significant contribution to—and defense of—one of the most activist Supreme Court opinions in history. As such, any vote for Hurwitz would stand as a tacit—if not outright—endorsement of his radical views on abortion and the constitutional role of the judiciary. One of the most enduring legacies of United States Senators is determined by the records of judges that they voted to confirm. In light of your past work to defend life, we ask that you withdraw

your support for Hurwitz and that you encourage your colleagues to vote against his confirmation. We respectfully ask for your response to our request.

Respectfully,

Penny Nance, President and CEO, Concerned Women for America;* Tom McClusky, Executive Vice President, Family Research Council Action;* Phyllis Schlafly, President, Eagle Forum;* Dr. Day Gardner, President, National Black Pro-Life Union;* Kristan Hawkins, Executive Director, Students for Life of America;* Troy Newman, President, Operation Rescue;* Rev. Robert Schenck, President, National Clergy Council;* Andrea Lafferty, President, Traditional Values Coalition;* Rev. Rick Scarborough, President, Vision America;* Gary Bauer, President, American Values;* Gary A. Marx, Executive Director, Faith and Freedom Coalition;* Laurie Cardoza-Moor, President, Proclaiming Justice to the Nations;* Janet Porter, President, Faith2Action;* Kyle Ebersole, Editor, Conservative Action Alerts;* Linda Harvey, President, Mission America;* C. Preston Noell III, President, Tradition, Family, Property, Inc.;* Kent Ostrander, The Family Foundation (KY).*

Diane Gramley, President, American Family Association of Pennsylvania;* Rabbi Moshe Bresler, President, Garden State Parents for Moral Values;* Mike Donnelly, Home School Legal Defense Association;* Rabbi Yehuda Levin, Rabbinical Alliance of America;* Rabbi Noson S. Leiter, Executive Director, Torah Jews for Decency; Founder, Rescue Our Children;* Rabbi Jonathan Hausman Chaplain Gordon James Klingenschmitt, PhD, The Pray In Jesus Name Project;* Virginia Armstrong, Ph.D., National Chairman., Eagle Forum's Court Watch;* Keith Wiebe, President, American Association of Christian Schools;* Dr. Carl Herbster, AdvanceUSA;* Brian Burch, President, CatholicVote.org;* Dr. William Greene, President, RightMarch.com;* Dr. Rod D. Martin, President, National Federation of Republican Assemblies;* Rick Needham, President, Alabama Republican Assembly;* Charlotte Reed, President, Arizona Republican Assembly;* Dr. Pat Briney, President, Arkansas Republican Assembly.*

Celeste Greig, President, California Republican Assembly;* Rev. Brian Ward, President, Florida Republican Assembly;* Paul Smith, President, Hawaii Republican Assembly;* Ken Calzavara, President, Illinois Republican Assembly;* Craig Bergman, President, Iowa Republican Assembly;* Mark Gietzen, President, Kansas Republican Assembly;* Sallie Taylor, President, Maryland Republican Assembly;* David Kopacz, President, Massachusetts Republican Assembly;* Chris Brown, President, Missouri Republican Assembly;* Travis Christensen, President, Nevada Republican Assembly;* Nathan Dahm, President, Oklahoma Republican Assembly;* Ray McKay, President, Rhode Island Republican Assembly;* Paula Mabry, President, Tennessee Republican Assembly* Hon. Bob Gill, President, Texas Republican Assembly;* Patrick Bradley, President, Utah Republican Assembly;* Ryan Nichols, President, Virginia Republican Assembly;* Mark Scott, President, West Virginia Republican Assembly;* Joanne Filiatreau, Board Member, Arkansas T.E.A. Party;* Mandi D. Campbell, Esq., Legal Director, Liberty Center for Law and Policy;* Phillip Jauregui, President, Judicial Action Group.*

*Organizations listed for identification purposes only.

Mr. GRASSLEY. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I wish to speak on a different subject primarily, but in view of my colleague's comments and my disagreement with them, let me just make a note of my position.

Mr. KYL. Mr. President, I certainly respect my colleague from Iowa. Like him, my views on the issue of abortion are very decidedly pro-life, and I too disagree with the decision in Roe v. Wade. I agree with him that many legal scholars believe that decision rests on very shaky legal grounds.

But I would say this about Andrew Hurwitz, the nominee who will be before us: Never in any decision he has rendered as a member of the Arizona Supreme Court has anybody I know believed he let his personal views, his personal philosophic or political views determine his judicial rulings. To the contrary, everyone with whom I have spoken, and to the degree I have been able to study his career of about a decade on the Arizona Supreme Court, it is remarkably free of the kind of politics that sometimes infuses judicial decisionmaking.

His opinions are well considered, based on the law, well written, and generally a part of a consensus court. There are both Republicans and Democrats on the Arizona Supreme Court, and Justice Hurwitz is usually with his other colleagues on the court in deciding these matters.

I think it is unfair to an extent that because he wrote a Law Review article several years ago in which one can assume he expressed a pro-choice point of view that therefore somehow he would be disqualified from serving on the Ninth Circuit Court of Appeals. In fact, here is some breaking news: President Obama nominates pro-choice candidates to courts. Obviously, I am being facetious.

I suspect most of President Obama's nominees are pro-choice. I don't ask the nominees I consult with, the ones we recommend from the State of Arizona, what their view is on any particular issue, including that issue. But I can assume the nominees of President Obama are probably more liberal—and are pro-choice—on that particular issue than my views. But President Obama is the President. He gets to nominate people. So I have to work with his White House Counsel to try to find the best possible people with two primary qualifications: One, how good a judge would that individual be in intelligence, judicial temperament, the kinds of things that make a good judge?

Secondly—and this is very important to me—will this judge decide cases based on the law, period, the facts of the case and the law, and the U.S. Constitution or will the nominee potentially allow his or her own personal preferences, political points of view, and philosophy to be a part of the decisionmaking process?

If I believe it is the latter, then I will not support a nominee. I have opposed nominees right here on the Senate floor based on that test where I thought that based on the hearing and the record of the nominee that the individual could have a hard time separating out their own political judgments from deciding cases. Then I voted no.

This is a nominee I not only gladly vote yes on, but I am, frankly, asking my colleagues to vote yes because I absolutely, totally believe he will decide cases based upon the merits of the case, the facts, and the law, not based on the politics.

Interestingly, on this one particular issue, to my knowledge there has not been an issue before the Arizona Supreme Court in the last decade, while he has been on the court, which would call on him to decide it one way or the other. So neither side can say, well, he didn't allow it to happen or he did allow it to happen. We have not been able to find any case like that.

There have been other political kinds of issues that have come before the court—issues dealing with the death penalty and things of that sort. As I said, neither my conservative friends back in Arizona nor I have been able to find a case in which Justice Andrew Hurwitz's decisions have been based on anything other than a pretty clear reading of the law as applied to the facts of the case. I have every reason to believe in his honesty and his integrity in continuing that practice, which he has manifested over the last decade, if and when he is confirmed to the Ninth Circuit Court Of Appeals or I would not have recommended him to the administration, and I would not be recommending him to my colleagues.

So with all due respect to my good friend from Iowa, whose views I share on the question of abortion, I think it would be wrong to oppose this nominee based on that fact.

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

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

Mrs. FEINSTEIN. Mr. President, I rise today to speak in strong support of the nomination of Arizona Supreme Court Justice Andrew Hurwitz to the U.S. Court of Appeals for the Ninth Circuit.

The Ninth Circuit is the busiest Federal appellate court in the Nation. It has over 1,400 appeals pending per three-judge panel. This is the most of any circuit, and it is over two times the average of other circuits combined. Think of that: It is twice as heavily busy with cases as the average of the other circuits combined.

The Judicial Conference of the United States has declared each Ninth Circuit vacancy a judicial emergency. So today we are considering a nominee to a judicial emergency vacancy. The nominee is Justice Andrew Hurwitz of the Arizona Supreme Court, and he is very well respected. He is seasoned. He has over 25 years of practical experience and 9 years on the State supreme court. He has the strong support of the two Republican Senators from his home State, JON KYL and JOHN MCCAIN.

Candidly, I am surprised that a cloture vote is necessary. This body should be able to confirm this nominee without controversy. So I urge my colleagues to vote for cloture and to support this nomination.

Justice Hurwitz earned his bachelor's degree from Princeton University, Phi Beta Kappa, in 1968. He earned his law degree from Yale Law School in 1972 where he was note and comment editor of the Yale Law Journal.

Following graduation, Justice Hurwitz clerked for three distinguished Federal judges: Jon O. Newman, then of the District of Connecticut; Joseph Smith of the U.S. Court of Appeals for the Second Circuit; and Potter Stewart of the Supreme Court of the United States.

Following these three clerkships, Justice Hurwitz worked in private practice for over 25 years in Phoenix, AZ, where he represented clients in State courts, Federal courts, and administrative agencies.

Hurwitz's clients have included AT&T, Lucent Technologies, ABC, Clorox, the city of Phoenix, PGA Golf, the Arizona State Compensation Fund, various Native American tribes, the U.S. Conference of Mayors, the National League of Cities, and the Council of State Governments. That is a wide and diverse cross-section of companies in our country.

Hurwitz has tried more than 40 cases to final judgment. That is actually more than most appellate court judges who have been before us. He has argued numerous cases before the Ninth Circuit and other State and Federal appellate courts and argued two cases before the U.S. Supreme Court.

Justice Hurwitz was appointed to the Arizona Supreme Court in 2003, where he has built a reputation as a fair-minded and highly skilled jurist. As Senator KYL said in the Judiciary Committee:

> Everyone who has practiced in Arizona before the Arizona Supreme Court on which Justice Hurwitz sits . . . is complimentary of his legal skills, temperament, and he has received widespread support [in Arizona] for his appointment . . . to the ninth circuit.

Justice Hurwitz was appointed by Chief Justice Rehnquist to serve as a member of the Advisory Committee on the Federal Rules of Evidence and was reappointed to that position by Chief Justice Roberts.

In my view, Justice Hurwitz is one of the most qualified circuit court nominees I have seen, and I have served on the Judiciary Committee for 19 years now. There are two areas of dispute I would like to address.

First, some have criticized Justice Hurwitz on the death penalty. As a Democrat who supports the death penalty, I can tell you these charges are simply wrong. On the Arizona Supreme Court, Justice Hurwitz has voted to uphold numerous death sentences. Just this year, in State v. Cota, he authored an opinion for the court upholding the death sentence of a man who killed a married couple who had hired him to perform house work. He joined a similar opinion this year in State v. Nelson which upheld the death penalty for a man who hit his 14-year-old niece on the head with a mallet. Last year, in State v. Manuel, he joined an opinion upholding a death sentence for a man who shot and killed the owner of a pawn shop in Phoenix.

Justice Hurwitz did argue a case in the Supreme Court called Ring v. Arizona, which established that a jury, not a judge, must find the facts necessary to make a defendant eligible for the death penalty. The Ring decision was 7 to 2. It is part of a line of cases—beginning with Apprendi v. New Jersey in 2000—in which Justices Scalia and Thomas have been at the forefront of expanding defendants' rights to have certain facts found by juries, not judges. In fact, Justices Scalia and Thomas concurred in the decision. Justice Breyer dissented. So it is not something that breaks down along ideological lines.

There is simply no question Justice Hurwitz will follow the law on the death penalty if he is confirmed. He has done so for the last 9 years.

The second issue is a Law Review article Hurwitz wrote in 2002 about a decision by a district court judge 40 years ago that may have influenced—I say may have influenced—the Supreme Court's decision in Roe v. Wade.

In response, I would first say, as Senator KYL said in the Judiciary Committee, that Justice Hurwitz did not express his personal views on the Roe decision. Second, the real question is how Justice Hurwitz has comported himself as a judge because we have long years to look at. By all accounts, his record has been superb. Not once has an opinion he has written been overturned by a higher court. Let me repeat: Not once has he been overturned by a higher court. Yet it is my understanding that 60 votes is hard-pressed to get in this body, and that is hard for me to understand.

As Senator KYL has also said, Justice Hurwitz's ''opinions obviously carefully adhere to the law . . . [and] that is what most of us are looking for in judicial nominations.'' And that is absolutely right.

In the Judiciary Committee I listened to Senator KYL's strong defense of Justice Hurwitz. JON KYL is not a liberal; he is a rock-rib conservative. I said at the time that Senator KYL's statement was ''music to my ears'' because I thought we finally might be getting away from this effort to find a single statement or speech in someone's background to use to condemn him or her for all time.

In this case, it is a district judge's decision from 40 years ago and a Law Review article. If we have 41 Members who are going to vote against this man because he wrote a Law Review article about a case decided 40 years ago, that is a real problem, particularly because this man is a supreme court justice of the State of Arizona, and particularly because both Republican Senators support him. I, as a Democrat—and Democrats on our side in the Judiciary Committee—also support him. There may be something else that somebody wrote 40 years ago in college—and we have seen some of this too. It goes on and on, and it is wrong.

I agree with Senator KYL that this is a highly qualified nominee for the busiest circuit in the country and a circuit that has a judicial emergency. So I urge my colleagues to vote for cloture to support Justice Hurwitz's nomination by virtue of education, by virtue of training, by virtue of private practice, and by virtue of court record, his record is unimpeachable, and I stand by that.

So I thank the Chair. I yield the floor, and 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. LEE. 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. LEE. Mr. President, I rise today to express my opposition to the nomination of Andrew Hurwitz to the U.S. Court of Appeals for the Ninth Circuit. I would first note that this year we have already confirmed 25 of President Obama's judicial nominees.

At this point in 2004, the last Presidential election year during a President's first term, the Senate had confirmed only 11 of President Bush's judicial nominees. At precisely the same point in 1996, during President Clinton's first term, the Senate had confirmed only three judicial nominees. So this year we have confirmed more than twice as many of President Obama's judicial nominees as we did during a comparable period for President Bush and more than eight times as many as we did for President Clinton.

Of the nominees we have already confirmed so far this year, two are now serving as appellate judges on the Ninth Circuit. The Ninth Circuit is an important appellate court in America, with jurisdiction over about 60 million Americans—roughly 20 percent of our country's total population.

Approximately one-third of all reversals handed down by the Supreme Court last term were from the Ninth

Circuit. Indeed, the Ninth Circuit has developed something of a reputation for eccentric legal theories and unusual results. As one commentator suggested, ''There should be two Supreme Courts, one to reverse the U.S. Court of Appeals for the 9th Circuit, the other to hear all the other cases.''

We should therefore exercise some caution in confirming yet another liberal nominee to the Ninth Circuit. But Mr. Hurwitz is not simply another liberal nominee. Mr. Hurwitz has sought to claim credit for one of the most controversial and constitutionally indefensible decisions in Supreme Court history—Roe v. Wade.

In 1972, Mr. Hurwitz clerked for Judge Jon Newman on the U.S. District Court for the District of Connecticut. That year, as Mr. Hurwitz later put it: ''[t]he abortion issue dominated [Judge Newman's time],'' and Mr. Hurwitz helped Judge Newman write two key abortion decisions known as Abele I and Abele II. These two decisions established the conceptual groundwork for the decision that became known later as Roe v. Wade. They relied on a single discredited, historical account to conclude that Connecticut's abortion laws were not in fact passed to protect the life of the fetus; they relied on flawed science to conclude that there was no objective way of knowing when human life begins; and they relied on a fabricated and arbitrary legal framework of viability to analyze the competing rights of the individual and the State.

Given the woefully misguided reasoning behind these decisions, one would assume that a former law clerk would keep quiet about his personal role in drafting opinions that lack serious constitutional grounding. Indeed, most former law clerks—who have a certain duty not to discuss internal deliberations—would consider themselves ethically bound not to talk about decisionmaking in individual cases, and certainly would not seek to attract public attention to their role in particular decisions. But Mr. Hurwitz did just that.

In a 2002 law review article, Mr. Hurwitz recounted how he received a Supreme Court clerkship partly on the basis of his role in helping draft Judge Newman's 1972 abortion decisions. Mr. Hurwitz wrote that Justice Potter Stewart, who hired Mr. Hurwitz as a clerk at the Supreme Court, ''jokingly referred to [Hurwitz] as 'the clerk who wrote the Newman [abortion] opinion.'' And Mr. Hurwitz made clear that the opinion had a ''demonstrable effect'' on the Supreme Court's approach to abortion.

My concern with respect to Mr. Hurwitz's asserted role in Roe v. Wade goes beyond his attempt to take credit for that decision. Mr. Hurwitz has been nominated to serve as a Federal appellate judge, and his endorsement of the reasoning underlying Roe v. Wade raises immense concerns about his constitutional jurisprudence. While Mr. Hurwitz continues to write about Roe with fondness, nostalgia, and even pride, most legal scholars—including many who hold very liberal political views—concede that Roe was an extraordinarily flawed legal decision. For example, Prof. John Hart Ely has written:

> [Roe v. Wade] is bad because it is bad constitutional law, or rather it is not constitutional law [at all] and gives almost no sense of an obligation to try to be.

Prof. Lawrence Tribe has written:

> [B]ehind its own verbal smokescreen, the substantive judgment on which [Roe] rests is nowhere to be found.

Prof. Akhil Reed Amar has written:

> Roe's main emphasis is neither textual, nor historical, nor structural, nor prudential, nor ethical: it is doctrinal. But here too it is a rather unimpressive effort. As a precedent-follower, Roe simply string-cites a series of privacy cases . . . and then abruptly announces with no doctrinal analysis that this privacy right is broad enough to encompass abortion.

Prof. Cass Sunstein likewise has written:

> In the Court's first confrontation with the abortion issue, it . . . decided too many issues too quickly. The Court should have allowed the democratic processes of the states to adapt and to generate solutions that might not occur to judges.

Unlike these liberal legal scholars, Mr. Hurwitz fails to appreciate that Roe represents exactly the kind of constitutional activism Federal courts must avoid—inventing new rights without any substantive or significant constitutional analysis.

Given the chance at his Senate Judiciary Committee hearing to disassociate himself from Roe v. Wade, Mr. Hurwitz did not do so. Instead, his only relevant response—an assertion also unpersuasively made by some of my colleagues—has been that his 2002 law review article was merely descriptive and did not express any personal opinion as to the merits of Roe. But to anyone who has reviewed Mr. Hurwitz's article and the laudatory tone with which it discusses the connection between Judge Newman's opinions and Roe v. Wade itself, this assertion simply is not credible.

Mr. Hurwitz wrote that Judge Newman's opinions on abortion were ''memorable, innovative, careful, and meticulous.'' He described them as exerting a ''profound, critical, immediate, direct, and crucial'' influence on Roe v. Wade, which he described as a landmark opinion of the Supreme Court.

Mr. Hurwitz cannot have it both ways. He cannot seek credit for his role in developing a jurisprudence that is unmoored from the Constitution and that has fundamentally disrespected human life, and then later claim he was only retelling a story. Mr. Hurwitz's attempts to take credit for, and subsequent refusal to distance himself from, constitutional decisions that lack serious constitutional foundation casts an unacceptable degree of doubt on his ability to serve in the role of a Federal appellate judge.

Of the countless qualified individuals who would make excellent appellate judges to serve on the Ninth Circuit, President Obama chose to nominate the one person who, by his own account, was a key intellectual architect of the profoundly flawed legal arguments in Roe v. Wade—someone who fails to appreciate the illegitimacy of constitutional activism and who, even today, looks back on his role in that case with pride.

It is for this reason that I urge all of my colleagues to vote against the nomination of Andrew Hurwitz.

● Mr. VITTER. Mr. President. I oppose the nomination of Andrew Hurwitz to the Ninth Circuit Court of Appeals because I have serious concerns with his capability to serve in the role of a life-tenured Federal appellate judge. His public statements regarding, and past contributions to, previous Supreme Court decisions give serious pause as to whether we should confirm him to serve on a Federal appellate court.

Mr. Hurwitz has effectively taken credit for helping develop the legal architecture for Roe v. Wade while serving as a law clerk to then-Judge Jon Newman. Judge Newman, a U.S. District Judge for the District of Connecticut, issued two 1972 decisions which are clearly reflected and expanded upon in the Supreme Court's opinion in Roe v. Wade. Mr. Hurwitz played a key role in authoring these decisions and he has publicly expressed great pride in this fact. He wrote a 2002 law review article praising Roe and bragged that he helped craft Newman's opinion that was reflected in ''almost perfect lockstep'' in the Supreme Court's decision. This concerns me because not only is Roe a constitutional abomination, but a moral abomination that has resulted in the killing of tens of millions of unborn children.

Mr. Hurwitz has claimed credit for shaping a judicial decision that fundamentally disrespected human life and is completely unfounded in the Constitution. Roe v. Wade forever changed the debate about abortion in this country by creating a nationwide policy of abortion-on-demand through one of the worst cases of judicial activism in history. It is so poorly reasoned that both conservative and liberal legal experts and scholars acknowledge that Roe was a deficient opinion that lacks any legitimate legal reasoning in support of its holding.

His willful failure to recognize the legal deficiencies of the Roe opinion and his self-promotion for playing a part in such an unfortunate event in this country's judicial history makes clear that he is not qualified to serve in the role of a Federal appellate judge.

I believe we must support the dignity and sanctity of all human life and defend those who cannot defend themselves. This judicial nominee would do the opposite, which is why I must oppose Andrew Hurwitz's nomination to the Ninth Circuit Court of Appeals.●

Mr. KYL. I support the nomination of Justice Andy Hurwitz to the Ninth Circuit Court of Appeals.

Justice Hurwitz received his undergraduate degree from Princeton University (A.B. 1968) and his law degree from Yale Law School (J.D. 1972), where he was Note and Comment Editor of the Yale Law Journal.

He served as a law clerk to Judge Jon O. Newman of the United States District Court for the District of Connecticut in 1972; to Judge J. Joseph Smith of the United States Court of Appeals for the Second Circuit in 1972–1973; and to Associate Justice Potter Stewart of the Supreme Court of the United States in 1973–1974.

Justice Hurwitz has served on the Arizona Supreme Court since 2003. Before joining the Arizona Supreme Court, Justice Hurwitz was a partner in the Phoenix firm of Osborn Maledon, where his practice focused on appellate and constitutional litigation, administrative law, and civil litigation. He is a member of the bar in Arizona and in Connecticut; he received the highest grade on the Arizona Bar examination in the summer of 1974. He argued two cases before the Supreme Court of the United States. Justice Hurwitz served as chief of staff to two Arizona governors—from 1980 to 1983 and in 1988. He was a member of the Arizona Board of Regents from 1988 through 1996, and served as president of the Board in 1992–1993.

He has regularly taught at the Arizona State University College of Law, and was in residence at the College of Law as Visiting Professor of Law in 1994–1995 and as a Distinguished Visitor from Practice in 2001. He was appointed by Chief Justice Rehnquist in 2004 as a member of the Advisory Committee on the Federal Rules of Evidence and reappointed to a second term by Chief Justice Roberts in 2007.

His easy to see why Justice Hurwitz was awarded the ABA's highest rating: Unanimous ''Well Qualified.''

During his 9-year tenure on the Arizona Supreme Court, Justice Hurwitz has consistently demonstrated a commitment to faithfully apply existing law and precedent regardless of his own policy preferences. A few examples are quite telling:

In 2006, he upheld the constitutionality of a 200-year sentence for a man convicted of possessing twenty pictures of child pornography even though Justice Hurwitz personally felt that the sentence was too long. Responding to the dissent in State v. Berger, he wrote:

> As a policy matter, there is much to commend Justice Berch's suggestion that the cumulative sentence imposed upon Mr. Berger was unnecessarily harsh, and my personal inclination would be to reach such a conclusion. As a judge, however, I cannot conclude under the Supreme Court precedent or even under the alternative test that Justice Berch proposes that Berger's sentences violate the United States Constitution.

In 2005, in State v. Fell, Justice Hurwitz, followed Supreme Court precedent and held that ''the Sixth Amendment does not require that a jury find an aggravating circumstance before a natural life sentence can be imposed.'' In so doing, he rejected a position similar to the one he had advocated for at the Supreme Court just 3 years earlier.

Justice Hurwitz repeatedly reiterated his commitment to judicial restraint in his testimony to the Judiciary Committee. To briefly quote him: ''Judgments about policy matters are within the province of the legislature, and courts should not second-guess such judgments.''

Justice Hurwitz's steadfast commitment to this philosophy is likely the reason that no opinion written or joined by Justice Hurwitz has ever been overturned by the United States Supreme Court.

I support the nomination of Justice Hurwitz to the Ninth Circuit because I believe that his abilities, experience, and commitment to judicial restraint will enable him to serve the residents of the Ninth Circuit as ably as he has served the people of Arizona.

Today, I am very disappointed because a lot of friends of mine in the pro-life community are, to put it charitably, exaggerating one Law Review article that he wrote attributing to Justice Hurwitz all kinds of views which are not appropriate based upon the facts. It has to do with the pro-life issue.

I want to set the record straight on Justice Hurwitz's article about Judge Jon O. Newman, which has unfortunately been blown out of proportion. About 10 years ago, the New York Law School Law Review solicited Judge Jon O. Newman's former clerks to write articles for a symposium dedicated to Judge Newman's first 30 years on the bench. Five clerks agreed, including Justice Hurwitz, who wrote about the most influential opinion written by Judge Newman while Justice Hurwitz was clerking for him.

Justice Hurwitz wrote the Newman article to ''document the historical record about the effect of Judge Newman's decisions on subsequent Supreme Court jurisprudence.'' [Hurwitz Responses to the Written Questions of Senator JEFF SESSIONS, question 1(a), pg. 1.] He did not express his ''personal opinions'' on the merits of Judge Newman's reasoning in Abele I or Abele II, something that Justice Hurwitz believes would be ''improper for a law clerk to do, either then or now.'' [Hurwitz Responses to the Written Questions of Senator JEFF SESSIONS, question 1(a), pg. 1.]

Although Justice Hurwitz ''assisted in the research,'' ''Judge Newman wrote the [Abele II] opinion, as he did all opinions which bore his name during the time [Justice Hurwitz] clerked for him.'' [Hurwitz Responses to the Written Questions of Senator TOM COBURN, question 8, pg. 5.] Further, as a law clerk, Justice Hurwitz was required to implement Judge Newman's preferences, not his own. Thus, Judge Newman's opinion cannot be attributed to Justice Hurwitz.

If someone told me that Justice Hurwitz was pro-choice, I would believe that, though he has never said, and he did not express his personal opinions in the Law Review article about the decision that his previous boss, a federal judge, had written. His boss, Judge Newman, wrote an opinion that was part of the basis for Roe v. Wade, a decision with which I wholeheartedly disagree. Andrew Hurwitz wrote about that. Somehow my friends in the pro-life community have turned this into a federal case against him. What do they suggest? That he approved of Roe v. Wade. The point is that Andrew Hurwitz has never in his career on the Arizona State Supreme Court evidenced any inability to separate his own personal views from the judging that he is required to do. And I would defy any of these people who think they know more about it than I do to show me a case if they can find one where that is not true.

Justice Andrew Hurwitz is known in Arizona as a very fair jurist who applies the law fairly and without regard to his personal inclinations. That is the kind of judge he will be on the Ninth Circuit of Appeals. If my reputation among my conservative colleagues means anything, I simply say I know the man; I have known him a long time; and my good friends in the conservative community have every confidence in Andrew Hurwitz.

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

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

CLOTURE MOTION

Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the 9th Circuit.

Harry Reid, Patrick J. Leahy, Al Franken, Daniel K. Inouye, Bill Nelson, Amy Klobuchar, Jeff Bingaman, Michael F. Bennet, Herb Kohl, Patty Murray, Robert P. Casey, Jr., Tom Udall, Richard Blumenthal, Benjamin L. Cardin, Sheldon Whitehouse, Christopher A. Coons, Mark Begich.

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

The question is, Is it the sense of the Senate that debate on the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Wyoming (Mr. ENZI), the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. ISAKSON), the Senator from Illinois (Mr. KIRK), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

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

The yeas and nays resulted—yeas 60, nays 31, as follows:

[Rollcall Vote No. 118 Ex.]

YEAS—60

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

NAYS—31

Ayotte	Grassley	Paul
Barrasso	Heller	Portman
Blunt	Hoeven	Risch
Boozman	Hutchison	Roberts
Coats	Inhofe	Rubio
Cochran	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Lee	Thune
Crapo	Manchin	Wicker
DeMint	McConnell	
Graham	Moran	

NOT VOTING—9

Burr	Enzi	Kirk
Chambliss	Hatch	Toomey
Coburn	Isakson	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

VOTE EXPLANATION

● Mr. TOOMEY. Mr. President, I want to submit for the record my views on roll call vote No. 118, the nomination of Andrew Hurwitz to the U.S. Court of Appeals for the Ninth Circuit. I am deeply concerned with Mr. Hurwitz's role in advancing a constitutionally flawed doctrine that would become the framework for Roe v. Wade. His actions constitute a brand of judicial activism unfit for the Court. I do not believe Mr. Hurwitz holds the requisite traits necessary to be an objective arbiter of the law. Had I been present, I would have voted ''nay.''●

The PRESIDING OFFICER. The Senator from Colorado.

125TH ANNIVERSARY OF UNITED WAY

Mr. UDALL of Colorado. Mr. President, I rise tonight to recognize the 125th anniversary of United Way and honor their extraordinary achievements since their founding 125 years ago in Denver, CO.

In 1887, a Denver woman along with local religious leaders recognized the need for community-based action in order to address Denver's growing problem with poverty. In Denver, this group—this initial group—established the first of what would become a worldwide network of organizations called United Way. Their goal was simple: create a community-based organization that would raise funds in order to provide economic relief and counseling services to neighbors in need. During their first campaign in 1888, this remarkable organization raised today's equivalent of $650,000.

Now, 125 years after its founding, United Way has become a celebrated worldwide organization committed to improving communities from the bottom up through cooperative action and community support in 41 countries across the globe. United Way forges public-private partnerships with local businesses, labor organizations, and 120 national and global corporations through the Global Corporate Leadership Program that brings an impressive $1 billion to local communities each year. United Way effectively leverages private donations in order to finance innovative programs and initiatives that profoundly affect communities throughout Colorado, the United States and, dare I say, the world.

The success and strength of these partnerships between United Way and America's workers cannot be overstated. Nearly two-thirds of the funds for United Way come from voluntary worker payroll contributions, and the Labor Letters of Endorsement Program championed by the AFL–CIO encourages affiliates and their members to give their time and resources to United Way campaigns.

