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Senate

The Senate met at 10 a.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.

Gracious God, You have been faithful to help us when we have lifted our hearts in prayer. Thank You for Your providential care of this legislative body. Open the eyes and hearts of our lawmakers so that they will know and do Your will. Lord, guide them in the way they should go, providing them with wisdom to solve challenging problems by depending on Your guidance. Help them to think of each other as fellow Americans seeking Your best for our Nation rather than enemy parties seeking to defeat each other. Replace distrust in each other with a deep commitment to creative compromise.

We pray in Your sacred 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 26, 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.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, we are currently considering the motion to concur in the House message to accompany the FDA bill postcloture. We hope to work something out on that so that we can move to it early evening.

The first hour of debate this morning will be equally divided and controlled, with the Republicans controlling the first half and the majority controlling the final half.

At 11:30 the Senate will proceed to executive session to consider the nomination of Robin Rosenbaum to be a district judge for the Southern District of Florida.

At noon there will be a rollcall vote on confirmation of the Rosenbaum nomination.

The Senate will recess today from 12:30 to 2:15, as we normally do on Tuesdays, for our weekly caucus meetings.

At 2:15 there will be 6 hours 15 minutes remaining on the motion to concur in the House message with respect to the FDA bill. We hope that a significant amount of time can be yielded back and that we can complete action on the bill today.

There is an all-Senators briefing at 5 o'clock. We are going to continue—that time will run. We are not going to recess during that period of time. That will be in the classified room down in the Visitor Center.

We have accomplished a lot. Everyone knows how grateful I am to Senators STABENOW and ROBERTS for working their way and our way through that very difficult farm bill.

We are watching very closely the great work of Senator BOXER, Senator INHOFE, the Finance Committee, the Commerce Committee, and the Banking Committee on helping us work through the highway bill. There is a possibility that we can get that bill done. I think the chances today are better than 50–50 that we can get a bill done, but we are still looking at Speaker BOEHNER to help us get that over the finish line. So we will see what happens on that.

As I have indicated, the FDA bill—we will complete that tonight. That is a very important accomplishment for us.

We have the student loan issue, and we are working on that. We hope to get that done soon. I think there is a general feeling that we have worked out a compromise on that that is acceptable, with the help of Senator BAUCUS, Senator HARKIN, and others. JACK REED, of course, has led the charge on that for some time.

I have talked about the highway bill. We need to get that done.

The remaining issue is flood insurance, and we are doing fine on flood insurance, except I was told last night that one of the Republican Senators wants to offer an amendment—listen to this one—wants to offer an amendment on when life begins. I have been very patient in working with my Republican colleagues and allowing relevant amendments on issues, and sometimes we even do nonrelevant amendments but, really, on flood insurance, are we going to have to start dealing as we did with the highway bill for weeks and weeks with contraception? Now we have another person who wants to deal with when life begins.

I don't understand what this is all about, but I want everyone to know that this flood insurance bill is extremely important. The big pushers of

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

this bill are Republican Senators, veteran Republican Senators, and they better work on their side of the aisle because I am not going to put up with that on the flood insurance bill.

I can be condemned by outside sources. My friends can say: Let him have a vote on it. There will not be a vote on that on flood insurance. We will either do flood insurance with amendments that deal with flood insurance or we will not do it. We will have an extension. After all of the work that has been put into this bill, this is ridiculous, that somebody says: I am not going to let this bill go forward unless I have a vote on when life begins. I am not going to do that, and I think I speak for the majority of Senators.

Now, if the Republicans will not stand up to the person who is going to do that, I am not going to. I have tried my best to deal with these issues that have nothing to do with a piece of legislation, but with the end of the month staring us in the face we have too many important things we have to do. Student loans will be doubled if we do not get that done. Flood insurance will disappear if we do not get it done. The highway program will disappear if we do not get it done. The FDA bill—it will create all kinds of problems, if we do not get that done.

I think this is outlandish. It somebody feels really moved upon to talk about when life begins, have them come and give a speech.

RESERVATION OF LEADER TIME

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

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT—Resumed

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

Motion to concur in the House amendment to S. 3187, an Act to amend the Federal Food and Drug and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the bill.

Reid motion to concur in the amendment of the House to the bill, with Reid amendment No. 2461, to change the enactment date.

Reid amendment No. 2462 (to amendment No. 2461), of a perfecting nature.

Reid motion to refer the message of the House on the bill to the Committee on Health, Education, Labor, and Pensions, with instructions.

Reid amendment No. 2463, to change the enactment date.

Reid amendment No. 2464 (to (the instructions) amendment No. 2463), of a perfecting nature.

Reid amendment No. 2465 (to amendment No. 2464), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

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

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

PUTTING AMERICA TO WORK

Mr. MORAN. Mr. President, we have had a lot of news in Washington, DC, and across the country over the last few days. There was a decision from the Supreme Court regarding immigration laws in Arizona. We are expecting and anticipating a decision by the Supreme Court later this week regarding the Affordable Care Act. Front and center are issues that are important to the country.

We were successful last week in approving on the Senate floor a so-called farm bill, an agricultural bill that, again, has an impact upon many in our Nation. I want to make certain we don't lose sight of what remains and, in my view, what should be front and center.

All the things people ask government to do and all the things they want to accomplish in their own lives can only occur if there is a good and growing economy in the United States. So while I certainly would not call any of the other issues we are addressing here a distraction—they are all important—I want to make certain my colleagues understand we have to come together to make certain that Americans, individuals across our country, can access a job, can feel secure in the job they already have, and can have a sense that they have a future where they are employed or that if there is a need for a change in job, that opportunity exists. Job creation is something the Federal Government cannot do in and of itself, but the decisions we make here affect very much whether the private sector can have a level of confidence in the general economy, a regulatory environment, and a Tax Code that is conducive toward the private sector, creating jobs in the United States economy.

This matters, certainly from my point of view as a Member of the Senate, in that with job growth, with a growing economy, we are better able to pay down our national debt. In my view, if we are going to get what I consider the most serious circumstance our country faces today—the deficit and the debt—under control, I don't foresee how that happens without a good growing economy, putting Americans to work.

Of course, from an individual's point of view, it is important as a component of our lives—something that is important to us, which is that we figure out how to earn a living, put food on the table, save for our kids' education, and save for retirement.

The issues being addressed in the Senate, across the country, and across the street at the U.S. Supreme Court matter so much. We must not and cannot lose sight of the fact that we have to create an environment where jobs are front and center. We know the economic statistics—the unemployment rate is 8.2 percent and has been above 8 percent now for a long time. The Presiding Officer in the Senate this morning and I have introduced legislation the primary function of which is to create an entrepreneurial environment where startup companies can grow and prosper, and, in the process, they can put people to work. It is growth that we need to continue to focus on. I appreciate the opportunity of working in that manner with the Senator from Delaware, Mr. COONS, and others, to see that we do that.

The topic I want to specifically address this morning is this. I was reading the Wall Street Journal last week, and this article caught my attention. I am of the view that for economic growth to occur—and especially in communities across Kansas, the State I represent—we are going to have to have strong and viable community banks. There is a regulatory environment that makes that much more difficult. The headline of the article the Wall Street Journal included that I want to speak about—at least briefly—this morning is this: ''Small Banks Put Up 'For Sale' Sign.''

The content of the article is very much about how small banks are now selling to other banks. The primary focus of this article is the reason that is happening—''a growing number of tiny community banks are deciding it's time to put out the 'for sale' sign . . . many executives of these small lenders are frustrated by costly new regulations.''

It talks about banks in Iowa, in Ohio, in Texas, and it talks about a number of banks in which the bank or the individuals who own the bank never had an intention of selling. This was their livelihood and what they expected to pass on to the next generation, the next set of stockholders. Because of the regulatory environment, the article quotes them talking about how it is no longer any fun. A 66-year-old CEO is quoted as saying:

I don't run a bank anymore. I run around trying to react to regulation and, frankly, that's no fun. This is certainly important for the people who own and run a bank, but it matters in communities in my State that there is access to a local lender, a relatively small financial institution that knows its customers, and that the farmer, rancher, and small business person have the opportunity

to develop a personal relationship with the individuals from whom they are borrowing money.

I know from my own circumstances of growing up and living in rural Kansas the likelihood of being able to get a loan from the community bank, the banker you know, who knows you, your ability, your creditworthiness, and your trustworthiness, is a pretty special relationship we have to be very careful we don't lose. If you are trying to borrow money from somebody you don't know, it is a different circumstance.

I want to highlight again this regulatory environment not just for banks but for all businesses in which the decisions are being made that they are not expanding—in this case, they are selling. The reality is that has consequences to every American and every American family. Job creation is going to be improved whenever we have a regulatory environment that encourages economic growth, not discourages it, and a regulatory environment that is certain. So much, particularly in the financial services industry, with banks and other financial lenders, the uncertainty exists in large part because of the passage of Dodd-Frank, and now its implementation, the uncertainty of whether more regulations are coming and what they are going to say and do, and they certainly can drive up the costs.

We certainly want to protect consumers, and we operate, in many instances, in a regulated environment. But these regulations need common sense and need to take into account the specific circumstances particularly of a small bank. My small banks in Kansas had virtually nothing to do with the financial debacle of 2008. Yet they are burdened with the responsibility of complying with a huge new set of regulations that resulted from the efforts to address the financial crisis of 2008.

In fact, this article, again, points this out regarding the board meeting at this small bank:

> The binder of information delivered to the bank's board before the last monthly meeting included 419 pages of information to be reviewed.

Banks more and more are having to put people on the payroll—compliance officers—as compared to those kinds of circumstances in which the bank is making loans. The cost of doing business and the cost of credit increases, and access to credit has diminished, and that is diminishing the chance for job creation.

One of the items under Dodd-Frank was the creation of the Consumer Financial Protection Bureau. This hit me while I was visiting one of my banks in Kansas. They told me the CFPB called and said they were sending 12 examiners and lawyers to come spend more than a month in this small bank, examining the bank. Again, these are banks that had little to do with the financial collapse of 2008. Almost without exception our community banks—certainly in Kansas—didn't make loans to people who were unlikely to repay the loans, and they didn't make loans to people who had no ability to repay the loans or without getting proper documentation and seeking the necessary creditworthiness of that borrower before making that decision. Yet the burden of these regulations falls directly upon them.

And while I guess I am speaking in support of trying to change this for the benefit of the bankers, who this is going to benefit, if we were to change the regulatory environment, is the person who wants to borrow money, who wants a buy an automobile or buy a home or who wants to buy a piece of commercial property. Yet they go to the banks in communities across Kansas and are told that because of the new regulatory environment, this is a loan we cannot make.

The Consumer Financial Protection Bureau, which has 12 examiners and 2 lawyers, is soon to visit a small bank in Kansas and intends to be there for more than a month. The regulations the Consumer Financial Protection Bureau—well, they haven't created their regulations yet. They are auditing a bank before their regulations are in place. My reaction, when the banker told me that, was I need to go back to Washington and see if I can do something, perhaps through the appropriations process. I am the ranking Republican member on the Appropriations subcommittee for financial institutions and financial services. I thought we need to rein in the CFPB through the appropriations process to get them kind of within their sphere of where they belong, in a much more commonsense, less intrusive way.

It occurred to me that I don't have that ability. I can be a member of the Appropriations Committee and a Member of the Senate, and I can be the lead Republican on the subcommittee responsible for financial services, but because of the way the CFPB was created, its money is an automatic draft from the Federal Reserve. We, as Members of the Senate and Congress in general, have no input into the level of funding of an agency that will have a dramatic effect upon the financial institutions of this country and, therefore, the individuals, the consumers those financial institutions serve.

In addition to that, there is only one person who administrates the program, who is the administrator of the Consumer Financial Protection Bureau. Unlike the CFTC and the SEC, where there is a commission and a board in which there is a collective decision made, there is only an administrator. I have introduced legislation and we have had this conversation on the floor before. I encourage my colleagues to look at this legislation that would reformulate the way the CFPB is managed and directed and would once again give Congress the opportunity to have input into how the CFPB functions.

I would never try to explain to Americans or to Kansans how great Congress does its job, but I do know the fact we are subject to election—the will of the people of America—every 6 years gives us the opportunity to have the input of the people into the administration and into the regulatory process that is so burdensome now upon so many businesses, including our financial institutions.

So my effort today is to highlight once again what we do in Washington, DC, and in this case particularly what the administration does today—what the Obama administration does today and what administrations have done in the past in regard to regulations—very much has a consequence upon whether Americans are going to live in a country with a growing economy in which there is a sense of security and people know what to expect or whether they are going to live in a country in which a business owner—a small business man or woman in Kansas or across the country—is holding back from hiring employees because they do not know what next is going to come from their own government in regard to regulations which are costly, drive up the cost of being in business, and reduce the chances of expansion in our economy, which reduce the chances that Americans can have good, solid employment opportunities.

I have two daughters graduating from college—one a couple of years ago and one this year—and the job market certainly is important to me as a parent and the ability for a young American to find a job and to pursue that job so they are able to pay back the cost of their education. That is something we need to seriously take into account. While I assume we are going to have a conversation again in the Senate this week on the cost of borrowing money for students and student loan interest rates, we ought not forget the most important thing we can do to help our students once they graduate, which is to make sure the economy is such that employment opportunities are available. It doesn't matter what the interest rate is if they can't find a job.

So we need to make certain we fulfill our responsibilities to the American people to see that the economy and job creation is front and center for the benefit of every American and for the benefit of our country's deficit. It is so important we create a growing economy.

I, again, would highlight how important it is for us to get the regulations under control and particularly criticize the circumstance in which legislation that does not pass Congress somehow takes effect because the executive branch concludes they can do by Executive order or by rule or regulation what we refuse to do. It is time for Congress to reassert its role, and it is time to make certain that in pursuing that role we create an environment in which jobs are front and center and the

American people can all pursue the American dream.

Mr. President, I appreciate the opportunity to address the Senate today, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

IMMIGRATION

Mr. KYL. Mr. President, I didn't hear all the remarks of my colleague from Kansas, but I think what I have to say will follow on directly.

I saw a prominent news magazine, the cover of which had a likeness of President Obama, and the title was ''The Imperial Presidency'' or ''The Imperial President,'' and the theme of it was this President seems to believe that by Executive order or Executive action he can simply do what he wants to do irrespective of whether the Congress has passed a law authorizing it or has in some other way directed the President to carry out a particular policy.

When the President takes his oath of office to see that the laws of the country are faithfully executed, that is a requirement of his job. Our three-branch government has the legislative branch and the President jointly deciding what the law is to be, when Congress passes the law and the President signs it into law. It then has the President required to execute those laws.

Now, he doesn't do it personally, of course. He does it with the Department of Justice. If it is something related to our national parks, then it would be the Department of the Interior, and so on. But the Department of Justice has a big role to play in this, as does the Department of Homeland Security in respect to immigration laws because the Department of Homeland Security has now taken over all of the immigration functions, and that relates to customs, to issuing visas and, of course, enforcing the laws against illegal immigration as well.

So it is not up to the Secretary of the Department of Homeland Security or the Attorney General or the President to decide whether to enforce a law of the country. That is their responsibility. Then the Supreme Court resolves differences about the meanings of the statutes, their application, and whether they are constitutional.

Earlier this week—yesterday—the Supreme Court determined the constitutionality of a law the State of Arizona had passed to deal with the problem of illegal immigration in my State of Arizona. It is a serious problem there. About half of all the people who cross the border do so in the Tucson sector, and the results of that on Arizona have been devastating over the years: the damage to the environment, creating forest fires; the problem of the people who try to cross the border in the summer and end up dying in the desert because of its very harsh environment; the people who are brought across the border by unscrupulous coyotes, they are called—the smugglers—who then badly mistreat them, hold them hostage from their families, perhaps in Mexico or Central America and brutally mistreat them in many cases; the problems of crime that law enforcement has to deal with, the hospitalization and medical treatment they are required to receive under the law. All of these things have had a dramatic negative impact on my State.

As a result, the State legislature said: To the extent the Federal Government is not enforcing the law in our State, we will try to help fill that gap in cooperation and coordination with the Federal Government. So they passed S.B. 1070. A key feature of that, which was the cooperation between law enforcement, was upheld by the Supreme Court. But what has been the Obama administration's reaction to that? The Obama administration has reacted by saying: Well, we don't like your ruling and, therefore, we are simply not going to cooperate with the State of Arizona as we have been in the past or any other State that has laws like Arizona, even if you, the Supreme Court, say it is constitutional.

The petulance and the arrogance of this are something the American people have to judge, but from a law enforcement perspective, to me, this suggests the administration is creating some very serious problems. It was one thing for the administration to say, as they did last week, as to the 800,000 or 900,000 students primarily who came here because their parents brought them here illegally, we are going to find a way, in effect, to suspend their deportation so they can go to school or work here; we are just not going to apply the law to them. But it is quite another for it to say: By the way, we are going to treat all the other illegal immigrants here the same way—the 10 million to 12 million people who have been in the United States for a while, those who crossed the border some time ago.

In effect, that is what the administration has said. Even if local law enforcement, such as the Phoenix Police Department, has the right to stop someone they see weaving down the road in the manner of a drunk driver, and they stop that individual and determine they are driving while intoxicated and then ask to see their driver's license; and if the individual cannot produce an Arizona driver's license—which is already a violation of Arizona law today—but if, for example, the individual says: Here is my Matricula card from the Mexican Embassy, that may be reason for the officer to believe that individual is not here legally.

So in addition to driving while intoxicated and not having a valid Arizona driver's license, the police officer, who now has reason to believe that individual may not be an American citizen, ordinarily then would take that individual's name, call it in to a Federal database—I think it is up in Vermont or New Hampshire—and there is verification that either the individual is or is not in the United States legally. If the person is not here legally and hasn't been convicted or accused of a major crime, they are turned over to Immigration and Customs Enforcement, ICE, which is the part of Homeland Security that is supposed to take these illegal immigrants and decide what to do with them. In most cases, they are simply removed from the United States or deported.

But now the administration is saying we are not going to do that anymore. We don't even want to know whether the individual is an illegal immigrant. We are not going to check, and we are not going to allow you access to the database to check. Up to now, the Phoenix Police Department or the Maricopa County or Cochise County Sheriff could call up the database and say: We have the name of an individual; is this person legal.

The administration is now saying it is not even going to allow Arizona to check. So, Mr. President, this is a condition which cannot be allowed to stand. Where the administration is not enforcing the laws, the Congress is going to have to take what action we need to take to ensure the President enforces the laws, as he is sworn to do.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from North Dakota.

ANSWERING ALLEGATIONS

Mr. CONRAD. Mr. President, I rise today to answer allegations made by the Washington Post in a front-page story in yesterday's edition. Here is the story: ''High-level Talks, then Changes to Holdings.''

First, I want to say I have great respect for the Washington Post. In many ways, the Post is a national treasure. But even great newspapers make mistakes, and in yesterday's story they made assumptions that are simply wrong.

The story said my wife and I shifted savings in her retirement accounts from mutual funds to lower risk money market accounts on August 14, 2007. That is true. They showed we made those changes a day after a call from Treasury Secretary Hank Paulson to me. That is also true. But their suggestion the two are related is absolutely false.

They have made the same error in logic we studied in college. The case and faulty logic involved an observer who noted people were fainting and street pavement was melting. That led the observer to conclude that melting pavement caused people to faint. Of course, that was wrong. It was 106 degrees outside. The proper conclusion was that heat was causing the pavement to melt and people to faint. That error in logic was about causality, and that is precisely the error the Washington Post made in their story with respect to me.

What the Washington Post missed in their graphic—and to be fair to them, they largely had the correct context in the story. If you read the whole story, it was fairly balanced. What was not

balanced was the graphics that accompanied that story.

Let me show the graphic. This is from the Washington Post of yesterday.

Here is a picture of me. Quite a nice picture. I appreciate that. It says:

Senator Conrad, Chairman of the Senate Budget Committee, was in contact with Paulson about the Nation's economy during the crisis.

That is true. They then show a timeline with only two points on the timeline. They show that on August 13 Secretary Paulson called me at 4:30, and they show the next day, August 14, that my wife and I shifted from her retirement accounts money from mutual funds to lower risk money market funds. That is true.

What they have not shown on the timeline is what was happening in the previous days. So let's go back to the Friday before. Here is what happened on the Friday before.

The Dow Jones Industrial Average dropped 200 points within minutes of the opening bell and closed the day down nearly 400 points. That is not on the timeline of the Washington Post. If they were going to be fair—and I don't begrudge them writing the story. I think if I were the editor I would certainly have written the story too. It certainly has appeal. Here are Members of Congress talking to people in influential positions and then changing their holdings. But to be fair, they have to provide the context within which those decisions were made.

The context within which my wife and I made our decisions were pretty clear. The Friday before, the market dropped nearly 400 points.

What the Washington Post also didn't put in their timeline is their headline on that Friday. ''Credit Crunch in U.S. Upends Global Markets.'' In that story the Friday before, they showed in the weeks leading up to our decision to diversify our investments in my wife's retirement account the market had dropped in 2 days more than 500 points, leading up then to the Friday where the markets dropped almost 400 points.

The Washington Post in their story also didn't put on the timeline what the headlines were in their own paper on the weekend leading up to our decision to make these changes.

This is just one of the headlines: ''Looking for Footing on Shaky Ground,'' talking about the turmoil we saw globally. The truth is that what made my wife and me decide over the weekend to shift some of her retirement accounts from mutual funds to less risky money market accounts was what was happening in the markets themselves. That is what led us to make these decisions.

The Paulson call was not about markets. Notes from my staff indicate Secretary Paulson was calling a number of members about the importance of raising the debt ceiling. The Secretary of Treasury was not calling me to give me stock market tips. He wasn't talking to me about the stock market. He was talking to me about the need for a debt limit increase.

I wish to say clearly and unequivocally, to my friends at the Washington Post and anybody who read the story, the call from Secretary Paulson had nothing—nothing—do with my wife's and my decision over the weekend to shift some of her assets into less risky money market accounts. Those decisions had everything to do with what was happening in the marketplace itself, which was widely reported, even on the pages of the Washington Post. What was happening in the markets was readily available to every investor. We were not shifting my wife's retirement accounts based on some secret inside information.

The Washington Post headline: ''Credit Crunch in U.S. Upends Global Markets.'' The stock market in 2 days, and the weeks leading up, dropped 500 points. On the Friday before the decisions we made over the weekend, the market dropped almost 400 points in 1 day. The Washington Post had a big story showing the Dow Jones industrial average dropped 200 points within minutes of opening and dropped almost 400 points for the day. Why didn't they put that in the timeline if they wanted to be fair? I didn't ask them not to run the story. I asked them to put in the context within which the decisions were made. Be fair.

The fact is there is nothing Mr. PAULson could have said to me about market risk that would have been more persuasive than the drop of almost 400 points in the market the previous Friday. That, along with the 500-point drop that had occurred several weeks before, provided all the motivation my wife and I needed to make a decision to move some of her retirement assets to lower risked investments.

To the Washington Post: I respect you. I have had a very good relationship with you for a long period of time. But your story was unfair to my family, it was unfair to me, and fundamentally it was unfair to your readers because the graphics you supplied with the story failed to provide a full or fair timeline and the full context that led to our decision. In fairness, if you read the whole story, much of the context is there. But the graphics—which, of course, is what most people are drawn to—have none of the context and don't have a timeline that in any way is fair.

Finally, I just wish to say, I am retiring. This is not going to affect me for the future. But the notion that Members of Congress should just stick with whatever investment decisions they made when they began investing or be accused of trading on insider information is, to me, absurd. Our trades should be public knowledge, and they are. How did the Washington Post know about these trades? Because my wife and I reported each and every one of them in our financial disclosure.

So trades of Members should be public—absolutely—and they are. The Washington Post and others should monitor for evidence of insider trading, and they do. But they should also provide context to their readers so they can fairly judge if any of us have taken action with our investments that are dishonorable. I have not, and that is the truth.

I yield the floor.

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

PRESCRIPTION DRUG EPIDEMIC

Mr. MANCHIN. Mr. President, since we first began consideration of the FDA bill, I have stood on this floor again and again to highlight the importance of an amendment I offered to this legislation that is very significant to my fellow West Virginians and all Americans.

This amendment would put tighter control on drugs containing a substance known as hydrocodone, a highly addictive prescription painkiller that is destroying communities across this country and leaving families devastated by abuse and addiction.

It was a proud moment for me when the Senate came together across party lines on May 23 and unanimously adopted my amendment to reclassify hydrocodone as a schedule II substance from a schedule III. In practical terms, this means those who are using hydrocodone for illegitimate reasons would have a harder time getting their hands on it.

I cannot tell you how much this amendment means to the people of West Virginia and to every law enforcement group fighting the war on drugs across this Nation who believe very strongly that access to hydrocodone would give them a powerful tool in combating prescription drug abuse. So it pains me to stand here following last night's vote to move forward with the passage of the FDA bill, which did not contain this important amendment. That is because the influence of special interest groups suppressed the voices of the people—not just in the State of West Virginia but in Delaware and all across the country—who are begging us to do something about the prescription drug abuse epidemic.

According to the White House Office of National Drug Control Policy, prescription drug abuse is the fastest growing drug problem in the United States, and it is claiming the lives of thousands of Americans every year. Prescription drugs are responsible for about 75 percent of all drug-related deaths in the United States and 90 percent in West Virginia. These narcotic painkillers claim the lives of more Americans than heroin and cocaine combined.

But the groups opposed to my amendment have a huge financial stake in keeping these pills as accessible as possible, and I understand that. That is why my amendment was stripped from the FDA bill we advanced last night.

High-powered and well-funded lobbyists may have gotten their victory this time around, but I can assure you I will

not give up this fight. On a daily basis, I am hearing from my constituents in West Virginia and all around this country who are counting on us to do something about the prescription drug epidemic ravaging their communities.

Since I offered this amendment, I have heard from so many West Virginians who have seen a ray of hope because we might be able to do something about this problem. I will not pretend it will solve it completely, but it is sure a good step in the right direction. So I am coming to the floor to share the stories of the people of West Virginia, in the hopes of bringing people together around a solution to this terrible problem.

This is from Sheila from Charleston, who sent me this letter in support of my amendment after losing a close family member:

Please continue to fight the drug companies and pharmacies regarding this issue. Our family in the last two months lost a beloved family member to prescription drug overdose. He was a promising young man that lost his life because of addiction to pain medication.

Our family continues to be devastated, wondering how did this happen. He came from a highly-educated family that was involved in his treatment and cared deeply for him. His family spent $100,000+ in his recovery, but it was all too easy for him to obtain legal prescriptions.

What truly makes it more painful is he was showing signs of overcoming his five-year battle.

We are not blaming anyone but the system. We know we are each responsible for our own actions. I have thought for years that our health care system is far behind in technology and record keeping for doctor shopping and prescription dispensing. Please understand I am very much opposed to more government in our personal lives, however this is much needed in the medical arena.

Please continue to fight this enormous battle for us.

That letter could have come from our constituents or any Congressman's home district from anywhere in this great country. The fact is I don't know of a person—whether it be in the Senate, our colleagues in Congress or anywhere in America—who hasn't been affected by the abuse of legal prescription drugs used in the wrong way. It touches everyone's life. It is of epidemic proportion.

I have said it before, and I will say it again. I understand that limiting access to illegitimate uses of hydrocodone pills doesn't necessarily fit into the model of selling more product, but there are times when even the best business plan can be altered while staying successful. Certainly, one of those times is when the health of our country and the public good is at stake.

In fact, the Huntington Herald Dispatch, the second largest newspaper in my State, located right on the border between West Virginia and Ohio, describes why this amendment is so important.

Congress is missing out on an opportunity to close the spigot at least partway on the large volumes of commonly abused prescription drugs that flood the country and harm so many Americans.

In 2010, the most recent year for which data is available, a study showed there were 28,310 recorded instances of toxic exposures from hydrocodone. The same study showed that 24 million individuals have admitted to abusing hydrocodone drugs for nonmedical purposes—unbelievable.

A different study, put out by the Centers for Disease Control in November, showed that more than 40 people die every day from overdoses involving narcotic pain relievers such as hydrocodone. Isn't it worth doing something to get the pills out of the wrong hands?

My amendment may not have gone into this bill yesterday, but it is not going to go away—I think we all know that—and I am determined to see this through to the end.

While the people of West Virginia, Delaware, and elsewhere are disappointed in the outcome of the hydrocodone amendment, I do wish to highlight one measure that was included in the legislation that we are proud of and is important to me and everybody in this body. It would make the sale and distribution of synthetic marijuana and other synthetic substances, known as bath salts, illegal by placing them on the list of schedule I controlled substances under the Controlled Substances Act. These drugs are also taking a terrible toll on all our States, and I was proud to cosponsor this provision with my friend Senator SCHUMER. I want to thank Senator SCHUMER for his leadership in getting this passed.

Finally, I wish to close with one more story from my home State of West Virginia as a way to remind everyone what I am fighting for and why. This letter comes from Rebecca, a woman who started a group called Mothers Against Prescription Drug Abuse as a way to deal with the terrible realities that have accompanied her son's 5-year battle with prescription drug abuse:

Jamie was a great kid growing up. He played basketball, football, and baseball. When he was 14 years old his team won the state tournament and went all the way to Wisconsin to play in Regionals. Jamie was always helping others and had such a kind heart. . .

When Jamie got out of school he married his high school sweetheart and was employed in the mines.

After that he just went downhill. He began abusing prescription drugs. For two years I tried everything to get help for him and tried to get him to stop. Things only got worse. He lost his wife, his home, his truck and then his freedom.

My story is typical to so many families out there who are struggling with loved ones that are addicted. They just want someone to listen. They need to be able to reach out to someone who understands the nightmare that they go through daily, and know that they are not alone. The addict is not the only one who suffers. The family members carry around guilt, sadness, shame, anger, hopelessness, fear, anxiety, etc. . . . I could go on and on about how bad this experience has been for me and how it has not stopped.

I will continue to fight prescription drug abuse for as long as I have a breath in my body. I will not give up on my son or anyone else who is addicted. Things need to change within our system. We cannot continue to allow just anyone to have access to prescription pain medicine. Parents need to be educated while their children are still at home. Communities need to be aware of crimes (drug dealers) and report them. Doctors need to stop prescribing pain pills to people on the street, and they need to be held accountable.

What happened to our medical ethics when people who need pain medicine for a while are given strong addictive pain medicine, only to have to keep coming back to the doctor over and over again for refills? Is it greed that is behind the beginning of this growing epidemic? Doctors definitely profit from the addict's return visits, as well as the pharmaceutical companies that make the medicine. We know there is a problem but what are people going to do about it? I am doing what I can, but is it enough? Will you help?

For Rebecca and all the other mothers, fathers, sisters, and brothers out there who are pleading for help, we owe it to them to get this amendment agreed to.

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

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

EXECUTIVE SESSION

NOMINATION OF ROBIN S. ROSENBAUM TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

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

The bill clerk read the nomination of Robin S. Rosenbaum, of Florida, to be United States District Judge for the Southern District of Florida.

The PRESIDING OFFICER. Under the previous order, the time until noon will be equally divided in the usual form.

Mr. LEAHY. Mr. President, the Republican efforts to shutdown Senate confirmations of qualified judicial nominees who have bipartisan support do not help the American people. This is a shortsighted policy at a time when the judicial vacancy rate remains almost twice what it was at this point in the first term of President Bush. Judicial vacancies during the last few years have been at historically high levels. Nearly one out of every 11 Federal judgeships is currently vacant. Their talk of shutting down confirmations for consensus and qualified circuit court nominees is not helping the overburdened Federal courts to which Americans turn for justice.

In a letter dated June 20, 2012, the president of the American Bar Association urged Senator REID and Senator MCCONNELL to work together to schedule votes on the nominations of William Kayatta, Judge Robert Bacharach and Richard Taranto, three consensus, qualified circuit court nominees awaiting Senate confirmation so that they may serve the American people. I ask unanimous consent that a copy of his letter be printed in the RECORD.

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

AMERICAN BAR ASSOCIATION,
Chicago, IL, June 20, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER REID AND REPUBLICAN LEADER MCCONNELL: Amid concerns that the judicial confirmation process is about to fall victim to presidential election year politics through the invocation of the ''Thurmond Rule,'' I am writing on behalf of the American Bar Association to reiterate our grave concern for the longstanding number of judicial vacancies on Article III courts and to urge you to schedule floor votes on three pending, noncontroversial circuit court nominees before July and on district court nominees who have strong bipartisan support on a weekly basis thereafter.

Three of the four circuit court nominees pending on the Senate floor are consensus nominees who have received overwhelming approval from the Senate Judiciary Committee. Both William Kayatta, Jr. of Maine, nominated to the First Circuit, and Robert Bacharach of Oklahoma, nominated to the Tenth Circuit, have the staunch support of their Republican senators. Richard Taranto, nominated to the Federal Circuit, enjoys strong bipartisan support, including the endorsement of noted conservative legal scholars. All three nominees also have stellar professional qualifications and each has been rated unanimously ''well-qualified'' by the ABA's Standing Committee on the Federal Judiciary.

As you know, the ''Thurmond Rule'' is neither a rule nor a clearly defined event. While the ABA takes no position on what invocation of the ''Thurmond Rule'' actually means or whether it represents wise policy, recent news stories have cast it as a precedent under which the Senate, after a specified date in a presidential election year, ceases to vote on nominees to the federal circuit courts of appeals. We note that there has been no consistently observed date at which this has occurred during the presidential election years from 1980 to 2008. With regard to the past three election years, the last circuit court nominees were confirmed in June during 2004 and 2008 and in July during 2000. In deference to these historical cut-off dates and because of our conviction that the Senate has a continuing constitutional duty to act with due diligence to reduce the dangerously high vacancy rate that is adversely affecting our federal judiciary, we exhort you to schedule votes on these three outstanding circuit court nominees this month.

We also urge you to continue to work together to move consensus district court nominees to the floor for a vote throughout the rest of the session, lest the vacancy crisis worsens in the waning months of the 112th Congress. With five new vacancies arising this month and an additional five announced for next month, this is not just a possibility; it is a certainty, absent your continued commitment to the federal judiciary and steady action on nominees.

Thank you for your past efforts and for your consideration of our views on this important issue.

Sincerely,
WM. T. (BILL) ROBINSON III,
President.

Mr. LEAHY. He writes:

Amid concerns that the judicial confirmation process is about to fall victim to presidential election year politics through the invocation of the ''Thurmond Rule,'' I am writing on behalf of the American Bar Association to reiterate our grave concern for the longstanding number of judicial vacancies on Article III courts and to urge you to schedule floor votes on three pending, noncontroversial circuit court nominees before July and on district court nominees who have strong bipartisan support on a weekly basis thereafter.

He observes that ''the Senate has a continuing constitutional duty to act with due diligence to reduce the dangerously high vacancy rate that is adversely affecting our federal judiciary.''

There is no good reason that the Senate should not vote on consensus circuit court nominees thoroughly vetted, considered and voted on by the Judiciary Committee. There is no reason the Senate cannot vote on the nomination of William Kayatta of Maine to the First Circuit, a nominee strongly supported by both of Maine's Republican Senators and reported nearly unanimously by the Committee 2 months ago. This is the same person who Chief Justice John Roberts recommended to Kenneth Starr for a position in the Justice Department.

There is no reason the Senate cannot vote on the nomination of Judge Robert Bacharach of Oklahoma to the Tenth Circuit, who was supported by Senator COBURN during Committee consideration, and also by the State's other Republican Senator, Senator INHOFE. Senator COBURN said that Judge Bacharach would make a great nominee for a Republican president. So why is the Republican leadership playing politics with his nomination?