Just one powerful illustration of this partnership is the National Association of Letter Carriers' National Food Drive, which is a cooperative effort of the U.S. Postal Service, the AFL–CIO, and United Way, which has become the world's largest 1-day food drive.

United Way has strengthened bonds and built a foundation of collaboration and partnership in our communities. Its founders could never have imagined the ultimate breadth and reach of this group, growing from a local support organization in little Denver, CO, back in 1887 to a globally recognized force for good.

United Way is an indispensable part of Colorado's social fabric, and I am proud to recognize and honor this historic anniversary.

There are 14 local United Way organizations leaving an indelible mark throughout Colorado. I want to take a moment to recognize each of them for their tremendous role as cornerstones of their communities: Foothills United Way, Boulder; Pikes Peak United Way, Colorado Springs; Moffat County United Way, Craig; Mile High United Way, Inc., Denver; United Way of Southwest Colorado, Durango; United Way of Eagle River Valley, Eagle; United Way of Morgan County, Inc., Fort Morgan; United Way of Mesa County, Grand Junction; United Way of Weld County, Greeley; United Way of Larimer County, Inc., Fort Collins and Loveland; Pueblo County United Way, Inc., Pueblo; United Way of Garfield County, Rifle; Routt County United Way, Steamboat Springs; and Logan County United Way, Sterling.

To all of the employees and partners of United Way, I join my Senate colleagues in recognizing and applauding your legacy and inspirational service. This 125th anniversary is a milestone deserving of celebration, and I commend your tireless pursuit to advance the common good.

BIPARTISAN FARM BILL

Mr. President, I also rise to speak to the important bipartisan legislation we are considering which is commonly known as the farm bill.

This legislation is critical not just to our farmers and ranchers and rural communities but to every segment of our population and our economy. We have heard from others highlighting that this bill supports more than 16 million jobs across our country.

In fact, the Colorado Department of Agriculture estimates that in my home State alone the agricultural-related industry generates approximately $20 billion in economic activity supporting more than 100,000 jobs. This is a principal reason why I urge the Senate to consider and pass a 2012 farm bill.

This bill will unquestionably strengthen our economy and help to grow jobs that support the livelihood of Coloradans and Americans in both rural and urban communities. That is what our constituents in Pennsylvania, Ohio, and Arkansas are demanding we do—work together across the aisle to pass bills that will help put people back to work.

I want to take a second or two to thank the members of the Senate Agriculture Committee, especially Chairwoman STABENOW and Ranking Member ROBERTS, for their efforts to bring a bipartisan bill to the Senate floor.

As with most of our work in the Senate—and when we are at our best—compromise is key, and it rules the day. I am pleased we are now discussing a bill that will provide certainty to our farmers and ranchers over the next 5 years.

Let me tell you some of the other things the bill will do. It will improve opportunities for farmers and ranchers to enter the agricultural sector, it will

streamline and maintain valuable programs that support voluntary conservation practices on the farm, and it will responsibly extend important nutrition programs, all the while reducing our deficit by more than $23 billion. Yes, you heard that correctly—while reducing our Federal budget deficit by over $23 billion.

There are many important aspects to each title in the bill, but I want to take a few minutes to speak specifically about the forestry title, particularly given the news of the large wildfires in my State and in New Mexico and other portions of the West. The forestry portion of the farm bill has been of particular interest to me and my constituents because of its bearing on my State's economy and on the public safety of so many Coloradans.

Good stewardship of our forests not only provides private sector opportunities to enhance stewardship of our public lands, it also protects wilderness and roadless areas, all the while sustaining a strong tourism industry. Indeed, activities such as hiking, skiing, shooting, and angling contribute over $10 billion a year to Colorado's economy, supporting 100,000 Colorado jobs.

The Senate Agriculture Committee did a commendable job in building a responsible approach to addressing forest health. I have a few additional concerns that I hope we can address during the amendment process. But I want to emphasize the importance of this title in particular because of the need to address a growing emergency in our western forests caused by the largest bark beetle outbreak in recorded history.

From the west coast, through the Rocky Mountains, all the way to the Black Hills of the Dakotas, this infestation has killed more than 41 million acres of trees, and it is anticipated to continue to kill millions more in the years to come as it spreads. In my State alone—and it breaks my heart to share this with you—the bark beetle is expected to kill every single lodgepole pine. When that takes effect, when every tree is killed, then 100,000 trees a day are going to fall. I know that number seems impossible to imagine. But 100,000 trees would be falling down daily once the epidemic ends by killing all of these trees.

These falling trees have real and often devastating impacts on the lives of everyday westerners.

I have put up a picture for the viewers to show what it looks like when entire stands of infested trees are blown over because of heavy winds and other conditions.

Massive forest mortality across the West, such as what is shown in this picture, has a wide range of repercussions that affect municipal and agricultural water supplies and tourism economies. It also increases wildfire risk and, of course, it would affect human health and safety.

The Forest Service—our U.S. Forest Service—has sought to prioritize treating affected forests—like this one shown in this picture—where there is a direct and immediate risk to human health and safety, and this legislation will help them to further accomplish needed treatment in our forests.

In Colorado and southern Wyoming, the treatment prioritization includes 215,000 acres of wildland-urban interface that poses the greatest fire risk to urban areas. Treatment prioritization will include thousands of miles of roads and trails, hundreds of miles of power lines, and hundreds of popular recreation sites and multiple skiing areas that are critical to our tourism economy.

This second picture gives us an idea of the real risk of wildfire to critical infrastructure, such as power lines. In addition, water supplies, without which the West would not know civilization as we see it today, are at risk because of the damage wildfires can cause the watershed and because falling, dead trees can obstruct water infrastructure such as ditches, gates, pipelines, and storage facilities.

Another tool that is permanently reauthorized in the farm bill title which enhances how we manage our forests and would hopefully prevent this kind of a catastrophic fire is called stewardship contracting. Stewardship contract authority is a tool used by the Forest Service and the Bureau of Land Management to contract with local businesses to fell and treat dangerous stands of ailing trees and in so doing improve the health of our forests. These contracts help sustain rural communities, restore and maintain healthy forest ecosystems, and they provide a continuous source of local income and employment. The authority allows for multiple-year contracts, ensuring job stability and a consistent supply of wood products to mills not only across Colorado but, frankly, across our country.

Stewardship contracts have helped clean up more than 545,625 acres nationally through approximately 900 contracts, with more than 80 awarded in Colorado alone. This is a track record of which we can be proud. These stewardship contracts also provide for critical restoration needs in the areas at risk of catastrophic wildfire. Moreover, any receipts retained by forest management activities are available without further appropriations and can be reinvested locally to complete other service work needed.

On the list of successes as well is that the contracts have helped to make productive use of more than 1.8 million green tons of biomass for energy. Stewardship contracting has helped to treat more than 200,000 hazardous acres to reduce the risk of catastrophic fire within the wildland-urban interface areas, where wildfire poses the greatest risk. That is where forests bump up against local communities.

In a time when wildfire can easily become a multimillion-dollar challenge for every level of government and as the bark beetle epidemic continues to present a significant threat to our communities and their livelihood, it is necessary that we pass a farm bill with a robust forestry title.

Just this weekend another wildfire broke out near Fort Collins, CO. This is currently an uncontained wildfire, which is now more than 22 square miles, and it is in an area where stands of lodgepole pines have become damaged by beetle infestation and therefore increasingly susceptible to wildfire.

At home, we are all closely watching the High Park fire, the images of the flames and the overwhelming smoke and ash clouds. We all share a great concern for the 2,600 families who have been displaced and the devastation this fire could bring to northern Colorado communities. My thoughts go to all the firefighters, in the air and on the ground, and we wish and pray that they will be safe and effective. The fire is currently zero percent contained, which is a reflection of the extreme weather and dry ground conditions. The High Park fire is an unfortunate example of why we need a strong forestry title in the farm bill and why treatment of the affected areas is a must-do priority.

We manage our forests so they are healthy and we reduce fire risk and we protect water supplies and bolster our economy. As we watch the bark beetle epidemic become the largest threat to forest health, now is the time to ensure that we can equip the Forest Service, conservationists, private landowners, and industry with the tools they need to cooperatively address the health of America's forests.

This is a real opportunity for us. This farm bill is a work of bipartisan compromise. We need to do more of that here in the Halls of Congress. Let's get this done because provisions in this bill's forestry title will streamline Forest Service administrative processes and enhance the agency's ability to partner with the private sector so that they can conduct more efficient and effective treatments for insect and disease infestations.

Let's get to work. Let's discuss the merits of the farm bill. Let's work to include a robust forestry title that addresses the critical needs in America's forests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I rise today to speak to the Agriculture Reform, Food, and Jobs Act or the farm bill.

The chair, ranking member, and all of the members of the Senate Agriculture Committee have worked very hard in a bipartisan manner on this legislation and we have certainly come a very long way. But we still have far to go, and I think that with the leadership of the chairwoman and other members of this body that recognize the need for a safety net that meets the needs of all crops and regions that

we will eventually get there—and I thank the chair for her strong leadership. The fact that we are discussing this bill on the floor of the Senate right now is a testament to it.

This Nation has a diverse fabric of agriculture with a variety of risks, and writing a farm bill that serves as a safety net for all crops and regions is no easy task. Yet, this is a responsibility we must embrace to ensure that the United States continues to have the safest, most reliable, and most affordable supply of food and fiber in the world.

Our Nation is at a crossroads and we are in desperate need of fiscal discipline. I am pleased that this farm bill includes important reforms, reduces spending by more than is required of this committee, and eliminates duplicative or obsolete government programs to ensure that we are getting the most out of every dollar we invest in agriculture.

The Forestry title contains important improvements that will benefit Arkansas's forestry industry. The improvements to the USDA Bio-based Markets program in the managers' package will allow forest products to be included in the program. The current USDA Bio-based markets program favors foreign products over our American forest products, which puts American workers at a disadvantage. So I am happy with the progress on this issue, and I appreciate the effort to promote and purchase our renewable, home-grown products.

Crop insurance also contains some improvements, and the provisions for irrigated and non-irrigated enterprise units, supplemental coverage options, and yield plugs will help many producers who may have otherwise been left unprotected by the elimination of direct payments and the counter-cyclical program.

At the same time, this is not a perfect bill and I have serious concerns about the Commodity title and the impact it will have on southern producers and the planting decisions they make. I also have concerns about some missed opportunities in terms of eliminating waste and abuse in the Nutrition title.

The Commodity title, as it is currently written, will have a devastating impact on southern agriculture which relies heavily on irrigation and, therefore, benefits less from crop insurance. Furthermore, the new revenue plan is designed to augment crop insurance, so this new program leaves gaping holes in the Southern Safety Net. Even with a reference price, this revenue plan may not be strong enough for our farmers to get operating loans. For example, most estimates find that rice would lose more than 70 percent of its baseline, far more than their fair share. However, this is not about just one crop. Every farmer in America knows the real threat of multi-year price declines, and we need a Commodity title that treats all crops and regions fairly.

I am very concerned that this proposal is couched in the assumption that we will continue to have these high commodity prices. A revenue plan is attractive when prices are high, but I am not sure there is anything in this plan that protects producers from a multi-year price decline and an untested, one-size-fits-all program, with no producer choice could leave many producers vulnerable.

Throughout this process, I have said that anything that goes too far in any direction can violate the core principles of this effort. I am afraid that this Commodity title does that in its current form.

It is my opinion that we could have done more to eliminate waste and abuse in the Nutrition title and ensure that we are getting the most out of these investments and that they are, in fact, going to the neediest among us. We should fully close the LIHEAP loophole, which artificially inflates benefits for SNAP recipients, and there are other things we can do to save money without reducing benefits and reinvest in other critical nutrition areas and deficit reduction. When we tell Americans that we cannot find more than $4 billion in savings from programs that account for nearly 80 percent of all agriculture spending, I can not think that they would believe we are trying hard enough.

But just because there is not full agreement, does not mean that our farmers stop needing a safety net. I am committed to continuing the fight for a safety net that works not just for Arkansans—but for all farmers, of all crops, in all regions of the country. With a responsible producer choice, I believe we can build the consensus necessary to usher a farm bill through the entire legislative process and see it signed into law this year.

We can do this while preserving the safety net, making reforms, and achieving deficit reduction. I am confident that we can craft a bill that we are all proud of, and I look forward to continuing to work with the chair, ranking member, and all the members of Congress and seeing this through.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business.

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

AUTO MANUFACTURING

Mr. BROWN of Ohio. Mr. President, people in my home State of Ohio know how to make things. We know how to make big things. For decades, Ohio has been a national leader in auto production, in chemicals, in steel, in concrete, in aluminum, and in the aerospace industry and food processing. Now we are a leader in solar power, in wind turbine components and batteries and all the kinds of things that really create middle-class jobs and help us lead the world in manufacturing production. Ohio is the third leading manufacturing State in the country. We make more in Ohio than any State but California, three times our population, and Texas, twice our population.

What Ohio perhaps is best known for in production is the auto industry. The auto rescue did not just save the U.S. auto industry 3, 3½, 4 years ago, it saved thousands of auto-related jobs in Ohio. Estimates are that some 850,000 jobs in Ohio—a State of 11 million people, only smaller than the Presiding Officer's home State of Pennsylvania—that 800-plus thousand jobs in Ohio are related to the auto industry. It is clear from the auto rescue that the President, the Senate, and the House supported that it saved tens of thousands and created tens of thousands of those jobs.

New data shows manufacturing is at the forefront of the economic recovery, with factories adding 250,000 jobs since early 2010—the first sustained increase in manufacturing employment since 1997.

From 1965 until the late 1990s, America had about the same number of manufacturing jobs in the late nineties as it did in the midsixties—a smaller percent of the workforce, a smaller percent of GDP, but a pretty constant number of manufacturing jobs, with some ups and downs, obviously, during that period. But from 2000 to 2010, during that philosophy of trade agreements that ultimately cost us jobs, tax cuts and tax policy that contributed to outsourcing jobs, and an economic policy of ''trickle down'' during the Bush years—from 2000 to 2010, America lost one-third, more than 5 million manufacturing jobs. One out of three manufacturing jobs disappeared during those 10 years from 2000 to 2010.

Thousands of factories closed, never to be reopened, as jobs were outsourced, as jobs left our country. But since 2010, almost every single month in Ohio and across the country we see manufacturing jobs increasing. The auto industry has led the rebound, with more than 20,000 jobs at General Motors and Chrysler saved or created thanks to the 2009 auto rescue, and thousands more were saved or created in the auto supply chain.

Too many Ohioans are struggling. Many are still looking for work, while others have seen their wages cut or their hours reduced.

There are also important signs of recovery at our manufacturers, auto suppliers, and small businesses. Just 4 years ago the auto industry, many people thought, was faltering and imploding. But look where we are today. As a result of the auto rescue, we are seeing a healthy turnaround. The Toledo Supplier Park employs 1900 people. The GM assembly and stamping plant in Lordstown employs some 4,500 Ohioans. GM Powertrain in Defiance is home to some 1,200 workers. Following the auto rescue, these facilities all created new jobs due to increased demand.

Some Members of Congress were willing to bail out Wall Street without so much as asking for reasonable executive compensation restrictions on

banks that received taxpayer help but then attacked middle-class auto workers. Bonuses and huge salaries have continued unabated for far too many Wall Street executives. Yet some of my colleagues have said that auto workers' retirement—union and nonunion retirement—and health care and wages were simply too much. Let's be clear. Ohio would be in a depression if these naysayers had their way and let the auto industry collapse or let it ''go bankrupt.'' It was about rescuing middle-class workers, and it was about fueling the next generation of U.S. automakers and auto manufacturing.

Ohio is home to an almost completely Ohio-made automobile, the Chevy Cruze. Its engine was made in Defiance, the transmission in Toledo, the sound system in Springboro, the steel in Middletown, the underpinning steel in Cleveland, and the aluminum wheels in Cleveland. The car is stamped in Parma, OH. The Chevy Cruze is assembled in Youngstown, OH. The Jeep Wrangler had only 50 percent America-made components 4 years ago. The Jeep Wrangler and the Jeep Liberty are assembled in Toledo, now made with more than 70 percent U.S.-made parts.

When things looked bleak and when nobody wanted to stand with workers or auto companies, we didn't give up on American auto companies or American manufacturing. The decision wasn't popular, and there were clearly some naysayers. But it was the right thing to do.

Our work is far from over. In particular, we have to keep our foot on the gas pedal and fight back against China's unfair trade practices and other new threats to our auto industry. Our trade deficit in auto parts with China—the parts that are obviously used, that you buy at various retail operations to fix your car when something goes wrong—grew from about $1 billion 10 years ago to about $10 billion today, fed by unfair subsidies, currency manipulation, and illegal dumping of Chinese products. This is an unlevel, tilted playing field that will cost hundreds of thousands of jobs.

My China currency manipulation bill—the biggest bipartisan jobs bill to have passed the Senate this session—costing taxpayers zero, would level the playing field for American manufacturers when China tries to cheat by manipulating its currency. A recently released report shows that addressing Chinese currency manipulation could support the creation of hundreds of thousands of American jobs—without adding a dime to the deficit. It is time to take bold action and stand up to China, and it is time to put American workers and businesses first. We did it in 2008 and 2009. The Presiding Officer played a role in that, as did so many in this body. We can do it again if our colleagues in the other Chamber take up this currency bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that I may speak as in morning business.

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

ARREST OF JORGE LUIS GARCIA ''ANTUNEZ'' PEREZ

Mr. MENENDEZ. Mr. President, I come to the floor outraged that following a hearing that I held as chairman of the Western Hemisphere Subcommittee of the Foreign Relations Committee entitled ''The Path to Freedom: Countering Repression and Supporting Civil Society in Cuba,'' after testimony from Cuba of Jorge Luis Garcia Perez, known as ''Antunez''—and this is a picture taken from that video feed—he was taken into custody by the Castro regime this weekend, arrested, and beaten unconscious.

This is the account of his wife, Yris Tamara Perez Aguilera, who provided this account to Radio Republic, an independent radio station in Miami that she was able to call so that she could denounce what was taking place and let the world know what was happening. Here is the exact statement that she gave the radio station:

My name is Yris Tamara Perez Aguilera, wife of Jorge Luis Garcia Perez Antunez, a former political prisoner—

—a former political prisoner who spent 17 years of his life in Castro's prison simply because of his peaceful prodemocracy action.

This Saturday, June 9, my husband, together with Loreto Hernandez Garcia and Jonniel Rodriguez Riverol, after a brutal beating by the part of the political police—[that is State security]—were transferred to the precinct here in Placeta. All this occurred around 3:30 in the afternoon.

After this, at about 4 o'clock in the afternoon, we—Yaite Cruz Sosa, Dora Perez Correa, Arturo Conde Zamora, and myself, Yris Tamara Perez Aguilera, left for the police precinct to bring my husband clothing since he was taken away in shorts, since he stepped outside [of his home] to call Damaris Moya Portieles, who was currently on hunger strike. After leaving about one block away from my house, I was intercepted by a police officer, who arrested me where I was once again beaten by Police Officer Isachi, ordered by the Chief of Confrontation of the municipality of Placetax, better known as Corporal Pantera.

I was handcuffed and driven to the police precinct. Upon arriving to the precinct, once again Officer Isachi, one of the main oppressors here in Placetas—[that is a town in Cuba]—of the ill-named National Revolutionary Police, strikes my head very strongly, where once again my cervical vertebrae was damaged.

At that point, the screams of my husband, Loreto, Jonniel, and the prisoners there who said, ''Stop hitting her. Stop hitting her, you abusers; can't you see she's a woman?'' Then a military garrison officer approached the cells where my husband and the other prisoners were pepper-sprayed. When they were pepper-sprayed, my husband lost consciousness due to lack of air. Thanks to the activist Yaite Cruz Sosa, whom stood nearby, emptied a bucket of water on his face and fanned him with a jacket until he regained consciousness.

My husband, arounds 7 p.m., cried from his cell, ''Yris, they're taking me away, Yris, they're taking me away.'' I was not able to speak because of the terrible headache from all the beatings I took to the head. He said to me, ''The special brigade put me on a chain of prisoners to take me from the cell and place me on a bus; I don't know where they are taking me.''

She goes on to say:

I am very worried about what may happen to my husband. He has heart problems, and that pepper spray, as many know, is toxic and may bring bad consequences since my husband has a blocked artery and vein, and I am afraid for his life. Furthermore, my husband is currently missing.

I don't know my husband's whereabouts. I was freed yesterday [Sunday, June 10, 2012] in the afternoon, and I was given no information as to where I could find my husband.

I lay the responsibility of what may happen to my husband on the government. I know they took reprisal against him for his participation in congress. In these moments, I am leaving for Santa Clara, and together with me, I have Yaite Cruz Sosa. I am going to the State Security Forces and they must tell me where I can find my husband so I can bring him his affairs.

That is the end of her statement.

Mr. Antunez spent 17 years of his life in Castro's jail simply for fomenting peaceful democracy efforts, an effort to create a civil society. We had asked him to testify before the Senate Foreign Relations Committee Western Hemisphere Subcommittee's hearing on moving toward democracy in Cuba, and at personal risk he traversed from where he lives—a countryside—on foot to make it to the intrasection. We knew that his willingness to testify was a risk, and so we did not put his name on the committee's notice until he arrived at the intrasection, so that we then amended the notice to the public so that he could be safe because we knew that, as others we invited to testify who were stopped and could not make it to the hearing, that if we talked about Mr. Antunez coming before the Senate Foreign Relations Committee via a video feed, he would likely not make it.

He testified before the committee about the Castro regime's abuses and beatings. He told us that day—among many other things—before the hearing that he witnessed the death of Antonio Ruiz in the city of Santa Clara, where prodemocracy peaceful activists had gathered. He said:

I had to walk many kilometers behind trees and bushes, as if I was some type of criminal, to attend an event that in any other free and democratic country in the world would be an everyday occurrence.

He went on to say at the hearing that, at the very moment he was there testifying before us, an Afro-Cuban woman had been on a hunger strike for several days in Santa Clara because state security had threatened to sexually assault and rape her 6-year-old daughter as punishment for her prodemocracy actions.

This is the life inside of Castro's Cuba—not the romanticism some people talk about. This is the life of those who struggle as human rights activists and political dissidents simply to create a space for civil society inside of

the country. This is the cost paid by one man willing to come forward to put his life on the line, to share his efforts for libertad in Cuba with this institution, the U.S. Senate.

Mr. President, our response must be unparalleled. The arrest and beating of Antunez—clearly as a direct result of his Senate testimony—is further proof of the continuing brutality of the Castro brothers' regime and further evidence of the need for the United States and other democratic nations to stand against tyrants and realize that the nature of this regime won't be altered by increasing tourist travel to the island, expanding agricultural trade, or by providing visas for regime officials to come and tour the United States.

Today I am calling on the U.S. State Department to cease providing any nonessential visas for travel to the United States by Cuban officials.

In the last months, the Department has authorized visas for a stream of Cuban regime officials to visit the United States, starting with Josefina Vidal, Cuba's director for North American affairs in April, whose husband was kicked out of the U.N. mission in New York, and most recently for the daughter of Cuba's dictator Raul Castro, the same dictator that sends these rapid-response brigades, which is state security dressed as civilians, to attack innocent civilians like this.

Mariela Castro Espin comes here to the United States with her friends to attend the Latin-American Studies Association conference. While Cuba holds an American hostage, Allen Gross, and is engaged in what has been described as the ''highest monthly number of documented arrests in five decades,'' when well over 1,000 arrests are made of peaceful activists, Mariela Castro has been parading around the United States on a publicity tour describing herself as a ''dissidente.'' I don't know from what she is a dissident.

Enough is enough. Why should Mariela Castro be allowed to openly spout her Communist vitriol while a real leader of the Cuban people, Mr. Antunez, who sought to convey his message to Americans through the Senate Foreign Relations Committee, is forced to clandestinely make his way to the U.S. Interests Section in Havana to talk and then be beaten and jailed simply because of what he said in an open hearing?

Why should Josefina Vidal be allowed to host meetings with regime sympathizers in the United States while an American citizen, Alan Gross, sits as a hostage in a Cuban jail for doing nothing but trying to assist the island's small Jewish community in creating access to the Internet so they are able to communicate with each other?

I am also calling on the U.N. Commission on Human Rights and the U.N. Committee Against Torture, which last week on its own called on Cuba to answer for its dramatic increase in politically motivated arrests, to immediately investigate this incident. Make no mistake, this was not a random bureaucratic arrest, not a random act of violence by thugs of the regime. It was an in-your-face exercise of the most brutal kind intended to send a message to the United States and the Senate.

During the course of the hearing I chaired, I noticed there were members of the Cuban Interests Section; members of the Castro regime—we are a democracy, so we allow them to come to hearings such as ours—who were taking copious notes of everything that was going on. I made it clear we would be watching for any retribution against any witness from inside Cuba.

Cuba's leaders heard that message loudly and clearly and their beating and arrest of Antunez was their response to the Senate.

This was a deliberate violation of human rights, in my view, ordered at the highest levels of the regime as punishment simply because Antunez had the courage to speak truth to power.

Enough. Enough violent repression in Cuba. Enough beatings of those who seek nothing more than freedom to speak out and tell the truth. Enough abuse. Enough imprisonment.

What more evidence do we need of the tragedies of daily life inside Cuba for those who are peaceful, prodemocracy, human rights advocates, political dissidents, and independent journalists as we saw here? What more evidence do we need? How much more can we forget? I find my friends in Hollywood have all kinds of great things to say about the Castro brothers, but what about this? What about the 1,000 who were arrested and are languishing in Castro's jails? What about those who die on hunger strikes as a result of their peaceful protest for the abuse they are going through? The silence is deafening.

Let's stand for Jorge Luis Garcia Perez, who knew what might happen when he agreed to testify before our committee. His determination to put Cuba on a path to freedom is what gave him the strength and the courage—in the face of what he knew a brutal dictatorship could do and would do—to come forward and tell us his story, which is the story of a repressed people waiting for freedom. The courage of thousands and thousands of men and women on the streets of Havana, in the countryside across the island is what we can never forget in our dealings with the dictatorial, repressive regime that has ruled Cuba since the middle of the last century.

Still today, 23 years after the fall of the Berlin Wall, these Cubans remain trapped in a closed society, cut off from the advancements of the world—repressed, threatened, fearful of saying or doing something that will land them in prison, often for years—years. Imagine an American citizen, protesting outside the Capitol, thinking that could get them put in a gulag for 10, 15 or 20 years. That is what these people are going through. They land in prison, are beaten until they are unconscious. Yet the silence is deafening. It is unconscionable.

I urge each and every one of us in this institution, if we cherish the ability in this institution to have the free flow of testimony from anyone in the world without reprisal, to be outraged about what happened with the beating of Mr. Antunez and his imprisonment. I urge every American to remember Mr. Antunez today. I urge every American to remember all the victims of the Castro brothers, just as we remember all those around the world who have suffered and died under the iron fist of other repressive dictatorships.

As I have said many times before, the Cuban people are no less deserving of America's support than the millions who were imprisoned and forgotten at other times around the world—lost to their families, left to die for nothing more than a single expression of dissent. I am compelled to ask again today, as I have before, as I did at the hearing, why is there such an obvious double standard when it comes to Cuba?

I am amazed at colleagues who come and talk about repression, brutality, beatings, and the imprisonment of average citizens around the globe. Yet they are silent, silent, silent about Cuba. We are willing to tighten sanctions in other places around the world, but we let a repressive regime in Cuba basically walk away.

It is not time to forget. It is not time to forget Mr. Antunez, who was willing to risk his life to give testimony before the Senate Foreign Relations Committee. It is not time to forget Alan Gross, an American citizen, who for over 2 years—over 2 years—has been sitting in Castro's jail, sick, his mother dying, his wife and family desperately needing him. What was his crime? His crime was trying to help the Jewish people in Havana talk to each other. We can't forget Alan Gross. We can't forget those who suffered and died at the hands of the dictators. We can't forget the arrest and beating of Antunez, clearly as a result of his testimony—proof positive of the continuing brutality of the Castro brothers.

I hope we can shock the conscience of any Member of the Senate who would want to hear any witness, anywhere around the world, give testimony about an oppressive regime, to come forth to speak and give insight about what is happening in their country and to not face retaliation against them. If the Senate speaks with a powerful voice in this respect, it can maybe save Mr. Antunez's life, and it can send a message to the world that we will not tolerate the beating and imprisonment and near death of those who are willing to come and testify before us.

I think the integrity of the Senate is at stake in terms of how we respond. I hope—I hope—silence will not be the response.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. MENENDEZ. 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.

RECOGNIZING THE ROTARY CLUB OF LOUISVILLE

Mr. MCCONNELL. Mr. President, today I wish to recognize the Rotary Club of Louisville, which is celebrating its 100th year of service to the Louisville community this year. Chartered on July 22, 1912, it has left Louisville, the State of Kentucky, and our Nation better off thanks to its efforts over the past century.

The Rotary Club of Louisville was the first Rotary Club in Kentucky and the 45th worldwide, welcoming members from 10 regional States. Today, between 450 and 490 Louisville-area residents are members of this organization.

In its early years, the Rotary Club of Louisville engaged in several local service initiatives. One of the club's first major projects was to restore the burial place of President Zachary Taylor, a Louisville native. In 1918, members established a student-loan fund for young men at Male High School and Manual High School during World War I. When radio was in its infancy, a weekly radio program was broadcast by the Louisville Rotary Club in 1922 and 1923. In the flood of 1937, members of the club assisted in cleanup and repair throughout the State.

During the World War II era, the Louisville Rotary Club expanded its outreach to the world, fundraising for the war effort and working with defense-related agencies. Many of the club's members also served in the Armed Forces. After the war, notable accomplishments included the building of George Rogers Clark Park, as well as founding the Harelip and Cleft Palate Foundation.

In 1953, the Louisville Rotary Club began its time-proven training for new members, or ''Yearlings,'' which is still used today, and the following year, the Club adopted the Rotary International Constitution. In 1987, the historically male club admitted its first female member, Patricia W. Hart, the Club's executive director. Also in 1987, members of the club donated $137,000 to the Rotary International program to eliminate polio worldwide.