There is also no reason the Senate cannot vote on Richard Taranto's nomination to the Federal Circuit. He was reported almost unanimously by voice vote nearly 3 months ago, and is supported by conservatives such as Robert Bork and Paul Clement.

And the one circuit court nominee who was reported out of Committee with a split rollcall vote—Judge Patty Shwartz of New Jersey—should not have been controversial, as seen by the bipartisan support she has received from New Jersey's Republican Governor Chris Christie.

Each of these circuit court nominees has been rated unanimously well qualified by the nonpartisan ABA Standing Committee on the Federal judiciary, the highest possible rating. These are not controversial nominees. They are qualified and should be considered as consensus nominees and confirmed. Senate Republicans are blocking consent to vote on superbly qualified circuit court nominees with strong bipartisan support. This is a new and damaging application of the Thurmond Rule.

It is hard to see how this new application of the Thurmond Rule is really anything more than another name for the stalling tactics we have seen for months and years. I have yet to hear any good reason why we should not continue to vote on well-qualified, consensus nominees, just as we did up until September of the last two Presidential election years. I have yet to hear a good explanation why we cannot work to solve the problem of high vacancies for the American people. I will continue to work with the Senate leadership to try to confirm as many of President Obama's qualified judicial nominees as possible to fill the many judicial vacancies that burden our courts and the American people across the country.

Last week, I spoke about the announcement from Senate Republican leadership that they would be shutting down the confirmation process for qualified and consensus circuit court nominees for the rest of the year. As I noted, Senate Republicans have become the party of ''no''—no help for the American people, no to jobs, no to economic recovery and no to judges to provide Americans with justice in their Federal courts. Although the public announcement that they would be blocking qualified and consensus circuit court nominees is recent, the truth is that Senate Republicans have been obstructing President Obama's judicial nominees since the beginning of his Presidency, beginning with their filibuster of his first nominee.

Senate Republicans used to insist that filibustering of judicial nominations was unconstitutional. The Constitution has not changed but as soon as President Obama was elected, they reversed course and filibustered President Obama's very first judicial nomination. Judge David Hamilton of Indiana was a widely respected 15-year veteran of the Federal bench nominated to the Seventh Circuit and was supported by Senator Dick Lugar, the longest-serving Republican in the Senate. They delayed his confirmation for 5 months. Senate Republicans then proceeded to obstruct and delay just about every circuit court nominee of this President, filibustering nine of them. They delayed confirmation of Judge Albert Diaz of North Carolina to the Fourth Circuit for 11 months. They delayed confirmation of Judge Jane Stranch of Tennessee to the Sixth Circuit for 10 months. They delayed confirmation of Judge Ray Lohier of New York to the Second Circuit for 7 months. They delayed confirmation of Judge Scott Matheson of Utah to the Tenth Circuit and Judge James Wynn, Jr. of North Carolina to the Fourth Circuit for 6 months. They delayed confirmation of Judge Andre Davis of Maryland to the Fourth Circuit, Judge Henry Floyd of

South Carolina to the Fourth Circuit, Judge Stephanie Thacker of West Virginia to the Fourth Circuit, and Judge Jacqueline Nguyen of California to the Ninth Circuit for 5 months. They delayed confirmation of Judge Adalberto Jordan of Florida to the Eleventh Circuit, Judge Beverly Martin of Georgia to the Eleventh Circuit, Judge Mary Murguia of Arizona to the Ninth Circuit, Judge Bernice Donald of Tennessee to the Sixth Circuit, Judge Barbara Keenan of Virginia to the Fourth Circuit, Judge Thomas Vanaskie of Pennsylvania to the Third Circuit, Judge Joseph Greenaway of New Jersey to the Third Circuit, Judge Denny Chin of New York to the Second Circuit, and Judge Chris Droney of Connecticut to the Second Circuit for 4 months. They delayed confirmation of Judge Paul Watford of California to the Ninth Circuit, Judge Andrew Hurwitz of Arizona to the Ninth Circuit, Judge Morgan Christen of Alaska to the Ninth Circuit, Judge Stephen Higginson of Louisiana to the Fifth Circuit, Judge Gerard Lynch of New York to the Second Circuit, Judge Susan Carney of Connecticut to the Second Circuit, and Judge Kathleen O'Malley of Ohio to the Federal Circuit for 3 months.

As a recent report from the nonpartisan Congressional Research Service confirms, the median time circuit nominees have had to wait before a Senate vote has skyrocketed from 18 days for President Bush's nominees to 132 days for President Obama's circuit court nominees. This is the result of Republican foot dragging and obstruction. In most cases, Senate Republicans have been delaying and stalling for no good reason. How else do you explain the filibuster of the nomination of Judge Barbara Keenan of Virginia to the Fourth Circuit who was ultimately confirmed 99–0? And how else do you explain the needless obstruction of Judge Denny Chin of New York to the Second Circuit, who was filibustered for 4 months before he was confirmed 98–0?

The only change in their practices is that Senate Republicans have finally acknowledged that they are seeking to shut down the confirmation process for qualified and consensus circuit court nominees. Three of the five circuit court judges finally confirmed this year after months of unnecessary delays and a filibuster should have been confirmed last year. The other two circuit court nominees confirmed this year were both subjected to stalling and partisan filibusters, which were thankfully unsuccessful.

The American people need to understand that Senate Republicans are stalling and filibustering judicial nominees supported by their home State Republican Senators. Just consider the states I have already mentioned as having circuit nominees supported by their home State Republican Senators unnecessarily stalled—Indiana, North Carolina, Utah, South Carolina, Georgia, and Arizona. Just 2 weeks ago we needed to overcome a filibuster to confirm Justice Andrew Hurwitz of the Arizona Supreme Court to the Ninth Circuit despite the strong support of Senators JON KYL and JOHN MCCAIN.

This year started with the Majority Leader having to file cloture to get an up-or-down vote on Judge Adalberto Jordan of Florida to the Eleventh Circuit even though he was strongly supported by his Republican home State Senator. And every single one of these circuit nominees for whom the Majority Leader was forced to file cloture this year was rated unanimously well qualified by the nonpartisan ABA Standing Committee on the Federal Judiciary, the highest possible rating. And every one of them was nominated to fill a judicial emergency vacancy. So when I hear some Senate Republicans say they are now invoking the Thurmond Rule and have decided they are not going to allow President Obama's judicial nominees to be considered, I wonder how the American people are supposed to be able to tell the difference from how they have been obstructing for the last 3½ years.

Personal attacks on me, taking quotes out of context, trying to repackage their own actions as if following the Thurmond Rule or what they seek to dub the Leahy rule do nothing to help the American people who are seeking justice in our Federal courts. I am willing to defend my record but that is beside the point. The harm to the American people is what matters. Republicans are insisting on being the party of no even when it comes to judicial nominees who home State Republican Senators support.

As Chairman and when I served as the ranking member of the Judiciary Committee, I have worked with Senate Republicans to consider judicial nominees well into Presidential election years. I have taken steps to make the confirmation process more transparent and fair. I have ensured that the President consults with home State Senators before submitting a nominee. I have opened up what had been a secretive blue slip process to prevent abuses. All the while I have protected the rights of the minority, of Republican Senators. If Republicans want to talk about the Leahy rules, those are the practices I have followed. And I have been consistent. I hold hearings at the same pace and under the same procedures whether the President nominating is a Democrat or a Republican. Others cannot say that.

And what were the results? In the last two Presidential election years, we were able to bring the number of judicial vacancies down to the lowest levels in the past 20 years. In 2004, at end of President Bush's first term, vacancies were reduced to 28, not the 74 at which they are today. In 2008, in the last year of President Bush's second term, we again worked to fill vacancies and got them down to 34, less than half of what they are today. In 2004, 25 nominees were confirmed from June 1 to the Presidential election. In 2008, 22 nominees were confirmed between June 1 and the Presidential election. So far, since June 1 of this year, only 4 judges have been confirmed and all required the majority leader to file cloture to end Republican filibusters.

In 2004, a Presidential election year, the Senate confirmed five circuit court nominees of a Republican President that had been reported by the committee that year. We have confirmed only two circuit court nominees that have been reported by the committee this year, and we had to overcome Republican filibusters in both cases. By this date in 2004 the Senate had already confirmed 35 of President Bush's circuit court nominees. So far, the Senate has only been allowed to consider and confirm 30 of President Obama's circuit court nominees—five fewer, 17 percent fewer—while higher numbers of vacancies remain, and yet the Senate Republican leadership demands an artificial shutdown on confirmation of qualified, consensus nominees for no good reason.

The nonpartisan Congressional Research Service recently released a report confirming that judicial nominees continue to be confirmed in the Presidential election years. The exceptions are when Republicans shut down the process because the President is a Democrat. 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. In the 1996 session, Senate Republicans did not allow any circuit court nominees to be confirmed at all. Vacancies at the end of the Clinton years stood at 75 at the end of 1996 and 67 at the end of 2000. The third exception was in 1988, at the end of President Reagan's Presidency, when vacancies were at 28. According to CRS, the Senate confirmed 32 judges after May 31 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 far since May 31 of this year, only 4 judges have been confirmed and all required the Majority Leader to file cloture to end Republican filibusters.

In the past five Presidential election years, Senate Democrats have never denied an up-or-down vote to any circuit court nominee of a Republican President who received bipartisan support in the Judiciary Committee. That is what Senate Republicans are now seeking to do by blocking votes on William Kayatta, Judge Bacharach and Richard Taranto. In fact, during the last 20 years, only four circuit nominees reported with bipartisan support have been denied an up-or-down vote during Presidential election year by the Senate; all four were nominated by

President Clinton and blocked by Senate Republicans. While Senate Democrats have been willing to work with Republican Presidents to confirm circuit court nominees with bipartisan support, Senate Republicans have repeatedly obstructed the nominees of Democratic Presidents. In the previous five Presidential election years, a total of 13 circuit court nominees have been confirmed after May 31. Not surprisingly, 12 of the 13 were Republican nominees. Clearly, this is a one-way street in favor of Republican Presidents' nominees.

Senate Republicans are fond of taking quotes of things I have said out of context. Look at what I have done. I have not filibustered nominees with bipartisan support after May of Presidential election years. As chairman of this committee, I have steadfastly protected the rights of the minority. I have done so despite criticism from Democrats. I have only proceeded with judicial nominations supported by both home State Senators. That has meant that we are not able to proceed on current nominees from Arizona, Georgia, Nevada, and Louisiana. I even stopped proceedings on a circuit court nominee from Kansas when the Kansas Republican Senators reversed themselves and withdrew their support for the nominee. I had to deny the Majority Leader's request to push a Nevada nominee through Committee because she did not have the support of Nevada's Republican Senator. I will put my record of consistent fairness up against that of any judiciary chairman and remind Senate Republicans that it is they who blatantly disregarded evenhanded practices when they were ramming through ideological nominations of President George W. Bush. They would proceed with nominations despite the objection of both home State Senators.

So those are the Leahy rules—respect for and protection of minority rights, increased transparency, consistency, and allowing for confirmations well into Presidential election years for nominees with bipartisan support.

Senate Republicans, on the other hand, have repeatedly asserted that the Thurmond Rule does not exist. For example, on July 14, 2008, the Senate Republican caucus held a hearing and said that the Thurmond Rule does not exist. At that hearing, the senior Senator from Kentucky, the Republican leader stated: ''I think it's clear that there is no Thurmond Rule. And I think the facts demonstrate that.'' Similarly, the Senator from Iowa, my friend who is now serving as ranking member of the Judiciary Committee, stated that the Thurmond rule was in his view ''plain bunk.'' He said: ''The reality is that the Senate has never stopped confirming judicial nominees during the last few months of a president's term.'' We did not in 2008 when we proceeded to confirm 22 nominees over the second half of that year.

We remain far behind in filling the judicial vacancies to provide the Federal judges that American people need to get justice in our Federal courts. A comparison of judicial vacancies during the first terms of President Bush and President Obama shows a stark contrast to the way in which we moved to reduce judicial vacancies during the last Republican presidency.

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 and 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. By June 2004 we had reduced judicial vacancies to 43 on the way to 28 that August.

By comparison, vacancies have long remained near or above 80 and while little comparative progress has been made during the 4 years of President Obama's first term. As contrasted to 43 vacancies in June 2004, there are still 74 vacancies in June 2012. If we could move forward to Senate votes on the 17 judicial nominees ready for final action, the Senate could reduce vacancies below 60 and make some progress. I noted last week that, compared to our progress under President Bush, we were 9 months later in confirming the 150th circuit or district judge to be appointed by President Obama. Another way to look at our relative lack of progress and the burden the Republican obstruction is placing on the American people seeking justice is to note that by mid-November 2002 we had reduced judicial vacancies to below where we are now with 74 vacancies. We effectively worked twice as efficiently and twice as fast. By that measure, the Senate is almost 20 months behind schedule. This is hardly then the time to be shutting down the process. In fact, when on November 14, 2002, the Senate proceeded to confirm 18 judicial nominees, vacancies went down to 60 throughout the country.

This is a true comparison of similar situations. The nonpartisan Congressional Research Service in its recent report likewise compares the first years of Presidential administrations. False comparisons are to take the end of a second term of a Presidency, when vacancies have already been significantly reduced and to contend that confirmation numbers for that period can be fairly compared to the beginning of a Presidential term when vacancies are high.

Today, the Senate will vote on the nomination of Robin Rosenbaum to fill a judicial emergency vacancy in the U.S. District Court for the Southern District of Florida. Judge Rosenbaum has the ''support of her home State Senators, Democratic Senator BILL NELSON and Republican Senator MARCO RUBIO. Her nomination was reported with near unanimous voice vote by the Judiciary Committee nearly 3 months ago, with the only objection coming from Senator LEE's customary protest vote. Judge Rosenbaum was rated unanimously ''well qualified'' by the ABA Standing Committee on the Federal judiciary, the highest possible rating.

Judge Rosenbaum is currently a United States Magistrate Judge in the district in which she has been nominated, and has served in that position for almost 5 years. She previously served for 9 years as a Federal prosecutor, including 5 years as a chief of the economic crimes section. After graduating from law school, she spent four years as a trial attorney in the civil division of the U.S. Department of Justice before serving as staff counsel in the office of the independent counsel for the investigation of former U.S. Secretary of Commerce Ron Brown. Judge Rosenbaum clerked for Judge Stanley Marcus of the Eleventh Circuit Court of Appeals. She is a terrific nominee and she has my support.

Last week, the Judiciary Committee also voted Judge Brian Davis out of committee favorably for a judicial emergency vacancy in the Middle District of Florida. Judge Davis is an exceptional nominee with a distinguished career in public service. He has been a State court judge for 18 years, and has also served as a prosecutor for 9 years. The ABA Standing Committee on the Federal judiciary has unanimously rated Judge Davis well qualified to serve on the district court, its highest possible rating. Judge Davis was selected based on a nonpartisan judicial selection commission appointed by Senators NELSON and RUBIO, and both of the home State Senators have supported moving forward with consideration of this nomination. We should move to confirm him without delay so that he can get to work for the people of Florida.

After today's vote, we need to continue confirming nominees. At a time when judicial vacancies remained historically high for 3 years, with 30 more vacancies and 30 fewer confirmations than at this point in President Bush's first term, I would hope the Senate Republican leadership would reconsider and work with us on filling these long-standing judicial vacancies to help the American people. We have well-qualified, consensus nominees with bipartisan support who can fill these vacancies. It is only partisan politics and continued tactics of obstruction that stand in the way.

Mr. GRASSLEY. Mr. President, I rise in support of the nomination of Robin S. Rosenbaum, to be U.S. district judge for the Southern District of Florida.

Although it is the practice and tradition of the Senate to not confirm circuit nominees in the closing months of

a Presidential election year, we continue to confirm consensus district judge nominees. We have now confirmed 151 nominees of this President to the district and circuit courts. We also have confirmed two Supreme Court nominees during President Obama's term.

I have heard some Members repeatedly ask the question, ''What is different about this President that he has to be treated differently than all these other Presidents?'' I won't speculate as to any inference that might be intended by that question, but I can tell you that this President is not being treated differently than previous Presidents. By any objective measure, this President has been treated fairly and consistent with past Senate practices.

For example, with regard to the number of confirmations, let me put that in perspective for my colleagues with an apples-to-apples comparison. The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term. And during President Bush's entire second term the Senate confirmed a total of only 119 district and circuit court nominees. With Ms. Rosenbaum's confirmation today, we will have confirmed 32 more district and circuit nominees for President Obama than we did for President Bush in similar circumstances.

During the last Presidential election year, 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. Today, we will exceed that number, as well. We have already confirmed 5 Circuit nominees, and this will be the 24th district judge confirmed this year. Those who say this President is being treated differently either fail to recognize history or want to ignore the facts.

After graduating from the University of Miami School of Law in 1991, Judge Rosenbaum worked as a trial attorney for the Federal Programs Branch of the Department of Justice. Her practice involved defending the constitutionality of Federal statutes and agency programs. In September 1995, she joined the Independent Counsel Office's investigation of former U.S. Secretary of Commerce Ronald Brown. She served as staff counsel, participating in the criminal investigation and providing advice to other team members. Upon closure of the investigation, Judge Rosenbaum joined the law firm of Holland & Knight LLP as an associate. While there, from 1996 to 1997, she worked on a variety of civil matters, including Federal employment law. Judge Rosenbaum then accepted a position as a law clerk for Judge Stanley Marcus on the U.S. Circuit Court of Appeals for the Eleventh Circuit, where she worked from January to October 1998.

After her clerkship, Judge Rosenbaum became an assistant U.S. attorney. She specialized in criminal prosecutions such as securities fraud, bank fraud, identity theft, tax fraud, telemarketing fraud, health care fraud, internet fraud, and computer crimes. In 2002, she became the chief of the Economic Crimes Section for the Central Division, Fort Lauderdale, which gave her supervisory responsibilities over 8 to 10 other assistant U.S. attorneys. She held that title until her appointment as a magistrate judge in 2007.