The Rotary Club of Louisville has created several awards to honor its members for their contributions. In 1975, Howard Fitch was recognized as the club's first Paul Harris Fellow for his contribution to the Rotary International Foundation. Today, there are 275 Paul Harris Fellows. In 1991, the Rotarian of the Year Award was started, and in 1999, the ''Lifetime Service Award'' was established and first awarded to Henry Heuser Sr., posthumously.

In recent years, members of the Louisville Club volunteer locally by providing career guidance for high-school seniors and graduates and a mentoring program for high-school students. Along with this, members regularly work as bell-ringers for the Salvation Army. Internationally, the club works with student-exchange programs and various diverse scholarships, including the Ambassadorial Scholarship Competition, the International Scholarship Competition, and the Kentucky Rotary Youth International Exchange.

In 1996, the ''Saving Lives Worldwide Program'' was created to collect and deliver U.S. medical supplies to the world's poorest countries. During its first 8 years, this program completed 17 shipments valued at $4 million to 10 developing countries, including Nicaragua, Latvia, Nepal, Romania, Panama, Ecuador, Belize, and Ghana. Along with this, the Louisville Rotary Club has worked with clubs internationally to open six new dental clinics in Panama, Ecuador, and Nepal.

The Rotary Club of Louisville has created the Rotary Leadership Fellows Program, which identifies individuals early in their careers with the potential to become community leaders. These individuals are then invited to participate in a 3-year Rotary Leadership Development Program.

In honor of the club's centennial celebration, the Promise Scholarship program has been initiated to provide hundreds of high-school graduates with grant money to help pay for college tuition.

The past 100 years have seen the Louisville Rotary Club meet and exceed the Rotary International credo of ''Service Above Self.'' It is an honor to represent here in the U.S. Senate so many civic-minded Kentuckians of goodwill who understand the value of public service. I would ask my Senate colleagues to join me in recognizing the Rotary Club of Louisville for its 100 years of service to the Louisville community, the Commonwealth of Kentucky, and the world.

EXTENDING FISA AMENDMENTS ACT OF 2008

Mr. WYDEN. Mr. President, the Select Committee on Intelligence has just reported a bill that would extend the FISA Amendments Act of 2008 for 5 more years. I voted against this extension in the Intelligence Committee's markup because I believe that Congress does not have enough information about this law's impact on the privacy of law-abiding American citizens, and because I am concerned about a loophole in the law that could allow the government to effectively conduct warrantless searches for Americans' communications. Consistent with my own longstanding policy and Senate rules, I am announcing with this statement for the CONGRESSIONAL RECORD that it is my intention to object to any request to pass this bill by unanimous consent.

I will also explain my reasoning a bit further, in case it is helpful to any colleagues who are less familiar with this issue. Over a decade ago the intelligence community identified a problem: surveillance laws designed to protect the privacy of people inside the United States were sometimes making it hard to collect the communications of people outside the United States. The Bush administration's solution to this problem was to set up a warrantless wiretapping program, which operated in secret for a number of years. When this program became public several years ago many Americans—myself included—were shocked and appalled. Many Members of Congress denounced the Bush administration for this illegal and unconstitutional act.

However, Members of Congress also wanted to address the original problem that had been identified, so in 2008 Congress passed a law modifying the Foreign Intelligence Surveillance Act, or FISA. The purpose of this 2008 legislation was to give the government new authorities to collect the communications of people who are believed to be foreigners outside the United States, while still preserving the privacy of people inside the United States.

Specifically, the central provision in the FISA Amendments Act of 2008 added a new section to the original FISA statute, now known as section 702. As I said, section 702 was designed to give the government new authorities to collect the communications of people who are reasonably believed to be foreigners outside the United States. Because section 702 does not involve obtaining individual warrants, it contains language specifically intended to limit the government's ability to use these new authorities to deliberately spy on American citizens.

The bill contained an expiration date of December 2012, and the purpose of this expiration date was to force Members of Congress to come back in a few years and examine whether these new authorities had been interpreted and implemented as intended. Before Congress votes this year to renew these authorities it is important to understand how they are working in practice, so that Members of Congress can decide whether the law needs to be modified or reformed.

In particular, it is important for Congress to better understand how many people inside the United States have

had their communications collected or reviewed under the authorities granted by the FISA Amendments Act. If only a handful of people inside the United States have been surveilled in this manner, then that would indicate that Americans' privacy is being protected. On the other hand, if a large number of people inside the United States have had their communications collected or reviewed because of this law, then that would suggest that protections for Americans' privacy need to be strengthened.

Unfortunately, while Senator UDALL of Colorado and I have sought repeatedly to gain an understanding of how many Americans have had their phone calls or e-mails collected and reviewed under this statute, we have not been able to obtain even a rough estimate of this number.

The Office of the Director of National Intelligence told the two of us in July 2011 that ''it is not reasonably possible to identify the number of people located in the United States whose communications may have been reviewed'' under the FISA Amendments Act. I am prepared to accept that it might be difficult to come up with an exact count of this number, but it is hard for me to believe that it is impossible to even estimate it.

During the committee's markup of this bill Senator UDALL and I offered an amendment that would have directed the inspectors general of the intelligence community and the Department of Justice to produce an estimate of how many Americans have had their communications collected under section 702. Our amendment would have permitted the inspectors general to come up with a rough estimate of this number, using whatever analytical techniques they deemed appropriate. We are disappointed that this amendment was voted down by the committee, but we will continue our efforts to obtain this information.

I am concerned, of course, that if no one has even estimated how many Americans have had their communications collected under the FISA Amendments Act, then it is possible that this number could be quite large. Since all of the communications collected by the government under section 702 are collected without individual warrants, I believe that there should be clear rules prohibiting the government from searching through these communications in an effort to find the phone calls or e-mails of a particular American, unless the government has obtained a warrant or emergency authorization permitting surveillance of that American.

Section 702, as it is currently written, does not contain adequate protections against warrantless ''back door'' searches of this nature—even though they are the very thing that many people thought the FISA Amendments Act was intended to prevent. Senator UDALL and I offered an amendment during the committee's markup of this bill that would have clarified the law to prohibit searching through communications collected under section 702 in an effort to find a particular American's communications. Our amendment included exceptions for searches that involved a warrant or an emergency authorization, as well as for searches for the phone calls or e-mails of people who are believed to be in danger or who consent to the search. I am disappointed that this amendment was also voted down by the committee, but I will continue to work with my colleagues to find a way to close this loophole before the FISA Amendments Act is extended.

I recognize that the collection that has taken place under the FISA Amendments Act has produced some useful intelligence, so my preference would be to enact a short-term reauthorization to give Congress time to get more information about the impact of this law on Americans' privacy rights and consider possible modifications. However, I believe that protections against warrantless searches for Americans' communications should be added to the law immediately.

An obvious question that I have not answered here is whether any warrantless searches for Americans' communications have already taken place. I am not suggesting that any warrantless searches have or have not occurred, because Senate and committee rules regarding classified information generally prohibit me from discussing what intelligence agencies are actually doing or not doing. However, I believe that we have an obligation as elected legislators to discuss what these agencies should or should not be doing, and it is my hope that a majority of my Senate colleagues will agree with that searching for Americans' phone calls and e-mails without a warrant is something that these agencies should not do.

ADDITIONAL STATEMENTS

TRIBUTE TO NANCY KEENAN

● Mr. BAUCUS. Mr. President, today I wish to give my warm congratulations to my dear friend and fellow Montanan Nancy Keenan. Nancy announced recently that she would step down as President of NARAL Pro-Choice America to return to her home state of Montana for some well-deserved R & R. Nancy has served as president of NARAL for the past 8 years, devoting her time to protecting the rights of women across the country.

Nancy has a storied career that epitomizes the tough female figures of Montana history. Nancy grew up in the blue-collar town of Anaconda, as one of five children in her Irish Catholic family. Her father was a boilermaker for the Anaconda smelter, and her mother worked as a clerk at the Marcus Daly Hotel and later at Thrifty Drug Store.

Upon entering college, Nancy paid her way by taking a job at the smelter, becoming one of the first women laborers at the smelter. This was a tough and dangerous place to work, shoveling ore and handling big buckets of boiling copper. But Nancy took on the challenge with the tenacity that we friends have gotten to know very well. Her hard work paid off. Nancy became the first in her family to graduate from college. She obtained her bachelor's degree in elementary education from Eastern Montana College. Later she received her master's degree in education administration from the University of Montana. Nancy spent 13 years teaching special education in Anaconda.

Nancy speaks fondly of her time growing up in Anaconda, and her desire to enter public service was shaped early in life. Nancy once told the story of the family discussing public service and political happenings while around the dinner table each night. She said, ''I remember my dad often posing problems. When my sisters, brothers, and I would protest, 'But it isn't fair.' my dad would simply reply, 'Then make it fair.''' Nancy did just that.

Nancy was first elected to the Montana House of Representatives in 1983, and she served 6 years as a state legislator. In 1988, she was elected to statewide office as the Montana Superintendent for Public Instruction, a position she held until 2000.

As a public official, she never shied away from the difficult issues. And Nancy's commitment to women's rights has been steadfast in her career. During Nancy's eight years at the helm of NARAL Pro-Choice, she has worked nonstop to protect women's right to choose.

She is a fighter and one of the hardest workers you will ever know. She embodies the tenacity and savvy forged while working at the Anaconda Copper Smelter to pay for college. Nancy has inspired a new generation of leaders, particularly young women, and her dedication to Montanans throughout her life deserves our thanks and recognition.

I congratulate Nancy as she enters the next chapter of her life and wish her all the best as she returns to Montana.●

OBSERVING NATIONAL CANCER RESEARCH MONTH

● Mr. BLUMENTHAL. Mr. President, today I wish to commemorate National Cancer Research Month, honoring the courageous and determined researchers, clinicians, and patients, who contribute their energy and talent to our Nation's progress in cancer prevention and treatment. In May, we recognized their bravery and unfaltering commitment to fighting a complex, multifarious disease that affects millions of Americans. This year, I particularly acknowledge the prevalence and continuing scourge of tobacco-related cancers and efforts made to combat them through innovative research, prevention measures, and programs for the

cessation of tobacco use. Lung cancer is the second-most diagnosed cancer and the most commonly fatal form of cancer for both men and women in our country.

Through comprehensive efforts of leading institutions our Nation teams up in the quest for more information, campaigns for prevention awareness, and researches and disseminates improved treatments. The American Association for Cancer Research, AACR, is the oldest and largest scientific organization in the world dedicated to cancer, and it has led to the creation of several other leading cancer research centers in Connecticut and throughout the nation. The work of these cutting-edge institutions—guided by dedicated leaders in clinical research and education awareness—advance our understanding of cancer treatment and prevention every day. They are improving quality of care, enhancing our ability to reach a larger national audience, and developing personalized treatments.

Connecticut has been on the frontlines of pioneering novel methods of researching and treating tobacco-related cancers. For example, Yale Cancer Center, under the direction of Dr. Roy Herbst—Associate Director for Translational Research and the Chief of Medical Oncology—has focused on lung cancer research and clinical care, spearheading a vast number of anticancer drug studies. He has placed original DNA research into the traditional scientific method and used this framework to discover cancer treatments that are catered to the individual patient. In this way, the type of tumor becomes less important than the underlying genetic driver. He is a role model for our Nation's researchers and physicians and an inspiration to current and future medical students.

Today, I also commend the bravery of patients who participate in novel clinical trials. By assuming risk and embracing the unknown, these cancer patients help to further medical research and look out for future generations.

Throughout Connecticut and the nation, we have seen the positive effects of national organizations with engaged, local arms, such as the AACR, the American Lung Association, and Tobacco Free Kids. These institutions have shown Americans of all generations the carcinogenic effects of tobacco products. The AACR's Task Force on Tobacco and Cancer drives the message that cancer research and the dissemination of this new information to Americans are equally important in fighting our national cancer epidemic. The American Lung Association creates a forum for Americans and their families, empowering smokers—and those with loved ones who are addicted to tobacco—with the tough truth while offering proactive ways to integrate what we know about tobacco and cancer into daily life. Tobacco Free Kids keeps watch over Federal, State, and local government initiatives against tobacco addiction, building and maintaining momentum for a national tobacco policy and cancer prevention campaign.

These three organizations—as well as a number of other groups—host critically important forums for policy experts, lawmakers, and the public. They explain the science behind tobacco-related cancers and teach Americans how to care for their long-term health and the well-being of our future generations through smoking-cessation techniques and treatments. Today, the National Cancer Policy Forum is hosting a workshop on ''Reducing Tobacco-Related Cancer Incidence and Mortality'' at the National Academy of Sciences. I applaud this exemplary conference of panel discussions, new ideas, and collaboration—that brings together physicians, administrators, researchers, and organizations to foster proactive measures that inspire healthy futures.

At a time when Federal and State investment into prevention programs is at an unfortunate low, these leading institutions prove we can save lives through education and awareness. We must also continue to support robust medical research funding through the National Institutes of Health, the Centers for Disease Control, the U.S. Department of Health and Human Services, and the Federal Drug Administration, to maintain and continue to improve upon our Nation's comprehensive and effective approach to fighting tobacco-related cancers.

In the face of this truly devastating disease that takes one American per minute, those that work fastidiously towards prevention and a cure, are true heroes. Their quest for knowledge gives us hope. I am especially proud of the great progress made in Connecticut, and hope my colleagues will join me in supporting these efforts and those around the nation as we unite in the fight against cancer—which continues to be the second leading cause of death in America.●

TRIBUTE TO REVEREND BONITA GRUBBS

● Mr. BLUMENTHAL. Mr. President, today I wish to honor Reverend Bonita Grubbs, a community leader who has given so faithfully and generously to New Haven and Connecticut. Reverend Grubbs has been recently awarded the 11th Annual Reverend Howard Nash Community Leadership Award by Community Mediation, CM, an extraordinary organization that helps individuals and organizations resolve conflict through mediation and dialogue.

Since 1988, Reverend Grubbs has served as Executive Director of Christian Community Action, CCA, leading a set of well-established and crucial programs and social services for the poor and under-privileged in the Greater-New Haven area. CCA prides itself on providing emergency solutions with the underlying intention of proactive education for long-term sustainability and self-sufficiency. In addition to offering emergency services, CAA also runs education, housing, food, mentorship, after-school, and youth summer programs.

However, this role is only one dimension of Reverend Grubbs' contributions to her community. She is a champion of social justice, conscious of laying the foundations of sustainable lifestyles that will last for future generations. Reverend Grubbs has made tremendous impact through the Greater New Haven Community Loan Fund and as President of the Connecticut Coalition to End Homelessness, Co-Chair and member of the Steering Committee of New Haven's Fighting Back Project, columnist for the New Haven Register, Board of Trustee for the Hospital of St. Raphael, and Board Member for both Connecticut Voices for Children and Connecticut Center for School Change.

Very appropriately, Reverend Grubbs has been given an award named after Reverend Howard Nash, who was renowned in New Haven as an omnipresent peacemaker and founder of the Dialogue Project—an interfaith effort by CM and Interfaith Cooperative Ministries, ICM. Although ordained within the American Baptist Church, Reverend Grubbs' public service transcends religion and race.

In addition to this most recent honor, she has been lauded by several community organizations, receiving the Public Citizen Award from the Connecticut Chapter of the National Association of Social Workers, the Consultation Center's Prevention Award, the Women Who Make a Difference Award by the Connecticut Women's Education and Legal Fund, and the Greater New Haven Community Loan Fund's Good Egg Award.

Reverend Grubbs' generous spirit and loving care for her community make her a role model for all. I ask my Senate colleagues to join me in thanking Reverend Grubbs for her contributions to humanity.●

REMEMBERING MAURICE SENDAK

● Mr. BLUMENTHAL. Mr. President, today I wish to pay tribute to Maurice Sendak, famed children's book author and illustrator, who passed away on May 8 in Connecticut, where he spent most of his life. He would have turned 84 yesterday.

Tucked away in an 18th century home in Ridgefield, CT, Mr. Sendak drew inspiration for his widely read, uniquely bizarre illustrated stories from his own memories and contemplations. His fantastical realism—experienced by most American families through the eyes of Max, the central character in ''Where the Wild Things Are''—changed the way children grew up. Mr. Sendak created a new genre of children's literature full of vestiges and memories of the horrors he and others faced maturing during World War II, the Holocaust, and the Great Depression.

Many of us have read Mr. Sendak's phrases to loved ones and puzzled over his intended meaning. Stories like ''Chicken Soup with Rice,'' ''Pierre: A Cautionary Tale,'' ''In the Night Kitchen,'' ''Seven Little Monsters,'' and ''Outside Over There'' are now legendary.

He committed himself to being an artist, beginning as a window designer at FAO Schwartz, and from there adding illustrator, author, producer, animator, and costume and set designer to his repertoire. He collaborated with many famed creators, including Jim Henson, Carole King, the Pacific Northwest Ballet, the Houston Grand Opera, the Los Angeles Music Center, the New York City Opera, the Chicago Opera Theatre, and Tony Kushner. Most recently, Mr. Sendak teamed with the Yale Repertory Theatre, in conjunction with the Berkeley Repertory Theatre and the New Victory Theater in New York, to produce a contemporary English version of a 1938 Czech children's opera about the Holocaust called ''Brundibar.''

Mr. Sendak's emotional intelligence, visual expertise, and way with words have produced over 100 works, some of which have been celebrated with several prestigious literary awards. In 1964, ''Where the Wild Things Are'' was given the Caldecott Medal from the American Library Association. In addition, Mr. Sendak received the Hans Christian Andersen award for Illustration in 1970, National Book Award in 1982, Laura Ingalls Wilder Award in 1993, and was presented with a National Medal for the Arts by President Bill Clinton in 1996. The New York Times has selected 22 of his titles as best illustrated books of the year, and an elementary school in North Hollywood, CA was even named in his honor.

Mr. Sendak was a lover of life and forever faithful to the artistic process. In a public and deeply personal National Public Radio interview in 2011, he shared vulnerable emotions, ending simply, but profoundly and quite tellingly with mantralike poetry: ''live your life, live your life, live your life.''●

SUPPORTING JERRY KRAMER

● Mr. CRAPO: Mr. President, my colleague, Senator JIM RISCH, joins me today in highlighting the career of one of Idaho's most distinguished football players, Jerry Kramer.

Jerry graduated from Sandpoint High School, in the northern part of our State, and attended college at the University of Idaho on a football scholarship. He was a standout player there, garnering selections to both the East-West Shrine Game and College All-Star Game.

After being drafted 39th, he signed on to play for the Green Bay Packers in 1958, and as football fans know, was part of a championship dynasty during his 11 playing years. He was an integral part of the famous ''Packer Sweep'' as the lead blocker for a running back going around the end.

Jerry Kramer is perhaps most famously known for ''The Block'' where he led quarterback Bart Starr into the end zone as time ran out in the 1967 NFL Championship game, defeating the Dallas Cowboys in what is known as the ''Ice Bowl.''

Jerry Kramer was a five-time All-Pro, a member of five championship teams, including the first two Super Bowls, and a member of the NFL's 50th Anniversary All-Time team. He was named to the NFL's All-Decade Team of the 1960s at offensive guard and led the NFL in field goal percentage in 1962.

Surprisingly, Jerry Kramer is the only player selected to the NFL's 50th Anniversary team who has not been inducted into the Pro Football Hall of Fame in Canton, OH.

It is time for this oversight to be corrected. Jerry Kramer is highly regarded. Sixteen current members of the NFL Hall of Fame, many who played against Kramer, have endorsed his nomination and election to the Hall. That list of players includes such greats as Roger Staubach, Frank Gifford, Alan Page, Bob Lilly, Jan Stenerud, Gino Marchetti and Coach Joe Gibbs, to name just a few.

There is no doubt in my mind, and certainly not in the mind of my colleague, Senator RISCH, who highly favors his native State's Green Bay Packers, that Jerry Kramer's NFL career clearly qualifies him for induction into the Pro Football Hall of Fame.

Besides his contributions on the football field, Jerry is a highly regarded citizen of Idaho who gives his time to worthy causes. Idahoans are very proud of his accomplishments and football fans throughout the state support his induction.

As Idaho's U.S. Senators, we support Jerry Kramer's selection to the Pro Football Hall of Fame.●

RECOGNIZING THE DAVE THOMAS FOUNDATION FOR ADOPTION

● Ms. LANDRIEU. Mr. President, as cochair of both the Congressional Coalition on Adoption and the Senate Caucus on Foster Youth, I wish to congratulate the Dave Thomas Foundation for Adoption on the occasion of its 20th anniversary.

The foundation was established in 1992 by Dave Thomas as a public charity with one primary goal: to help every child in foster care find a loving, permanent family. Throughout its history, the foundation has set forth on a mission of dramatically increasing the number of adoptions of waiting children.

For 20 years, the Dave Thomas Foundation for Adoption has committed itself to finding permanent families for the more than 100,000 children waiting in the United States foster care system.

The Dave Thomas Foundation for Adoption awards grants to public and private adoption agencies all across the country. Last year, these grants totaled more than $8 million and focused on supporting adoption professionals who implement proactive, child-focused recruitment programs targeted exclusively on moving the longest waiting children from foster care into adoptive families. This signature program is called Wendy's Wonderful Kids, WWK, and today exists in all 50 States, DC, and four Canadian provinces.

The results from an empirical 5-year case study on WWK were released in October 2011. The research showed that children in the program are up to three times more likely to be adopted.

The foundation also supports employers through the Adoption-Friendly Workplace Program, is a founding member of National Adoption Day, and is a proud partner of the annual television special, ''A Home for the Holidays.''

The foundation is an accredited charity of the Better Business Bureau Wise Giving Alliance, Standards for Excellence certified, and has received the highest possible rating on Charity Navigator. The foundation has helped more than 3,000 children find their forever families and provided information and support to tens of thousands of potential adoptive families.

For these reasons, I am proud to applaud the Dave Thomas Foundation for Adoption and its dedicated staff for their extraordinary contributions to the people of my district and throughout the United States for the last 20 years.●

RECOGNIZING FIFE LAKE PUBLIC LIBRARY'S 125TH ANNIVERSARY

● Mr. LEVIN. Mr. President, as they have for generations, libraries across our Nation and my home State of Michigan enable people to gain access to a sea of information and facts. They serve as a gateway for exploration. Libraries allow young people to journey back in time with great authors and experience the world as it was for past generations. They allow them to travel across the globe and experience life in other areas of the world, and they allow them to dream and imagine ways to make our collective future better. These are places where the only limitation is your imagination and your willingness to read and learn.

For the past 125 years, one such library in Fife Lake has played this unmistakably important role, and it is with great pride that I pay tribute to the Fife Lake Public Library on its Quasquicentennial. This wonderful institution has surely helped to cultivate and nurture the interests of individuals seeking to broaden and deepen their understanding of a variety of pursuits.

The Fife Lake Public Library was established in 1887 with a $17 grant from Grand Traverse County. Since then, this library has been a mainstay of the community and has met the diverse and growing needs of residents of Fife

Lake. The library's quaint but much-cherished building was outgrown in 2006. To accommodate this growth, the library's resources were moved to a newer, more modern building. Impressively, the Library's circulation has quadrupled in the last decade. In addition to books, its patrons now have access to DVDs, albums, audiobooks and the Internet by way of several public computers.

In our increasingly technologically advanced world where information and answers are but a click away and devices such as computers and smart phones are a part of many of our lives, it could be easy to undervalue the importance and impact of libraries. The opposite is true. Fife Lake Public Library has transformed with the digital age and continues to hold a central yet evolving role in the lives of residents. One resident aptly stated, ''The library is not a quiet place anymore but a social gathering place for the community.'' Residents come to access the Internet and learn computer skills, and through partnerships with local organizations they enjoy activities ranging from fitness classes to grief support to tot-time. There is something for residents from all walks of life.

I am delighted to commend all those affiliated with the Fife Lake Public Library on its 125th anniversary. Through the hard work, collaboration, and financial generosity of many within the Fife Lake community, this library has served the needs of Fife Lake residents for a century and a quarter. With commitment and sustained effort, this piece of living history in Fife Lake will continue to inspire and educate for many years to come.●

TRIBUTE TO KEN FREIBERG

● Mr. PORTMAN. Mr. President, I rise today to honor Mr. Kenneth Freiberg, Deputy General Counsel at the Office of the United States Trade Representative (USTR). Mr. Freiberg is retiring from USTR after more than 24 years of extraordinary service to our country.

Since 1988, Ken Freiberg has passionately promoted US trade interests around the world. His service has improved the lives of countless Americans. During his tenure, Ken served as the chief U.S. lawyer in charge of negotiations on several important trade negotiations. Further, he was the chief negotiator for the General Agreement on Trade in Services during the Uruguay Round.

Ken has worked under eight US Trade Representatives and five Presidential administrations. Ambassador Kirk and several former U.S. Trade Representatives, including myself, recently sent Ken a letter to recognize his achievements. Let me read an excerpt and I quote ''each of us benefited greatly from your tireless work ethic, immense knowledge, wise counsel and excellent judgment.'' I was proud to have Ken on my team at USTR. He was a source of tremendous institutional knowledge at USTR, and was a terrific mentor to many young attorneys on the USTR staff.

Mr. President, I would like to recognize Ken Freiberg, my former colleague, on his retirement from public service and I would like to wish him well in all of his future endeavors.●

TRIBUTE TO ANTONIO POMERLEAU

● Mr. SANDERS. Mr. President, today I wish to celebrate Antonio Pomerleau of Burlington, VT, for his remarkable generosity and for his lifetime of service to the people of Vermont. My wife Jane and I have known Tony for over 30 years, since we all worked together when I was Mayor of Burlington, and he is clearly one of the remarkable people in our State.

Last year, Vermont was badly hit by Tropical Storm Irene, the most damaging storm in a half century. Torrential rains, in combination with Vermont's steep hills and narrow valleys, brought flooding on a vast scale to town after town, wiping out roads and bridges, downtowns and mobile home parks, homes, schools and businesses.

Many brave and generous people, from communities across the State, helped those whose lives were uprooted to deal with their losses. The Vermont National Guard, along with the Guards of other States and private contractors, rapidly repaired and rebuilt washed-out roads and bridges. State officials and Federal officials were quick to provide relief and aid.

There are Federal funds available to help rebuild highways, to assist farmers as they cope with damage to their fields, to help many homeowners. But, as the Governor's ''Irene Recovery Report'' indicates, mobile home owners are in a category by themselves. Irene particularly devastated mobile home parks, many of which were built close to rivers that endured major flooding. Sixteen mobile home parks in many regions of Vermont were seriously affected by Irene. Hundreds of mobile homes were badly damaged or completely destroyed. As the ''Irene Recovery Report'' made clear, while mobile homes provide an important affordable ownership option to Vermonters, their construction, location and low resistance to water damage can create additional obstacles to recovery following a disaster. Few of the Vermonters affected had significant discretionary resources with which to secure replacement housing.

Owners and residents of mobile homes faced enormous challenges. Into the breach stepped Antonio Pomerleau.

Tony, who grew up on a small dairy farm in the Northeast Kingdom of Vermont, has never forgotten the working families of Vermont. It should be no surprise, though it is nevertheless remarkable, that in the aftermath of the flooding last year Tony would generously look out for those who live in affordable housing and cannot afford to rebuild when catastrophe strikes.

Today, I want celebrate Tony for his act of enormous generosity in creating the Pomerleau Cornerstone Fund and giving it $1 million. This fund has one purpose: to provide direct funding to residents of mobile homes whose residences were destroyed by Tropical Storm Irene.

The Pomerleau Cornerstone Fund will help displaced mobile residents either with full replacement of their homes, or with downpayment assistance for another home. It will provide grants up to $25,000 so that at least 40 families can move into safe and affordable housing.

Throughout his entire adult life, Tony has been a model of what a good corporate citizen should be. He has been an excellent employer, and he has devoted a good part of his life and considerable skills toward public service—without remuneration. For many years he served as Police Commissioner of Burlington and did an outstanding job in that role. He has also been extremely generous in donating funds to a wide variety of very worthy causes.

Since I was Mayor of Burlington, and this is going back 31 years, Tony Pomerleau has paid for a holiday party each year for Burlington's low income children and their parents. He also sponsors an annual party for the Vermont National Guard. He was the major contributor of funds to the Pomerleau Alumni Center at St. Michael's College—two of his sons and a granddaughter attended college there. He has provided scholarships to Rice High School and funded renovations to Christ the King School. Tony donated the North Avenue building that became our city's police headquarters, and continues to contribute financial support for policemen and policewomen. And this really is just a very small part of Tony's philanthropic work.

But facts tell only part of the story of Tony Pomerleau. His generosity is matched by his energy, and even though his 94th birthday is in his rearview mirror, he has the energy of a man half his age. His mind has always been sharp, and time has not dulled it. His deep love for his wife Rita and their children is the rock on which he has built his life. His understanding of Vermont—where it has been, where it is, where it can be going—is, in my view, remarkable.

Tony Pomerleau stands as one of Vermont's outstanding citizens. Today, I celebrate his generosity—it is the habit of lifetime, and a habit we can all learn from.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on June 8, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 5883. An act to make a technical correction in Public Law 112–108.

H.R. 5890. An act to correct a technical error in Public Law 112–122.

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 436. An act to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

H.R. 5325. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other Purposes.

H.R. 5855. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes.

H.R. 5882. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2013, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 3261. An act to allow the Chief of the Forest Service to award certain contracts for large air tankers.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5882. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2013, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5325. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

H.R. 5855. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 436. An act to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TESTER (for himself and Mr. BEGICH):

S. 3282. A bill to amend title 38, United States Code, to reauthorize the Veterans' Advisory Committee on Education, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWN of Massachusetts:

S. 3283. A bill to amend the Fair Housing Act to protect servicemembers and veterans from housing discrimination, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAHAM:

S. 3284. A bill to amend the Outer Continental Shelf Lands Act to provide for the inclusion of areas off the coast of South Carolina in the outer Continental Shelf leasing program for fiscal years 2012 through 2017, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 344

At the request of Mr. REID, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 434

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 503

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 503, a bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a uniform rule of naturalization under article I, section 8, of the Constitution.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 1440

At the request of Mr. ALEXANDER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from Maine (Ms. SNOWE), the Senator from Utah (Mr. HATCH), the Senator from Maine (Ms. COLLINS) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1613

At the request of Mr. REED, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1613, a bill to improve and enhance research and programs on childhood cancer survivorship, and for other purposes.

S. 1775

At the request of Mr. TESTER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1775, a bill to promote the development of renewable energy on public lands and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1947

At the request of Mr. BLUMENTHAL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1947, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 2036

At the request of Mrs. GILLIBRAND, the names of the Senator from Florida (Mr. RUBIO) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 2036, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

S. 2116

At the request of Mr. CARPER, the name of the Senator from Connecticut

(Mr. BLUMENTHAL) was added as a cosponsor of S. 2116, a bill to count revenues from military and veteran education programs toward the limit on Federal revenues that certain proprietary institutions of higher education are allowed to receive for purposes of section 487 of the Higher Education Act of 1965, and for other purposes.

S. 2121

At the request of Ms. KLOBUCHAR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2121, a bill to modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date.

S. 2134

At the request of Mr. BLUMENTHAL, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2148

At the request of Mr. INHOFE, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2148, a bill to amend the Toxic Substance Control Act relating to lead-based paint renovation and remodeling activities.

S. 2165

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

At the request of Mrs. BOXER, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2165, supra.

S. 2342

At the request of Mr. JOHANNS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2342, a bill to reform the National Association of Registered Agents and Brokers, and for other purposes.

S. 2346

At the request of Mr. PRYOR, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2346, a bill to amend the Farm Security and Rural Investment Act of 2002 to modify the definition of the term ''biobased product''.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 3078

At the request of Mr. PORTMAN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 3078, a bill to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on June 6, 1944, the morning of D-Day.

S. 3204

At the request of Mr. JOHANNS, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3228

At the request of Mr. THUNE, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 3228, a bill to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

S. 3236

At the request of Mr. PRYOR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3236, a bill to amend title 38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 3239

At the request of Mrs. FEINSTEIN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Maine (Ms. COLLINS), the Senator from Vermont (Mr. SANDERS) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 3239, a bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes.

S. 3274

At the request of Mr. KERRY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3274, a bill to direct the Secretary of Commerce, in coordination with the heads of other relevant Federal departments and agencies, to produce a report on enhancing the competitiveness of the United States in attracting foreign direct investment, and for other purposes.

S. RES. 448

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 448, a resolution recognizing the 100th anniversary of Hadassah, the Women's Zionist Organization of America, Inc.

AMENDMENT NO. 2156

At the request of Mrs. GILLIBRAND, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 2156 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2162

At the request of Mr. MCCAIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 2162 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2202

At the request of Mr. BENNET, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 2202 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2203

At the request of Mr. BENNET, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 2203 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2228

At the request of Ms. CANTWELL, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 2228 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2246. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table.

SA 2247. Mr. TOOMEY (for himself, Mr. PRYOR, Mr. INHOFE, Mr. BOOZMAN, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2248. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2249. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2250. Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2251. Mr. INHOFE (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2252. Mrs. FEINSTEIN (for herself, Mr. BLUMENTHAL, Mr. BROWN of Massachusetts, Ms. CANTWELL, Ms. COLLINS, Mr. KERRY, Mr. LIEBERMAN, Mr. MERKLEY, Mrs. MURRAY, Mr. SANDERS, Mr. VITTER, Mr. WYDEN, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S.

3240, supra; which was ordered to lie on the table.

SA 2253. Mr. SANDERS (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2254. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2255. Mr. SANDERS (for himself, Mr. LEAHY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2256. Mr. SANDERS (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2257. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2258. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2259. Mr. ENZI (for himself and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2260. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2261. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2262. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2263. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2264. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2265. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2266. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2267. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2268. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2269. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2270. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2271. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2272. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2273. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2274. Mr. DEMINT (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2275. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2276. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2277. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2278. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2279. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2280. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2281. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2282. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2283. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2284. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2285. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2286. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2287. Mr. CARPER (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2288. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2289. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2290. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2291. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2292. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2293. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2294. Mr. UDALL of Colorado (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2295. Mr. UDALL of Colorado (for himself, Mr. THUNE, Mr. BENNET, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2296. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2297. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2298. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2299. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2300. Ms. KLOBUCHAR (for herself, Mr. LUGAR, Mrs. MCCASKILL, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2301. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 2232 submitted by Mr. TESTER (for himself and Mr. THUNE) and intended to be proposed to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2302. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2303. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2304. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2305. Mr. CRAPO (for himself and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2306. Ms. MURKOWSKI (for herself, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. WHITEHOUSE, and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2307. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2308. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2309. Mrs. FEINSTEIN (for herself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2310. Mr. SANDERS (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2311. Mr. BLUMENTHAL (for himself, Mr. KIRK, Ms. CANTWELL, Mr. BROWN of Massachusetts, Ms. LANDRIEU, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2312. Mr. TESTER (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2313. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2314. Mr. LEE submitted an amendment intended to be proposed by him to the bill S.

3240, supra; which was ordered to lie on the table.

SA 2315. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2316. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2317. Mr. LEE (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2318. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2319. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2320. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2321. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2322. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2323. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2324. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2325. Mr. CHAMBLISS (for himself, Mr. COCHRAN, Mr. BOOZMAN, Mr. ISAKSON, Mr. PRYOR, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2326. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2327. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2328. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2329. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2330. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2331. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2332. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2333. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2334. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2335. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2336. Mr. CHAMBLISS (for himself, Mrs. FEINSTEIN, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2337. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2338. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2339. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2340. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2341. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2342. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2343. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2246. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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.''.

SA 2247. Mr. TOOMEY (for himself, Mr. PRYOR, Mr. INHOFE, Mr. BOOZMAN, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 122___. CONSUMER CONFIDENCE REPORTS BY COMMUNITY WATER SYSTEMS.

(a) FINDINGS.—Congress finds that—

(1) community water systems play an important role in rural United States infrastructure; and

(2) since rural water infrastructure projects are routinely funded under the rural development programs of the Department of Agriculture, Congress should strive to reduce the regulatory and paperwork burdens placed on community water systems.

(b) METHOD OF DELIVERING REPORT.—Section 1414(c)(4)(A) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)(4)(A)) is amended—

(1) in the first sentence, by striking ''The Administrator, in consultation'' and inserting the following:

''(i) IN GENERAL.—The Administrator, in consultation'';

(2) in clause (i) (as designated by paragraph (1)), in the first sentence, by striking ''to mail to each customer'' and inserting ''to provide, in accordance with clause (ii) or (iii), as applicable, to each customer''; and

(3) by adding at the end the following:

''(ii) MAILING REQUIREMENT FOR VIOLATION OF MAXIMUM CONTAMINANT LEVEL.—If a violation of the maximum contaminant level for any regulated contaminant has occurred during the year concerned, the regulations under clause (i) shall require the applicable community water system to mail a copy of the consumer confidence report to each customer of the system.

''(iii) MAILING REQUIREMENT ABSENT ANY VIOLATION OF MAXIMUM CONTAMINANT LEVEL.—

''(I) IN GENERAL.—If no violation of the maximum contaminant level for any regulated contaminant has occurred during the year concerned, the regulations under clause (i) shall require the applicable community water system to make the consumer confidence report available by, at the discretion of the community water system—

''(aa) mailing a copy of the consumer confidence report to each customer of the system; or

''(bb) subject to subclause (II), making a copy of the consumer confidence report available on a publicly accessible Internet site of the community water system and by mail, at the request of a customer.

''(II) REQUIREMENTS.—If a community water system elects to provide consumer confidence reports to consumers under subclause (I)(bb), the community water system shall provide to each customer of the community water system, in plain language and in the same manner (such as in printed or electronic form) in which the customer has elected to pay the bill of the customer, notice that—

''(aa) the community water system has remained in compliance with the maximum contaminant level for each regulated contaminant during the year concerned; and

''(bb) a consumer confidence report is available on a publicly accessible Internet site of the community water system and, on request, by mail.''.

(c) CONFORMING AMENDMENTS.—Section 1414(c)(4) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)(4)) is amended—

(1) in subparagraph (C), in the matter preceding clause (i), by striking ''mailing requirement of subparagraph (A)'' and inserting ''mailing requirement of clause (ii) or (iii) of subparagraph (A)''; and

(2) in subparagraph (D), in the first sentence of the matter preceding clause (i), by

striking ''mailing requirement of subparagraph (A)'' and inserting ''mailing requirement of clause (ii) or (iii) of subparagraph (A)''.

(d) APPLICATION; ADMINISTRATIVE ACTIONS.—

(1) IN GENERAL.—The amendments made by this section take effect on the date that is 90 days after the date of the enactment of this Act.

(2) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall promulgate any revised regulations and take any other actions necessary to carry out the amendments made by this section.

SA 2248. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1 of the amendment, strike line 10 and all that follows through the end of the amendment and insert the following:

''(3) STATE OPTION FOR CASH EQUIVALENT OF CERTAIN PERCENTAGE OF COMMODITIES FOR PURCHASE OF LOCALLY PRODUCED COMMODITIES.—For not more than 15 percent of the commodities that a State would otherwise receive for a fiscal year under this Act, the Secretary shall allow the State the option of receiving a cash payment equal to the value of that percentage of the commodities, in lieu of receiving the commodities, to purchase locally produced commodities for use in accordance with this Act.''.

SA 2249. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 312, strike line 2 and all that follows through page 342, line 10, and insert the following:

Subtitle A—Nutrition Assistance Block Grant Program

SEC. 4001. NUTRITION ASSISTANCE BLOCK GRANT PROGRAM.

(a) IN GENERAL.—For each of fiscal years 2014 through 2021, the Secretary shall establish a nutrition assistance block grant program under which the Secretary shall make annual grants to each participating State that establishes a nutrition assistance program in the State and submits to the Secretary annual reports under subsection (d).

(b) REQUIREMENTS.—As a requirement of receiving grants under this section, the Governor of each participating State shall certify that the State nutrition assistance program includes—

(1) work requirements;

(2) mandatory drug testing; and

(3) limitations on the eligible uses of benefits that are at least as restrictive as the limitations in place for the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) as of May 31, 2012.

(c) AMOUNT OF GRANT.—For each fiscal year, the Secretary shall make a grant to each participating State in an amount equal to the product of—

(1) the amount made available under section 4002 for the applicable fiscal year; and

(2) the proportion that—

(A) the number of legal residents in the State whose income does not exceed 100 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by such section)) applicable to a family of the size involved; bears to

(B) the number of such individuals in all participating States for the applicable fiscal year, based on data for the most recent fiscal year for which data is available.

(d) ANNUAL REPORT REQUIREMENTS.—

(1) IN GENERAL.—Not later than January 1 of each year, each State that receives a grant under this section shall submit to the Secretary a report that shall include, for the year covered by the report—

(A) a description of the structure and design of the nutrition assistance program of the State, including the manner in which residents of the State qualify for the program;

(B) the cost the State incurs to administer the program;

(C) whether the State has established a rainy day fund for the nutrition assistance program of the State; and

(D) general statistics about participation in the nutrition assistance program.

(2) AUDIT.—Each year, the Comptroller General of the United States shall—

(A) conduct an audit on the effectiveness of the nutritional assistance block grant program and the manner in which each participating State is implementing the program; and

(B) not later than June 30, submit to the appropriate committees of Congress a report describing—

(i) the results of the audit; and

(ii) the manner in which the State will carry out the supplemental nutrition assistance program in the State, including eligibility and fraud prevention requirements.

(e) USE OF FUNDS.—

(1) IN GENERAL.—A State that receives a grant under this section may use the grant in any manner determined to be appropriate by the State to provide nutrition assistance to the legal residents of the State.

(2) AVAILABILITY OF FUNDS.—Grant funds made available to a State under this section shall—

(A) remain available to the State for a period of 5 years; and

(B) after that period, shall—

(i) revert to the Federal Government to be deposited in the Treasury and used for Federal budget deficit reduction; or

(ii) if there is no Federal budget deficit, be used to reduce the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

SEC. 4002. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) for fiscal year 2014, $44,400,000,000;

(2) for fiscal year 2015, $45,500,000,000;

(3) for fiscal year 2016, $46,600,000,000;

(4) for fiscal year 2017, $47,800,000,000;

(5) for fiscal year 2018, $49,000,000,000;

(6) for fiscal year 2019, $50,200,000,000;

(7) for fiscal year 2020, $51,500,000,000; and

(8) for fiscal year 2021, $52,800,000,000.

(b) DISCRETIONARY CAP ADJUSTMENT FOR NEW PROGRAM SPENDING.—Section 251A(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subparagraph (B)(ii), by striking the figure and inserting $554,400,000,000;

(2) in subparagraph (C)(ii), by striking the figure and inserting $565,500,000,000;

(3) in subparagraph (D)(ii), by striking the figure and inserting $576,600,000,000;

(4) in subparagraph (E)(ii), by striking the figure and inserting $588,800,000,000;

(5) in subparagraph (F)(ii), by striking the figure and inserting $602,000,000,000;

(6) in subparagraph (G)(ii), by striking the figure and inserting $616,200,000,000;

(7) in subparagraph (H)(ii), by striking the figure and inserting $629,500,000,000; and

(8) in subparagraph (I)(ii), by striking the figure and inserting $642,800,000,000.

SEC. 4003. REPEAL.

(a) IN GENERAL.—Effective September 30, 2013, the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is repealed.

(b) RELATIONSHIP TO OTHER LAW.—Any reference in this Act, an amendment made by this Act, or any other Act to the supplemental nutrition assistance program shall be considered to be a reference to the nutrition assistance block grant program under this subtitle.

SA 2250. Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 122___. MUNICIPAL AND INDUSTRIAL STORMWATER DISCHARGES.

The Administrator of the Environmental Protection Agency shall not propose any new regulation relating to municipal and industrial stormwater discharges under section 402(p) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p)) until the date on which the Administrator—

(1) completes the evaluation described in section 122.37 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(2) submits to Congress a report detailing the results of that evaluation.

SA 2251. Mr. INHOFE (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12207. EXEMPTION FROM SPCC REGULATIONS FOR FARMS.

(a) IN GENERAL.—A farm (as defined in section 112.2 of title 40, Code of Federal Regulations (or successor regulations)) with 1 or more diesel or gasoline aboveground storage tanks that have an aggregate storage capacity of less than 12,000 gallons shall be exempt from all spill prevention, control, and countermeasure requirements under part 112 of title 40, Code of Federal Regulations (or successor regulations).

(b) CERTIFICATION.—Notwithstanding any other provision of law, for purposes of any spill prevention, control, and countermeasure plan under part 112 of title 40, Code of Federal Regulations (or successor regulations), the Administrator of the Environmental Protection Agency shall allow an owner of any farm to self-certify the plan, regardless of the aboveground fuel storage capacity on the farm.

SA 2252. Mrs. FEINSTEIN (for herself, Mr. BLUMENTHAL, Mr. BROWN of Massachusetts, Ms. CANTWELL, Ms. COLLINS, Mr. KERRY, Mr. LIEBERMAN, Mr. MERKLEY, Mrs. MURRAY, Mr. SANDERS, Mr. VITTER, Mr. WYDEN, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 122___. UNIFORM NATIONAL STANDARD FOR HOUSING AND TREATMENT OF EGG-LAYING HENS.

(a) SHORT TITLE.—This section may be cited as the ''Egg Products Inspection Act Amendments of 2012''.

(b) HEN HOUSING AND TREATMENT STANDARDS.—

(1) DEFINITIONS.—Section 4 of the Egg Products Inspection Act (21 U.S.C. 1033) is amended—

(A) by redesignating subsection (a) as subsection (c);

(B) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (f), (g), (h), (i), (j), and (k), respectively;

(C) by redesignating subsections (h) and (i) as subsections (n) and (o), respectively;

(D) by redesignating subsections (j), (k), and (l) as subsections (r), (s), and (t), respectively;

(E) by redesignating subsections (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), and (z) as subsections (v), (w), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), (ff), (gg), (hh), and (ii), respectively;

(F) by inserting before subsection (c), as redesignated by paragraph (1), the following new subsections:

''(a) The term 'adequate environmental enrichments' means adequate perch space, dust bathing or scratching areas, and nest space, as defined by the Secretary of Agriculture, based on the best available science, including the most recent studies available at the time that the Secretary defines the term. The Secretary shall issue regulations defining this term not later than January 1, 2017, and the final regulations shall go into effect on December 31, 2018.

''(b) The term 'adequate housing-related labeling' means a conspicuous, legible marking on the front or top of a package of eggs accurately indicating the type of housing that the egg-laying hens were provided during egg production, in one of the following formats:

''(1) 'Eggs from free-range hens' to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production—

''(A) not housed in caging devices; and

''(B) provided with outdoor access.

''(2) 'Eggs from cage-free hens' to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production, not housed in caging devices.

''(3) 'Eggs from enriched cages' to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production, housed in caging devices that—

''(A) contain adequate environmental enrichments; and

''(B) provide the hens a minimum of 116 square inches of individual floor space per brown hen and 101 square inches of individual floor space per white hen.

''(4) 'Eggs from caged hens' to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production, housed in caging devices that either—

''(A) do not contain adequate environmental enrichments; or

''(B) do not provide the hens a minimum of 116 square inches of individual floor space per brown hen and 101 square inches of individual floor space per white hen.'';

(G) by inserting after subsection (c), as redesignated by subparagraph (A), the following new subsections:

''(d) The term 'brown hen' means a brown egg-laying hen used for commercial egg production.

''(e) The term 'caging device' means any cage, enclosure, or other device used for the housing of egg-laying hens for the production of eggs in commerce, but does not include an open barn or other fixed structure without internal caging devices.'';

(H) by inserting after subsection (k), as redesignated by subparagraph (B), the following new subsections:

''(l) The term 'egg-laying hen' means any female domesticated chicken, including white hens and brown hens, used for the commercial production of eggs for human consumption.

''(m) The term 'existing caging device' means any caging device that was continuously in use for the production of eggs in commerce up through and including December 31, 2011.'';

(I) by inserting after subsection (o), as redesignated by subparagraph (C), the following new subsections:

''(p) The term 'feed-withdrawal molting' means the practice of preventing food intake for the purpose of inducing egg-laying hens to molt.

''(q) The term 'individual floor space' means the amount of total floor space in a caging device available to each egg-laying hen in the device, which is calculated by measuring the total floor space of the caging device and dividing by the total number of egg-laying hens in the device.'';

(J) by inserting after subsection (t), as redesignated by subparagraph (D), the following new subsection:

''(u) The term 'new caging device' means any caging device that was not continuously in use for the production of eggs in commerce on or before December 31, 2011.''; and

(K) by inserting at the end the following new subsections:

''(jj) The term 'water-withdrawal molting' means the practice of preventing water intake for the purpose of inducing egg-laying hens to molt.

''(kk) The term 'white hen' means a white egg-laying hen used for commercial egg production.''.

(2) HOUSING AND TREATMENT OF EGG-LAYING HENS.—The Egg Products Inspection Act (21 U.S.C. 1031 et seq.) is amended by inserting after section 7 the following new sections:

''§ 7A. Housing and treatment of egg-laying hens

''(a) ENVIRONMENTAL ENRICHMENTS.—

''(1) EXISTING CAGING DEVICES.—All existing caging devices must provide egg-laying hens housed therein, beginning 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, adequate environmental enrichments.

''(2) NEW CAGING DEVICES.—All new caging devices must provide egg-laying hens housed therein, beginning nine years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, adequate environmental enrichments.

''(3) CAGING DEVICES IN CALIFORNIA.—All caging devices in California must provide egg-laying hens housed therein, beginning December 31, 2018, adequate environmental enrichments.

''(b) FLOOR SPACE.—

''(1) EXISTING CAGING DEVICES.—All existing cages devices must provide egg-laying hens housed therein—

''(A) beginning four years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 76 square inches of individual floor space per brown hen and 67 square inches of individual floor space per white hen; and

''(B) beginning 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

''(2) NEW CAGING DEVICES.—Except as provided in paragraph (3), all new caging devices must provide egg-laying hens housed therein—

''(A) beginning three years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is six years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 90 square inches of individual floor space per brown hen and 78 square inches of individual floor space per white hen;

''(B) beginning six years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is nine years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 102 square inches of individual floor space per brown hen and 90 square inches of individual floor space per white hen;

''(C) beginning nine years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is 12 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 116 square inches of individual floor space per brown hen and 101 square inches of individual floor space per white hen;

''(D) beginning 12 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 130 square inches of individual floor space per brown hen and 113 square inches of individual floor space per white hen; and

''(E) beginning 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

''(3) CALIFORNIA CAGING DEVICES.—All caging devices in California must provide egg-laying hens housed therein—

''(A) beginning January 1, 2015, and through December 31, 2020, a minimum of 134 square inches of individual floor space per brown hen and 116 square inches of individual floor space per white hen; and

''(B) beginning January 1, 2021, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

''(c) AIR QUALITY.—Beginning two years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, an egg handler shall provide all egg-laying hens under his ownership or control with acceptable air quality, which does not exceed more than 25 parts per million of ammonia during normal operations.

''(d) FORCED MOLTING.—Beginning two years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, no egg handler may subject any egg-laying hen under his ownership or control to feed-withdrawal or water-withdrawal molting.

''(e) EUTHANASIA.—Beginning two years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, an egg handler shall provide, when necessary, all egg-laying hens under his ownership or control with euthanasia that is humane and uses a method deemed 'Acceptable' by the American Veterinary Medical Association.

''(f) PROHIBITION ON NEW UNENRICHABLE CAGES.—No person shall build, construct, implement, or place into operation any new caging device for the production of eggs to be sold in commerce unless the device—

''(1) provides the egg-laying hens to be contained therein a minimum of 76 square inches of individual floor space per brown hen or 67 square inches of individual floor space per white hen; and

''(2) is capable of being adapted to accommodate adequate environmental enrichments.

''(g) EXEMPTIONS.—

''(1) RECENTLY-INSTALLED EXISTING CAGING DEVICES.—The requirements contained in subsections (a)(1) and (b)(1)(B) shall not apply to any existing caging device that was first placed into operation between January 1, 2008, and December 31, 2011. This exemption shall expire 18 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, at which time the requirements contained in subsections (a)(1) and (b)(1)(B) shall apply to all existing caging devices.

''(2) HENS ALREADY IN PRODUCTION.—The requirements contained in subsections (a)(1), (a)(2), (b)(1)(B), and (b)(2) shall not apply to any caging device containing egg-laying hens who are already in egg production on the date that such requirement takes effect. This exemption shall expire on the date that such egg-laying hens are removed from egg production.

''(3) SMALL PRODUCERS.—Nothing contained in this section shall apply to an egg handler who buys, sells, handles, or processes eggs or egg products solely from one flock of not more than 3,000 egg-laying hens.

''§ 7B. Phase-in conversion requirements

''(a) FIRST CONVERSION PHASE.—As of six years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, at least 25 percent of the egg-laying hens in commercial egg production shall be housed either in new caging devices or in existing caging devices that provide the hens contained therein with a minimum of 102 square inches of individual floor space per brown hen and 90 square inches of individual floor space per white hen.

''(b) SECOND CONVERSION PHASE.—As of 12 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, at least 55 percent of the egg-laying hens in commercial egg production shall be housed either in new caging devices or in existing caging devices that provide the hens contained therein with a minimum of 130 square inches of individual floor space per brown hen and 113 square inches of individual floor space per white hen.

''(c) FINAL CONVERSION PHASE.—As of December 31, 2029, all egg-laying hens confined in caging devices shall be provided adequate environmental enrichments and a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

''(d) COMPLIANCE.—

''(1) At the end of six years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, the Secretary shall determine, after having reviewed and analyzed the results of an independent, national survey of caging devices conducted in 2018, whether the requirements of subsection (a) have been met. If the Secretary finds that the requirements of subsection (a) have not been met, then beginning January 1, 2020, the floor space requirements (irrespective of the date such requirements expire) related to new caging devices contained in subsection (b)(2)(B) of section 7A shall apply to existing caging devices placed into operation prior to January 1, 1995.

''(2) At the end of 12 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, and again after December 31, 2029, 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 on compliance with subsections (b) and (c).

''(3) Notwithstanding section 12, the remedies provided in this subsection shall be the exclusive remedies for violations of this section.''.

(3) INSPECTIONS.—Section 5 of the Egg Products Inspection Act (21 U.S.C. 1034) is amended—

(A) in subsection (d), by inserting ''(other than requirements with respect to housing, treatment, and house-related labeling)'' after ''as he deems appropriate to assure compliance with such requirements''; and

(B) in subsection (e)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''and'';

(II) by redesignating subparagraph (B) as subparagraph (C);

(III) by inserting after subparagraph (A) the following new subparagraph:

''(B) are derived from egg-laying hens housed and treated in compliance with section 7A; and''; and

(IV) in subparagraph (C), as redesignated by subclause (II), by inserting ''adequate housing-related labeling and'' after ''contain'';

(ii) in paragraph (2), by striking ''In the case of a shell egg packer'' and inserting ''In the cases of an egg handler with a flock of more than 3,000 egg-laying hens and a shell egg packer'';

(iii) in paragraph (3), by inserting ''(other than requirements with respect to housing, treatment, and housing-related labeling)'' after ''to ensure compliance with the requirements of paragraph (1)''; and

(iv) in paragraph (4), by striking ''with a flock of not more than 3,000 layers.'' and inserting ''who buys, sells, handles, or processes eggs or egg products solely from one flock of not more than 3,000 egg-laying hens.''.

(4) LABELING.—Section 7 of the Egg Products Inspection Act of 1970 (21 U.S.C. 1036) is amended in subsection (a) by inserting ''adequate housing-related labeling,'' after ''plant where the products were processed,''.

(5) LIMITATION ON EXEMPTIONS BY SECRETARY.—Section 15 of the Egg Products Inspection Act of 1970 (21 U.S.C. 1044) is amended in subsection (a) by inserting '', not including subsection (c) of section 8,'' after ''exempt from specific provisions''.

(6) IMPORTS.—Section 17 of the Egg Products Inspection Act of 1970 (21 U.S.C. 1046) is amended in paragraph (2) of subsection (a) by striking ''subdivision thereof and are labeled and packaged'' and inserting ''subdivision thereof; and no eggs or egg products capable of use as human food shall be imported into the United States unless they are produced, labeled, and packaged''.

(c) ENFORCEMENT OF HEN HOUSING AND TREATMENT STANDARDS.—

(1) IN GENERAL.—Section 8 of the Egg Products Inspection Act (21 U.S.C. 1037) is amended—

(A) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(B) by inserting after subsection (b) the following new subsection:

''(c)(1) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in any business or commerce any eggs or egg products derived from egg-laying hens housed or treated in violation of any provision of section 7A.

''(2) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in any business or commerce any eggs or egg products derived from egg-laying hens unless the container or package, including any immediate container, of the eggs or egg products, beginning one year after the date of enactment of the Egg Products Inspection Act Amendments of 2012, contains adequate housing-related labeling.

''(3) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in any business or commerce, in California, any eggs or egg products derived from egg-laying hens unless the egg-laying hens are—

''(A) provided—

''(i) beginning January 1, 2015, and through December 31, 2020, a minimum of 134 square inches of individual floor space per brown hen and 116 square inches of individual floor space per white hen; and

''(ii) beginning January 1, 2021, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen; and

''(B) provided, beginning December 31, 2018, adequate environmental enrichments.''; and

(C) in subsection (e), as redesignated by subparagraph (A), by inserting ''7A,'' after ''section''.

(2) LIMITATION ON AUTHORITY OF SECRETARY OF HEALTH AND HUMAN SERVICES.—Section 13 of the Egg Products Inspection Act of 1970 (21 U.S.C. 1042) is amended by inserting ''(with respect to violations other than those related to requirements with respect to housing, treatment, and housing-related labeling) the'' after ''Before any violation of this chapter is reported by the Secretary of Agriculture or''.

(d) STATE AND LOCAL AUTHORITY.—Section 23 of the Egg Products Inspection Act (21 U.S.C. 1052) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following new subsection:

''(c) PROHIBITION AGAINST ADDITIONAL OR DIFFERENT REQUIREMENTS THAN FEDERAL REQUIREMENTS RELATED TO MINIMUM SPACE ALLOTMENTS FOR HOUSING EGG-LAYING HENS IN COMMERCIAL EGG PRODUCTION.—Requirements within the scope of this chapter with respect to minimum floor space allotments or enrichments for egg-laying hens housed in commercial egg production which are in addition to or different than those made under this chapter may not be imposed by any State or local jurisdiction. Otherwise the provisions of this chapter shall not invalidate any law or other provisions of any State or other jurisdiction in the absence of a conflict with this chapter.''; and

(3) by inserting after subsection (e), as redesignated by paragraph (1), the following new subsection:

''(f) ROLE OF CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE.—With respect to eggs produced, shipped, handled, transported or received in California prior to the date that is 18 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, the Secretary shall delegate to the California Department of Food and Agriculture the authority to enforce sections 7A(a)(3), 7A(b)(3), 8(c)(3), and 11.''.

SA 2253. Mr. SANDERS (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 122__. ENERGY MARKETS.

(a) FINDINGS.—Congress finds that—

(1) the Commodity Futures Trading Commission was created as an independent agency, in 1974, with a mandate—

(A) to enforce and administer the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(B) to ensure market integrity;

(C) to protect market users from fraud and abusive trading practices; and

(D) to prevent and prosecute manipulation of the price of any commodity in interstate commerce;

(2) Congress declared in section 4a of the Commodity Exchange Act (7 U.S.C. 6a) that excessive speculation imposes an undue and unnecessary burden on interstate commerce;

(3) title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8301 et seq.) (and amendments made by that Act) required the Commission to establish position limits ''to diminish, eliminate, or prevent excessive speculation'' for trading in crude oil, gasoline, heating oil, diesel fuel, jet fuel, and other physical commodity derivatives by January 17, 2011;

(4) the Commission has failed to impose position limits to diminish, eliminate, or prevent excessive oil and gasoline speculation as required by law;

(5) according to an article published in Forbes on February 27, 2012, excessive oil speculation ''translates out into a premium for gasoline at the pump of $.56 a gallon'' based on a recent report from Goldman Sachs;

(6) on May 25, 2012—

(A) the supply of commercial crude oil in the United States was higher than the supply was on May 22, 2009, when the national average price for a gallon of regular unleaded gasoline was less than $2.45; and

(B) demand for gasoline in the United States was lower than demand was on May 22, 2009;

(7) on June 6, 2012, the national average price of regular unleaded gasoline was $3.57 a gallon, more than $1 per gallon more than 3 years ago when commercial crude oil supplies were lower and demand was higher;

(8) during the last quarter of 2011, according to the International Energy Agency—

(A) the world oil supply rose by 1,300,000 barrels per day while demand only increased by 700,000 barrels per day; but

(B) the price of Texas light sweet crude rose by more than 12 percent;

(9) on November 3, 2011, Gary Gensler, the Chairman of the Commodity Futures Trading Commission testified before the Senate Permanent Subcommittee on Investigations that ''80 to 87 percent of the [oil futures] market'' is dominated by ''financial participants, swap dealers, hedge funds, and other financials,'' a figure that has more than doubled over the prior decade;

(10) excessive oil and gasoline speculation is creating major market disturbances that prevent the market from accurately reflecting the forces of supply and demand; and

(11) the Commodity Futures Trading Commission has a responsibility—

(A) to ensure that the price discovery for oil and gasoline accurately reflects the fundamentals of supply and demand; and

(B) to take immediate action to implement strong and meaningful position limits to regulated exchange markets to eliminate excessive oil speculation.