In 2007, the U.S. district judges for the Southern District of Florida appointed Judge Rosenbaum to be a U.S. magistrate judge. As magistrate judge in the District of Southern District of Florida, she manages all aspects of the pretrial process in civil and criminal cases: conducting evidentiary hearings, ruling on nondispositive motions, making reports and recommendations regarding dispositive motions, and issuing criminal complaints, search warrants, and arrest warrants.

The ABA Standing Committee on the Federal Judiciary unanimously rated Judge Rosenbaum as ''well qualified.''

Mr. NELSON of Florida. Mr. President, our Nation faces an alarming judicial vacancy rate. I am grateful that today we will be voting to confirm U.S. Magistrate Judge Robin Rosenbaum to fill a judicial emergency in the Southern District of Florida for a Federal district judgeship. She earned her undergraduate degree at Cornell, her law degree from Miami. She began her legal career in the U.S. Attorney General's Honors Program where she worked as a trial attorney in the Federal Programs Branch of the Civil Division. She has worked in private practice at Holland & Knight and as a law clerk to Judge Stanley Marcus, U.S. Circuit Court Judge for the 11th Circuit Court of Appeals, and she has worked as an Assistant U.S. Attorney down in the Southern District of Florida.

Our State has a great tradition of bipartisan support for our Federal judicial nominees going back a couple of decades. Of course, through this judicial nominating commission, she has come forth with their stamp of approval. The two Senators from Florida agree. I am happy to recommend her to the Senate.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Robin S. Rosenbaum, of Florida, to be U.S. District Judge for the Southern District of Florida.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Colorado (Mr. UDALL), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 167 Ex.]

YEAS—92

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

NAYS—3

DeMint	Lee	Paul

NOT VOTING—5

Hatch	Rockefeller	Webb
Kirk	Udall (CO)	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be duly notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate shall resume legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT OF 2012—Continued

The PRESIDING OFFICER. For the information of the Senate, cloture having been invoked on the motion to concur in the House amendment to S. 3187 yesterday, the motion to refer fell, being inconsistent with cloture.

Under the previous order, there will be 6 hours 15 minutes of debate, with 2 hours controlled by the Senator from Iowa, Mr. HARKIN; 4 hours controlled by the Senator from North Carolina, Mr. BURR; and 15 minutes controlled by the Senator from Kentucky, Mr. PAUL.

The Senator from Iowa.

Mr. HARKIN. Mr. President, again, we are on the Food and Drug Administration Safety and Innovation Act of 2012. As the chair just said, we have 6 hours 15 minutes of debate time. I am hopeful we don't utilize it all and that we can vote on this sometime later this afternoon.

We just considered this bill in the Senate a few weeks ago and passed it 96 to 1. Following the conference with the House, the House passed the bill unanimously last week. Today I trust that we will finish the job.

I am genuinely proud of this legislation. It will ensure that the FDA has the resources to speed market access to drugs and devices while continuing to ensure patient safety. For the first time, it will make new resources available to allow the FDA to clear its backlog of applications for generic drugs, which will help ensure that patients have access to less expensive medications. It will make sure the FDA has the funds to prevent there ever being a backlog in applications for biosimilars. These resources are vital to FDA's ability to do its job, to the medical products industry's ability to make these products and, most importantly, to patients who need both access to drugs and devices, and assurances that they are indeed safe.

This legislation has benefited from input from a diverse range of interested parties, Senators on both sides of the aisle, our colleagues in the House, industry stakeholders, consumer groups, and patient groups.

Over 1 year ago the parties started bringing policy ideas to the table. We worked together in bipartisan working groups to reach consensus on these policy measures. Where we could not achieve consensus, we didn't allow those differences to distract us from the critically important goal of producing a bill that could be broadly supported. As a result of this bipartisan process, we have a bill that advances our shared goals of patient safety, patient access, a well-functioning FDA, and strong and viable American businesses. We streamlined the device approval process while also enhancing patient protections. We modernized FDA's authority to ensure that drugs and drug ingredients coming to the United States from overseas are safe and to ensure that our domestic companies compete on a level field with foreign ones. We addressed the critical problem of drug shortages. We helped spur innovation and incentivized drug development for life-threatening conditions. We reauthorized and improved the incentives for studying drugs in children.

Finally, we increased accountability and transparency at FDA. So the bill strikes a balance. It will help keep our regulatory system in pace to adapt to technological and scientific advances. It will create the conditions to foster innovative advances in medical technologies. Again, it will do all of this without losing sight of the most important function of the FDA—ensuring patient safety.

So it has been a long road leading up to this moment. We have been working on this bill for well over 1 year and 3 or 4 months with the help of Senators on and off the committee.

Again, I thank my colleague, the ranking member of the Health Committee, Senator ENZI, for all of his diligent and hard work and that of his staff for helping to bring all the different parties together and making sure we had a consensus bill that responded to all of those inputs.

So we have had a great collaboration. I think we have an excellent bill. Again, I am hopeful we can have our comments and discussions this afternoon, but I urge all my colleagues to vote today to pass the FDA Safety and Innovation Act. It is critically important to the agency, the industry, and to the patients we get this done. This will be the final step.

As I said, the House passed it unanimously. If we pass it today, it can go to the President for his signature as soon as we pass it this afternoon.

Mr. President, I yield such time as he may consume to my good friend and colleague and ranking member, Senator ENZI.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the chairman of the committee. I thank him for his kind words, but I also thank him for his leadership on this issue. We have had a great teamwork effort both between the Senators and between the staff. This isn't something that just came together a couple of weeks ago. This is something that has been worked on for about 1½ years, with pretty constant meetings on Fridays of all of the interested groups and then stakeholders. It takes a tremendous amount of work to put something like this together and have it be in a bipartisan way like this. It is largely because it came to committee.

In committee we took a look at all of the amendments that were suggested, we got the people together who had very similar amendments, and they usually were able to work out something to satisfy everybody in that instance, and we came up with a bill. As Senator HARKIN mentioned, it passed 96 to 1. Anytime we get something to pass, it is kind of a landmark success. But when we get something that bipartisan, it is even more landmark.

We have been trying to get this bill wrapped up before the Supreme Court decision came out on health care. The reason we have been trying to do that is, who knows what it is going to say or what kind of ideas people will come up with when that happens. This is a group of 100 idea generators, so we wanted this cleared up by that time. We are on a path to get that done right now and a path that will keep the people employed who are taking a look at new drugs and devices and generics and biosimilars and continue to get those on the market so people will have the latest innovations.

One of the things we included in the bill was some use of foreign clinical trials if they were approved by the FDA, and that should even speed up the process. Of course, when we went to conference there were a lot of things people wanted to have that they brought up as amendments. It is very critical in the bill, and we get some of them and we don't get others.

I know Senator ALEXANDER played a huge role; he had seven items in the bill and we got six of them. Senator BURR had 12 items in the bill, and we got 11 of them. I have to mention, of course, that the one we did not get is a particularly important but particularly difficult issue that is going to take more time to get worked out. It is one that deals with drug distribution security, and that is something we cannot avoid. We have to do it. But it is going to take longer to work that out. It deserves some extra time and some more understanding on both sides of the aisle on that one and in a number of different States. It doesn't just involve the Senate; it doesn't just involve the drug companies; it also involves the whole chain that these things have to go through, including the local pharmacist whom we don't want to overload with work, and the people who have to transport these drugs whom we don't want to overload with work or make it extremely complicated when they cross different State lines and have to do different kinds of reporting.

Senator ISAKSON had four amendments, and we were able to get three of them. Senator PAUL had two, and we got one. Senator HATCH had six, and he got all of them. Senator MCCAIN had two, and we got one. Senator ROBERTS had two, and we got both of those. Senator MURKOWSKI had two, and we got both of those. Senator KIRK had two, and we got one of those. Senator GRASSLEY had two, and we got one of those. Senator PORTMAN had two, and we got both of those. And Senator COBURN had two, and we got one of those. Senator CORKER had two, and we got both of those.

So there are a lot of things we did on the Senate side that became possible on the House side. There are a number of things they did on the House side that we couldn't agree with on this side either. But we did reach agreement—and we reached it in pretty much record time. We now have a bill that can go ahead and be passed and go to the President for signature to assure that the level of safety we have in our drugs not only continues but improves, and drugs can get on the market faster than they had before by streamlining the process and also making sure there are better foreign inspections so the ingredients that go into the drugs don't cause problems.

So this legislation reauthorizes the Food and Drug Administration's user

fee program, and it ensures that Americans get better access to safe innovative medicines and medical devices. It will make significant changes. It will improve the FDA's review and approval of new drugs and devices.

Unfortunately, FDA's current process for reviewing and approving medical devices too often creates delay and unpredictability. This in turn threatens patient access to the best possible treatments for their conditions. In some cases, this has forced American patients to travel overseas to obtain access to lifesaving new devices that FDA has not approved in the United States.

The bill goes a long way toward solving these problems and makes the most significant changes to the law of governing FDA's review of devices in decades.

This bill will speed the approval of devices by reducing the redtape associated with the ''least burdensome'' standard that FDA uses to approve such devices. The bill will also make it easier for FDA to approve devices for patients with rare diseases who might not otherwise be able to have their conditions treated most effectively. It will also enable FDA to expedite safety determinations, to resolve appeals, and to improve their postapproval surveillance activities to detect problems as they occur. It is not good enough to get them approved, we also want them watched after they are approved, and this will do it.

The bill also contains important reforms to foster drug innovation and patient access to new therapies. It modernizes the accelerated approval pathway for drugs to reflect advances in science over the past 20 years. It formalizes a new process to expedite the development and approval of breakthrough therapies. These changes are particularly important for patients with rare diseases where there are no therapies available, and it is not feasible or ethical to require large conventional clinical trials.

Nobody wants to be the one who is a test case when there might be something that would work for them, and there aren't the sizes of the populations to do the conventional clinical trial anyway. The patient community strongly supports these improvements because these will save lives.

The bill also contains important reforms that will help mitigate the problems associated with drug shortages. It will require better coordination within FDA as well as the other Federal agencies such as the DEA. It will also allow FDA to move faster, to take actions, and to address shortages through expedited reviews and approvals.

The bill also makes important changes to how FDA uses Risk Evaluation and Mitigation Strategies, REMS. REMS play a critical role in protecting patients and public health and this bill includes a provision that clarifies the process for modifying REMS—especially with regard to minor modifications.

The provision in the bill being passed today does not change Congress' expectation that a non-minor modification will generally be based on the best available science including an assessment demonstrating that the modification is necessary or appropriate. Nor does the clarification indicate that a modification should be approved if it would reduce the REMS' effectiveness in addressing the drug's known risks.

The bill follows what I call the 80 percent rule. When we focus on 80 percent of the issues on which we can reach agreement rather than focusing exclusively on the parts and the issues we can never resolve, we can achieve amazing results. Over 1 year ago staff began to work on identifying the 80 percent. A group of staff from Republican and Democratic offices on the Health, Education, Labor, and Pensions Committee began a series of standing meetings and proceeded to meet every week for several months. They met with stakeholders and discussed policy solutions that each member thought would solve the problem.

After much discussion of the benefits, costs, and possible unintended consequences, members agreed on a list of policy concepts. If there was not a consensus on a particular policy, it wasn't included. This is the 80 percent rural in action.

As this process has progressed, my staff also met with the Republican staff on the Health Committee for at least 2 hours every week to keep them informed and to seek their input. I also personally met with the members of the committee before markup to ensure I understood their priorities.

This bill reflects the work of every member of the Health, Education, Labor, and Pensions Committee. All of them have at least one provision included in this legislation. Many members of the committee worked with us to find consensus measures that addressed their priorities as well.

As I mentioned, not everyone got everything they wanted. We did, however, find the 80 percent of each solution that we could all agree would help solve the problem, and the bill passed the committee by a voice vote. This legislation could be a model for how the process can and should work regardless of the political environment. We followed this model as we transitioned from the committee process to the Senate floor. We worked with members who filed amendments in committee to address some of the concerns in the manager's amendment. We also worked with Members who filed amendments on the Senate floor.

We did the same thing in our discussions with the House. You can see that the results are very positive. We preserved and we improved policies to foster drug innovation and patient access, and to promote accountability and transparency at the FDA. We also made significant improvements to the Senate's medical device reforms for startup and emerging growth companies, and with respect to the 510(k) process.

We thank Senator HARKIN for his tireless effort on this bill. I know he spent countless hours and attended dozens of meetings, working with Senators and stakeholders and advocates to address their concerns. This bill would not have had such broad bipartisan support without all of his work.

Senator HARKIN's staff has also worked tirelessly on this bipartisan bill. Their knowledge, professionalism, their graciousness were instrumental in addressing all of the issues in this bill. They worked many late evenings, they worked through weekends, they worked through countless working group discussions to be able to get the bill where it is today.

Specifically, I want to recognize Elizabeth Jungman, Bill McConagha, Kathleen Laird, and Kate Wise for all their work. I thank Pam Smith, Senator HARKIN's staff director, for her leadership getting this bill to the finish line. I especially want to recognize Jenelle Krishnamoorthy, whose organization and diplomatic skills helped us resolve the most difficult challenges and made sure that the priorities of all the members of the committee are reflected in the bill.

I also wish to thank the staffs of the Legislative Counsel, the Congressional Budget Office, and the Federal Drug Administration for all of their technical assistance. Again, there are people in those groups who had to work through the weekends when we were finishing up.

Finally I would thank my staff—Keith Flanagan, Melissa Pfaff, Grace Stuntz, Katy Spangler, Rob Walton, and my health policy director, Chuck Clapton.

I would be really remiss if I didn't thank my staff director Frank Macchiarola for his work on this bill, especially as the bill progressed through the HELP Committee, the Senate floor, and discussions with the House. My staff has been working around the clock for many days, for weeks, and for months. I sincerely appreciate their dedication to getting this bill passed and for helping to work with the 80-percent rule.

I urge my colleagues to support this bipartisan bill that makes important changes to the FDA and I ask them to support this process that expedites getting the conference done. We will have a real and meaningful impact on millions of American patients.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I wish to start off by thanking the chair and the ranking member for the great work they have accomplished with what has always been a very delicate piece of legislation. Their staffs have been tireless on both sides, trying to work out differences, and we would not be here today if it were not for their commitment to this legislation.

Let me say to the chair and the ranking member, I plan to go on for some time. If I were you, I would take the opportunity to leave for a while because I will go for an hour or two or maybe three. And it is not all going to pertain specifically to this legislation, but I have a lot to say because I have heard some of the opening statements. I have heard statements such as ''our goal is to finish before the Supreme Court.'' I have a question: Why? Why a crucial piece of legislation that affects so many Americans and so many patients around the world—why did it have to be done before the Supreme Court? I am not sure anybody can give an answer, but somebody started that as a goal and it sort of was adopted.

I heard the legislation was accomplished at record speed. I don't see that as something to herald. Speed is indicative of something that we rushed our way through. I know on behalf of the chairman's staff and the ranking member's staff, they have been working on this for a long time. So has my staff. But from a standpoint of when we marked up the legislation and came to the floor—how fast we went to the floor—we did it because there was an understanding that we were going to try to hold the Senate product together.

I don't want to take issue with the numbers. I had two amendments that were dropped in conference so I am not sure how I had 12 and got 11 but, regardless, the question we are here to answer, the purpose of this legislation, is that this is supposed to drive innovation in America and bring lifesaving drugs, devices, and biologics to patients—here in America first, but around the country, around the world. That is the goal behind this legislation.

I have to take issue with my ranking member. I don't think the 80-percent rule applies to health care. I can't look at a patient and say: If we can get 80 percent of the right policy, I am going to feel good. If I am in the 20 percent that is left out, I am going to be really pissed off.

One of the reasons our health care costs are so high today is that we have been able to innovate as a country to where we maintain disease extremely well. But we are right on the cusp of being able to cure things such as breast cancer and diabetes. It is not going to be cheap. It is not going to be fast. You are not going to find it in the 80-percent category. You are going to find it in the 20-percent category. It is going to take a while. It is going to take people investing capital and companies that are committed to their shareholders that they are not going to have the returns because they are invested in something important and that is the long-term future of our country and our country's health.

That is what I see in a 5-year PDUFA bill. This is not a 1-year reauthorization of something. Granted, this is not a piece of legislation that this committee drafted from scratch. It is important that everybody understands that for this legislation, in the negotiations between drugs, devices, biologics, generics industry with the Federal Drug Administration, there is not a Member of Congress and no staff of Congress in the room as they negotiate what fees they are going to pay to the FDA to actually process their applications. So the focus of this committee was to look at what happened in the negotiations and try to figure out how could we make this bill better—how could we assure ourselves there was a level of transparency we could understand, that the negotiations they had entered into in fact benefited American patients.

If this doesn't benefit the health care costs and the health care of Americans, then we have missed the mark. The whole objective is to put America in a better position after the passage of this bill.

I will be boring because some of what I am going to talk about a lot of people in this institution know. But I am not sure the American people understand the background that is here. The Federal Drug Administration is responsible for assuring the safety and efficacy and the security of human and animal medical products. One element of FDA's statutory mission is to promote the public health and the FDA accomplishes this mission in part by timely—timely—approving lifesaving, life-enhancing innovations that make medicine safer, more effective and in many cases more affordable.

FDA's broad regulatory authority crosses a range of products and has resulted in the agency overseeing products that amount to 25 cents of every dollar of the U.S. economy. Let me say that again. The FDA regulation extends to 25 cents of every dollar spent in the U.S. economy. Therefore, the FDA's review and decision process not only impacts our Nation's patients and innovators, their work has a significant impact on many sectors of our Nation's economy. As consumers and patients, the American people have serious interests in assuring that the FDA is accountable, transparent, efficient, and making sound decisions in as timely a fashion as possible.

You see, that is why I am on the floor today. If the goal is to have transparent, efficient, sound decisions in a timely fashion, you don't rush through it. You make sure that there is a matrix in place—not one that was designed by the agency and not one that was designed by the industry, but one that is designed by the body that is responsible to do oversight over Federal agencies, the Congress of the United States, the HELP Committee. It is our job. That is why concerns about timeliness and predictability of FDA's regulatory process must be taken seriously and they must be addressed.