(b) ACTIONS.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this Act, the Commodity Futures Trading Commission shall use the authority of the Commission (including emergency powers, if necessary)—

(1) to implement position limits that will diminish, eliminate, or prevent excessive speculation in the trading of crude oil, gasoline, heating oil, diesel fuel, jet fuel, and other physical commodity derivatives as required under title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8301 et seq.) (and amendments made by that Act); and

(2) to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commission, on or through which energy futures or swaps are traded.

SA 2254. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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)''; and

(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 nonprofit 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

SA 2255. Mr. SANDERS (for himself, Mr. LEAHY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 193, strike lines 7 through 13 and insert the following:

(1) by striking paragraphs (2) and (3); and

(2) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively.

On page 195, line 25, strike ''and''.

On page 196, strike line 16 and insert the following:

mined by the Secretary.''; and

(6) in subsection (i)—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2) ELIGIBILITY REQUIREMENTS.—As a condition of receiving payments under this subsection, a producer shall agree to develop and implement conservation practices for certified organic production that are consistent with the regulations promulgated under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) and the purposes of this Act.

''(3) COORDINATION WITH ORGANIC CERTIFICATION.—The Secretary shall establish a transparent means by which producers may initiate organic certification under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) while participating in a contract under this Act.

''(4) PLANNING.—

''(A) IN GENERAL.—The Secretary shall provide planning assistance to producers transitioning to certified organic production consistent with the requirements of the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) and the purposes of this Act.

''(B) AVOIDANCE OF DUPLICATION.—The Secretary, to the maximum extent practicable, shall eliminate duplication of planning activities for a producer participating in a contract under this Act and initiating or maintaining organic certification in accordance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).''.

SA 2256. Mr. SANDERS (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12207. CONSUMERS RIGHT TO KNOW ABOUT GENETICALLY ENGINEERED FOOD ACT.

(a) SHORT TITLE.—This section may be cited as the ''Consumers Right to Know About Genetically Engineered Food Act''.

(b) FINDINGS.—Congress finds that—

(1) surveys of the American public consistently show that 90 percent or more of the people of the United States want genetically engineered or modified foods to be labeled as such;

(2) a landmark public health study in Canada found that—

(A) 93 percent of pregnant women had detectable toxins from genetically engineered or modified foods in their blood; and

(B) 80 percent of the babies of those women had detectable toxins in their umbilical cords;

(3) the tenth Amendment to the Constitution of the United States clearly reserves powers in the system of Federalism to the States or to the people; and

(4) States have the authority to require the labeling of foods produced through genetic engineering or derived from organisms that have been genetically engineered.

(c) DEFINITIONS.—In this section:

(1) GENETIC ENGINEERING.—

(A) IN GENERAL.—The term ''genetic engineering'' means a process that alters an organism at the molecular or cellular level by means that are not possible under natural conditions or processes.

(B) INCLUSIONS.—The term ''genetic engineering'' includes—

(i) recombinant DNA and RNA techniques;
(ii) cell fusion;
(iii) microencapsulation;
(iv) macroencapsulation;
(v) gene deletion and doubling;
(vi) introduction of a foreign gene; and
(vii) changing the position of genes.

(C) EXCLUSIONS.—The term ''genetic engineering'' does not include any modification to an organism that consists exclusively of—
(i) breeding;
(ii) conjugation;
(iii) fermentation;
(iv) hybridization;
(v) in vitro fertilization; or
(vi) tissue culture.

(2) GENETICALLY ENGINEERED AND GENETICALLY MODIFIED INGREDIENT.—The term ''genetically engineered and genetically modified ingredient'' means any ingredient in any food, beverage, or other edible product that—
(A) is, or is derived from, an organism that is produced through the intentional use of genetic engineering; or
(B) is, or is derived from, the progeny of intended sexual reproduction, asexual reproduction, or both of 1 or more organisms described in subparagraph (A).

(d) RIGHT TO KNOW.—Notwithstanding any other Federal law (including regulations), a State may require that any food, beverage, or other edible product offered for sale in that State have a label on the container or package of the food, beverage, or other edible product, indicating that the food, beverage, or other edible product contains a genetically engineered or genetically modified ingredient.

(e) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Food and Drugs and the Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commissioner of Food and Drugs, in consultation with the Secretary of Agriculture, shall submit a report to Congress detailing the percentage of food and beverages sold in the United States that contain genetically engineered or genetically modified ingredients.

SA 2257. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12207. AGRICULTURAL PRODUCER PROTECTION ACT.

(a) SHORT TITLE.—This section may be cited as the ''Farmer Protection Act''.

(b) DEFINITIONS.—In this section:

(1) AGRICULTURAL PRODUCERS OF NONGENETICALLY ENGINEERED PRODUCTS.—The term ''agricultural producer of nongenetically engineered products'' means any agricultural producer who produces seeds, crops, plants, or products without genetically engineered products.

(2) BIOTECH COMPANY.—The term ''biotech company'' means a person—
(A) engaged in the business of genetically engineering a seed, crop, plant, product, or organism; or
(B) that owns the patent rights to a genetically engineered product for the purpose of commercial exploitation of that genetically engineered product.

(3) CONTAMINATION.—The term ''contamination'' means the unwanted trespass, whether through pollination or other means, of a genetically engineered product into the seed, crop, plant, or product of an agricultural producer who does not use genetically engineered products.

(4) GENETIC ENGINEERING.—
(A) IN GENERAL.—The term ''genetic engineering'' means a process that alters an organism at the molecular or cellular level by means that are not possible under natural conditions or processes.
(B) INCLUSIONS.—The term ''genetic engineering'' includes—
(i) recombinant DNA and RNA techniques;
(ii) cell fusion;
(iii) microencapsulation;
(iv) macroencapsulation;
(v) gene deletion and doubling;
(vi) introduction of a foreign gene; and
(vii) changing the position of genes.
(C) EXCLUSIONS.—The term ''genetic engineering'' does not include any modification to an organism that consists exclusively of—
(i) breeding;
(ii) conjugation;
(iii) fermentation;
(iv) hybridization;
(v) in vitro fertilization; or
(vi) tissue culture.

(5) GENETICALLY ENGINEERED PRODUCT.—The term ''genetically engineered product'' means any seed, crop, plan, product, or organism that—
(A) is, or is derived from, an organism that is produced through the intentional use of genetic engineering; or
(B) is, or is derived from, the progeny of intended sexual reproduction, asexual reproduction, or both of 1 or more organisms described in subparagraph (A).

(c) LIABILITY OF AGRICULTURAL PRODUCERS OF NONGENETICALLY ENGINEERED PRODUCTS.—
(1) IN GENERAL.—No agricultural producer shall be liable to a biotech company under any provision of Federal, State, or local law, including for injury, monetary damages, or patent infringement, resulting from the contamination of the seeds, crops, products, or plants of the agricultural producer by a genetically engineered product that is created, produced, or distributed by the biotech company.
(2) WAIVER.—The liability described in paragraph (1) shall not be waived or otherwise avoided by contract.

(d) PRIVATE RIGHT OF ACTION BY AGRICULTURAL PRODUCERS OF NONGENETICALLY ENGINEERED PRODUCTS.—Any agricultural producer of nongenetically engineered products whose seeds, crops, plants, or products are contaminated by a genetically engineered product may, in a civil action in a court of competent jurisdiction, bring an action against a biotech company for monetary damages for injury to the agricultural producer caused by the genetically engineered product.

(e) ATTORNEY'S FEES.—The court may award a reasonable attorney's fee to the prevailing plaintiff in an action brought under subsection (d).

SA 2258. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 335, strike line 20.

On page 336, strike line 13 and insert the following:

carry out this section.''; and

(3) in subsection (c)(1)—
(A) in subparagraph (A), by striking ''or'' at the end;
(B) in subparagraph (B), by adding ''or'' at the end; and
(C) by adding at the end the following:
''(C) maximizing the use of commercial kitchens (such as kitchens operated by schools, food banks, and other public, nonprofit, or private entities) for the purpose of light-processing local agricultural products to create additional markets for producers, reduce hunger, and promote nutrition;''.

SA 2259. Mr. ENZI (for himself and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 998, between lines 7 and 8, insert the following:

SEC. 121___. LIMITATION ON USE OF ANTI-COMPETITIVE FORWARD CONTRACTS.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by striking ''Sec. 202. It shall be'' and inserting the following:

''SEC. 202. UNLAWFUL PRACTICES.

''(a) IN GENERAL.—It shall be'';

(2) by striking ''to:'' and inserting ''to—'';

(3) by redesignating subsections (a), (b), (c), (d), (e), (f), and (g) as paragraphs (1), (2), (3), (4), (5), (7), and (8), respectively, and indenting appropriately;

(4) in paragraph (7) (as redesignated by paragraph (3)), by designating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;

(5) in paragraph (8) (as redesignated by paragraph (3)), by striking ''subdivision (a), (b), (c), (d), or (e)'' and inserting ''paragraph (1), (2), (3), (4), (5), or (6)'';

(6) in each of paragraphs (1), (2), (3), (4), (5), (7), and (8) (as redesignated by paragraph (3)), by striking the first capital letter of the first word in the paragraph and inserting the same letter in the lower case;

(7) in each of paragraphs (1) through (5) (as redesignated by paragraph (3)), by striking ''or'' at the end;

(8) by inserting after paragraph (5) (as redesignated by paragraph (3)) the following:

''(6) except as provided in subsection (c), use, in effectuating any sale of livestock, a forward contract that—

''(A) does not contain a firm base price that may be equated to a fixed dollar amount on the day on which the forward contract is entered into; or

''(B) is based on a formula price.''; and

(9) by adding at the end the following:

''(b) EXEMPTION FOR COOPERATIVES.—Subsection (a)(6) shall not apply to—

''(1) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

''(A) own, feed, or control livestock; and

''(B) provide the livestock to the cooperative for slaughter;

''(2) a packer that is not required to report to the Secretary on each reporting day (as defined in section 212 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635a)) information on the price and quantity of livestock purchased by the packer; or

''(3) a packer that owns 1 livestock processing plant.''.

(b) DEFINITIONS.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)) is amended by adding at the end the following:

''(15) FIRM BASE PRICE.—The term 'firm base price' means a transaction using a reference price from an external source.

''(16) FORMULA PRICE.—

''(A) IN GENERAL.—The term 'formula price' means any price term that establishes a base from which a purchase price is calculated on

the basis of a price that will not be determined or reported until a date after the day the forward price is established.

''(B) EXCLUSION.—The term 'formula price' does not include—

''(i) any price term that establishes a base from which a purchase price is calculated on the basis of a futures market price; or

''(ii) any adjustment to the base for quality, grade, or other factors relating to the value of livestock or livestock products that are readily verifiable market factors and are outside the control of the packer.

''(17) FORWARD CONTRACT.—The term 'forward contract' means an oral or written contract for the purchase of livestock that provides for the delivery of the livestock to a packer at a date that is more than 7 days after the date on which the contract is entered into, without regard to whether the contract is for—

''(A) a specified lot of livestock; or

''(B) a specified number of livestock over a certain period of time.''.

SA 2260. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 998, between lines 7 and 8, insert the following:

SEC. 12106. ALTERNATIVE MARKETING ARRANGEMENTS.

(a) DEFINITIONS.—Section 221 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635d) is amended—

(1) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

''(1) ALTERNATIVE MARKETING ARRANGEMENT.—The term 'alternative marketing arrangement' means the advance commitment of cattle for slaughter by any means—

''(A) other than a negotiated purchase or forward contract; and

''(B) that does not use a method for calculating price in which the price is determined at a future date.''.

(b) MANDATORY REPORTING FOR LIVE CATTLE.—Section 222(d)(1) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635e(d)(1)) is amended by adding at the end the following:

''(F) The quantity of cattle delivered under an alternative marketing arrangement that were slaughtered.''.

SA 2261. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 122_____. NUMERIC NUTRIENT CRITERIA.

(a) SHORT TITLE.—This section may be cited as the ''State Waters Partnership Act of 2012''.

(b) DEFINITIONS.—In this section:

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

(2) FLORIDA AMENDED RULE.—The term ''Florida amended rule'' means chapters 62–302 and 62–303 of the Florida Administrative Code, as approved for adoption by the Florida Environmental Regulation Commission on December 8, 2011, and submitted on December 9, 2011, to the Florida Legislature for ratification.

(3) JANUARY 14, 2009, DETERMINATION.—The term ''January 14, 2009, determination'' means the determination issued by the Administrator on January 14, 2009, under section 303(c)(4)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(4)(B)), regarding numeric nutrient criteria for the State of Florida.

(4) NUMERIC NUTRIENT CRITERIA.—The term ''numeric nutrient criteria'' means specific numerical criteria for any species of nitrogen or phosphorus developed to meet the water quality requirements of section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

(c) NUMERIC NUTRIENT CRITERIA.—

(1) IN GENERAL.—The Administrator shall not propose, promulgate, or enforce any numeric nutrient criteria for any stream, lake, spring, canal, estuary, or marine water of the State of Florida based on the January 15, 2009, determination until the Administrator makes a final determination in accordance with section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)) regarding the Florida amended rule.

(2) WITHDRAWAL OF REGULATIONS.—If the Administrator determines under section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)) that the Florida amended rule meets the requirements of that Act (33 U.S.C. 1251 et seq.)—

(A) the Administrator shall not enforce, and shall withdraw, section 131.43 of title 40, Code of Federal Regulations (or a successor regulation), in its entirety; and

(B) shall not propose or promulgate any numeric nutrient criteria for any stream, lake, spring, canal, estuary, or marine water of the State of Florida based on the January 14, 2009, determination.

SA 2262. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE.

It is the sense of the Senate that nothing in this Act or an amendment made by this Act should manipulate prices or interfere with the free market.

SA 2263. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 770, strike lines 7 through 11 and insert the following:

(7) in subsection (k)(1), by striking ''2012'' and inserting ''2017''; and

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SA 2264. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING THE FEDERAL GOVERNMENT GUARANTEEING PROFITS.

It is the sense of the Senate that the Federal Government should not guarantee the profits of any industry.

SA 2265. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3101.

SA 2266. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1105.

SA 2267. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RENEWABLE FUEL STANDARD.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by striking subsection (o).

SA 2268. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON PROVISION OF LOAN GUARANTEES.

Notwithstanding any other provision of this Act, including any amendment made by this Act, no loan guarantee may be provided by the Secretary or any other Federal official or agency for any project or activity carried out by the Secretary.

SA 2269. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPEAL OF DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203; 124 Stat. 1376) is repealed.

SA 2270. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike parts I and II of subtitle D of title I.

SA 2271. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ELIMINATION OF MANDATORY FUNDING FROM ENERGY PROGRAMS.

Notwithstanding any other provision of this Act or any amendment made by this Act—

(1) section 9002(j) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C.

8102(j)) (as amended by section 9002(a)(7)) is amended—

(A) in paragraph (3), by striking ''$2,000,000'' and inserting ''$5,000,000''; and

(B) by striking paragraph (4);

(2) section 9003(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(h)) (as amended by section 9003(b)) is amended by striking paragraph (1) and inserting the following:

''(1) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), there is authorized to provide for the cost of loan guarantees under this section—

''(i) $100,000,000 for fiscal year 2013; and

''(ii) $58,000,000 for each of fiscal years 2014 and 2015.

''(B) BIOBASED PRODUCT MANUFACTURING.—Of the total amount of funds made available for the period of fiscal years 2013 through 2015 under subparagraph (A), the Secretary shall use for the cost of loan guarantees under this section not more than $25,000,000 to promote biobased product manufacturing.'';

(3) section 9006(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(d)) (as amended by section 9006) is amended—

(A) in paragraph (2), by striking ''$1,000,000'' and inserting ''$2,000,000''; and

(B) by striking paragraph (3);

(4) section 9007(g) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(g)) (as amended by section 9007(b)) is amended—

(A) in paragraph (4), by striking ''$20,000,000'' and inserting ''$68,200,000''; and

(B) by striking paragraph (5); and

(5) section 9008(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108(h)) (as amended by section 9008) is amended—

(A) in paragraph (3), by striking ''$30,000,000'' and inserting ''$56,000,000''; and

(B) by striking paragraph (4).

SA 2272. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle ____—Sugar

SEC. ___01. SHORT TITLE.

This subtitle may be cited as the ''Free Sugar Act of 2012''.

SEC. ___02. SUGAR PROGRAM.

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

SEC. ___03. ELIMINATION OF SUGAR PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) a processor of any of the 2012 or subsequent crops of sugarcane or sugar beets shall not be eligible for a loan under any provision of law with respect to the crop; and

(2) the Secretary of Agriculture may not make price support available, whether in the form of a loan, payment, purchase, or other operation, for any of the 2012 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or other funds available to the Secretary.

(b) TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.—

(1) IN GENERAL.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 344(f)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(f)(2)) is amended by striking ''sugar cane for sugar, sugar beets for sugar,''.

(c) GENERAL POWERS.—

(1) SECTION 32 ACTIVITIES.—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended in the second sentence of the first paragraph—

(A) in paragraph (1), by inserting ''(other than sugar beets and sugarcane)'' after ''commodities''; and

(B) in paragraph (3), by inserting ''(other than sugar beets and sugarcane)'' after ''commodity''.

(2) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting '', sugar beets, and sugarcane'' after ''tobacco''.

(3) PRICE SUPPORT FOR NONBASIC AGRICULTURAL COMMODITIES.—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking ''milk, sugar beets, and sugarcane'' and inserting '', and milk''.

(4) COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.—Section 167 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7287) is repealed.

(5) SUSPENSION AND REPEAL OF PERMANENT PRICE SUPPORT AUTHORITY.—Section 171(a)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(a)(1)) is amended—

(A) by striking subparagraph (E); and

(B) by redesignating subparagraphs (F) through (I) as subparagraphs (E) through (H), respectively.

(6) STORAGE FACILITY LOANS.—Section 1402(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7971) is repealed.

(7) FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.—Section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

(d) TRANSITION PROVISIONS.—This section and the amendments made by this section shall not affect the liability of any person under any provision of law as in effect before the application of this section and the amendments made by this section.

SEC. ___04. ELIMINATION OF SUGAR TARIFF AND OVER-QUOTA TARIFF RATE.

(a) ELIMINATION OF TARIFF ON RAW CANE SUGAR.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 1701.11 through 1701.11.50 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1701.11, as in effect on the day before the date of the enactment of this section:

''	1701.11.00	Cane sugar	Free		39.85¢/kg	''.

(b) ELIMINATION OF TARIFF ON BEET SUGAR.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 1701.12 through 1701.12.50 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1701.12, as in effect on the day before the date of the enactment of this section:

''	1701.12.00	Beet sugar	Free		42.05¢/kg	''.

(c) ELIMINATION OF TARIFF ON CERTAIN REFINED SUGAR.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking the superior text immediately preceding subheading 1701.91.05 and by striking subheadings 1701.91.05 through 1701.91.30 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1701.12.05, as in effect on the day before the date of the enactment of this section:

''	1701.91.02	Containing added coloring but not containing added flavoring matter	Free		42.05¢/kg	'';

(2) by striking subheadings 1701.99 through 1701.99.50 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1701.99, as in effect on the day before the date of the enactment of this section:

''	1701.99.00	Other	Free		42.05¢/kg	'';

(3) by striking the superior text immediately preceding subheading 1702.90.05 and by striking subheadings 1702.90.05 through 1702.90.20 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1702.60.22:

''	1702.90.02	Containing soluble non-sugar solids (excluding any foreign substances, including but not limited to molasses, that may have been added to or developed in the product) equal to 6 percent or less by weight of the total soluble solids	Free		42.05¢/kg	'';

and

(4) by striking the superior text immediately preceding subheading 2106.90.42 and by striking subheadings 2106.90.42 through 2106.90.46 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 2106.90.39:

''	2106.90.40	Syrups derived from cane or beet sugar, containing added coloring but not added flavoring matter	Free		42.50¢/kg	''.

(d) CONFORMING AMENDMENT.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking additional U.S. note 5.

(e) ADMINISTRATION OF TARIFF-RATE QUOTAS.—Section 404(d)(1) of the Uruguay Round Agreements Act (19 U.S.C. 3601(d)(1)) is amended—

(1) by inserting ''or'' at the end of subparagraph (B);

(2) by striking ''; or'' at the end of subparagraph (C) and inserting a period; and

(3) by striking subparagraph (D).

(f) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. ___05. APPLICATION.

Except as otherwise provided in this subtitle, this subtitle and the amendments made by this subtitle shall apply beginning with the 2012 crop of sugar beets and sugarcane.

SA 2273. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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.'';

SA 2274. Mr. DEMINT (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PERMANENT ESTATE TAX RELIEF.

(a) IN GENERAL.—Title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, and the amendments made thereby, are repealed; and the Internal Revenue Code of 1986 shall be applied as if such title, and amendments, had never been enacted.

(b) EXCLUSION FROM EGGTRA SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the provisions of, and amendments made by, subtitle A or E of title V of such Act.

(c) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to estates of decedents dying, gifts made, and generation skipping transfers after December 31, 2009.

SA 2275. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 765, strike line 8, insert ''that the Secretary determines does not have access to broadband service from any provider of broadband service (including the applicant)'' before the period at the end.

SA 2276. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON MANDATORY OR COMPULSORY CHECK OFF PROGRAMS.

No program to promote and provide research and information for a particular agricultural commodity without reference to specific producers or brands (commonly known as a ''check-off program'') shall be mandatory or compulsory.

SA 2277. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF SENATE REGARDING DISPLACEMENT OF PRIVATE SECTOR ENTITIES.

It is the sense of the Senate that no provision of this Act (including any amendment made by this Act) should displace any service or product provided by an entity in the private sector.

SA 2278. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike part I of subtitle D of title I.

SA 2279. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 6104.

SA 2280. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 12205.

SA 2281. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle D—Other Matters

SEC. 3301. CONSISTENCY WITH INTERNATIONAL TRADE OBLIGATIONS OF THE UNITED STATES.

The Secretary shall administer this Act, and any amendments made by this Act, in a manner consistent with the obligations of the United States as a member of the World Trade Organization and under trade agreements to which the United States is a party.

SA 2282. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BORDER FENCE COMPLETION.

(a) MINIMUM REQUIREMENTS.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: ''Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''and'' at the end;

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

(C) by adding at the end the following:

''(iii) not later than 1 year after the date of the enactment of the Agriculture Reform, Food, and Jobs Act of 2012, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).''; and

(3) in subparagraph (C), by adding at the end the following:

''(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).''.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by subsection (a); and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

SA 2283. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RENEWABLE FUEL STANDARD.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by striking subsection (o).

SEC. _____. PERMANENT ESTATE TAX RELIEF.

(a) IN GENERAL.—Title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, and the amendments made thereby, are repealed; and the Internal Revenue Code of 1986 shall be applied as if such title, and amendments, had never been enacted.

(b) EXCLUSION FROM EGGTRA SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the provisions of, and amendments made by, subtitle A or E of title V of such Act.

(c) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to estates of decedents dying, gifts made, and generation skipping transfers after December 31, 2009.

SA 2284. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE

It is the sense of the Senate that nothing in this Act should raise the cost of food or products for consumers or the needy.

SA 2285. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 12_____. FUNDING.

Notwithstanding any other provision of this Act or any amendment made by this Act, each amount made available by this Act or an amendment made by this Act that is funded through direct spending (as defined in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985(2 U.S.C. 900(c))) shall be considered to be an authorization of appropriations for that amount and purpose.

SA 2286. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL RIGHT TO WORK.

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking ''except to'' and all that follows through ''authorized in section 8(a)(3)''.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking '': *Provided*, That'' and all that follows through ''retaining membership'';

(B) in subsection (b)—

(i) in paragraph (2), by striking ''or to discriminate'' and all that follows through ''retaining membership''; and

(ii) in paragraph (5), by striking ''covered by an agreement authorized under subsection (a)(3)''; and

(C) in subsection (f)—

(i) by striking clause (2); and

(ii) by redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

SA 2287. Mr. CARPER (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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.'';

SA 2288. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

''SEC. 3707. DISCRETION OF SECRETARY.

''Notwithstanding any other provision of this title, the Secretary may deny an application for a rural development program under this title if the area subject to the application meets the requirements of a rural area under section 3002(28), but is determined by the Secretary to not be rural in character.

SA 2289. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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.''.

SA 2290. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 7_____. REDUCTION OF AMOUNTS FOR RURAL DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act or any amendment made by this Act, the Secretary shall reduce the amounts made available to carry out rural development programs authorized by this title or an amendment made by this title, on a pro rata basis, by an aggregate amount of $1,000,000,000.

(b) PRIORITIZATION.—Notwithstanding any other provision of this Act or any amendment made by this Act, the Secretary may use any amounts remaining available to carry out the programs described in subsection (a) after the disposition under subsection (a), as determined by the Secretary.

SA 2291. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 864, strike lines 1 through 11 and insert the following:

SEC. 8202. OFFICE OF INTERNATIONAL FORESTRY.

Section 2405 of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6704) is repealed.

SA 2292. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 863, strike lines 13 through 17 and insert the following:

Section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105) is repealed.

SA 2293. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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).

SA 2294. Mr. UDALL of Colorado (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 880, between lines 3 and 4, insert the following:

SEC. 8303. COLORADO COOPERATIVE CONSERVATION AUTHORITY.

Section 331(e) of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291; 114 Stat. 996; 118 Stat. 3102; 123 Stat. 2961), is amended by striking ''September 30, 2013'' and inserting ''September 30, 2017''.

SA 2295. Mr. UDALL of Colorado (for himself, Mr. THUNE, Mr. BENNET, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SA 2296. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 389, between lines 16 and 17, insert the following:

''(e) MICROLOAN PROGRAM.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish a microloan program within the operating loan program established under this chapter.

''(2) LOAN AMOUNT.—Each loan issued under the program shall be in an amount of not less than $500 and not more than $5,000.

''(3) ELIGIBILITY.—

''(A) DEFINITION OF GLEANER.—In this paragraph, the term 'gleaner' means an individual or entity that—

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

''(ii) 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.

''(B) 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 microloans under this subsection.

''(4) LOAN PROCESSING.—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.

''(5) 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.

SA 2297. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 362, line 11, insert ''(which may include obtaining degrees from institutions of higher education in business or agriculture, such as horticulture or agricultural business management degrees)'' after ''farmer''.

SA 2298. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 12_____. ANNUAL REPORTS ON LOANS TO YOUNG AND BEGINNING FARMERS AND RANCHERS.

(a) IN GENERAL.—Part D of title IV of the Farm Credit Act of 1971 (12 U.S.C. 2203 et seq.) is amended by adding at the end the following:

''SEC. 4.22. ANNUAL REPORTS ON LOANS TO YOUNG AND BEGINNING FARMERS AND RANCHERS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE BORROWER.—The term 'eligible borrower' means an agricultural producer who, as determined by the Farm Credit Administration—

''(A) is not more than 35 years old;

''(B)(i) has experience of at least 3 years in operating a farm or ranch; but

''(ii) has not more than 10 years of total farming or ranching experience; and

''(C) for the immediately preceding complete taxable year had an average adjusted gross farm income (as defined in section 1001D of the Farm Security Act of 1985 (7 U.S.C. 1308–3a) of not more than $250,000.

''(2) FUNDING INSTITUTION.—The term 'funding institution' means an entity that, during the immediately preceding taxable year—

''(A) was part of the Farm Credit System;

''(B) was subject to regulation by the Farm Credit Administration; and

''(C) had net income resulting from tax-exempt earnings on real estate lending.

''(b) REPORTS ON LENDING DATA BY FUNDING INSTITUTIONS.—The Farm Credit Administration shall—

''(1) require each funding institution to annually aggregate and report all lending data by individual eligible borrower, and

''(2) annually report this lending activity to the Secretary and Congress.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 2299. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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 regarding 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.''.

SA 2300. Ms. KLOBUCHAR (for herself, Mr. LUGAR, Mrs. MCCASKILL, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 122___. SCIENCE ADVISORY BOARD.

Section 8(b) of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4365(b)) is amended in the first sentence by inserting ''and not more than 3 of whom shall be appointed based on the recommendation of the Secretary of Agriculture,'' after ''Chairman,''.

SA 2301. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 2232 submitted by Mr. TESTER (for himself and Mr. THUNE) and intended to be proposed to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

Subtitle C—Restrictions on the Designation of National Monuments

SEC. 13801. RESTRICTIONS ON THE DESIGNATION OF NATIONAL MONUMENTS.

(a) DESIGNATION.—No national monument designated by presidential proclamation shall be valid until the date on which the Governor and the legislature of each State within the boundaries of the proposed national monument have approved of the designation.

(b) RESTRICTIONS.—The Secretary of the Interior shall not implement any restrictions on the public use of a national monument until the expiration of an appropriate review period providing for public input, as determined by the Secretary of the Interior.

SA 2302. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE XIII—RECREATIONAL FISHING, HUNTING, AND SHOOTING

Subtitle A—Recreational Fishing and Hunting Heritage and Opportunities

SEC. 13001. SHORT TITLE.

This subtitle may be cited as the ''Recreational Fishing and Hunting Heritage and Opportunities Act''.

SEC. 13002. FINDINGS.

Congress finds that—

(1) recreational fishing and hunting are important and traditional activities in which millions of Americans participate;

(2) recreational anglers and hunters have been and continue to be among the foremost supporters of sound fish and wildlife management and conservation in the United States;

(3) recreational fishing and hunting are environmentally acceptable and beneficial activities that occur and can be provided on Federal public lands and waters without adverse effects on other uses or users;

(4) recreational anglers, hunters, and sporting organizations provide direct assistance to fish and wildlife managers and enforcement officers of the Federal Government as well as State and local governments by investing volunteer time and effort to fish and wildlife conservation;

(5) recreational anglers, hunters, and the associated industries have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management by providing revenues from purchases of fishing and hunting licenses, permits, and stamps, as well as excise taxes on fishing, hunting, and shooting equipment that have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management;

(6) recreational shooting is also an important and traditional activity in which millions of Americans participate, safe recreational shooting is a valid use of Federal public lands, including the establishment of safe and convenient shooting ranges on such lands, and participation in recreational shooting helps recruit and retain hunters and contributes to wildlife conservation;

(7) opportunities to recreationally fish, hunt, and shoot are declining, which depresses participation in these traditional activities, and depressed participation adversely impacts fish and wildlife conservation and funding for important conservation efforts; and

(8) the public interest would be served, and our citizens' fish and wildlife resources benefitted, by action to ensure that opportunities are facilitated to engage in fishing and hunting on Federal public land as recognized by Executive Order No. 12962, relating to recreational fisheries, and Executive Order No. 13443, relating to facilitation of hunting heritage and wildlife conservation.

SEC. 13003. DEFINITIONS.

In this subtitle:

(1) FEDERAL PUBLIC LAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''Federal public land'' means any land or water that is—

(i) owned by the United States; and

(ii) managed by a Federal agency (including the Department of the Interior and the Forest Service) for purposes that include the conservation of natural resources.

(B) EXCLUSION.—The term ''Federal public land'' does not include any land or water held in trust for the benefit of Indians or other Native Americans.

(2) HUNTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''hunting'' means use of a firearm, bow, or other authorized means in the lawful—

(i) pursuit, shooting, capture, collection, trapping, or killing of wildlife;

(ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife; or

(iii) the training of hunting dogs, including field trials.

(B) EXCLUSION.—The term ''hunting'' does not include the use of skilled volunteers to cull excess animals (as defined by other Federal law, including laws applicable to the National Park System).

(3) RECREATIONAL FISHING.—The term ''recreational fishing'' means the lawful—

(A) pursuit, capture, collection, or killing of fish; or

(B) attempt to capture, collect, or kill fish.

(4) RECREATIONAL SHOOTING.—The term ''recreational shooting'' means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

SEC. 13004. RECREATIONAL FISHING, HUNTING, AND SHOOTING.

(a) IN GENERAL.—Subject to valid existing rights and subsection (g), and cooperation with the respective State and fish and wildlife agency, Federal public land management officials shall exercise their authority under existing law, including provisions regarding land use planning, to facilitate use of and access to Federal public lands, including Wilderness Areas, Wilderness Study Areas, or lands administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas, for fishing, sport hunting, and recreational shooting except as limited by—

(1) statutory authority that authorizes action or withholding action for reasons of national security, public safety, or resource conservation;

(2) any other Federal statute that specifically precludes recreational fishing, hunting, or shooting on specific Federal public lands, waters, or units thereof; and

(3) discretionary limitations on recreational fishing, hunting, and shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

(b) MANAGEMENT.—Consistent with subsection (a), the head of each Federal public land management agency shall exercise its land management discretion—

(1) in a manner that supports and facilitates recreational fishing, hunting, and shooting opportunities;

(2) to the extent authorized under applicable State law; and

(3) in accordance with applicable Federal law.

(c) PLANNING.—

(1) EFFECTS OF PLANS AND ACTIVITIES.—

(A) EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN RECREATIONAL FISHING, HUNTING, OR SHOOTING.—Federal public land planning documents, including land resources management plans, resource management plans, travel management plans, general management plans, and comprehensive conservation plans, shall include a specific evaluation of the effects of such plans on opportunities to engage in recreational fishing, hunting, or shooting.

(B) NOT MAJOR FEDERAL ACTION.—No action taken under this subtitle, or under section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd), as amended by the National Wildlife Refuge System Improvement Act of 1997, either individually or cumulatively with other actions involving Federal public lands, shall be considered to be a major Federal action significantly affecting the quality of the human environment, and no additional identification, analysis, or consideration of environmental effects, including cumulative effects, is necessary or required.

(C) OTHER ACTIVITY NOT CONSIDERED.—Federal public land management officials are not required to consider the existence or availability of recreational fishing, hunting, or shooting opportunities on adjacent or nearby public or private lands in the planning for or determination of which Federal public lands are open for these activities or in the setting of levels of use for these activities on Federal public lands, unless the combination or coordination of such opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.

(2) USE OF VOLUNTEERS.—If hunting is prohibited by law, all Federal public land planning documents listed in paragraph (1)(A) of an agency shall, after appropriate coordination with State fish and wildlife agencies, allow the participation of skilled volunteers in the culling and other management of wildlife populations on Federal public lands unless the head of the agency demonstrates, based on the best scientific data available or applicable Federal statutes, why skilled volunteers shall not be used to control overpopulations of wildlife on the land that is the subject of the planning documents.

(d) BUREAU OF LAND MANAGEMENT AND FOREST SERVICE LANDS.—

(1) LANDS OPEN.—Lands under the jurisdiction of the Bureau of Land Management and the Forest Service, including Wilderness Areas, Wilderness Study Areas, lands designated as wilderness or administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas but excluding lands on the Outer Continental Shelf, shall be open to recreational fishing, hunting, and shooting unless the managing Federal agency acts to close lands to such activity. Lands may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence, for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interests, national security, or compliance with other law.

(2) SHOOTING RANGES.—

(A) IN GENERAL.—The head of each Federal agency shall use his or her authorities in a manner consistent with this Act and other applicable law, to—

(i) lease or permit use of lands under the jurisdiction of the agency for shooting ranges; and

(ii) designate specific lands under the jurisdiction of the agency for recreational shooting activities.

(B) LIMITATION ON LIABILITY.—Any designation under subparagraph (A)(ii) shall not subject the United States to any civil action or claim for monetary damages for injury or loss of property or personal injury or death caused by any activity occurring at or on such designated lands.

(e) NECESSITY IN WILDERNESS AREAS AND ''WITHIN AND SUPPLEMENTAL TO'' WILDERNESS PURPOSES.—

(1) MINIMUM REQUIREMENTS FOR ADMINISTRATION.—The provision of opportunities for hunting, fishing and recreational shooting, and the conservation of fish and wildlife to provide sustainable use recreational opportunities on designated wilderness areas on Federal public lands shall constitute measures necessary to meet the minimum requirements for the administration of the wilderness area.

(2) The term ''within and supplemental to'' Wilderness purposes in section 4(a) of Public Law 88–577, means that any requirements imposed by that Act shall be implemented only insofar as they do not prevent Federal public

land management officials and State fish and wildlife officials from carrying out their wildlife conservation responsibilities or providing recreational opportunities on the Federal public lands subject to a wilderness designation.

(3) Paragraphs (1) and (2) are not intended to authorize or facilitate commodity development, use, or extraction, or motorized recreational access or use.

(f) REPORT.—Not later than October 1 of every other year, beginning with the second October 1 after the date of the enactment of this Act, the head of each Federal agency who has authority to manage Federal public land on which fishing, hunting, or recreational shooting occurs shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) any Federal public land administered by the agency head that was closed to recreational fishing, sport hunting, or shooting at any time during the preceding year; and

(2) the reason for the closure.

(g) CLOSURES OR SIGNIFICANT RESTRICTIONS OF 640 OR MORE ACRES.—

(1) IN GENERAL.—Other than closures established or prescribed by land planning actions referred to in subsection (d) or emergency closures described in paragraph (3) of this subsection, a permanent or temporary withdrawal, change of classification, or change of management status of Federal public land that effectively closes or significantly restricts 640 or more contiguous acres of Federal public land to access or use for fishing or hunting or activities related to fishing and hunting (or both) shall take effect only if, before the date of withdrawal or change, the head of the Federal agency that has jurisdiction over the Federal public land—

(A) publishes appropriate notice of the withdrawal or change, respectively;

(B) demonstrates that coordination has occurred with a State fish and wildlife agency; and

(C) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change, respectively.

(2) AGGREGATE OR CUMULATIVE EFFECTS.—If the aggregate or cumulative effect of separate withdrawals or changes effectively closes or significantly restricts 1280 or more acres of land or water, such withdrawals and changes shall be treated as a single withdrawal or change for purposes of paragraph (1).

(3) EMERGENCY CLOSURES.—Nothing in this Act prohibits a Federal land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area to provide for public safety, resource conservation, national security, or other purposes authorized by law. Such an emergency closure shall terminate after a reasonable period of time unless converted to a permanent closure consistent with this Act.

(4) NATIONAL WILDLIFE REFUGE SYSTEM.—Nothing in this Act is intended to amend or modify the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), except as expressly provided herein.

(h) AREAS NOT AFFECTED.—Nothing in this subtitle requires the opening of national park or national monuments under the jurisdiction of the National Park Service to hunting or recreational shooting.

(i) NO PRIORITY.—Nothing in this subtitle requires a Federal agency to give preference to recreational fishing, hunting, or shooting over other uses of Federal public land or over land or water management priorities established by Federal law.

(j) CONSULTATION WITH COUNCILS.—In fulfilling the duties set forth in this subtitle, the heads of Federal agencies shall consult with respective advisory councils as established in Executive Order Nos. 12962 and 13443.

(k) AUTHORITY OF THE STATES.—

(1) IN GENERAL.—Nothing in this subtitle shall be construed as interfering with, diminishing, or conflicting with the authority, jurisdiction, or responsibility of any State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water within the State, including on Federal public land.

(2) FEDERAL LICENSES.—Nothing in this subtitle authorizes the head of a Federal agency head to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal public land in the States, except that this paragraph shall not affect the Migratory Bird Stamp requirement set forth in the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718 et seq.).

Subtitle B—Recreational Shooting Protection

SEC. 13011. SHORT TITLE.

This subtitle may be cited as the ''Recreational Shooting Protection Act''.

SEC. 13012. DEFINITIONS.

In this subtitle:

(1) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Land Management.

(2) NATIONAL MONUMENT LAND.—The term ''National Monument land'' has the meaning given that term in the Act of June 8, 1908 (commonly known as the ''Antiquities Act''; 16 U.S.C. 431 et seq.).

(3) RECREATIONAL SHOOTING.—The term ''recreational shooting'' includes any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

SEC. 13013. RECREATIONAL SHOOTING.

(a) IN GENERAL.—Subject to valid existing rights, National Monument land under the jurisdiction of the Bureau of Land Management shall be open to access and use for recreational shooting, except such closures and restrictions determined by the Director to be necessary and reasonable and supported by facts and evidence for one or more of the following:

(1) Reasons of national security.

(2) Reasons of public safety.

(3) To comply with an applicable Federal statute.

(4) To comply with a law (including regulations) of the State in which the National Monument land is located that is applicable to recreational shooting.

(b) NOTICE; REPORT.—

(1) REQUIREMENT.—Except as set forth in paragraph (2)(B), before a restriction or closure under subsection (a) is made effective, the Director shall—

(A) publish public notice of such closure or restriction in a newspaper of general circulation in the area where the closure or restriction will be carried out; and

(B) submit to Congress a report detailing the location and extent of, and evidence justifying, such a closure or restriction.

(2) TIMING.—The Director shall issue the notice and report required under paragraph (1)—

(A) before the closure if practicable without risking national security or public safety; and

(B) in cases where such issuance is not practicable for reasons of national security or public safety, not later than 30 days after the closure.

(c) CESSATION OF CLOSURE OR RESTRICTION.—A closure or restriction under paragraph (1) or (2) of subsection (a) shall cease to be effective—

(1) effective on the day after the last day of the six-month period beginning on the date on which the Director submitted the report to Congress under subsection (b)(2) regarding the closure or restriction, unless the closure or restriction has been approved by Federal law; and

(2) 30 days after the date of the enactment of a Federal law disapproving the closure or restriction.

(d) MANAGEMENT.—Consistent with subsection (a), the Director shall manage National Monument land under the jurisdiction of the Bureau of Land Management—

(1) in a manner that supports, promotes, and enhances recreational shooting opportunities;

(2) to the extent authorized under State law (including regulations); and

(3) in accordance with applicable Federal law (including regulations).

(e) LIMITATION ON DUPLICATIVE CLOSURES OR RESTRICTIONS.—Unless supported by criteria under subsection (a) as a result of a change in circumstances, the Director may not issue a closure or restriction under subsection (a) that is substantially similar to closure or restriction previously issued that was not approved by Federal law.

(f) EFFECTIVE DATE FOR PRIOR CLOSURES AND RESTRICTIONS.—On the date that is 6 months after the date of the enactment of this Act, this subtitle shall apply to closures and restrictions in place on the date of the enactment of this subtitle that relate to access and use for recreational shooting on National Monument land under the jurisdiction of the Bureau of Land Management.

(g) ANNUAL REPORT.—Not later than October 1 of each year, the Director shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) any National Monument land under the jurisdiction of the Bureau of Land Management that was closed to recreational shooting or on which recreational shooting was restricted at any time during the preceding year; and

(2) the reason for the closure.

(h) NO PRIORITY.—Nothing in this subtitle requires the Director to give preference to recreational shooting over other uses of Federal public land or over land or water management priorities established by Federal law.

(i) AUTHORITY OF THE STATES.—

(1) SAVINGS.—Nothing in this subtitle affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water in the State, including Federal public land.

(2) FEDERAL LICENSES.—Nothing in this subtitle authorizes the Director to require a license for recreational shooting on land or water in a State, including on Federal public land in the State.

(j) CONTROLLING PROVISIONS.—In any instance when one or more provisions in title I and in this subtitle may be construed to apply in an inconsistent manner to National Monument land, the provisions in this subtitle shall take precedence and apply.

Subtitle C—Polar Bear Conservation and Fairness

SEC. 13021. SHORT TITLE.

This subtitle may be cited as the ''Polar Bear Conservation and Fairness Act of 2012''.

SEC. 13022. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.

Section 104(c)(5)(D) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)(D)) is amended to read as follows:

''(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of any polar bear part (other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person—

''(I) who submits, with the permit application, proof that the polar bear was legally harvested by the person before February 18, 1997; or

''(II) who has submitted, in support of a permit application submitted before May 15, 2008, proof that the polar bear was legally harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations.

''(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102. Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(I). This clause shall not apply to polar bear parts that were imported before June 12, 1997.

''(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Polar Bear Conservation and Fairness Act of 2012.''.

Subtitle D—Hunting, Fishing, and Recreational Shooting Protection

SEC. 13031. SHORT TITLE.

This subtitle may be cited as the ''Hunting, Fishing, and Recreational Shooting Protection Act''.

SEC. 13032. MODIFICATION OF DEFINITION.

Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking '', and'' and inserting '', or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers,'';

(2) in clause (vi) by striking the period at the end and inserting '', and''; and

(3) by inserting after clause (vi) the following:

''(vii) any sport fishing equipment (as such term is defined in subsection (a) of section 4162 of the Internal Revenue Code of 1986) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.''.

Subtitle E—Hunting in Kisatchie National Forest

SEC. 13041. HUNTING IN KISATCHIE NATIONAL FOREST.

(a) IN GENERAL.—Consistent with the Act of June 4, 1897 (16 U.S.C. 551), the Secretary of Agriculture may not restrict the use of dogs in deer hunting activities in Kisatchie National Forest, unless such restrictions—

(1) apply to the smallest practicable portions of such unit; and

(2) are necessary to reduce or control trespass onto land adjacent to such unit.

(b) PRIOR RESTRICTIONS VOID.—Any restrictions regarding the use of dogs in deer hunting activities in Kisatchie National Forest in force on the date of the enactment of this Act shall be void and have no force or effect.

Subtitle F—Designation of and Restrictions on National Monuments

SEC. 13051. DESIGNATION OF AND RESTRICTIONS ON NATIONAL MONUMENTS.

(a) DESIGNATION.—No national monument designated by presidential proclamation shall be valid until the Governor and the legislature of each State within the boundaries of the proposed national monument have approved of such designation.

(b) RESTRICTIONS.—The Secretary of the Interior shall not implement any restrictions on the public use of a national monument until the expiration of an appropriate review period (determined by the Secretary of the Interior) providing for public input.

SA 2303. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. 122____. SHORT TITLE.

(a) SHORT TITLE.—This section may be cited as the ''Natchez Trace Parkway Land Conveyance Act of 2012''.

(b) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means the map entitled ''Natchez Trace Parkway, Proposed Boundary Change'', numbered 604/105392, and dated November 2010.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Mississippi.

(c) LAND CONVEYANCE.—

(1) CONVEYANCE AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall convey to the State, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcels of land described in paragraph (2).

(B) COMPATIBLE USE.—The deed of conveyance to the parcel of land that is located southeast of U.S. Route 61/84 and which is commonly known as the ''bean field property'' shall reserve an easement to the United States restricting the use of the parcel to only those uses which are compatible with the Natchez Trace Parkway.

(2) DESCRIPTION OF LAND.—The parcels of land referred to in paragraph (1) are the 2 parcels totaling approximately 67 acres generally depicted as ''Proposed Conveyance'' on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) BOUNDARY ADJUSTMENTS.—

(1) EXCLUSION OF CONVEYED LAND.—On completion of the conveyance to the State of the land described in subsection (c)(2), the boundary of the Natchez Trace Parkway shall be adjusted to exclude the conveyed land.

(2) INCLUSION OF ADDITIONAL LAND.—

(A) IN GENERAL.—Effective on the date of enactment of this Act, the boundary of the Natchez Trace Parkway is adjusted to include the approximately 10 acres of land that is generally depicted as ''Proposed Addition'' on the map.

(B) ADMINISTRATION.—The land added under subparagraph (A) shall be administered by the Secretary as part of the Natchez Trace Parkway.

SA 2304. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. 122___. TRANSFER OF YELLOW CREEK PORT PROPERTIES.

In accordance with section 4(k) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831c(k)), Congress approves the conveyance by the Tennessee Valley Authority, on behalf of the United States, to the State of Mississippi of the Yellow Creek Port properties owned by the United States and in the custody of the Authority at Iuka, Mississippi, as of the date of enactment of this Act.

SA 2305. Mr. CRAPO (for himself and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. BUSINESS RISK MITIGATION AND PRICE STABILIZATION.

(a) MARGIN REQUIREMENTS.—

(1) COMMODITY EXCHANGE ACT AMENDMENT.—Section 4s(e) of the Commodity Exchange Act (7 U.S.C. 6s(e)), as added by section 731 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following new paragraph:

''(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The requirements of paragraphs (2)(A)(ii) and (2)(B)(ii) shall not apply to a swap in which a counterparty qualifies for an exception under section 2(h)(7)(A) or satisfies the criteria in section 2(h)(7)(D).''.

(2) SECURITIES EXCHANGE ACT AMENDMENT.—Section 15F(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(e)), as added by section 764(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following new paragraph:

''(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The requirements of paragraphs (2)(A)(ii) and (2)(B)(ii) shall not apply to a security-based swap in which a counterparty qualifies for an exception under section 3C(g)(1) or satisfies the criteria in section 3C(g)(4).''.

(b) IMPLEMENTATION.—The amendments made by this section to the Commodity Exchange Act shall be implemented—

(1) without regard to—

(A) chapter 35 of title 44, United States Code; and

(B) the notice and comment provisions of section 553 of title 5, United States Code;

(2) through the promulgation of an interim final rule, pursuant to which public comment will be sought before a final rule is issued; and

(3) such that paragraph (1) shall apply solely to changes to rules and regulations, or proposed rules and regulations, that are limited to and directly a consequence of such amendments.

SA 2306. Ms. MURKOWSKI (for herself, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. WHITEHOUSE, and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 522, strike line 15 and all that follows through page 523, line 2, and insert the following:

(12) FARM.—The term ''farm'' means an operation involved in—

''(A) the production of an agricultural commodity;

''(B) ranching;

''(C) aquaculture; or

''(D) in the case of chapter 2 of subtitle A—

''(i) commercial fishing; or

''(ii) the production of shellfish.

''(13) FARMER.—The term 'farmer' means an individual or entity engaged primarily and directly in—

''(A) the production of an agricultural commodity;

''(B) ranching;

''(C) aquaculture; or

''(D) in the case of chapter 2 of subtitle A—

''(i) commercial fishing; or

''(ii) the production of shellfish.

SA 2307. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 801, line 6, strike ''$20,000,000'' and insert ''$30,000,000''.

SA 2308. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12207. CHIEF AGRICULTURE COUNSEL; RULES SIGNIFICANTLY AFFECTING AGRICULTURE IN THE UNITED STATES.

(a) DEFINITION OF ADMINISTRATOR.—The term ''Administrator'' means Administrator of the Environmental Protection Agency.

(b) CHIEF AGRICULTURE COUNSEL.—

(1) IN GENERAL.—There shall be in the Environmental Protection Agency a Chief Agriculture Counsel, who shall be appointed by the President from among persons who—

(A) have been nominated by the Secretary of Agriculture and the Administrator of the Environmental Protection Agency; and

(B) have significant experience in agriculture.

(2) DUTIES.—

(A) IN GENERAL.—The Chief Agriculture Counsel shall perform such functions and duties as the Administrator shall prescribe, consistent with this Act.

(B) REQUIREMENTS.—The duties of the Chief Agriculture Counsel shall include, at a minimum, a review of each rule promulgated by the Administrator of the Environmental Protection Agency to determine whether the rule impacts agriculture in the United States.

(c) RULES SIGNIFICANTLY AFFECTING AGRICULTURE IN THE UNITED STATES.—

(1) IN GENERAL.—If the Chief Agriculture Counsels determines that a rule promulgated by the Administrator will significantly affect agriculture in the United States, the Chief Agriculture Counsel shall submit to the Administrator and include in the official record of the rulemaking a written report that contains—

(A) an impact analysis of the manner in which the rule will impact agriculture in the United States;

(B) any recommendations of the Chief Agriculture Counsel for changes to the rule to ensure that the rule is not unreasonably burdensome on agricultural producers; and

(C) a list of reasons why the rule should or should not become final.

(2) EFFECT.—A rule described in paragraph (1) shall not take effect until the date on which the Administrator publishes in the Federal Register a detailed description of the manner by which the Administrator responded to the report of the Chief Agriculture Counsel.

SA 2309. Mrs. FEINSTEIN (for herself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 968, between lines 4 and 5, insert the following:

SEC. 11017. STUDY OF FOOD SAFETY INSURANCE.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as amended by section 11016) is amended by adding at the end the following:

''(19) STUDY OF FOOD SAFETY INSURANCE.—

''(A) IN GENERAL.—The Corporation shall offer to enter into a contract with 1 or more qualified entities to conduct a study to determine whether offering policies that provide coverage for specialty crops from food safety and contamination issues would benefit agricultural producers.

''(B) SUBJECT.—The study described in subparagraph (A) shall evaluate policies and plans of insurance coverage that provide protection for production or revenue impacted by food safety concerns including, at a minimum, government, retail, or national consumer group announcements of a health advisory, removal, or recall related to a contamination concern.

''(C) REPORT.—Not later than 1 year after the date of enactment of this paragraph, 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 a report that describes the results of the study conducted under subparagraph (A).''.

SA 2310. Mr. SANDERS (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12207. CONSUMERS RIGHT TO KNOW ABOUT GENETICALLY ENGINEERED FOOD ACT.

(a) SHORT TITLE.—This section may be cited as the ''Consumers Right to Know About Genetically Engineered Food Act''.

(b) FINDINGS.—Congress finds that—

(1) surveys of the American public consistently show that 90 percent or more of the people of the United States want genetically engineered to be labeled as such;

(2) a landmark public health study in Canada found that—

(A) 93 percent of pregnant women had detectable toxins from genetically engineered foods in their blood; and

(B) 80 percent of the babies of those women had detectable toxins in their umbilical cords;

(3) the tenth Amendment to the Constitution of the United States clearly reserves powers in the system of Federalism to the States or to the people; and

(4) States have the authority to require the labeling of foods produced through genetic engineering or derived from organisms that have been genetically engineered.

(c) DEFINITIONS.—In this section:

(1) GENETIC ENGINEERING.—

(A) IN GENERAL.—The term ''genetic engineering'' means a process that alters an organism at the molecular or cellular level by means that are not possible under natural conditions or processes.

(B) INCLUSIONS.—The term ''genetic engineering'' includes—

(i) recombinant DNA and RNA techniques;

(ii) cell fusion;

(iii) microencapsulation;

(iv) macroencapsulation;

(v) gene deletion and doubling;

(vi) introduction of a foreign gene; and

(vii) changing the position of genes.

(C) EXCLUSIONS.—The term ''genetic engineering'' does not include any modification to an organism that consists exclusively of—

(i) breeding;

(ii) conjugation;

(iii) fermentation;

(iv) hybridization;

(v) in vitro fertilization; or

(vi) tissue culture.

(2) GENETICALLY ENGINEERED INGREDIENT.—The term ''genetically engineered ingredient'' means any ingredient in any food, beverage, or other edible product that—

(A) is, or is derived from, an organism that is produced through the intentional use of genetic engineering; or

(B) is, or is derived from, the progeny of intended sexual reproduction, asexual reproduction, or both of 1 or more organisms described in subparagraph (A).

(d) RIGHT TO KNOW.—Notwithstanding any other Federal law (including regulations), a State may require that any food, beverage, or other edible product offered for sale in that State have a label on the container or package of the food, beverage, or other edible product, indicating that the food, beverage, or other edible product contains a genetically engineered ingredient.

(e) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Food and Drugs and the Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commissioner of Food and Drugs, in consultation with the Secretary of Agriculture, shall submit a report to Congress detailing the percentage of food and beverages sold in the United States that contain genetically engineered ingredients.

SA 2311. Mr. BLUMENTHAL (for himself, Mr. KIRK, Ms. CANTWELL, Mr. BROWN of Massachusetts, Ms. LANDRIEU, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12207. 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'';

(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'';

(2) in subsection (a), as designated by paragraph (1) of this section, by striking ''subsection (a),'' and inserting ''subsection (a)(1),''; and

(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.''.

SA 2312. Mr. TESTER (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 998, between lines 7 and 8, insert the following:

SEC. 121___. LARGE CARNIVORE DAMAGE PREVENTION PROGRAM.

(a) PURPOSE.—The purpose of this section is to test, evaluate, and deploy tools, technologies, and other nonlethal innovations designed to mitigate or avoid conflict with large carnivores.

(b) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) LARGE CARNIVORES.—The term ''large carnivores'' means predators that are or have been protected or reintroduced by the Federal Government.

(3) LIVESTOCK.—The term ''livestock'' means cattle, swine, horses, mules, sheep, goats, livestock guard animals, as determined by the Secretary.

(4) PROGRAM.—The term ''program'' means the program established by subsection (c).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(c) LARGE CARNIVORE DAMAGE PREVENTION PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program, consistent with the purpose described in subsection (a), to provide grants to States and Indian tribes for competitive grants to livestock producers to carry out proactive activities to reduce the risk of predation and decreased livestock productivity due to predation by large carnivores.

(2) CRITERIA AND REQUIREMENTS.—The Secretary shall—

(A) establish criteria and requirements to implement the program; and

(B) when promulgating regulations to implement the program under paragraph (1), consult with States that have implemented State programs that provide—

(i) assistance to livestock producers to carry out proactive activities to reduce the risk of livestock loss due to predation by large carnivores; or

(ii) compensation to livestock producers for livestock losses due to predation by large carnivores.

(3) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), a State or Indian tribe shall—

(A) establish an open, competitive process to adjudicate fund applications from livestock producers and partners, including nongovernmental organizations, State and local governments, and producer organizations;

(B) follow protocols developed by the Secretary; and

(C) submit to the Secretary—

(i) an annual report that includes—

(I) a summary of expenditures under the program during the year;

(II) an analysis of any measured impact on large carnivore conflicts with livestock; and

(III) any recommendations of grant recipients; and

(ii) any other report the Secretary determines to be necessary to assist the Secretary in determining the effectiveness of the program.

(4) ALLOCATION OF FUNDING.—The Secretary shall allocate funding made available to carry out this section among States and Indian tribes based on—

(A) whether the State or Indian tribe is located in a geographical area that has a high population of large carnivores that have been reintroduced by the Federal Government; or

(B) any other factors that the Secretary determines to be necessary.

(5) ELIGIBLE LAND.—The program described in paragraph (1) may be carried out on Federal, State, or private land, including land that is owned by, or held in trust for the benefit of, an Indian tribe.

(6) FEDERAL COST SHARE.—The Federal share of the cost of any activity provided assistance made available under this section shall not exceed 50 percent of the total cost of the activity, including in-kind support by the non-Federal partner.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,000 for fiscal year 2014 and each fiscal year thereafter.

(e) APPLICABILITY.—Nothing in this section affects, modifies, or limits any other Federal law (including regulations) relating to wildlife, including the authority of livestock producers and the Administrator of the Animal and Plant Health Inspection Service, acting through Wildlife Services, to lethally remove a predator carnivore—

(1) in response to livestock predation; or

(2) that is caught in the act of attempting to kill livestock.

SA 2313. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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).

SA 2314. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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.

SA 2315. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TREATMENT OF INTRASTATE SPECIES.

(a) DEFINITION OF INTRASTATE SPECIES.—In this Act, the term ''intrastate species'' means any species of plant or fish or wildlife (as those terms are defined in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532)) that is found entirely within the borders of a single State.

(b) TREATMENT.—An intrastate species shall not be—

(1) considered to be in interstate commerce; and

(2) subject to regulation under—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(B) any other provision of law under which regulatory authority is based on the power of Congress to regulate interstate commerce as enumerated in article I, section 8, clause 3 of the Constitution.

SA 2316. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 897, strike line 16 and all that follows through page 914, line 9 and insert the following:

SEC. 9010. BIOMASS CROP ASSISTANCE PROGRAM.

Section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111) is repealed.

SA 2317. Mr. LEE (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the

bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REINS ACT.

(a) SHORT TITLE.—This section may be cited as the ''Regulations From the Executive in Need of Scrutiny Act of 2011'' or the ''REINS Act''.

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) Section 1 of article I of the United States Constitution grants all legislative powers to Congress.

(B) Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes.

(C) By requiring a vote in Congress, this Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the people of the United States for the laws imposed upon them.