Unfortunately, too often Congress is guilty of not paying close enough attention to how well things are working or not working at the FDA on behalf of the patients, the very people for whom the most is at stake. Every 5 years, drug and device industries negotiate their user fees that are then sent to Congress with the expectation that we will quickly act upon them to ensure the continuity of the agency. Let me assure you, this year is no exception. They dropped these agreements on Congress's lap and said: Would you pass these as quickly as you can with no changes? And to their credit, the chair and the ranking member said: No, Congress has a role to play. And staff has had tremendous input into what the final product was.

Unfortunately, rushing the bills through the House and the Senate has resulted in bipartisan track-and-trace provisions not being included in the bill we have before us today. As the ranking member said, I am very disappointed that these important bipartisan provisions were sacrificed as the expense to attain speed. I understand the difficulty of the lift. I acknowledge that to my colleagues and to their staff. But I also question how hard we tried, on an issue that we knew going in was tough. There is no such thing as spending too much time when it comes to getting something as important as drug distribution security right.

I assure all my colleagues that my friend from Colorado, Senator BENNET, and I will continue to work together to get these important provisions done. I might add, I have had the commitment from the chair and the ranking member to work with us on other legislation to try to address this.

But let me say today, it will not be any easier than it is right now. It may be tougher then because this was a vehicle that had to go, therefore people would have swallowed a lot more that is in this bill.

As my colleagues know, FDA and industry tell us not to make any changes because it would ''open up the agreement.'' Think about that. The industry and the FDA told Congress don't put anything else in here because we would consider that as opening up our agreement.

When did Congress become so irrelevant that a Federal agency would suggest that we not get involved? Yet it requires our passage for this to go in statute.

I have explained before, Congress is told to tiptoe around the agreements and we focus our efforts on the belt-and-suspenders policies to complement the agreement. This does not make for the most consistent and deliberative process in considering how Congress can work with FDA and industry to strengthen and improve FDA's drug and device work on behalf of our Nation's patients, but this is the process Members have to work within, which is why it is so important to assure that the right policy riders, including transparency and accountability, are included in the final package.

One thing that has been made quite clear over the past few years is the importance of FDA reporting on the right

matrix. I can predict with some confidence, since this is a 5-year bill, we will be here 5 years from now and hopefully there will be at least one Member of the Senate who steps up and says: How did the FDA hold up against what they said they were going to do in the agreements?

That is at the heart of transparency and accountability. If we do not have a matrix established that everyone understands here is where we are and here is where we promised we would get to, then how in the world 5 years from now do we measure this? How do you know then that if you raise the user fees, that it is justified, that the beneficiary of it is the American patient? I am going to say that is candidly obvious to everybody listening. When drug companies, device companies, biologic companies, generic companies pay more money to get their application approved, who pays for it? The consumers. The people who buy the drugs, use the devices, and buy the generics. This is the first time we have ever had a user fee for generic pharmaceuticals. Generics were called that because generics were created after the patent life expired so we could bring low-cost products to the market.

What are we doing? We are creating generic user fees which will raise the generic price for the American people. It may alter the fact whether it is cheaper for a person to pay for their generic prescription or whether it is cheaper to have their copayment do it on their insurance card. That is the reality of what we are dealing with. I am not suggesting it is bad, but why would we rush through it without understanding what the impact is? That is where we are today.

Reporting only on the negotiated user fees performance goals agreed to by the industry and the FDA has not provided a complete picture of how well the FDA is working to fulfill its mission on behalf of patients. The bottom line is what gets measured gets done. So it has to be measured.

In the Wall Street Journal op-ed earlier this year, former FDA Commissioner Andy von Eschenbach highlighted what is at stake if Congress does not get the user fee reauthorization package right and fix the underlying problems at the FDA. He writes:

> The stakes couldn't be higher for our health. The U.S. biomedical industry is one of the crown jewels of the American economy. It employs about 1.2 million people directly and over five million throughout its supply chain, with a total output of $519 billion in 2009 . . . Many of the firms are among the world's most innovative: From 2001 to 2010, the Milken Institute report shows, U.S.-based companies produced nearly 60% of the world's new medicines, up from 42% the previous decade.
>
> But U.S. firms won't continue to lead unless the FDA retains its role as the world's ''gold standard'' for evaluating new medical products.

Many people establish the gold standard as being the hurdle they have to pass in order to be approved. The gold standard is also how difficult the process is that they have to go through, and will the capital be there to finance the research and development so approval is something they see as a light at the end of the tunnel. These all have to be weighed in the policies they put in place, and I will say we have come up somewhat short.

Last year the National Venture Capital Association released a report that underscores America's risk of losing its standing as the world leader in medical innovation. Their survey clearly showed that the FDA's regulatory challenges, the lack of regulatory certainty, the day-to-day unpredictability, and unnecessary delays are stifling investment in the development of lifesaving drugs and devices. Instead of deterring investment and innovation in lifesaving treatments such as cardiovascular disease, diabetes, and cancer, we should accelerate it. Instead of deterring that capital to come in, we should be finding policies to accelerate that capital to chase cures in heart disease, diabetes and cancer and work with America's innovators on behalf of patients who are depending on the next breakthrough drug or device.

Our Nation's health care system is unsustainable. We all agree we must lower health care costs in America. Predictable regulatory pathways that facilitate innovative medical products that reach patients in as timely a manner as possible is key for lowering our health care costs. This survey is another serious call for the need to restore regulatory certainty and predictability at the FDA.

As we comb through this bill, we see the two amendments that were voted and accepted in the Senate markup of the bill were dropped and discarded because somebody was too concerned with requiring too many reports. There is a reason we get granular with what we put in legislation and, more important, what we require an agency to produce. Predictable regulatory pathways that facilitate innovative medical products reaching patients in a timely manner will lower our health care costs.

It is clear the FDA's global leadership in innovation is at risk. A 2011 report by the California Healthcare Institute and the Boston Consulting Group highlighted this point. The report found that in recent years the environment for medical innovation has deteriorated and the most critical factor has been the FDA, the Food and Drug Administration. Let me repeat that. The report found the environment for medical innovation has deteriorated and the most critical factor has been the Food and Drug Administration. The report states:

> . . . for the Agency's policies and activities exemplify President Obama's critique of a regulatory system whose ''rules have gotten out of balance, placing unreasonable burdens on business—burdens that have stifled innovation and have had a chilling effect on growth and jobs.''

Now, all of a sudden, we are talking about a piece of legislation we have rushed through the process because we wanted to beat the Supreme Court decision on Thursday. We did it at an accelerated pace, faster than we have ever done through the Senate, and we realize this legislation affects the economy and jobs. It is not just about health care. It is not just about patients. It is about jobs.

Dr. David Gollaher, president and CEO of the California Healthcare Institute, raises a clear alarm in his report we should all heed. He concludes:

> The result of uneven performance of the Agency has been to increase the risk associated with regulation, dampening investment in companies whose products face FDA regulation. Meanwhile, as global competition in high-tech industries has intensified, other nations have adapted their regulatory systems to out-compete the FDA. The flight of medical technology product launches to European Union countries should be a serious cause of concern for policymakers and patient advocates alike.

What does that mean in layman's terms? We are losing them here and the EU is attracting them there. Why? Because their policies are easier to understand. It is not that their threshold for safety and efficacy is any lower, but they carry on an honest partnership with the applicants, and most will say dealing with the FDA is akin to inviting your worst relative to spend the week with you in your house.

Exporting lifesaving innovation overseas—and the jobs that come with it—will not help patients or our economy here at home. It erodes our Nation's standing as the global leader in medical innovation and results in America's patients having to wait longer for lifesaving therapies or jeopardizing their access to them at all.

I am not sure in America we ever thought we would go to another country where they had approved a new therapy we couldn't get in the United States, but I would be willing to bet that every family in America knows somebody who has gone outside the country to get some type of treatment or some type of dosage of something we haven't approved here, and one might think they are not safe or effective. The likelihood is that those products have never even applied for FDA approval. Why? Because the process has become so unpredictable and so expensive that a company has to justify the potential sales of a product to meet the billion-dollar cost just to get through the FDA application process.

Exporting lifesaving innovation overseas and the jobs that come with it will not help our patients and will not help the economy. It erodes the Nation's economy and results in America's patients having to wait longer. I just said it.

The FDA is supported by both user fees and taxpayer dollars, so Congress has a critical oversight role in ensuring that the FDA is meeting its requirements under the law. Moreover, as elected representatives of the American people, Congress institutionally has a duty to ensure that the FDA is

broadly fulfilling its statutory mission and promoting the public health through its review and regulation on a range of medical products.

The reauthorization of the drug and device user fees agreement is an important opportunity for Congress to ensure that the FDA is fulfilling its mission. Why would we in any way water down the accountability and transparency if, in fact, we are the ones to ensure the FDA is fulfilling its mission? But closely examining these issues once every 5 years is not going to help address the underlying problems at the FDA that we all know must be fixed. The only way that is going to happen is with the FDA, Congress, patients, and innovators consistently working together with the right data points. The bottom line is we don't know what we don't measure. If we don't know it, how can we ensure that it is right?

Another report by the California Healthcare Institute and the Boston Consulting Group in 2012 underscores the importance of reliable data at the FDA and how FDA performance is a function of management. The report finds there would be great value in regularly gathering and analyzing the best possible data and updating performance metrics during this PDUFA cycle in order to track performance consistently and longitudinally with the goal of the most accurate possible measures of agency performance.

Do you sense a trend that every outside evaluation—not industry, not FDA, not Congress—of the user fee agreement is basically saying: Hey, Congress, don't miss this opportunity. If we want to track performance, then we have to set up the metrics and collect the data. Why in the world would we drop from the bill the transparency and accountability provisions that get the granular data we need to make this assessment? I guess we will never know.

Congressional oversight can help highlight the processes that are working well at the FDA, as well as reveal areas where the FDA needs to make improvements to ensure timely and predictable regulatory decisions on behalf of America's patients. Recently, the GAO reports over the past year have underscored these points and why the right metrics must be reported on to paint a full and complete picture. Now all of a sudden we have the General Accounting Office, the GAO, saying the same thing that all these third parties have said. Why? Because they are the ones we turn to when we want to ask them to do an evaluation of the FDA, and they are telling Congress: Hey, don't miss this opportunity to get this stuff in there. You actually can get the data we can't get because it is not in the statute.

Every 5 years when we pass the final user fee package, FDA's authority and responsibilities grow. Think about that. With more employees and higher costs, it seems like things would be getting better, but without the metrics, without the accountability, without transparency, we don't know. This bill is no exception. The FDA is going to get an unprecedented level of user fees and more new authority, billions in user fee dollars. With this unprecedented level of user fees, there must be unprecedented transparency, oversight, and accountability. It does not exist.

Let me be clear. There are good provisions in this bill that should help to improve transparency, accountability, and regulatory certainty. However, throughout the committee's work on various issues, I repeatedly raised the point that if we did not fix the underlying issues at the FDA, the new responsibilities and expectations we are going to create with this bill would not achieve the desired outcome. Quite simply, that is why I am disappointed that some key transparency and accountability provisions included in the Senate bill did not survive the final bill. While key GAO reporting provisions may have been removed from the final bill, I wish to take this opportunity to inform my colleagues and the FDA that I personally intend to pursue this oversight analysis outside of this bill. Just because it is not in this bill does not mean I am going to go away.

What has happened is that speed has trumped policy—the attempt to speed through this bill, the attempt to get it done before the Supreme Court announces its decision on ObamaCare. I have yet to have anybody explain to me why we are benefited by moving this before the Supreme Court ruling. If somebody has a concern that there is something in the bill that might be affected by what the Supreme Court ruling is, would we not be smart to delay this until after the ruling to see if there is some adverse reaction to what we have done? If I thought there was any reason to do that, I would be on the Senate floor pleading with my colleagues today. But the truth is that there is nothing that will come out in the Supreme Court decision that will affect the user fee relationship between drugs, devices, biologics, generics, and the Food and Drug Administration. But somebody wanted to finish it, and they set that as the goal that everybody could see.

(Mr. FRANKEN assumed the chair.)

Mr. BURR. Because of the hard work of my colleagues on both sides of the aisle, the final bill includes new incentives intended to help spur the next generation of lifesaving antibiotics. This is a good thing, and my colleagues should be commended for their bipartisan work on this important issue.

Unfortunately, the requirement for the FDA to submit a strategy and implementation plan that would have helped to ensure greater regulatory certainty and predictability regarding FDA's work with antibiotics was not included in the final bill. Yet we have all watched stories on TV about a young lady who was attacked by a virus that has eaten her hands and her feet—an infection. What does she need? She needs a breakthrough in antibiotic therapy.

This was a real opportunity for us to send a message out there that not only are we committed to doing it, we are committed to setting up a regulatory structure that allows it to happen.

Carefully drafted GAO reporting requirements intended to help FDA and Congress identify progress against regulatory challenges in this space have also fallen away. This had nothing to do with RICHARD BURR or MICHAEL BENNET, this was the General Accounting Office. Unfortunately, the reporting requirement that remains is not nearly as robust as the language passed by the Senate earlier this year. These requirements were intended to help identify and root out the regulatory challenges in this space to ensure that the incentives included in the final bill are as meaningful as possible and ultimately do achieve the goal of the next generation of novel antibiotics reaching patients. I cannot think of anything more important than for us to make sure.

I know the Presiding Officer comes from a State where devices are a key part of the economy.

Another reporting requirement that fell away is one my colleagues have heard me talk about a lot over the past year. The medical device user fee agreement includes reporting on the total time to decision in calendar days, not FDA days. This sounds a little bit like Disney World. What in the heck are FDA days? I know what calendar days are. Tomorrow is going to be one number higher than today, and yesterday was one number lower, and every 28 to 31 days, we switch and it becomes a new month and we start counting again. Not at the FDA. That is why it was important that calendar days be substituted for what we call FDA days at the FDA. Patients do not care about FDA days; patients care about how long it takes in calendar days for safe and effective products to reach them.

My colleagues may recall that last year the final Agriculture appropriations bill included a requirement for the FDA to report on calendar days because knowing the average number of calendar days it is taking FDA-approved therapies to reach patients is important for ensuring that we see the full picture of how well the FDA is working in a metric that the American people understand.

Last year, when the Senate considered the issue of counting calendar days for medical products, Dr. Paul Howard, a senior fellow and the director of the Manhattan Institute's Center for Medical Progress, described the importance of counting calendar days. He wrote:

> The PDUFA clock stops when the FDA requests more information from the sponsor . . . so repeated requests for information from the FDA can significantly draw out the time before a product reaches the market, even if the agency completes its review within the specified PDUFA timeframe. . . .

knowing actual calendar days that elapse from between the time that a sponsor submits an application to the time it is approved should give Congress some sense of how efficient—

How efficient—

the review process is. If the FDA is repeatedly asking for more information and lots of time is added to the approval process, it has important implications for patients (who wait longer for new therapies) and investors (who may perceive the regulatory process as arbitrary and time consuming).

Here again, another independent analysis of what should be important to the American health care system and an assessment that calendar days are absolutely vital to Congress's ability to understand how long it really takes at the FDA. And we are not even the person trying to finance the breakthrough.

I appreciate that the final bill will now require more granular reporting with respect to the prescription drug user fee agreement, which is a good thing, but I am baffled that a reporting requirement which Congress has supported in the past and which was included for generic drugs was not included in the final bill.

Talking about calendar days, how in the world could calendar days be important enough to put in the generic bill part and dropped from everything else? Why? Because FDA did not want it. FDA has gotten used to that little stopwatch they have. When they ask you for a little more information, they reset it, so they get to start again.

My dear colleague TOM COBURN and I both are disappointed that a provision offered by him, and which I supported, was removed from the final bill.

I have talked about a number of things removed from the final bill. I am not sure how the ranking member gave me a number at the beginning that I had interest in 12 things and that I had 11 accepted. I cannot count them as I am going through my presentation, but I think I am on three or four that have been dropped.

The medical device user fee agreement includes the requirement for an independent assessment of FDA's management of devices. Unfortunately, the assessment included in the prescription drug user fee agreement and final bill will look at only one-third of the FDA's work with drugs. Let me say that again. The medical device user fee agreement includes the requirement for an individual assessment of FDA's management of devices. Unfortunately, the assessment included in the prescription drug user fee agreement and final bill will look at only one-third of the FDA's work with drugs. Calendar days apply in one section. Generic drugs do not apply, and devices, drugs, biologics. Now, all of a sudden, we have an independent assessment of FDA's management of the devices industry where we are only applying that to one-third of the area of drug evaluation and not to generics and not to biologics.

Senator COBURN's provision, which was first introduced in a bill Senator COBURN and I introduced, the PATIENTS' FDA Act, would have ensured an independent assessment of all of FDA's drug work. Upon introduction of the PATIENTS' FDA Act, Dr. Paul Howard wrote that this provision was ''perhaps the most important provision'' because ''the outcome of that review may or may not be welcome by the FDA—but it will force Congress to pay attention and highlight the FDA's importance as the gateway for medical innovation not just in the U.S., but for the world.'' Paul Howard is no relation to me. This is, again, an independent doctor who makes a comment on a provision in an obscure bill that was introduced in Congress, and he says ''perhaps the most important provision.'' Yet it only applies now to one-third of the drug area, and all we wanted to do was to apply it to the whole thing. Not including this independent assessment is a missed opportunity for Congress, consumers, and patients to have a complete, independent, and objective look at FDA's management of its mission and resources with respect to drugs.

I understand that some of my colleagues are concerned about overreporting, but I would come back to the basic point that you do not know what you do not measure. This is about how Congress and the FDA prioritize, and, given what is at stake, not including targeted reporting requirements that will help FDA to better achieve their mission on behalf of patients is a huge, huge missed opportunity. Why? Speed over policy.