(2) PURPOSE.—The purpose of this section is to increase accountability for and transparency in the Federal regulatory process.

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—Chapter 8 of title 5, United States Code, is amended to read as follows:

''CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

''§ 801. Congressional review

''(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

''(i) a copy of the rule;

''(ii) a concise general statement relating to the rule;

''(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within sections 804(2)(A), 804(2)(B), and 804(2)(C);

''(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

''(v) the proposed effective date of the rule.

''(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

''(i) a complete copy of the cost-benefit analysis of the rule, if any;

''(ii) the agency's actions pursuant to title 5 of the United States Code, sections 603, 604, 605, 607, and 609;

''(iii) the agency's actions pursuant to title 2 of the United States Code, sections 1532, 1533, 1534, and 1535; and

''(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

''(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

''(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B).

''(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

''(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

''(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

''(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

''(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

''(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

''(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

''(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

''(A) necessary because of an imminent threat to health or safety or other emergency;

''(B) necessary for the enforcement of criminal laws;

''(C) necessary for national security; or

''(D) issued pursuant to any statute implementing an international trade agreement.

''(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

''(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

''(A) in the case of the Senate, 60 session days, or

''(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

''(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

''(i) such rule were published in the Federal Register on—

''(I) in the case of the Senate, the 15th session day, or

''(II) in the case of the House of Representatives, the 15th legislative day,

after the succeeding session of Congress first convenes; and

''(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

''(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

''§ 802. Congressional approval procedure for major rules

''(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced on or after the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress approves the rule submitted by the __ __ relating to __ __.' (The blank spaces being appropriately filled in).

''(1) In the House, the majority leader of the House of Representatives (or his designee) and the minority leader of the House of Representatives (or his designee) shall introduce such joint resolution described in subsection (a) (by request), within 3 legislative days after Congress receives the report referred to in section 801(a)(1)(A).

''(2) In the Senate, the majority leader of the Senate (or his designee) and the minority leader of the Senate (or his designee) shall introduce such joint resolution described in subsection (a) (by request), within 3 session days after Congress receives the report referred to in section 801(a)(1)(A).

''(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

''(2) For purposes of this section, the term 'submission date' means the date on which the Congress receives the report submitted under section 801(a)(1).

''(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

''(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint

resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e)(1) In the House of Representatives, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 legislative days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the appropriate calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th legislative day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

''(2)(A) A motion in the House of Representatives to proceed to the consideration of a resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) Debate in the House of Representatives on a resolution shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion to further limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order. It shall not be in order to reconsider the vote by which a resolution is agreed to or disagreed to.

''(C) Motions to postpone, made in the House of Representatives with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

''(D) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a resolution shall be decided without debate.

''(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply with respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(1) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(2) the vote on final passage shall be on the joint resolution of the other House.

''(g) The enactment of a resolution of approval does not serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, does not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule.

''(h) This section and section 803 are enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''§ 803. Congressional disapproval procedure for nonmajor rules

''(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the nonmajor rule submitted by the __ __ relating to __ __, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in).

''(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

''(2) For purposes of this section, the term 'submission or publication date' means the later of the date on which—

''(A) the Congress receives the report submitted under section 801(a)(1); or

''(B) the nonmajor rule is published in the Federal Register, if so published.

''(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

''(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

''(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

''(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

''(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

''(1) The joint resolution of the other House shall not be referred to a committee.

''(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(B) the vote on final passage shall be on the joint resolution of the other House.

''§ 804. Definitions

''For purposes of this chapter—

''(1) the term 'Federal agency' means any agency as that term is defined in section 551(1);

''(2) the term 'major rule' means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

''(A) an annual effect on the economy of $100,000,000 or more;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets;

''(3) the term 'nonmajor rule' means any rule that is not a major rule; and

''(4) the term 'rule' has the meaning given such term in section 551, except that such term does not include—

''(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or

acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

''(B) any rule relating to agency management or personnel; or

''(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of nonagency parties.

''§ 805. Judicial review

''(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

''(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

''§ 806. Exemption for monetary policy

''Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

''§ 807. Effective date of certain rules

''Notwithstanding section 801—

''(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

''(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency promulgating the rule determines.''.

SA 2318. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. PROMOTION OF EXPORTS BY RURAL SMALL BUSINESSES.

(a) SMALL BUSINESS ADMINISTRATION-UNITED STATES DEPARTMENT OF AGRICULTURE INTERAGENCY COORDINATION.—

(1) EXPORT FINANCING PROGRAMS.—In coordination with the Secretary of Agriculture, the Administrator of the Small Business Administration (in this section referred to as the ''Administrator'' and the ''Administration'', respectively) shall develop a program to cross-train export finance specialists and personnel from the Office of International Trade of the Administration on the export financing programs of the Department of Agriculture and the Foreign Agricultural Service.

(2) EXPORT ASSISTANCE AND BUSINESS COUNSELING PROGRAMS.—In coordination with the Secretary of Agriculture and the Foreign Agricultural Service, the Administrator shall develop a program to cross-train export finance specialists, personnel from the Office of International Trade of the Administration, Small Business Development Centers, women's business centers, the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)), Export Assistance Centers, and other resource partners of the Administration on the export assistance and business counseling programs of the Department of Agriculture.

(b) REPORT ON LENDERS.—Section 7(a)(16)(F) of the Small Business Act (15 U.S.C. 636(a)(16)(F)) is amended—

(1) in clause (i)—

(A) by redesignating subclauses (I) through (III) as items (aa) through (cc), respectively, and adjusting the margins accordingly;

(B) by striking ''list, have made'' and inserting the following: ''list—

''(I) have made'';

(C) in item (cc), as so redesignated, by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(II) were located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986, or a nonmetropolitan statistical area and have made—

''(aa) loans guaranteed by the Administration; or

''(bb) loans through the programs offered by the United States Department of Agriculture or the Foreign Agricultural Service.''; and

(2) in clause (ii)(II), by inserting ''and by resource partners of the Administration'' after ''the Administration''.

(c) COOPERATION WITH SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21(c)(3)(M) of the Small Business Act (15 U.S.C. 648(c)(3)(M)) is amended by inserting after ''the Department of Commerce,'' the following: ''the Department of Agriculture,''.

(d) LIST OF RURAL EXPORT ASSISTANCE RESOURCES.—Section 22(c)(7) of the Small Business Act (15 U.S.C. 649(c)(7)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

''(D) publishing an annual list of relevant resources and programs of the district and regional offices of the Administration, other Federal agencies, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector, that—

''(i) are administered or offered by entities located in rural or nonmetropolitan statistical areas; and

''(ii) offer export assistance or business counseling services to rural small businesses concerns; and''.

SA 2319. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. COORDINATION ON ECONOMIC INJURY DISASTER DECLARATIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration (in this section referred to as the ''Administrator'' and the ''Administration'', respectively) shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report providing—

(1) information on economic injury disaster declarations under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) made by the Administrator during the 10-year period ending on the date of enactment of this Act, based on a natural disaster declaration by the Secretary of Agriculture;

(2) information on economic injury disaster declarations under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) made by the Administrator during the 10-year period ending on the date of enactment of this Act based on a fishery resource disaster declaration from the Secretary of Commerce;

(3) information on whether the disaster response plan of the Administration under section 40 of the Small Business Act (15 U.S.C. 6571) adequately addresses coordination with the Secretary of Agriculture and the Secretary of Commerce on economic injury disaster assistance under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2));

(4) recommended legislative changes, if any, for improving agency coordination on economic injury disaster declarations under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)); and

(5) such additional information as determined necessary by the Administrator.

SA 2320. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle E of title VII, add the following:

SEC. 7515. IMPROVEMENTS TO THE PIONEER BUSINESS RECOVERY PROGRAM.

(a) IN GENERAL.—Section 12085 of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636j) is amended—

(1) in the section heading, by striking ''**EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM**'' and inserting ''**PIONEER BUSINESS RECOVERY PROGRAM**'';

(2) in subsection (a), by striking ''expedited disaster assistance business loan program'' and inserting ''Pioneer Business Recovery Program'';

(3) in subsection (b), by striking by striking ''an expedited disaster assistance business loan program'' and inserting ''a Pioneer Business Recovery Program''; and

(4) in subsection (d)(3)(G)—

(A) in clause (i), by striking ''section 7(b)(3)(B) of the Small Business Act (15 U.S.C. 636(b)(3)(B))'' and inserting ''section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E))''; and

(B) in clause (ii), by inserting ''child care services,'' after ''manufactured housing,''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 923) is amended by striking the item relating to section 12085 and inserting the following:

''Sec. 12085. Pioneer Business Recovery Program.''.

SA 2321. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 508, strike lines 13 and 14 and insert the following:

''SEC. 3430. PROHIBITION ON USE OF LOANS FOR CERTAIN PURPOSES.

''(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Secretary may not approve a loan under this subtitle to drain, dredge, fill, level, or otherwise manipulate a wetland (as defined in section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a))), or to engage in any activity that results in impairing or reducing the flow, circulation, or reach of water.

''(b) PRIOR ACTIVITY.—Subsection (a) does not apply in the case of—

''(1) an activity related to the maintenance of a previously converted wetland; or

''(2) an activity that had already commenced before November 28, 1990.

''(c) EXCEPTION.—This section shall not apply to a loan made or guaranteed under this subtitle for a utility line.

"SEC. 3431. AUTHORIZATION OF APPROPRIATIONS AND ALLOCATION OF FUNDS.

Beginning on page 750, strike line 14 and all that follows through page 751, line 6.

SA 2322. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 996, strike line 21 and all that follows through page 998, line 7, and insert the following:

SEC. 12105. FERAL SWINE ERADICATION PILOT PROGRAM.

(a) IN GENERAL.—To eradicate or control the threat feral swine pose to the domestic swine population, the entire livestock industry, crops, natural plant communities, native habitats, and wetlands, the Secretary, in consultation with the Director of the United States Fish and Wildlife Service, may establish a feral swine eradication pilot program.

(b) PILOT.—Subject to the availability of appropriations under this section, the Secretary may provide financial assistance to States and other qualified entities for the cost of carrying out a pilot program—

(1) to study and assess the nature and extent of damage to the pilot area caused by feral swine;

(2) to develop methods to eradicate or control feral swine in the pilot area; and

(3) to develop methods to restore damage caused by feral swine.

(c) PRIORITY.—For purposes of providing assistance under subsection (b), the Secretary shall give priority to an area of a State in which activities to eradicate other mammalian invasive species have been conducted.

(d) COORDINATION.—The Secretary shall ensure that the Natural Resource Conservation Service and the Animal and Plant Health Inspection Service, in consultation with the States and other appropriate agencies, coordinate to carry out the pilot program.

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the pilot program under this section may not exceed 75 percent of the total costs of carrying out the pilot program.

(2) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of the pilot program may be provided in the form of in-kind contributions of materials or services.

(f) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of financial assistance provided by the Secretary under this section may be used for administrative expenses.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2013 through 2017.

SA 2323. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REGIONAL OUTREACH ON DISASTER ASSISTANCE PROGRAMS.

(a) REPORT.—In accordance with sections 7(b)(4) and 40(a) of the Small Business Act (15 U.S.C. 636(b)(4) and 657l(a)) and not later than 60 days after the date of enactment of this Act, the Administrator of the Small Business Administration (referred to in this section as the ''Administrator'' and the ''Administration'', respectively) shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report detailing—

(1) information on the disasters, manmade or natural, most likely to occur in each region of the Administration and likely scenarios for each disaster in each region;

(2) information on plans of the Administration, if any, to conduct annual disaster outreach seminars, including events with resource partners of the Administration, in each region before periods of predictable disasters described in paragraph (1);

(3) information on plans of the Administration for satisfying the requirements under section 40(a) of the Small Business Act not satisfied on the date of enactment of this Act; and

(4) such additional information as determined necessary by the Administrator.

(b) AVAILABILITY OF INFORMATION.—The Administrator shall—

(1) post the disaster information provided under subsection (a) on the website of the Administration; and

(2) make the information provided under subsection (a) available, upon request, at each regional and district office of the Administration.

SA 2324. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 345, strike lines 5 through 10 and insert the following:

SEC. 4201. PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.

Section 10603(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c–4(b)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) in paragraph (1) (as so designated), by striking ''2012'' and inserting ''2017''; and

(3) by adding at the end the following:

''(2) DEPARTMENT OF DEFENSE PROGRAM OPTION.—A school or service institution described in paragraph (1) may carry out this section by—

''(A) electing to participate in the Department of Defense fresh fruit and vegetable distribution program;

''(B) under such terms and conditions as the Secretary shall establish, purchasing locally and regionally grown fruits and vegetables with amounts that would have been used by the school or service institution to participate in the Department of Defense fresh fruit and vegetable distribution program; or

''(C) carrying out a combination of the activities described in subparagraphs (A) and (B).''.

SA 2325. Mr. CHAMBLISS (for himself, Mr. COCHRAN, Mr. BOOZMAN, Mr. ISAKSON, Mr. PRYOR, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, line 17, strike ''If'' and insert ''Except as provided in subsection (d), if''.

On page 27, after line 25, add the following:

(d) ALTERNATIVE COUNTER-CYCLICAL PAYMENTS FOR RICE AND PEANUTS.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of this section, for the period of crop years 2013 through 2017, producers of rice and peanuts may make a 1-time, irrevocable election to receive counter-cyclical payments for rice and peanuts in accordance with the terms and conditions of section 1304 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8754) (as it existed on the day before the date of enactment of this Act), in lieu of receiving payments for rice and peanuts in accordance with subsections (a) through (c).

(2) ADMINISTRATION.—For purposes of payments made under paragraph (1)—

(A) the target price for peanuts shall be $534 per ton;

(B) the target price for long grain rice shall be $13.98 per hundredweight;

(C) the target price for medium grain rice shall be $13.98 per hundredweight; and

(D) payment acres shall be 100 percent of the acres planted to rice and peanuts, not to exceed eligible acres.

SA 2326. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 146, between lines 8 and 9, insert the following:

(b) APPLICATION.—The amendments made by this section do not apply until the date the Secretary completes and submits to Congress a study that certifies that the amendments do not adversely affect the eligibility of beginning farmers, farmers with disabilities, and the spouses of those farmers who are eligible for payments under provisions of law covered by the amendments as of the day before the date of enactment of this Act.

SA 2327. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, strike lines 8 and 9 and insert the following:

(B) the cost of production (as defined by the Secretary) for the crop year for the covered commodity.

SA 2328. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike lines 1 through 5 and insert the following:

(A) in the case of a county with sufficient data (as determined by the Secretary), county coverage under this section; or

(B) coverage under this section based on the applicable crop reporting district.

Beginning on page 22, strike line 20 and all that follows through page 23, line 2, and insert the following:

(A)(i) in the case of county coverage, the actual average yield for the county for the covered commodity, as determined by the Secretary; or

(ii) in the case of crop reporting district coverage, the actual average yield for the applicable crop reporting district for the covered commodity, as determined by the Secretary; and

Beginning on page 23, strike line 18 and all that follows through page 24, line 6, and insert the following:

(I)(aa) in the case of county coverage, the average historical county yield, as determined by the Secretary, for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

(bb) in the case of crop reporting district coverage, the average historical yield for the applicable crop reporting district, as determined by the Secretary, for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

On page 24, line 20, insert ''established by the Secretary'' after ''year''.

On page 25, line 2, insert ''established by the Secretary'' after ''year''.

On page 26, line 10, strike ''individual coverage'' and insert ''county coverage''.

On page 26, line 17, strike ''county coverage'' and insert ''crop reporting district coverage''.

SA 2329. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, strike lines 9 through 15 and insert the following:

(C) differentiate by type or class the national average price of—

(i) sunflower seeds;

(ii) barley, using malting barley values; and

(iii) wheat;

(D) ensure that a producer that elects to receive county coverage under this section only receives an agriculture risk coverage payment for a crop year if the producer suffers an actual loss on the farm during that crop year, as determined by the Secretary; and

(E) assign a yield for each acre planted or

SA 2330. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike lines 1 through 5 and insert the following:

(A) in the case of a county with sufficient data (as determined by the Secretary), county coverage under this section; or

(B) coverage under this section based on the applicable crop reporting district.

Beginning on page 22, strike line 20 and all that follows through page 23, line 2, and insert the following:

(A)(i) in the case of county coverage, the actual average yield for the county for the covered commodity, as determined by the Secretary; or

(ii) in the case of crop reporting district coverage, the actual average yield for the applicable crop reporting district for the covered commodity, as determined by the Secretary; and

On page 23, line 12, strike ''89 percent'' and insert ''85 percent''.

Beginning on page 23, strike line 18 and all that follows through page 24, line 6, and insert the following:

(I)(aa) in the case of county coverage, the average historical county yield, as determined by the Secretary, for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

(bb) in the case of crop reporting district coverage, the average historical yield for the applicable crop reporting district, as determined by the Secretary, for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

On page 24, line 20, insert ''established by the Secretary'' after ''year''.

On page 25, line 2, insert ''established by the Secretary'' after ''year''.

On page 25, line 24, strike ''10 percent'' and insert ''20 percent''.

On page 26, line 10, strike ''individual coverage'' and insert ''county coverage''.

On page 26, line 17, strike ''county coverage'' and insert ''crop reporting district coverage''.

SA 2331. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 763, strike lines 20 and 21 and insert the following:

(2) in subsection (b)—

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

''(1) BROADBAND SERVICE.—The term 'broadband service' means any terrestrial technology identified by the Secretary as having the capacity to transmit data at speeds of at least at least 4 megabits per second downstream and 1 megabit per second upstream.''; and

(B) by striking paragraph (3) and inserting the following:

On page 767 strike lines 8 through 17 and insert the following:

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

''(2) ELIGIBLE PROJECTS.—Assistance provided under this section may be used to carry out a project in a proposed service territory only if, as of the date on which the application of the eligible entity is submitted, no funds are used to support any project (including for the upgrade of an existing broadband facility) for any proposed award area in which broadband service is available to more than 25 percent of residential households from existing wireless or wireline broadband providers, in the aggregate, other than the applicant.'';

(C) by striking ''loan or'' each place it appears in paragraphs (3)(A), (4), (5),

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SA 2332. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 953, between lines 8 and 9, insert the following:

SEC. 11011. ANNUAL LIMITATION ON ADMINISTRATIVE AND OPERATING EXPENSES.

Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) (as amended by section 11010) is amended by adding at the end the following:

''(G) ANNUAL LIMITATION ON ADMINISTRATIVE AND OPERATING EXPENSES.—The amount paid by the Corporation to reimburse approved insurance providers and agents for the administrative and operating costs of the approved insurance providers and agents shall not exceed—

''(i) for the 2014 reinsurance year, $900,000,000; and

''(ii) for each subsequent reinsurance year, the amount of administrative and operating costs received for the preceding reinsurance year, adjusted to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor for the 12-month period ending the preceding November 30.''.

SA 2333. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 953, between lines 8 and 9, insert the following:

SEC. 11011. REDUCED RATE OF RETURN.

Section 508(k)(8) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(8)) (as amended by section 11010) is amended by adding at the end the following:

''(G) REDUCED RATE OF RETURN.—Beginning with the 2014 reinsurance year, the Standard Reinsurance Agreement shall be adjusted to ensure a projected rate of return for the approved insurance producers not to exceed 12 percent of the retained premium, as determined by the Corporation.''.

SA 2334. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. JURISDICTION OF CORPS OF ENGINEERS.

Notwithstanding any other provision of law (including regulations), the Secretary of the Army, acting through the Chief of Engineers, shall not expand the jurisdiction of the Corps of Engineers to include any waters that are not navigable waters (as defined in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362)).

SA 2335. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. PERMITS FOR DREDGED OR FILL MATERIAL.

Section 404(f) of the Federal Water Pollution Control Act (33 U.S.C. 1344(f)) is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2) of this subsection, the discharge'' and inserting ''The discharge''; and

(2) in paragraph (2), by striking ''having as its purpose bringing an area of the navigable waters into a use to which it was not previously subject, where the flow or circulation of navigable waters may be impaired or the reach of such waters be reduced,'' and inserting ''having as its purpose bringing an area into a use not described in paragraph (1)''.

SA 2336. Mr. CHAMBLISS (for himself, Mrs. FEINSTEIN, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 12___. IMPORT PROHIBITIONS ON SPECIFIED FOREIGN PRODUCE.

Section 8e of the Agricultural Adjustment Act (7 U.S.C. 608e–1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence by insert ''olive oil,'' after ''clementines,''.

SA 2337. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, strike lines 12 and 13 and insert the following:

(I) 100 percent of the planted eligible acres of the covered commodity, but not to exceed the base acres (as defined in section 1001 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702)) of the covered commodity; and

On page 26, strike lines 18 and 19 and insert the following:

(I) 100 percent of the planted eligible acres of the covered commodity, but not to exceed the base acres (as defined in section 1001 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702)) of the covered commodity; and

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SA 2338. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12207. RENEWABLE FUEL PROGRAM.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by striking subsection (o).

SA 2339. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, strike line 15 and insert the following:

(2) CERTIFICATES OF QUOTA ELIGIBILITY.—Section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) is amended by adding at the end the following:

''(c) CERTIFICATES OF QUOTA ELIGIBILITY.—Notwithstanding any other provision of law, the President shall permit holders of certificates of quota eligibility for raw cane sugar to freely assign, trade, or transfer the certificates among other such holders to facilitate the use of the certificates to the maximum extent practicable.''.

(3) EFFECTIVE PERIOD.—Section 359l(a) of

SA 2340. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SA 2341. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle D—Other Matters

SEC. 3301. PROHIBITION ON PROPOSAL OR ACCEPTANCE BY UNITED STATES TRADE REPRESENTATIVE DURING TRADE NEGOTIATIONS OF CERTAIN PROVISIONS AUTHORIZING REGULATION OF SPECIFIC AGRICULTURAL PRODUCTS.

In any negotiations for a trade agreement that are initiated after or ongoing on the date of the enactment of this Act, the United States Trade Representative may not propose or accept for inclusion in the agreement a provision that—

(1) authorizes the regulation of a specific agricultural product in manner that is discriminatory or differential relative to the treatment of all other agricultural products under the agreement; and

(2) provides for treatment (other than tariff treatment) of the specific agricultural product that is less favorable than the treatment provided for that product under the terms of the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)).

SA 2342. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11 add the following:

SEC. 12207. REDUCTION OF ADMINISTRATIVE PERSONNEL.

(a) IN GENERAL.—Notwithstanding any other provision of law, except as provided in subsection (b), the Secretary shall reduce the total number of full-time equivalent staff who are assigned to the headquarters programs and activities of the Department of Agriculture by 2 percent during fiscal year 2013.

(b) PROHIBITION.—Employee reductions under this section shall not include employees of the Secretary who—

(1) work for the Farm Service Agency, Natural Resources Conservation Service, Risk Management Agency, or the rural development mission area; and

(2) are responsible for implementing programs of the Department described in this Act or an amendment made by this Act.

SA 2343. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, insert the following:

Subtitle D—HARVEST Act

SEC. 12301. SHORT TITLE.

This title may be cited as the ''Helping Agriculture Receive Verifiable Employees Securely and Temporarily Act of 2012'' or the ''HARVEST Act of 2012''.

SEC. 12302. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) farmers and ranchers in the United States produce the highest quality food and fiber in the world;

(2) abundant harvests in the United States allow this Nation to provide over ½ of the world's food aid donations to help our international neighbors in need;

(3) it is in the best interest of the American people for their agricultural goods to be produced in the United States;

(4) the United States is the world's largest agricultural exporter and is one of the few sectors of the United States economy that produces a trade surplus;

(5) the Secretary of Agriculture announced that the United States exported $108,700,000,000 worth of agricultural exports during fiscal year 2010;

(6) Americans enjoy the highest quality food at the lowest cost compared to any industrialized nation in the world, spending less than 10 percent of our household income on food;

(7) the continued safety of the agricultural goods produced in the United States is an issue of national security;

(8) the agricultural labor force of the United States is overwhelmingly composed of foreign labor;

(9) due to the importance of food safety, it is critical to know who is handling our Nation's food supply and who is working on our Nation's farms and ranches;

(10) there could be detrimental effects on the United States economy for farms to downsize or close operations due to labor shortages;

(11) decreased agricultural production could have ramifications throughout the farm support industries, such as food processing, fertilizers, and equipment manufacturers;

(12) a shortage of agriculture labor could lead to decreased supply and increased prices for food and fiber; and

(13) this Nation needs both secure borders and an immigration system that allows those who seek legal immigrant status through the proper channels to work in the diverse sectors of the agriculture industry.

SEC. 12303. ADMISSION OF TEMPORARY AGRICULTURAL WORKERS.

(a) DEFINITION.—Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by striking '', of a temporary or seasonal nature''.

(b) PROCEDURE FOR ADMISSION.—

(1) IN GENERAL.—Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended to read as follows:

''SEC. 218. ADMISSION OF TEMPORARY H–2A WORKERS.

''(a) DEFINITIONS.—In this section and in section 218A:

''(1) ADVERSE EFFECT WAGE RATE.—The term 'adverse effect wage rate' means 115 percent of the greater of—

''(A) the State minimum wage; or

''(B) the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

''(2) AREA OF EMPLOYMENT.—The term 'area of employment' means the area within normal commuting distance of the work site or physical location at which the work of the H–2A worker is or will be performed. If such work site or location is within a Metropolitan Statistical Area, any place within such area shall be considered to be within the area of employment.

''(3) DISPLACE.—In the case of an application with respect to an H–2A worker filed by an employer, an employer 'displaces' a United States worker from a job if the employer lays off the worker from a job that is

essentially equivalent to the job for which the H–2A worker is sought. A job shall be considered essentially equivalent to another job if the job—

''(A) involves essentially the same responsibilities as the other job;

''(B) was held by a United States worker with substantially equivalent qualifications and experience; and

''(C) is located in the same area of employment as the other job.

''(4) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an alien who is not ineligible for an H–2A visa pursuant to subsection (l).

''(5) EMPLOYER.—The term 'employer' means an employer who hires workers to perform—

''(A) animal agriculture or agricultural processing;

''(B) agricultural work included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or section 3121(g) of the Internal Revenue Code of 1986;

''(C) drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state; or

''(D) dairy or feedyard work.

''(6) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant who—

''(A) continuously maintains a residence and place of abode outside of the United States which the alien has no intention of abandoning; and

''(B)(i) is seeking to work for an employer performing agricultural labor in the United States for not more than 10 months during each calendar year in a job for which United States workers are not available and willing to perform such service or labor; or

''(ii)(I) is seeking to work for an employer performing agricultural labor in the United States in a job for which United States workers are not available and willing to perform such service or labor;

''(II) commutes each business day across the United States international border to work for a qualified United States employer; and

''(III) returns across the United States international border to his or her foreign residence and place of abode at the end of each business day.

''(7) LAY OFF.—

''(A) IN GENERAL.—The term 'lay off'—

''(i) means to cause a worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract (other than a temporary employment contract entered into in order to evade a condition described in paragraph (3) or (7) of subsection (b)); and

''(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under subsection (h), with either employer described in such subsection) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(B) CONSTRUCTION.—Nothing in this paragraph may be construed to limit an employee's rights under a collective bargaining agreement or other employment contract.

''(8) UNITED STATES WORKER.—The term 'United States worker' means any worker who is a national of the United States, an alien lawfully admitted for permanent residence, or an alien authorized to work in the relevant job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).

''(b) LABOR ATTESTATION PROCESS.—The Secretary of Agriculture shall utilize the labor attestation process described in this subsection until the Secretary of Labor certifies that, based on State workforce agency data, there is an adequate domestic workforce in the United States to fill agricultural jobs in the State in which the agricultural employer is seeking H–2A workers. Once the Secretary of Labor certifies that there are adequate authorized workers in a State to fill agricultural jobs (excluding H–2A workers), the Secretary of Agriculture, after consultation with the Secretary of Labor, shall issue regulations describing a labor certification process for agricultural employers seeking H–2A workers. An alien may not be admitted as an H–2A worker unless the employer has filed an application with the Secretary of Agriculture in which the employer attests to the following:

''(1) TEMPORARY WORK OR SERVICES.—

''(A) IN GENERAL.—The employer is seeking to employ a specific number of agricultural workers on a temporary basis and will provide compensation to such workers at a specified wage rate and under specified conditions.

''(B) SKILLED WORKERS.—If the worker is a Level 2 H–2A worker, the employer will recruit the worker separately and the application will delineate separate wage rate and conditions of employment for such worker.

''(C) DEFINED TERM.—In this paragraph and in subsection (h)(6)(B), a worker is considered to be 'employed on a temporary basis' if the employer employs the worker for not longer than 10 months in a calendar year.

''(2) BENEFITS, WAGES, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required under subsection (k) to—

''(A) all workers employed in the jobs for which the H–2A worker is sought; and

''(B) all other temporary workers in the same occupation at the same place of employment.

''(3) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not and will not displace a United States worker employed by the employer during the period of employment of the H–2A worker and during the 30-day period immediately preceding such period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(4) RECRUITMENT.—

''(A) IN GENERAL.—The employer will—

''(i) describe previous recruitment efforts made before the filing of the application; and

''(ii) complete adequate recruitment requirements before H–2A workers are issued a visa at an American consulate.

''(B) ADEQUATE RECRUITMENT.—The adequate recruitment requirements under subparagraph (A)(ii) are satisfied if the employer—

''(i) submits a copy of the job offer to the local office of the State workforce agency serving the area of intended employment and authorizes the posting of the job opportunity on the Department of Labor's electronic registry of job applications for all other occupations in the same manner as other United States employers, except that nothing in this clause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations;

''(ii) advertises the availability of the job opportunities for which the employer is seeking workers in a publication in the local market that is likely to be patronized by potential farm workers; and

''(iii) mails a letter through the United States Postal Service or otherwise contacts any United States worker the employer employed within the past year in the occupation at the place of intended employment for which the employer is seeking H–2A workers that describes available job opportunities, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

''(C) ADVERTISEMENT REQUIREMENT.—The advertisement requirement under subparagraph (B)(ii) is satisfied if the employer runs an advertisement for 2 consecutive days that—

''(i) names the employer;

''(ii) describes the job or jobs;

''(iii) provides instructions on how to contact the employer to apply for the job;

''(iv) states the duration of employment;

''(v) describes the geographic area with enough specificity to apprise applicants of any travel requirements and where applicants will likely have to reside to perform the job;

''(vi) states the rate of pay; and

''(vii) describes working conditions and the availability of housing or the amount of housing allowances.

''(D) END OF RECRUITMENT REQUIREMENT.—The requirement to recruit and hire United States workers for the contract period for which H–2A workers have been hired shall terminate on the first day of such contract period.

''(5) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job for which the nonimmigrant is sought to any eligible United States worker who—

''(A) applies;

''(B) will be available at the time and place of need; and

''(C) is able and willing to complete the period of employment.

''(6) PROVISION OF INSURANCE.—If the job for which the H–2A worker is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment, which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment. No employer shall be liable for the provision of health insurance for any H–2A worker.

''(7) STRIKE OR LOCKOUT.—There is not a strike or lockout in the course of a labor dispute that precludes the hiring of H–2A workers.

''(8) PREVIOUS VIOLATIONS.—The employer has not, during the previous 5-year period, employed H–2A workers and knowingly violated a material term or condition of approval with respect to the employment of domestic or nonimmigrant workers, as determined by the Secretary of Agriculture after notice and opportunity for a hearing.

''(c) PUBLIC EXAMINATION.—Not later than 1 working day after the date on which an application is filed under this section, the employer shall make a copy of each such application (and any necessary accompanying documents) available for public examination, at the employer's work site or principal place of business.

''(d) LIST.—

''(1) IN GENERAL.—The Secretary of Agriculture shall maintain a list of the applications filed under subsection (b), sorted by employer, which shall include—

''(A) the number of H–2A workers sought;

''(B) the wage rate;

''(C) the date work is scheduled to begin; and

''(D) the period of intended employment.

''(2) AVAILABILITY.—The Secretary of Agriculture shall make the list described in paragraph (1) available for public examination.

''(e) APPLYING FOR ADMISSION.—

''(1) IN GENERAL.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker shall file an application that includes the attestations described in subsection (b) with the Secretary of Agriculture.

''(2) CONSIDERATION OF APPLICATIONS.—For each application filed under this subsection—

''(A) the Secretary of Agriculture may not require such application to be filed more than 60 days before the first date on which the employer requires the labor or services of the H–2A worker; and

''(B) unless the Secretary of Agriculture determines that the application is incomplete or obviously inaccurate, or the Secretary has probable cause to suspect the application was fraudulently made, the Secretary shall either approve or deny the application not later than 15 days after the date on which such application was filed.

''(3) APPLICATION AGREEMENTS.—By filing an H–2A application, an applicant and each employer consents to allow the Department of Agriculture access to the site where labor is being performed for the purpose of determining compliance with H–2A requirements.

''(4) MULTISTATE EMPLOYERS.—Employers with multiple operations may use H–2A workers in the occupations for which they are sought in all places in which the employer has operations if the employer—

''(A) designates on the application each location at which such workers will be used; and

''(B) performs adequate recruitment efforts in each State in which such workers will be used.

''(f) ROLES OF AGRICULTURAL ASSOCIATIONS.—

''(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—An application to hire an H–2A worker may be filed by an association of agricultural employers which use agricultural labor.

''(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association is a joint or sole employer of H–2A workers, such H–2A workers may be transferred among its members to perform agricultural labor of the same nature for which the application was approved.

''(3) TREATMENT OF VIOLATIONS.—

''(A) INDIVIDUAL MEMBER.—If an individual member of a joint employer association violates any condition for approval with respect to the member's application, the Secretary of Agriculture shall deny such application only with respect to that member of the association unless the Secretary determines that the association or other member participated in, had knowledge of, or had reason to know of the violation.

''(B) ASSOCIATION OF AGRICULTURAL EMPLOYERS.—

''(i) JOINT EMPLOYER.—If an association representing agricultural employers as a joint employer violates any condition for approval with respect to the association's application, the Secretary of Agriculture shall deny such application only with respect to the association and may not apply the denial to any individual member of the association, unless the Secretary determines that the member participated in, had knowledge of, or had reason to know of the violation.

''(ii) SOLE EMPLOYER.—If an association of agricultural employers approved as a sole employer violates any condition for approval with respect to the association's application, no individual member of the association may be the beneficiary of the services of H–2A workers admitted under this section in the occupation in which such H–2A workers were employed by the association which was denied approval during the period such denial is in force.

''(g) EXPEDITED ADMINISTRATIVE APPEALS.—The Secretary of Agriculture, in conjunction with the Secretary of State and the Secretary of Homeland Security, shall issue regulations to provide for an expedited procedure—

''(1) for the review of a denial of an application under this section by any of the Secretaries; or

''(2) at the applicant's request, for a de novo administrative hearing of the denial.

''(h) MISCELLANEOUS PROVISIONS.—

''(1) REQUIREMENTS FOR PLACEMENT OF H–2A WORKERS WITH OTHER EMPLOYERS.—An H–2A worker may be transferred to another employer that has had an application approved under this section. The Secretary of Homeland Security and the Secretary of State shall issue regulations to establish a process for the approval and reissuance of visas for transferred H–2A workers.

''(2) ENDORSEMENT OF DOCUMENTS.—The Secretary of Homeland Security shall provide for the endorsement of entry and exit documents of H–2A workers to carry out this section and to provide notice under section 274A.

''(3) PREEMPTION OF STATE LAWS.—This section and subsections (a) and (c) of section 214 preempt any State or local law regulating admissibility of nonimmigrant workers.

''(4) FEES.—The Secretary of Agriculture may charge a reasonable fee to recover the costs of processing applications under this section. In determining the amount of the fee to be charged under this paragraph, the Secretary shall consider whether the employer is a single employer or an association and the number of H–2A workers intended to be employed.

''(5) E-VERIFY PARTICIPATION BY EMPLOYERS.—The Secretary of Agriculture shall require employers participating in the H–2A program to register with and participate in E–Verify, as established under title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208).

''(i) FAILURE TO MEET CONDITIONS.—

''(1) IN GENERAL.—The Secretary of Agriculture shall conduct investigations and random audits of employer work sites to ensure employer compliance with the requirements under this section. All monetary fines assessed under this section shall be paid by the violating employer to the Department of Agriculture and used by the Secretary to conduct audits and investigations.

''(2) PENALTIES FOR FAILURE TO MEET CONDITIONS.—If the Secretary of Agriculture finds, after notice and opportunity for a hearing, a failure to meet a material condition under subsection (b), or a material misrepresentation of fact in an application filed under subsection (b), the Secretary—

''(A) shall notify the Secretary of Homeland Security of such finding; and

''(B) may impose such other administrative remedies, including civil money penalties in an amount not to exceed $1,000 per violation, as the Secretary of Agriculture determines to be appropriate.

''(3) PENALTIES FOR WILLFUL FAILURE.—If the Secretary of Agriculture finds, after notice and opportunity for a hearing, a willful failure to meet a material condition under subsection (b) or a willful misrepresentation of a material fact in an application filed under subsection (b), the Secretary—

''(A) shall notify the Secretary of Homeland Security of such finding;

''(B) may impose such other administrative remedies, including civil money penalties in an amount not to exceed $5,000 per violation, as the Secretary of Agriculture determines to be appropriate;

''(C) may disqualify the employer from the employment of H–2A workers for a period of 2 years;

''(D) for a second violation, may disqualify the employer from the employment of H–2A workers for a period of 5 years; and

''(E) for a third violation, may permanently disqualify the employer from the employment of H–2A workers.

''(4) PENALTIES FOR DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Agriculture finds, after notice and opportunity for a hearing, a willful failure to meet a material condition of subsection (b) or a willful misrepresentation of a material fact in an application filed under subsection (b), and the employer displaced a United States worker employed by the employer during the period of employment on the employer's application, or during the 30-day period preceding such period of employment, the Secretary—

''(A) shall notify the Secretary of Homeland Security of such finding;

''(B) may impose such other administrative remedies, including civil money penalties in an amount not to exceed $15,000 per violation, as the Secretary of Agriculture determines to be appropriate;

''(C) may disqualify the employer from the employment of H–2A workers for a period of 5 years; and

''(D) for a second violation, may permanently disqualify the employer from the employment of H–2A workers.

''(5) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Agriculture may not impose total civil money penalties with respect to an application filed under subsection (b) in excess of $100,000.

''(j) FAILURE TO PAY WAGES OR REQUIRED BENEFITS.—

''(1) IN GENERAL.—The Secretary of Agriculture shall conduct investigations and random audits of employer work sites to ensure employer compliance with the requirements under this section.

''(2) ASSESSMENT.—If the Secretary of Agriculture finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages or provide the housing allowance, transportation, subsistence requirement, or guarantee of employment attested in the application filed by the employer under subsection (b)(2), the Secretary shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question.

''(3) AMOUNT.—The back wages or other required benefits described in paragraph (2)—

''(A) shall be equal to the difference between the amount that should have been paid and the amount that was paid to such worker; and

''(B) shall be distributed to the worker to whom such wages are due.

''(k) MINIMUM WAGES, BENEFITS, AND WORKING CONDITIONS.—

''(1) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—

''(A) IN GENERAL.—Each employer seeking to hire United States workers shall offer such workers not less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers in the same occupation. No job offer may impose any restriction or obligation on United States workers which will not be imposed on the employer's H–2A workers. The benefits, wages, and other terms and conditions of employment described in this subsection shall be provided

in connection with employment under this section.

''(B) INTERPRETATION.—Every interpretation and determination made under this section or under any other law, regulation, or interpretative provision regarding the nature, scope, and timing of the provision of these and any other benefits, wages, and other terms and conditions of employment shall be made so that—

''(i) the services of workers to their employers and the employment opportunities afforded to workers by the employers, including those employment opportunities that require United States workers or H–2A workers to travel or relocated in order to accept or perform employment—

''(I) mutually benefit such workers, as well as their families, and employers;

''(II) principally benefit neither employer nor employee; and

''(III) employment opportunities within the United States benefit the United States economy.

''(2) REQUIRED WAGES.—

''(A) IN GENERAL.—Each employer applying for workers under subsection (b) shall pay not less (and is not required to pay more) than the greater of—

''(i) the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage;

''(ii) the adverse effect wage rate.

''(B) WAGES FOR LEVEL 2 H–2A WORKERS.—

''(i) IN GENERAL.—Each employer applying for Level 2 H–2A workers under subsection (b) shall pay such workers not less than 140 percent of the adverse effect wage rate for H–2A workers, excluding piece-rate wages.

''(ii) WAGE RATE DATA.—The Secretary of Agriculture shall expand and disaggregate the source of wage rate data used in the survey conducted by the National Agricultural Statistics Service to include—

''(I) first line farming supervisors/managers;

''(II) graders and sorters of agricultural products;

''(III) agricultural equipment operators;

''(IV) crop and nursery farmworkers and laborers;

''(V) ranch and farm animal farmworkers; and

''(VI) all other agricultural workers.

''(iii) STUDY AND REPORT.—

''(I) STUDY.—After the Secretary of Agriculture collects wage rate data for 2 years using the method described in clause (ii), the Secretary of Agriculture, in conjunction with the Secretary of Labor, shall conduct a study to determine if—

''(aa) the wages accurately reflect prevailing wages for similar occupations in the area of employment; and

''(bb) it is necessary to establish a new wage methodology to prevent the depression of United States farmworker wages.

''(II) REPORT.—Not later than 3 years after the date of the enactment of the HARVEST Act of 2012, the Secretary of Agriculture shall submit a final report reflecting the findings of the study conducted under subclause (I) to—

''(aa) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

''(bb) the Committee on the Judiciary of the Senate;

''(cc) the Committee on Agriculture of the House of Representatives; and

''(dd) the Committee on the Judiciary of the House of Representatives.

''(3) HOUSING REQUIREMENT.—

''(A) IN GENERAL.—Except as provided under subparagraph (F), each employer applying for workers under subsection (b) shall offer to provide housing at no cost to—

''(i) all workers in job opportunities for which the employer has applied under subsection (b); and

''(ii) all other workers in the same occupation at the same place of employment whose place of residence is beyond normal commuting distance.

''(B) COMPLIANCE.—An employer meets the requirement under subparagraph (A) if the employer—

''(i) provides the workers with housing that meets applicable Federal standards for temporary labor camps; or

''(ii) secures housing for the workers that—

''(I) meets applicable local standards for rental or public accommodation housing, or other substantially similar class of habitation; or

''(II) in the absence of applicable local standards, meets State standards for rental or public accommodation housing or other substantially similar class of habitation.

''(C) INSPECTION.—

''(i) REQUEST.—At the time an employer that plans to provide housing described in subparagraph (B) to H–2A workers files an application for H–2A workers with the Secretary of Agriculture, the employer shall request a certificate of inspection by an approved Federal or State agency.

''(ii) INSPECTION; FOLLOW UP.—Not later than 28 days after the receipt of a request under clause (i), the Secretary of Agriculture shall ensure that—

''(I) such an inspection has been conducted; and

''(II) any necessary follow up has been scheduled to ensure compliance with the requirements under this paragraph.

''(iii) DELAY PROHIBITED.—The Secretary of Agriculture may not delay the approval of an application for failing to comply with the deadlines set forth in clause (iii).

''(D) RULEMAKING.—The Secretary of Agriculture shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

''(E) HOUSING ALLOWANCE.—

''(i) AUTHORITY.—If the Governor of a State certifies to the Secretary of Agriculture that there is adequate housing available in the area of intended employment for migrant farm workers and H–2A workers who are seeking temporary housing while employed in agricultural work, an employer in such State may provide a reasonable housing allowance instead of offering housing pursuant to subparagraph (A). An employer who provides a housing allowance to a worker shall not be required to reserve housing accommodations for the worker.

''(ii) ASSISTANCE IN LOCATING HOUSING.—Upon the request of a worker seeking assistance in locating housing, an employer providing a housing allowance under clause (i) shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment.

''(iii) LIMITATION.—A housing allowance may not be used for housing that is owned or controlled by the employer. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies under this subparagraph shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protect Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance.

''(iv) OTHER REQUIREMENTS.—

''(I) NONMETROPOLITAN COUNTY.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(II) METROPOLITAN COUNTY.—If the place of employment of the workers provided an allowance under this subparagraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(v) INFORMATION.—If the employer provides a housing allowance to H–2A employees, the employer shall provide a list of the names and local addresses of such workers to the Secretary of Agriculture and the Secretary of Homeland Security once per contract period.

''(4) REIMBURSEMENT OF TRANSPORTATION COSTS.—

''(A) REQUIREMENT FOR REIMBURSEMENT.—A worker who completes 50 percent of the period of employment of the job for which the worker was hired shall be reimbursed by the employer, beginning on the first day of such employment, for the cost of the worker's transportation and subsistence from—

''(i) the place from which the worker was approved to enter the United States to the location at which the work for the employer is performed; or

''(ii) if the worker traveled from a place in the United States at which the worker was last employed, from such place of last employment to the location at which the work for the employer is being performed.

''(B) TIMING OF REIMBURSEMENT.—Reimbursement to the worker of expenses for the cost of the worker's transportation and subsistence to the place of employment under subparagraph (A) shall be considered timely if such reimbursement is made not later than the worker's first regular payday after a worker completes 50 percent of the period of employment of the job opportunity as provided under this paragraph.

''(C) ADDITIONAL REIMBURSEMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the work site to the place where the worker was approved to enter the United States to work for the employer. If the worker has contracted with a subsequent employer, the previous and subsequent employer shall share the cost of the worker's transportation and subsistence from work site to work site.

''(D) AMOUNT OF REIMBURSEMENT.—The amount of reimbursement provided to a worker under this paragraph shall be equal to the lesser of—

''(i) the actual cost to the worker of the transportation and subsistence involved; or

''(ii) the most economical and reasonable common carrier transportation and subsistence costs for the distance involved.

''(E) REIMBURSEMENT FOR LAID OFF WORKERS.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (5)(D)) before the anticipated ending date of employment, the employer shall provide—

''(i) the transportation and subsistence required under subparagraph (C); and

''(ii) notwithstanding whether the worker has completed 50 percent of the period of employment, the transportation reimbursement required under subparagraph (A).

''(F) TRANSPORTATION.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker in accordance with applicable laws and regulations.

''(G) CONSTRUCTION.—Nothing in this paragraph may be construed to require an employer to reimburse visa, passport, consular, or international border-crossing fees incurred by the worker or any other fees associated with the worker's lawful admission into the United States to perform employment.

''(5) EMPLOYMENT GUARANTEE.—

''(A) IN GENERAL.—

''(i) REQUIREMENT.—Each employer applying for workers under subsection (b) shall guarantee to offer each such worker employment for the hourly equivalent of not less than 75 percent of the work hours during the total anticipated period of employment beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer.

''(ii) FAILURE TO MEET GUARANTEE.—If the employer affords the United States worker or the H–2A workers less employment than that required under this subparagraph, the employer shall pay such worker the amount which the worker would have earned if the worker had worked for the guaranteed number of hours.

''(iii) PERIOD OF EMPLOYMENT.—In this subparagraph, the term 'period of employment' means the total number of anticipated work hours and work days described in the job offer and shall exclude the worker's Sabbath and Federal holidays.

''(B) CALCULATION OF HOURS.—Any hours which the worker fails to work, up to a maximum number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

''(C) LIMITATION.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 75 percent guarantee described in subparagraph (A).

''(D) TERMINATION OF EMPLOYMENT.—

''(i) IN GENERAL.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required due to any form of natural disaster, including flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease, pest infestation, regulatory action, or any other reason beyond the control of the employer before the employment guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment.

''(ii) REQUIREMENTS.—If a worker's employment is terminated under clause (i), the employer shall—

''(I) fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed during the period beginning on the first work day after the arrival of the worker and ending on the date on which such employment is terminated; and

''(II) make efforts to transfer the United States worker to other comparable employment acceptable to the worker.

''(l) DISQUALIFICATION.—

''(1) GROUNDS OF INELIGIBILITY.—

''(A) IN GENERAL.—An alien is ineligible for an H–2A visa if the alien—

''(i) is inadmissible to the United States under section 212(a), except as provided under paragraph (2);

''(ii) is subject to the execution of an outstanding administratively final order of removal, deportation, or exclusion;

''(iii) is described in, or is subject to, section 241(a)(5);

''(iv) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; or

''(v) has a felony or misdemeanor conviction, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

''(B) APPLICABILITY TO GROUNDS OF INADMISSIBILITY.—Nothing in this subsection may be construed to limit the applicability of any ground of inadmissibility under section 212.

''(2) GROUNDS OF INADMISSIBILITY.—

''(A) IN GENERAL.—In determining an alien's admissibility—

''(i) paragraphs (5)(A), (6)(A)(i) (with respect to an alien present in the United States without being admitted or paroled), (6)(B), (6)(C), (6)(D), (6)(F), (6)(G), (7), (9)(B), and (9)(C)(i)(I) of section 212(a) shall not apply with respect to conduct occurring or arising before the date of the alien's application for an H–2A visa if associated with obtaining employment;

''(ii) the Secretary of Homeland Security may not waive—

''(I) paragraph (1) or (2) of sections 212(a) (relating to health and safety and criminals);

''(II) section 212(a)(3) (relating to security and related grounds);

''(III) section 212(a)(9)(C)(i)(II); or

''(IV) subparagraph (A), (C), or (D) of section 212(a)(10) (relating to polygamists, child abductors, and unlawful voters).

''(B) CONSTRUCTION.—Nothing in this paragraph may be construed as affecting the authority of the Secretary of Homeland Security, other than under this paragraph, to waive the provisions of section 212(a).

''(3) BARS TO EXTENSION OR ADMISSION.—An alien may not be granted an H–2A visa if—

''(A) the alien has violated any material term or condition of such status granted previously, unless the alien has had such violation waived under paragraph (2)(A);

''(B) the alien is inadmissible as a nonimmigrant, except for those grounds previously waived under paragraph (2)(A); or

''(C) the granting of such status would allow the alien to exceed limitations on stay in the United States in H–2A status described in subsection (m).

''(4) PROMPT REMOVAL PROCEEDINGS.—The Secretary of Homeland Security shall promptly identify, investigate, detain, and initiate removal proceedings against every alien admitted into the United States on an H–2A visa who exceeds the alien's period of authorized admission or otherwise violates any terms of the alien's nonimmigrant status. In conducting such removal proceedings, the Secretary shall give priority to aliens who may pose a threat to the national security, and those convicted of criminal offenses.

''(5) NUMERICAL LIMITATIONS ON WAIVERS.—The Secretary of Homeland Security may waive any ground of inadmissibility, as authorized under this section, only once for each beneficiary of an application for an H–2A visa filed by an employer after the date of the enactment of the HARVEST Act of 2012. Such waiver authority for the Secretary shall expire 24 months after such date of enactment.

''(6) FINE.—Each alien applying for an H–2A visa under this section who would be inadmissible under section 212(a)(6), if such provision had not been made inapplicable under subsection (l)(2)(A)(i), shall be required to pay a fine in an amount equal to $500 before being granted such visa.

''(m) PERIOD OF ADMISSION.—

''(1) IN GENERAL.—An H–2A worker approved to enter the United States may not remain in the United States for more than 10 months during any 12-month period, excluding—

''(A) a period of not more than 7 days before the beginning of the period of employment for the purpose of travel to the work site; and

''(B) a period of not more than 14 days after the period of employment for the purpose of departure to complete late work caused by weather or other unforeseen conditions.

''(2) EMPLOYMENT LIMITATION.—An H–2A worker may not be employed during the 14-day period described in paragraph (1)(B) except in the employment for which the alien was previously authorized.

''(3) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary of Homeland Security to extend the stay of an alien under any other provision of this Act.

''(n) ABANDONMENT OF EMPLOYMENT.—

''(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment, which was the basis for such admission or status—

''(A) has failed to maintain nonimmigrant status as an H–2A worker; and

''(B) shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

''(2) REPORT BY EMPLOYER.—Not later than 36 hours after the premature abandonment of employment by an H–2A worker, the employer or association acting as an agent for the employer shall notify the Secretary of Homeland Security of such abandonment.

''(3) REMOVAL.—The Secretary of Homeland Security shall ensure the prompt removal from the United States of any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

''(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate the alien's employment if the alien promptly departs the United States upon termination of such employment.

''(o) REPLACEMENT OF WORKERS.—

''(1) IN GENERAL.—Upon receiving notification under subsection (n)(2) or being notified that a United States worker referred by the Department of Labor or a United States worker recruited by the employer during the recruitment period has prematurely abandoned employment or has failed to appear for employment—

''(A) the Secretary of State shall promptly issue a visa to an eligible alien designated by the employer to replace a worker who abandons or prematurely terminates employment; and

''(B) the Secretary of Homeland Security shall expeditiously admit such alien into the United States.

''(2) CONSTRUCTION.—Nothing in this subsection may be construed to limit any preference for which United States workers are eligible under this Act.

''(p) IDENTIFICATION DOCUMENT.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall provide each alien authorized to be an H–2A worker with a single machine-readable, tamper-resistant, and counterfeit-resistant document that—

''(A) authorizes the alien's entry into the United States;

''(B) serves, for the appropriate period, as an employment eligibility document; and

''(C) verifies the identity of the alien through the use of at least 1 biometric identifier.

''(2) REQUIREMENTS.—The document required for all aliens authorized to be an H–2A worker—

''(A) shall be capable of reliably determining whether the individual with the document—

''(i) is eligible for employment as an H–2A worker;

''(ii) is not claiming the identity of another person; and

''(iii) is authorized to be admitted into the United States; and

''(B) shall be compatible with—

''(i) other databases of the Department of Homeland Security to prevent an alien from obtaining benefits for which the alien is not eligible and determining whether the alien is unlawfully present in the United States; and

''(ii) law enforcement databases to determine if the alien has been convicted of criminal offenses.

''SEC. 218A. ADMISSION OF CROSS-BORDER H–2A WORKERS.

''(a) DEFINITION.—In this section, the term 'cross-border H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a) who participates in the cross-border worker program established under this section.

''(b) INCORPORATION BY REFERENCE.—

''(1) IN GENERAL.—Except as specifically provided under paragraph (2), the provisions under section 218 shall apply to cross-border H–2A workers.

''(2) EXCEPTIONS.—Subsections (k)(3), (k)(4), and (m) of section 218 shall not apply to cross-border H–2A workers.

''(c) MANDATORY ENTRY AND EXIT.—A cross-border H–2A worker who complies with the provisions of this section—

''(1) may enter the United States each scheduled work day, in accordance with regulations promulgated by the Secretary of Homeland Security; and

''(2) shall exit the United States before the end of each day of such entrance.

''(d) RECRUITMENT.—Each employer that employs a cross-border H–2A worker under this section shall conduct a recruitment for each position occupied by such H–2A worker that complies with the requirements under section 218(b)(4) at least once every 10 months.''.

(2) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

''Sec. 218. Admission of temporary H–2A workers.
''Sec. 218A. Admission of cross-border H–2A workers.''.

(c) RULEMAKING.—

(1) ISSUANCE OF VISAS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall promulgate regulations, in accordance with the notice and comment provisions of section 553 of title 5, United States Code, to provide for uniform procedures for the issuance of H–2A visas by United States consulates and consular officials to nonimmigrants described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BORDER CROSSINGS.—The Secretary of State shall promulgate regulations to establish a process for cross-border H–2A workers authorized to work in the United States under section 218A of the Immigration and Nationality Act, as added by subsection (b), to ensure that such workers expeditiously enter and exit the United States during each work day.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 12304. LEGAL ASSISTANCE FROM THE LEGAL SERVICES CORPORATION.

Section 504 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1854) is amended—

(1) by striking subsection (b) and inserting the following:

''(b)(1) Upon application by a complainant and in such circumstances as the court determines just, the court may appoint an attorney for such complainant and may authorize the commencement of the action.

''(2) The Legal Services Corporation may not provide legal assistance for, or on behalf of, any alien, and may not provide financial assistance to any person or entity that provides legal assistance for, or on behalf of, any alien, unless the alien—

''(A) is described in subsection (a); and

''(B) is present in the United States at the time the legal assistance is provided.

''(3)(A) No party may bring a civil action for damages or another complaint on behalf of a nonimmigrant described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) (referred to in this subsection as an 'H–2A worker') unless—

''(i) the party makes a request to the Federal Mediation and Conciliation Service or an equivalent State program (as defined by the Secretary of Labor) not later than 90 days before bringing the action to assist the parties in reaching a satisfactory resolution of all issues involving parties to the dispute;

''(ii) the party provides written notification of the alleged violation to the agricultural employer, agricultural association, or farm labor contractor; and

''(iii) the parties to the dispute have attempted, in good faith, mediation or other non-binding dispute resolution of all issues involving all such parties.

''(B) If the mediator finds that an agricultural employer, agricultural association, or farm labor contractor has corrected a violation of this Act or a regulation under this Act not later than 14 days after the date on which such agricultural employer, agricultural association, or farm labor contractor received written notification of such violation, no action may be brought under this section with respect to such violation.

''(C) Any settlement reached through the mediation process described in subparagraph (A) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding.

''(D) If no settlement is reached through the mediation process described in subparagraph (A), any offer of settlement or attempts to remedy alleged grievances shall be admissible as evidence.

''(4) An employer of an H–2A worker shall not be required to waive any requirements of any food safety programs, such as sign in requirements, for any recipient of grants or contracts under section 1007 of the Legal Services Corporation Act (42 U.S.C. 1996f), or any employee of such recipient.

''(5) The employer of an H–2A worker shall post the contact information of the Legal Services Corporation in the dwelling and at the work site of each nonimmigrant employee in a language in which all employees can understand.

''(6) There are authorized to be appropriated to the Federal Mediation and Conciliation Service for each fiscal year such sums as may be necessary to carry out the mediation process described in this subsection.''; and

(2) by adding at the end the following:

''(g)(1) If a defendant prevails in an action under this section in which the plaintiff is represented by an attorney who is employed by the Legal Services Corporation or any entity receiving funds from the Legal Services Corporation, such entity or the Legal Services Corporation shall award to the prevailing defendant fees and other expenses incurred by the defendant in connection with the action.

''(2) In this subsection, the term 'fees and other expenses' has the meaning given the term in section 514(b)(1)(A) of title 5, United States Code.

''(3) The court shall take whatever steps necessary, including the imposition of sanctions, to ensure compliance with this subsection.''.

SEC. 12305. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Homeland Security and the Department of State such sums as may be necessary to adjudicate H–2A applications.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator RON WYDEN, intend to object to proceeding to S. 3276, a bill to extend certain amendments made by the FISA Amendments Act of 2008, and for other purposes, dated June 11, 2012.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on June 14, 2012, in room SD–628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled ''New Tax Burdens on Tribal Self-Determination.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

PRIVILEGES OF THE FLOOR

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Lilia McFarland, a member of my staff, be granted the privilege of the floor for the remainder of the 112th Congress.

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

MEASURES READ THE FIRST TIME—H.R. 436

Mr. MENENDEZ. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

Mr. MENENDEZ. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be

read for the second time on the next legislative day.

ORDERS FOR TUESDAY, JUNE 12, 2012

Mr. MENENDEZ. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, June 12; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the first hour be equally divided and controlled between the two leaders or their designees with the majority controlling the first half and the Republicans controlling the final half; and that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus meetings; further, that all time during adjournment, recess, and morning business count postcloture on the Hurwitz nomination.

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

PROGRAM

Mr. MENENDEZ. Mr. President, we expect to yield back time and confirm the Hurwitz nomination during Tuesday's session. We are also working on an agreement for amendments to the farm bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MENENDEZ. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Tuesday, June 12, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

CAITLIN JOAN HALLIGAN, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE JOHN G. ROBERTS, JR., ELEVATED.

SRIKANTH SRINIVASAN, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE A. RAYMOND RANDOLPH, RETIRED.

WILLIAM H. ORRICK, III, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE CHARLES R. BREYER, RETIRED.

JON S. TIGAR, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE SAUNDRA BROWN ARMSTRONG, RETIRED.

KIMBERLEY SHERRI KNOWLES, 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, VICE ZINORA M. MITCHELL, RETIRED.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 7, 2012 withdrawing from further Senate consideration the following nomination:

ARMY NOMINATION OF MAJ. GEN. MICHAEL S. TUCKER, TO BE LIEUTENANT GENERAL, WHICH WAS SENT TO THE SENATE ON OCTOBER 5, 2011.