I would also like to talk about a key provision in the Senate's upstream supply chain provisions that is not included in the final bill.

As many of my colleagues know, the globalization of the drug supply chain presents unique challenges in ensuring the safety of the drugs American patients receive. Quite a bit of time has understandably been devoted to this issue. Unfortunately, while the bill includes many bipartisan provisions that will help FDA better target inspections of drug facilities based on risk, the final bill falls short in addressing end-to-end supply chain security. That is sort of important. I think the American people sort of take for granted that we have that in place now.

In addition to not including bipartisan downstream provisions, the final bill does not include the Senate's bipartisan provision to accredit third-party auditors to conduct drug safety audits of drug establishments. To be clear, these third-party drug safety audits would not have replaced official FDA inspections, but they would have been an important risk-based tool for the FDA to leverage in taking steps to ensure a safer global prescription drug supply chain. I actually believe that America thinks we have that in place right now. Who could be opposed to such a commonsense solution? It was a bipartisan initiative. Was it the House that kicked it out? Was it the FDA that kicked it out? It really does not matter. This was smart to have in the bill. The only conclusion I can come to is that speed trumps policy, that our quest to get this done quickly meant we did not look closely enough at the things we should have done and could have done and we did not do.

Now, the ranking member talked about my disappointment and his disappointment on the downstream drug distribution security. I want to take a brief moment and comment on downstream. I thank Senator BENNET, from the other side of the aisle. We worked together. And because of his hard work and dedication to this issue, I think I can say that we are both disappointed that the final bill does not include bipartisan provisions that we have been working on together for the past few months.

My colleagues all know why this is an important issue. It is important for America's patients and consumers.

I remain committed to establishing a workable and reasonable traceability system that strengthens the integrity of the pharmaceutical distribution supply chain. It is critical that we replace the current patchwork of inconsistent, inefficient, and costly State laws with a predictable, workable, and appropriate Federal standard. I am committed to getting this done.

As I said to the ranking member and the chair, it is not going to be easy. We knew that when we took this on. You can't do it fast. I did not know we had a stopwatch on how quickly we could get this bill through the Senate and how quickly we could get through conference and how quickly we could get it passed. I remind my colleagues that the current user fee agreement does not expire until later this year. It did not have to be done now, but it was. And for now 45 minutes I have pointed out things we could have done, should have done, and did not do, and it is embarrassing. This could have been done. This was the right vehicle to put this in because it was a must-pass piece of legislation.

Now let me, if I could, talk about some of the provisions Senator COBURN and I introduced in the PATIENTS' FDA Act. I am pleased we were able to find a bipartisan path forward on some of these provisions which will put in place an unprecedented level of transparency and accountability at the FDA.

While FDA should have already done many of the things that will now be explicitly required of them, by ensuring that we hold FDA accountable to measures and reports on specific requirements, there is a greater chance that they are going to actually get done. There is no certainty without congressional oversight. Greater transparency and accountability provisions included in the package today will help to ensure greater regulatory certainty and timely decisions on behalf of America's patients, which is key to ensuring that America maintains its role as a world leader in medical innovation and that

our patients have access to the most cutting-edge therapies in as timely a fashion as possible.

FDA will be required to develop a regulatory science strategy and implementation plan with clear priorities and report on the progress made in achieving these priorities in fiscal year 2014 and fiscal year 2016. The current FDA Commissioner has acknowledged that the FDA is relying on 20th-century regulatory science to evaluate 21st-century medical products.

Let me read that again. The current FDA Commissioner has acknowledged that the FDA is relying on 20th-century regulatory science to evaluate 21st-century medical products. Let's stop. Let's get this right. Even the Commissioner of the FDA is saying: You know what. We are not even in the same century in how we do what we are trying to accomplish. In other words, the products the FDA is required to regulate are advancing faster than the agency's ability to regulate them. I will be honest. That is a big problem.

Former FDA Commissioner von Eschenbach was right when he said that the FDA must be capable of ensuring that its reviewers know just as much about advances in emerging sciences as the creators of the products they regulate.

Listen, I will be the first to say that at the Food and Drug Administration we have some of the best and the brightest. They are some of the most dedicated Federal workers. They are some of the smartest folks I have ever seen. But they process approvals. They are not on a bench doing research and development. They do not understand how medicine and science have changed since they themselves left the bench. There is every reason to believe that people should be required to go back and be innovators and not necessarily make a lifetime of work as a reviewer at the FDA.

There has been much talk about regulatory science, but it is hard to tell if these efforts are targeted and achieving the desired results of helping the FDA to apply the most cutting-edge scientific tools in their research and their review of medical products. The agency must have clearly defined goals and metrics against which their progress will be tracked. This is the only way to ensure that the advances in regulatory science are being applied and that FDA is prepared to regulate the most novel and cutting-edge medical products ever created.

GAO has well documented FDA's management challenges. The user fee agreement included in the final bill will further increase these challenges by adding more than 1,200 new FDA FTEs, or employees, and further growing the scope of the agency's mission and regulatory responsibilities.

Many of the concerns about the lack of predictability and uncertainty at the FDA are symptoms of unaddressed, systemic management issues. This is the agency that regulates 25 cents of every dollar of our economy.

A February 2010 GAO report found that FDA does not fully use established practices for effective strategic planning and management. FDA agreed with the GAO recommendation to take several actions to improve FDA's strategic planning and management, such as the development of a strategic management plan and working to make FDA's performance measures more results-oriented. I cannot think of a business in America that does not do that today. However, 2½ years later, FDA has failed to adopt many of the key recommendations.

To address this concern, the final bill requires the FDA to submit to Congress a strategic integrated management plan with specific accountability metrics as recommended by the GAO. Even though the FDA admitted to the GAO, based on their recommendations, that they needed to do this and that they would do it, 2½ years later we are now putting it in statute in the user fee bill.

GAO has well documented FDA's challenges to sufficiently and successfully utilize its information technology process. GAO has also noted how these challenges undermine FDA's ability to use accurate and timely information to augment its regulatory mission. GAO reports in 2009 and 2012 found that the FDA has made mixed progress in establishing the IT management capabilities essential to supporting the FDA's mission. That is the information technology. So an agency that is on the cutting edge of medical approval in this country in 2009 and 2012 was found to have made mixed progress in establishing the management capabilities essential through technology to complete its mission.

A comprehensive IT strategy plan is vital for guiding and helping to coordinate the FDA's IT activities. A comprehensive IT strategy plan, including results-oriented goals and performance measures, is vital for guiding and helping to coordinate the FDA's IT activities, especially since the user fee agreement includes specific IT goals. The final bill requires the FDA to report on their progress in developing and implementing the comprehensive IT package called for by the GAO. To ensure further congressional oversight, GAO will report on the progress FDA makes on meeting the results-oriented goals and performance measures set out in the IT plan they submit to Congress.

Enhanced reporting requirements with respect to biosimilars and generic drugs include key reporting on clearing the backlog of generic applications and will also provide important transparency in the FDA's work and serve as an early-warning indicator if the agreements are not being fulfilled.

I am also pleased we were able to find a path forward on important pro-patient provisions from the PATIENTS' FDA Act and provisions that will also reduce unnecessary regulatory burdens for innovators. I wish to thank my colleagues, Senators MIKULSKI, ALEXANDER, and HAGAN, for working with us to ensure that the unnecessary redtape does not get in the way of meeting patients' unique medical device needs.

The custom device provision in the bill provides an important path forward to ensure that doctors are able to meet patients' most unique medical device needs in as timely a manner as possible. The risk-benefit framework included in the user fee agreement and codified by the final bill will facilitate the balanced consideration of benefits and the risks of FDA's drug decisionmaking.

As innovators have increasingly turned to global markets and opportunities overseas, FDA's work with its global peer regulators has taken on an even greater significance. FDA's work with its global regulatory counterparts to encourage uniform clinical trials standards will optimize global clinical trials to ensure that the need to conduct duplicative clinical trials is minimized while FDA maintains the gold standard for approval.

I wish to thank Senator PAUL. I thank Senator PAUL for working with me to ensure that we have optimized global clinical trial work and that FDA works with global peer regulators as much as possible to reduce unnecessary regulatory hurdles.

Senator PAUL was a champion in the committee to say: Why don't we accept the data we get from trials in Europe for applications that are under review for approval in the United States? And the answer I gave him was that in 1997, when we wrote the food and drug cosmetic modernization bill, we gave FDA the authority to do that. And now some 15 years later it has never, ever, ever been used. As a matter of fact, the FDA will not even consult with a company that says: Tell us how we need to design our trial in Europe so you will accept our data. That has not happened. But you know what. It has to happen in the future if we want drugs to be cost-effective so people can afford them, if we want innovation to happen here as well as over there. If innovation and the place where it is ultimately approved is determined by whether you can recover the costs of your investment, I will assure you we are all going to shop somewhere else for our drugs, our devices, our biologics, and even our generics. It will not be here unless we learn how to share that data from continent to continent.

I wish to highlight some specific medical device regulatory improvements. There may be any number of reasons a sponsor wants to conduct certain clinical studies that are not directly to the classification or approval of medical devices by the FDA. However, some sponsors have noted the tendency of the FDA to effectively prejudge the approval of a medical device by basing its decision related to a request to conduct clinical investigations of a device on whether the FDA

believes the clinical study will be adequate to support the ultimate classification or approval of a device. If the FDA approves the investigational use of a device only using the more narrow regulatory standard of device approval or classification, clinical research in the United States could be unduly restricted. The final bill would return the investigational device exemption approval process to the standard authorized by the statute, which is a good thing for both patients and for innovators.

The final bill will also improve regulatory certainty, transparency, and accountability with respect to medical devices by requiring FDA to provide a substantive summary of the scientific or regulatory rationale for significant decisions.

As many of my colleagues know, section 510(k) of the Food, Drug, and Cosmetic Act requires device manufacturers to notify FDA of their intent to market a medical device at least 90 days in advance.

Medical device manufacturers are required to submit a pre-market notification if they intend to introduce a device into commercial distribution for the first time or reintroduce a device that will be significantly changed or modified to the extent that its safety or effectiveness could be affected. Such change or modification could relate to the design, material, chemical composition, energy source, or manufacturing process. There are legitimate concerns about recent guidance issued by FDA that could significantly increase the regulatory burden related to 510(k) modifications without clear benefit to patients. The final bill will go a long way in restoring regulatory certainty and balance with respect to the 510(k) modification process by making it clear that the 1997 guidance remains the standard until FDA issues new guidance, with appropriate input from stakeholders, on this subject.

While I wish that we could have gone further to strengthen and improve the device third-party review and inspection programs, the final bill does reauthorize these programs and includes a provision from the PATIENTS' FDA Act to set forth a process for reaccreditation and reauthorization of third-party reviews. This is a first and important step in enhancing the third-party review program.

Another thing we placed in the 1997 act is the hope that we would see academia in America actually be approved as third party evaluators—not for heart stints or that class of device, but how about things such as Band-Aids? How about those things on which we should not waste an FDA reviewer's time? Couldn't the company contract with an academic institution to reapprove and recredit? FDA chose to do that in-house. This is the first important step to enhance the third party review program.

Next is affirming the ''least burdensome'' requirements.

Also, the final bill underscores the importance of the ''least burdensome'' requirements we put into the 1997 law to streamline the regulatory process and reduce burdens to improve patient access to medical devices.

A central purpose of the FDA Modernization Act of 1997, or FDAMA as I like to call it, was to ensure the timely availability of safe and effective new products that will benefit the public and that our nation continues to lead the world in new product innovation and development. The goal was to streamline the regulatory process and reduce burden to improve patient access to breakthrough technologies. This law required FDA to eliminate unnecessary burdens that may delay the marketing of beneficial new products, but the statutory requirements for clearance and approval remained the same. The sections of the statute that capture these provisions are commonly referred to as the ''least burdensome'' provisions.

For years, FDA included ''least burdensome'' language in guidance documents and letters. Yet, toward the end of 2009 the ''least burdensome'' language disappeared only to reappear after Congress expressed significant concern regarding FDA's failure to consistently apply these requirements in its work with medical devices.

The lack of consistent application of the ''least burdensome'' requirements has added to regulatory uncertainty and unnecessary regulatory burden in a manner completely inconsistent with the law. It is sad that Congress needs to reaffirm a provision that has been the law since 1997, but I thank Senators KLOBUCHAR and BENNET for working with me to underscore the importance of affirming the ''least burdensome'' requirements in the final bill.

The final bill restores a more appropriate balance to FDA's conflicts of interest rules. This is an issue on which many patient groups have weighed and many members have worked because of its importance to patients and, ultimately, overall confidence in FDA's Advisory Committees. Ensuring that the FDA has access to the most qualified experts is vital to ensuring FDA's scientific capabilities and confidence in its regulatory decisions. It is critical that patients have the benefit of the very best expertise when weighing decisions that impact patient access to lifesaving products. Unfortunately, since 2007, increasingly complex and restrictive conflicts of interest rules have often resulted in the Agency being unable to consult with leading experts and difficulty in filling key advisory committee positions. These challenges are compromising the quality and timeliness of FDA's decision-making. The final bill should help to address these concerns and ensure FDA can draw upon the most knowledgeable experts.

Lastly, I'd like to highlight the Advancing Breakthrough Therapies for Patients Act, bipartisan legislation I was pleased to join Senators BENNET and HATCH in supporting because it will ensure patients have access to targeted, life-saving therapies as efficiently as possible. As former FDA Commissioner Von Eschenbach has rightly stated, ''breakthrough technologies deserve a breakthrough in the way the FDA evaluates them.'' This legislation is supported by Friends of Cancer Research and the National Venture Capital Association.

Earlier this year, an op-ed penned by former FDA Commissioner, Dr. Mark McClellan, and Ellen Sigal of Friends of Cancer Research, noted how the sequencing of the human genome has helped to unlock an even greater understanding of disease at the molecular level, helping to make personalized medicine become a reality. They note two main goals of the breakthrough legislation: First, to reduce the total development time and cost of the most promising ''breakthrough'' treatments; and second, to minimize the number of patients that would be given a ''control'' regimen or a currently available treatment that doesn't work well. They are right to underscore that in order to fulfill the promise of ''breakthrough'' therapies and this legislation, the regulators at FDA must be fully engaged, working with sponsors early on in the development and review process once a product has received the breakthrough designation.

More than 45 organizations representing patients, advocates, physicians, caregivers, consumers and researchers have weighed in with Congress urging the Advancing Breakthrough Therapies for Patients Act to be included in the final user fee package because they recognize that employing such an ''all hands on deck'' approach at FDA for these therapies will ultimately result in the most efficient development program and help to ensure that the most promising new treatments reach patients as safely and efficiently as possible.

Many would argue that the modernization of the accelerated approval and fast track pathways have been a long time coming since Congress has not significantly updated either pathway since 1997. Earlier this year, Dr. Paul Howard in writing about the breakthrough legislation noted that, ''the most important section of the legislation may be the clause that requires the Secretary of HHS to commission an independent entity to assess the 'quality, efficiency, and predictability' of how FDA has applied the directives in the legislation no later than four years after the bill passes.'' He goes on to say ''that may be the best way to ensure that we won't have to wait another 15 to 20 years to understand how well the FDA is utilizing the authority granted to it by Congress.'' Unfortunately, this independent assessment did not make it into the final bill. Speed trumps policy.

FDA faces unprecedented challenges today—challenges we could not have

envisioned a generation ago. Yet FDA still regulates a decade ago, based on the commission. The agreements and many of the provisions in the final bill are intended to help address these challenges. Unfortunately, the final bill does not bring to bear all of the tools that could have been included to ensure the greatest certainty, transparency, and accountability for patients and taxpayers. This is a missed opportunity.

I ask my colleagues where we will be if the provisions enacted as part of this bill—like the breakthrough therapy provision—do not achieve their stated purposes? Where will we be if Congress does not do our part to ensure accountability on the part of the Agency by carrying out consistent Congressional oversight?. Where will America's patients be in five years? Will FDA's regulatory standard still be the global gold standard?

Will America still lead the world in innovation? Will the world's leading drug and device innovators choose to innovate in America, or continue the disturbing trend of exporting great innovation and good jobs overseas in the continued face of regulatory uncertainty?

There are good provisions in this final bill, but more work remains to be done. America's patients and innovators are counting on Congress to conduct the proper oversight in the months and years ahead to ensure that these user fee agreements, authorities, and new responsibilities are implemented and fulfilled consistent with the law. They are also counting on Congress to complete the unfinished business of doing all that we can to ensure that FDA fulfills its mission on behalf of America's patients and our Nation's global leadership in medical innovation is restored. I commit to my colleagues, constituents, and the FDA that I intend to complete the unfinished business before us here today.

Mr. President, you have been patient. At this time, I will yield to my colleague Senator PAUL. When he concludes, I will continue with the 2½ additional hours I have reserved.

The PRESIDING OFFICER. The Senator from Kentucky.

FOREIGN AID

Mr. PAUL. Mr. President, I am not a big fan of foreign aid. We have a lot of problems in our country. I don't see how we can send billions of dollars overseas when we have bridges falling down in our country. Two bridges in my State were impassable. One was hit by a boat and has been impassable for 6 months. We have another bridge that is over 50 years old that was shut down for emergency repairs, and traffic stacked up for miles. Yet we send billions of dollars overseas when we don't have enough to fix our own bridges. It doesn't make any sense. We borrow $1 trillion a year from China to turn around and send it to some other country. It makes no sense.

I am not a big fan of sending our money overseas. But I am even less of a fan of sending our money to countries that don't seem to be our friends. Pakistan has worked with us on the war on terror. But recently Pakistan has chosen not to let any of our supplies—food and military supplies—traverse Pakistan. Recently, Pakistan has said we owe them $3 billion. We are giving them $2 billion a year, and they say we owe them $3 billion that is not included in that. Recently, Pakistan also said they want to charge us $5,000 per container of food that goes across their land.

For years bin Laden lived contentedly right in the middle of Pakistan underneath their noses. What is up with that? We are giving them $2 billion a year and bin Laden was twiddling his thumbs there and they are not letting our supplies go across and they are demanding a past payment of $3 billion for who knows what and we continue to pay them.

Recently, it has gotten even worse. Dr. Shakil Afridi is a doctor who helped us get bin Laden. Somehow his name was leaked. I don't know who leaked the name or if they were trying to puff themselves up and make themselves look as if they were strongly fighting terrorism, but by leaking Dr. Afridi's name, he is now in prison in Pakistan for 33 years.

Dr. Shakil Afridi is a Pakistani and they have put him in prison for 33 years. His life has been threatened. If he is released—which I hope he will be—his life has been threatened because his name is public. How did it become public? Somebody leaked his name. This is inexcusable. If this came from within our government, whoever leaked his name or this information should be held accountable. I mean put in prison in our country for leaking state secrets.

Dr. Afridi's name is now known in public, and he is being threatened, and his family is being threatened. Not only that, anybody around the world who wants to help us stop terrorism, who is willing to stand and help America, is now threatened. Do you think people are going to want to help us if they know their names will be printed in the New York Times? We have to have things that we don't divulge about people who are helping us. But Dr. Afridi is in prison for 33 years, and I am going to do what I can to free him.

We should not send Pakistan any more money. I say stop immediately. I am not saying take a small amount out next year; I say don't send them one more penny this year or next year. Don't send any of the $3 billion they want. We don't even have it to send to them. We have to borrow it from China. I would give them one chance. If they release Dr. Afridi, I would stand down.

My bill was blocked. I tried to have a vote on it last week, and the leadership said: No, you won't have that vote. But we have a process where if you get enough signatures from Senators, you can ask for a vote and get it. That is where we are now. I have enough signatures to have the vote.

I am going to be meeting with the Pakistani Ambassador, and meeting with President Obama's State Department, and what I will tell them is what I am telling you. This is not a secret. If Dr. Afridi is not successful with his appeal, which is coming up in the next 3 weeks, if he is not released and provided safe passage out of Pakistan, if he wishes, then I will have this vote. And I defy anyone in this body to stand here and vote to send U.S. taxpayer dollars to Pakistan when they are treating us this way. So we will have a vote in this body on ending all aid to Pakistan immediately if we don't get some results.

This doesn't mean I don't want to have diplomacy with Pakistan. Pakistan has been a friend over many years, and I see no reason to end that. Pakistan has many elements that are pro-Western and that want to engage in the world. I am all for that. But we shouldn't have to buy our friends. We shouldn't have to pay a ransom. We shouldn't have to lavish them with taxpayer dollars.

In fact, I think it encourages a disrespect when you give people so much money. Let's let them earn our respect. Let's work with them. Let's be friends with Pakistan. Let's have diplomatic ties to Pakistan. Let's try to help each other. Terrorism doesn't help Pakistan. They are threatened equally by it. I can list four Pakistani leaders who have been assassinated in the past 15 years. Why were they assassinated? Because of radical elements in their own country. So they should be with us in trying to stop extremism, on trying to stop this radicalism.

My words for the Senate today and for the American people are that I am watching out for your money. I realize we have needs here at home that must come first, but also that I will force a vote on this. I am not going to send any more of your money or try not to let the Senate send any more of your money to Pakistan unless they are willing to cooperate, unless they are willing to be friends with America, unless they are willing to release the man who helped us get bin Laden.

I will ask for a vote, it will come in the next few weeks, and I will keep everyone in America up to date on this.

I thank the Senate for allowing me this time, 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. BURR. 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. BURR. Mr. President, I thank Senator PAUL for relinquishing the microphone, and just for the purposes of Members who are planning, I think

we will be about another hour. We will know shortly, and I will put that word out, if in fact that is going to be the case, but I intend to make sure everybody is able to make a 5 o'clock briefing.

I have spent the first hour talking about the FDA user fee agreement bill, the history of it, what this bill did, and a lot about how this bill came up short. I would like to jog in a few different directions over the next period of time.

Of great interest to me, and great interest to a lot of Members, is the commitment we owe to our Nation's military heroes. Over four decades ago, at one of the two Marine Corps bases in America—Camp Lejeune in Jacksonville, NC—they experienced serious contamination of their water. That contamination is likely the worst environmental exposure incident on a domestic military installation in the history of the country, both in the magnitude of the population potentially exposed to volatile organic solvents and the duration of the contamination—estimated to be 30 years or longer, with hundreds of thousands of veterans, their families, along with civilian workers having cycled through Camp Lejeune from the busy years of World War II through the Vietnam conflict and into the mid 1980s as we rebuilt our modern military.

During these decades, unbeknownst to the base residents, the wells feeding the water supply on the base were drawing water from an aquifer contaminated with industrial chemicals that were dumped on the base, such as the degreasing solvent TCE, a known human carcinogen; and another carcinogen, benzene, from leaking underground fuel storage tanks; along with the dry cleaning solvent PCE; and a third human carcinogen, vinyl chloride. The Navy and Marine Corps began to test some of the base wells in the 1980s to comply with Federal regulations and, apparently, to also locate the source of various contaminations, yet it would take several more years and numerous warning signs before the Navy finally decided it should shut the wells down in 1985 through 1987.

As we know now, the Navy and Marine Corps had specific regulations of their own to maintain safe drinking water and test for contaminants. Had they adhered to their regulations, the many years of problems at Camp Lejeune might have been avoided. It is also important to note the source of those contaminations should never have been in question, since Lejeune's drinking water was then and is now solely derived from the wells located within the perimeters of Camp Lejeune, NC.

In 1989, the EPA designated Camp Lejeune a Superfund site, and in 1991 the CDC, via its Agency for Toxic Substances and Disease Registry—or ATSDR—began a statutorily mandated study of the contamination. Those studies continue to this day, in large part because the Navy's records of the contamination were not completely turned over to the ATSDR until 2009 and 2010. Scientists at the ATSDR and others involved in the review of the Navy's records have stated the levels of certain contaminants recorded in well samples taken by the Navy were at such high levels they have never been seen before, and in many cases they far exceed what we now consider to be safe levels for drinking water.

The Veterans Administration is awarding disability benefits to Lejeune veterans on a case-by-case basis today, but that is a slow and unpredictable process, while many are suffering without adequate health care. It is my hope in the coming weeks we will finally pass critical legislation in this Congress to require the VA to take care of these veterans and their family members. Many of them are ill from exposure-related conditions and have no other means of getting health care. They are rightly looking to the VA and to the Congress for help. If we can get this legislation passed, it will be a starting point on the road to doing the right thing for those who have sacrificed so much for our Nation.

I think it is absolutely a crime that some 40 years later we haven't even completed the studies to understand the severity of the problems we have. I might add that some of the servicemembers and some of the family members who served at Camp Lejeune during this time are no longer with us. It may be hard to reconstruct exactly why, but I can assure you, when some estimate there are 10 times the number of male breast cancer cases from people who lived on that base during that time, one might conclude it was a hotspot based upon its drinking water.

My hope is this Congress will move forward with a very small initial step, but also make a commitment to these family members and servicemembers to not quit until we do the right thing.

This week the Supreme Court is going to rule on the President's health care law. One would have to live under a rock not to realize it is going to happen Thursday morning at 10 o'clock. We have waited patiently every time the Supreme Court has rolled out their announcement for the last 3 weeks of cases they have decided as the Court comes to the end of their session this summer.

Two years ago, then-Speaker NANCY PELOSI told Americans, ''We have to pass the bill so that you can find out what's in it.'' Let me repeat that: ''We have to pass the bill so that you can find out what's in it.'' It seems fitting that we stop and take stock of what the American people have learned about the President's health care law over the past 2 years.

The American people have found they can't afford the President's health care law. The Medicare Chief Actuary, in his final estimate of the health care law, projected it will increase health care spending across the economy by $311 billion. That is a 10-year number, but understand the President promised the health care law would reduce cost. It wasn't a goal. He promised it would reduce cost. Unfortunately, it has made things worse by increasing health care costs. And I think the estimate given by Medicare's Chief Actuary is probably a very conservative estimate—an increase of $311 billion.

Growth in U.S. health care spending will almost double by 2014 due to the President's new law. This is at a time when we already are in a situation where we are on a financially unsustainable path. The predictions the President's health care law would increase insurance premiums are already being felt by the American people. Depending upon where you live, who you are an employee of, and whether you buy your own insurance depends on how hard you have been hit, but there is nobody in America who has not seen their premium go up since Congress passed this health care bill that was supposed to reduce the cost of health care.

The Congressional Budget Office estimated the new law will increase health insurance premiums by 10 to 13 percent. This means a family purchasing coverage on their own will have to pay $2,100 a year more because of the President's health care law. And by the way, 10 to 13 percent is what many Americans have felt as an increase on an annual basis.

New taxes. New taxes on lifesaving drugs, devices, and health plans. Think about that, with the hour I just finished. I talked about the fact Congress needs to be focused on the efficiencies of government, and how we bring innovative products, devices, pharmaceuticals, biologics, and generics to the marketplace. Yet embedded into ObamaCare are new taxes on drugs, devices, and health plans.

The American people haven't felt this yet. At a time we are supposed to be passing legislation to bring down health care costs, not only does the Congressional Budget Office say this is going to increase premium cost, not only does the President's Chief Actuary—CMS is under the executive side of government, not under Congress's authority—say health care spending across the economy, based upon the health care law, is going to be $311 billion, we have yet to kick in the new taxes on lifesaving drugs, devices, and health plans, which will drive up consumer cost and additionally drive up premium cost.

Just after passage of the new law in May 2010, the Director of the Congressional Budget Office said:

> Rising health costs will put tremendous pressure on the Federal budget. In CBO's judgment, the health legislation enacted earlier this year does not substantially diminish that pressure.

The question is what were we thinking? And now we have the Supreme Court that will decide whether this is constitutional. CBO's latest long-term fiscal outlook notes that spending on

health care has been growing faster than the economy for many years, posing challenges for Medicare, Medicaid, State and local government, and the private sector.

Sometimes this is missed by Members of Congress and our constituents. There is a tremendous cost that we shift to States and local governments depending upon how they share in the Medicaid State obligations for cost sharing. States are picking up a tremendous amount of additional cost because of the passage of the President's health care plan because we are doubling, through legislation, the amount of people who are on Medicaid.

So now you are going to get hit by the increase in your insurance premium; you are going to get hit by the increase in overall health care costs; you are going to get hit by the new taxes on lifesaving drugs, devices, and health care plans; and, oh, by the way, you are going to get hit in your State taxes because of the increased burden of Medicaid beneficiaries who are in part funded by the State and are going to now require States to find new ways to raise revenue, which is typically through our State taxes.

CBO was right to conclude that such rates of growth cannot continue indefinitely because total spending on health care would eventually account for all the country's economic output, which CBO concludes ''is an impossible outcome.''

We need real reform that actually lowers costs, not increases costs. We need real policy that institutes better outcomes, not rationing of care. The American people need to look at what the President promised when he created this legislation. He promised: If you like your plan, you get to keep it.

Unfortunately, the administration has estimated that up to 69 percent of all businesses could lose the ability to keep what they have as a result of the administration's grandfather health plan regulation. The former Director of CBO, Doug Holtz-Eakin, warned that the law ''provides strong incentive for employers and their employees to drop employer-sponsored health insurance for as many as 35 million Americans.''

Well, if employers drop their health care coverage, how can employees cash in on the President's promise to keep what they have?

Millions of seniors will lose access to their Medicare Advantage Plan. I am not quite there, but some of my colleagues have reached that magic number.

Do seniors not deserve choice? Is that what it is? Do we just want to give them one thing and no choice? The truth is we allowed—we didn't create it; the private sector created it, but we allowed the private sector to create Medicare choice years ago, and for many seniors they chose to take the private sector product. Why? Because it provided more coverage to them. It provided preventive care. They actually got covered physicals every year. In many cases they didn't have copayments. In many cases their prescriptions were covered long before we created Part D Medicare.

So what does the President's health care plan do? It tightens the requirements on Medicare Advantage to the point that some seniors who are on it today will lose it because it is no longer an option in the markets they live in. How in the world can someone do that and make the promise: If you like it, you get to keep it?

Health plans offered by religious-affiliated organizations will be compelled to offer products that violate the tenets of their faith—a new mandate that jeopardizes an employee's existing coverage and infringes on religious liberty. That is going into ground we have never entered, and I think there is a reason we have allowed people to hold to their moral standards they believe are important.

Then-Speaker of the House PELOSI said the health care law will create 4 million jobs—400,000 jobs almost immediately. Yet the Director of the Congressional Budget Office testified that the new law will reduce employment over the next decade by 800,000 jobs.

Think about that. Then-Speaker PELOSI said 4 million jobs—400,000 almost immediately—and the CBO Director testified we are going to lose 800,000. That is a difference of 4.8 million jobs in America.

The President said he was not going to touch Medicare. We heard that over and over. He said to seniors: I am not going to touch Medicare. He had already taken Medicare Advantage away as a choice, but he wasn't going to touch Medicare. The law took more than $500 billion out of Medicare, a health care plan that today is not financially sustainable, and the President, in his health care legislation, shifted $500 billion out of Medicare—not to put Medicare on a sustainable path but to fund new government programs the American people cannot afford.

Arbitrary cuts to providers that jeopardize access to care will not put Medicare on a sustainable path for current and future retirees. What does that mean? Doctor cuts. We cut the reimbursements to doctors, we cut the reimbursements to hospitals. We now have doctors who will not see Medicare beneficiaries. If you are 65 and you move to Raleigh, NC, the likelihood is you are not going to find a primary care doctor that is going to take you if you are on Medicare. To that person, to that senior, that is rationing. I don't care how you say it. And the reality is this bill caused that.

The President promised no family making less than $250,000 a year will see any form of tax increase. I just covered a second ago that the new health care law is riddled with new taxes and penalties that directly fall on the middle class and will harm small businesses. New taxes on lifesaving drugs, devices, and health plans are all going to be passed on to consumers. It is disingenuous to say everybody in the system is not going to feel the effects of taxes. They might not be directly on us, but they are on the products that constitute our health care system. We should be advancing policies that help small business to thrive in America, not policies that increase health care costs. We should not be advancing policies that encourage innovators to export innovation and good-paying jobs overseas. We should be advancing policies that focus on helping to get our economy back on track.

Unfortunately, the President's health care law does just the opposite. According to the U.S. Chamber of Commerce Survey on Small Business, 74 percent of small businesses said the health care spending law makes it harder for their firms to hire new workers. Thirty percent said they are not hiring due to the law.

There is only one issue in America: How do we get the American people back to work right now? How do we turn this economy around right now? We can have all the cuts we want to have from the standpoint of spending. But unless we are willing to put Americans back to work and get them productive and participating in the revenue collection of this country, we are not going to get on a pathway to financial sustainability.

This country wasn't created because people came here and said: Let's create a place called America where everything is free. It was created as an area of unlimited opportunity. That is why millions a year come here, for unlimited opportunity, not for unlimited handouts.

When de Tocqueville left the United States, he talked about ''the greatest country in the world,'' and he defined it this way: the capacity of the American people to give of their time and their resources for people who are in need. He never mentioned State or Federal Government.

He talked about a responsibility of the American people to help somebody that was down on their luck, hungry, homeless. Do you know what. For those of us who are adults, it is our responsibility to set the example for the next generation to come and assume the same individual responsibility. But now it seems as though all we talk about is legislation that inserts the Federal Government or the State government or the local government in the place of what historically made this country great, which was our willingness to assume the responsibility ourselves.

Let me assure you, we shouldn't be surprised by the results of the assessment that the government running health care means job loss and increased costs. We have to make sure we provide more choice, not less choice. We have to get the American people engaged in negotiating their health care costs, not letting the Federal Government negotiate their health care costs.

I came here for the first time 18½ years ago. I worked for a company of 50 employees. I came to the U.S. House of Representatives and chose the same plan I had with that small employer in Winston-Salem, NC. The only difference was that when I got here, the Federal Government paid 75 percent where my employer had paid 75 percent. I paid 25 percent here; I paid 25 percent there. I got exactly the same plan and the same coverage. Everything was identical.

When I left Winston-Salem to become a Member of the U.S. House of Representatives, my cost of that health care plan was $105. When the Federal Government got through negotiating my same health care plan, it went up to $160. I knew on day one I did not want the Federal Government negotiating my health care because it meant higher prices and no change in coverage.

I think many Americans have realized that about ObamaCare. My hope and my plea and my prayers are that Thursday the Supreme Court nullifies this bill and this Congress is challenged with going back and step by step or in a comprehensive fashion write a health care bill that includes the participation of the American people and puts responsibility on everybody. Everybody in America should have the responsibility to pay something when they go in to access it. It doesn't matter whether it is private insurance, it doesn't matter whether it is Medicare, it doesn't matter whether it is Medicaid.

If we want to solve the financial hole we are in in this country, then we have to income-test everything that comes out of the Federal Government. It means people who have more pay more. It means people who have less pay something. But we have to be a country of unlimited opportunity and not of unlimited handouts.

A February 2012 Gallup survey found that 48 percent of small businesses are not hiring because of the potential cost of health care. Studies indicate that the law's innovative tax killing on medical devices could cost an additional 43,000 jobs in America. The President's health care bill is the wrong prescription for America.

Regardless of the Supreme Court's decision this week, it is clear: We must advance commonsense sustainable reforms that actually fulfill the promise to lower health care costs. Without that America should be outraged and, I believe, will be outraged.

Also in the news in the last several weeks is an issue that is somewhat personal to me as a member of the Senate Intelligence Committee, as a former member of the House Intelligence Committee, as one who has dealt with the work of the Intelligence Committee since the year 2000, and as one who lived up close and personal with everything that has happened since 9/11. We have seen an incredible spree of security leaks—leaks of classified and sensitive information.

When I go home on the weekends and there is a news report on something, my wife will look at me and say: Why is this reported? There is no reason for the American people or for anybody in the world to know about that.

I can tell you it was not that long ago that even if the press found out, they would never print it. Today, routinely there are leaks of classified and sensitive information. Recently there has been a series of articles published that have described, in some cases in extreme detail, highly classified unilateral and joint intelligence operations.

I am not talking about suggesting that it might be there without detail, I am talking about specifics of what happened. To describe these leaks as troubling and frustrating is an understatement. They are inexcusable by whomever. Our intelligence professionals, our allies, and, most importantly, the American people, deserve better than what they have seen over the last several weeks. I am personally sick and tired of reading articles about sensitive operations based on ''current and former U.S. officials—individuals who were briefed on the discussions—officials speaking on condition of anonymity to discuss the clandestine programs—a senior American officer who received classified intelligence reports—according to participants in the program—according to officials in the room—and individuals none of whom would allow their names to be used because the evidence remains highly classified and parts of it continue today.''

That is the basis on which these front-page stories run. I am not confirming or denying that anything in it is accurate or inaccurate because as a member of the committee I sign an obligation that says no covert action will I even comment on. Any person who holds a secret compartmentalized clearance has an obligation to never acknowledge the existence of a program.

I asked, not long ago, was the drone program still a classified program? The answer I got is yes. But the White House Press Secretary for the last 3 weeks stood at the podium and talked about drone attacks—on a program that I technically cannot go out and acknowledge either exists or does not.

Our freedom, with understanding that politics trumps security, has reached a new level. It has to stop and it has to stop now. The unauthorized disclosure of classified intelligence at best violates trust and potentially damages vital liaison relationships and at worst it gets people killed. Clandestine operations are often, as I wrote with Senators COATS and RUBIO in the Washington Post, ''highly perishable and they depend on hundreds of hours of painstaking work and the ability to get foreigners to trust our Government. I strongly believe that these leakers are also violating the trust of the most important constituency of all—the American people.''

Even more troubling is that there appears to be a pattern to these stories and leaks, that they may be designed to make the administration look good on national security. It used to be that the good stuff was buried by the media and the worst was run. Not anymore. Truth be told, rarely have I seen a story that paints this administration in a bad light. Then, when we are about to, the administration invokes executive privilege. They can do that. That is OK. But there is a big difference between invoking executive privilege on not producing documents for Fast and Furious, and releasing classified information that puts at risk individuals who are embedded in terrorist organizations, who are doing their job to keep America safe.

This has crossed the line. I wish this administration was as concerned about preventing leaks of classified information as it is about keeping a lid on the information Congress is asking for. As a member of the Senate Intelligence Committee I understand firsthand the grave importance of keeping information secure. The unauthorized and reckless disclosure of classified information undermines the hard work of our intelligence officers and puts lives at risk, and it jeopardizes our relationship with overseas partners. Congress's intelligence oversight committees will not tolerate it, nor should the American people.

Simply, I come to the floor today to deliver a message to those individuals who were briefed on the discussions, who were part of the program, who were in the room, who are speaking on condition of anonymity: Stop talking. Whatever agenda you have, I can assure you it is not worth the damage you are causing and the lives you are putting at risk. We cannot continue to tolerate leaks at any level or branch of government.

My colleagues and I are considering every available legislative option to ensure the security of the intelligence community operations and the people who support them. If you have access to classified information and are tempted to leak that information for whatever reason, I ask you to remind yourself what you may be hurting and what trust you are violating and, more importantly, keep your mouth shut.

The Intelligence Committees on both sides of the Hill I think will take action in their authorization bill to try to address a structure that brings a new level of oversight and hopefully prosecution to those who choose to leak secrets. In the interim, I am still considering the fact that for any person who openly talks about a program that is secret or compartmentalized, the day they say one word about that program they lose their top secret clearance. I would love to see them lose their pension but I understand how problematic that is. But at least we can stop the bleeding by taking away their access to the conversations or the meetings they happen to be a participant in or the information they happen

to be entrusted with in a fashion that allows them to go out and publicly talk about that and jeopardize the lives of Americans, the lives of our partners and, more importantly, the security of the American people.

On August 5, 2011, Standard & Poor's downgraded the credit rating of the United States for the first time in our history and they cited out-of-control debt and lack of a serious plan to address it as its main reason. Nearly a year later the administration has done nothing to remedy this problem. As a matter of fact, sometime at the end of this year we are going to run out of our ability to borrow money. It is called the debt ceiling. I cannot tell you today, because we are not told, whether that is going to happen in October, November, December, January—but it doesn't go much past the end of the first of the year. I sort of pity the next President, whoever that is. They are probably going to get inaugurated one day and the next day they are going to have to come to Congress and ask for a $3 trillion increase in the national debt.

As difficult as it is for me to say, we are going to have to do it. The country has to have the capacity, the capabilities to borrow money to function. But you would think with this all known we would take the opportunity now to begin to change the grotesque spending habits, to begin to prioritize the investments we make, that we would attempt to reform the programs that cost us the most and lead to an unsustainable financial future for the United States—a country that will soon be $17.8 trillion in debt, a debt I will not be here to pay back but my children and my grandchildren will.

You have to ask yourself as a parent: Is that fair? The answer is it is not. Instead of doing anything, last year the debt ceiling needed to be increased by $2.1 trillion. We are about to blow through it. Why? Because we spend $1 trillion more on an annual basis than what we collect. There is no business, no family, no institution in the world that could spend $1 trillion more than they collect and be in business—nor can this country. The time is running out.

By the way, it is hard to put a calculation on $1 trillion. What is $1 trillion? It is 100 percent of the Federal investment in K–12 education, 100 percent of the Federal investment in higher education, it is 30 percent of the VA budget, it is 100 percent of the National Institutes of Health; it is 100 percent of the cost of the National Science Foundation, it is 100 percent of the Federal partnership with States and localities for infrastructure—bridges, roads, sidewalks. It is 100 percent of our national defense, it is all branches of the military, active and reserve, all bases of the military, domestic and foreign. It comes up to about $942 billion. If you want to balance this year's budget you have to cut everything I just talked about and find $60 billion more, just to balance this year's budget.

The take-away from this is we are not going to delete our national security. We are not going to decrease our investment in the National Institutes of Health, National Science Foundation. We are going to be a partner in K–12 and higher education. There are a lot of places we can cut and should prioritize and we can do it, but the take-away is we can't get there unless we are willing to reform entitlements, unless we are willing to look at where the majority of the money is spent. We cannot get there.

We have to do something. I tell you it starts with addressing the imbalance we have in spending and collection right now—not next year.

Consistent with this is the Senate still has not passed a budget. In fact, the President's own budget did not receive a single vote in Congress when we voted on it. I should not laugh. We are on track for another year with a $1 trillion deficit. How could anyone run their company on an annual basis without a budget, without a financial roadmap as to what they do? But now, for over 1,000 days the U.S. Senate has not passed a budget. And the law says we have to do it. That is incredible. It is absolutely incredible. Over the last 3½ years we have added $5 trillion to the national debt, more than in the previous 8 years combined, and current estimates by the CBO put Federal debt at 70 percent of our gross domestic product by the end of this year.

We are reaching irreversible levels of debt, as it relates to the size of our economy. It is unsustainable and it is dangerous for the fiscal health of our country. The status quo needs to change. Congress needs to address the impending fiscal cliff or risk another downgrade in the coming months.

We can accomplish this by passing a budget that moves us toward balance. We can accomplish this by reforming entitlements and not putting Band-Aids on issues for another time. Our debt will begin to decrease when we put the American people back to work and we get policies in place that encourage the investment of capital.

How about something novel? Why don't we reform our Tax Code? Give me the ability to go to a small business in North Carolina and tell them they are going to pay exactly the same thing GE pays. It is hard for me to explain how they pay 36 percent and GE paid nothing. I am not faulting GE, don't get me wrong. That is exactly what the Tax Code currently says. That doesn't make it right. It doesn't mean we have an obligation to leave it like that in the future. I look at it as an opportunity for us to bring equity. But as we bring equity, why don't we bring everybody's obligation—their rates—down. It is time for us to reform individual corporate taxes in America, to do away with loopholes and deductions, to flatten the rates for everybody, to broaden the participation by more Americans. Guess what. If we do that, we will be like a magnet for global capital. What does it take to create jobs in the United States? It takes an investment. Reform the Tax Code, flatten the rates, broaden the base, and we will attract capital that will flee to America and create jobs like we have never seen. At a time where the world continues to try to figure out how to get out of a hole, we have an option to do it.

I yield to the Senator from Iowa.

Mr. HARKIN. Madam President, I ask unanimous consent that Senator BURR have the time until 4:40 p.m.; that I be recognized for up to 5 minutes, following the remarks of Senator BURR; further, that after my remarks, all remaining time be yielded back, the motion to concur with an amendment be withdrawn, and the Senate proceed to vote on adoption of the motion to concur in the House amendment to 3187.

The PRESIDING OFFICER (Mrs. SHAHEEN). Is there objection? Without objection, it is so ordered.

Mr. HARKIN. I thank the Senator from North Carolina.

Mr. BURR. I thank the Senator from Iowa. So I just gave us a recipe for solving our economic crisis in America. Some might say it will not work. I don't know. I think it will. I can say this. What we are doing is not working. We are not putting anybody back to work. We are still losing. My State of North Carolina has 9.4 percent unemployment. How long does it have to continue before we look at it and say this might be a systemic problem? Can we recover from this?

How many law school graduates can we look at this year where 60 percent of the class of graduates from the first of May to the end of June doesn't have a job? As a parent, I always thought the toughest job was to make sure my kids got in school and that they graduated in 4 years. Now the greatest burden on a parent is to make sure when they get out, they get a job that has a paycheck and maybe that check puts them in a situation where they are self-sustainable. That is not the promise we made to our kids and that ought to be the driving force behind every adult in this country demanding a change.

Most of our kids did exactly what we asked them to do—stay in school, make good grades, go to college, get a major. If they do that, they will be guaranteed a job and an unlimited future. Now the seniors who graduate from college who are not finding a job, their experience is being questioned by their little brother or sister at home who is struggling to get through high school and wondering why they want to do 6 more years of education if their older sibling can't find a job.

It doesn't have to be like this. All we have to do is muster up the backbone we need to pass legislation that creates the atmosphere for capital to be invested in job creation.

I am not rich, but I am getting tired of us dividing America in as many

pieces as we can divide it. We already divide it based on political boundaries. Now we are trying to divide it on everything we can find. Yet for every politician when they give that big speech on TV, they boil it down to this is about America. But when we look at the campaign rhetoric out there, they slice it and dice it and try to divide it in many ways. Let me assure everyone, we are not going to solve this if America doesn't solve it. It is not going to be solved in the Halls of Congress unless the American people demand it. It is not just one segment of America; it is all segments of America.

I talked about de Tocqueville's definition of the greatness of America earlier. He didn't point out some Americans who did it good or did it right. He looked at America as one.

As a matter of fact, when we look historically at this country—and I realize I only have a couple minutes left; I will be brief. When the Capitol dome was torn off and the new construction started, it was because of the wing we are currently in, the Senate, and the identical wing that was built on the House side. When those wings were added, architecturally, the dome that was on top of the Capitol was out of proportion, and that dome was called a Bulfinch dome. In about 1851 or 1852, they started building the dome we see today, made of 9 million pounds of cast iron. As that dome was about one-third of the way finished, Abraham Lincoln was President, and they could actually watch the Civil War battles across the Potomac on the other side of the river.

Then came the end of the war and Lincoln was President and had every right to be punitive to the South because they lost. I challenge everybody to go back and read Lincoln's speeches after the Civil War. Remember, the first action was to let every southerner go and keep their gun because he knew they needed to eat. In every speech President Lincoln gave after the end of that conflict where he could have in his remarks been punitive to the South, President Lincoln talked about one Nation, one people. As the leader of the United States, he understood his single job was to bring this country back together. Even though he probably had the greatest reason to draw division in America, he refrained from that temptation and spent all his time redefining what makes America great; that is, a united country of people.

In the temptation to win elections and the temptation to show the highlights or successes of one party over the other, I will conclude with this: As leaders in the country, we have a real opportunity to set by example how we go forward. Let's quit the political divisions. Let's start it with the two Presidential candidates. Don't slice and dice America to where it is that group against this group and that group. Let's realize if we want to change the direction of this country, somebody has to stand and bring America together. My belief is we need to do it now or there may not be another opportunity.

I can look at my good friend Senator HARKIN and myself and we are at an age where we are not going to drastically change the future. We made the bed we are going to sleep in. But for our children and our grandchildren, the impact of what we do can drastically change the opportunities they have for a lifetime.

I would love to leave this institution believing we have had an impact that extends prosperity and opportunity for generations to come. But for a majority of the 2½-plus hours I have taken today, if we don't have the backbone to take it on, it is not going to happen. If we don't do it, nobody else will. Let's demand that the leadership we put in place is willing to show the leadership needed to bring this country back together for a common purpose. That purpose is to be a country of unlimited opportunities, where everybody is being treated fairly.

I thank the Presiding Officer for her attention.

I yield the floor.

NEW ANTIBIOTICS

Mr. MENENDEZ. Madam President, I ask to be recognized to engage in a colloquy with my good friend from Iowa, the Chairman of the HELP Committee, Senator HARKIN.

I want to thank the Chairman for his leadership on this bill, the Food and Drug Administration Safety and Innovation Act. This is a critically important piece of legislation and I am proud to support it. I wanted to ask the Senator to clarify something for me regarding language in the bill dealing with the development of new antibiotics. This bill contains language to incentivize the development of antibiotics, both for newly-discovered infections where antibiotics do not yet exist as well as for those resistant infections where currently available antibiotic treatments may no longer work. These incentives are available for qualified infectious disease products, that is, products intended to treat serious or life-threatening infections, including those caused by resistant gram positive pathogens and multi-drug resistant gram negative bacteria. It is my understanding that products intended to treat serious or life-threatening infections caused by gram negative anaerobic bacteria are also considered qualified infectious disease products, and therefore eligible for the incentives contained in this provision. Is that the case?

Mr. HARKIN. I thank my friend from New Jersey for the opportunity to clarify this point. The Senator is correct that this provision aims to provide incentives in the form of extended market exclusivity for certain antibacterial and antifungal drugs that treat serious or life-threatening infections. He is also correct that the list of qualified pathogens in the legislation is illustrative, and not exhaustive. Products intended to treat serious or life threatening infections caused by gram negative anaerobic bacteria would be qualified infectious disease products and would therefore be eligible for the 5 years of extended market exclusivity.

Mr. MENENDEZ. I appreciate the Senator clarifying that point. As he knows, infections caused by gram negative anaerobic bacteria such as Bacteroides and Garnerella have a disproportionate impact on women of color and cause an increased risk of HIV infection and complications of preterm labor. I am pleased that this bill takes the steps necessary to ensure treatments for these infections can come to market and help those in need. Again, I thank the Senator for his leadership on this bill and for clarifying this point today.

Ms. MIKULSKI. Madam President, I come to the floor to talk about antibiotic resistance, a public health threat to Americans across the country. I have heard first hand from hospitals, health care providers, public health officials, scientists, and life sciences companies in Maryland that we need new antibiotics in our arsenal. Bacteria, like viruses, are crafty and constantly evolving to thwart existing treatments. Everyday, Americans are infected by multi-drug resistant microbes.

In most instances, antibiotics, much like vaccines, are not meant to be used everyday to treat a condition for months, years, or a lifetime. You use antibiotics sparingly, so you do not build up resistance. Yet, drug development for these infectious pathogens can take just as long as developing any other drug whether it is for HIV, heart disease, or cancer. Because antibiotics are used for a short period of time, they are not really profitable to the companies investing the time and money to develop the product. There are not many small start-up companies or big pharma companies that want to take the risk. Research and development costs hundreds of millions of dollars, so these companies are reluctant to invest in a safe and effective drug that doctors are told to use sparingly. Bottom line, developing a next generation Viagra pill is far more profitable for shareholders.

So, House and Senate Republicans and Democrats came together and worked on a bipartisan bicameral solution to incent development of drugs to treat serious or life-threatening bacterial infections. We need to get more antibiotics in the drug development pipeline. We are running out of antibiotics to treat MRSA, tuberculosis, acute pelvic infections, complicated urinary tract infections, or complicated intra-abdominal infections. There are many anaerobic gram negative and anaerobic gram positive bacteria that are fatal, cause lifelong injuries, increase the transmission of HIV and other sexually transmitted diseases, or affect the reproductive and gastrointestinal tracts.

Title VIII of our bill, provides incentives for the development of antibiotics to treat serious or life-threatening infections, including infections where tolerance and resistance to existing antibiotics make them ineffective. We need to clear up infections that can cause poor outcomes for patients or negatively impact the public's health.

This bill will increase exclusivity for manufacturers that invest the time as well as the research and development dollars to bring new antibiotics to the market that knock out infections that cause pre-term labor or target bacterial infections in patients with unmet needs.

Mr. LEAHY. Madam President, I am pleased that Congress will finally send to the President the bipartisan Food and Drug Administration Safety and Innovation Act, FDASIA. This legislation previously received overwhelming support in the Senate and was passed by the House of Representatives by a voice vote just last week. This final action by the Senate will reauthorize the prescription drug user fee program and medical device user fee which are set to expire on October 1, 2012. It will also authorize two new provisions to allow the FDA to review and approve generic drugs and biosimilar drugs in a timely manner. Importantly, this bill includes several provisions that I have supported to prevent access to dangerous drugs.

Passage of the FDASIA will help stop drug shortages that affect thousands of Americans. I have heard from a number of Vermonters concerned about the uncertainty of availability of lifesaving drugs and devices. While the FDASIA will not stop all drug shortages, I hope it will give Vermonters who depend on these medications relief knowing more steps are being taken to ensure these shortages don't happen.

This legislation also includes an important provision I have been proud to author to address the problem of counterfeit drugs. In March, the Senate passed by unanimous consent bipartisan legislation that I introduced with Senator GRASSLEY to deter the sale of counterfeit drugs. The Counterfeit Drug Penalty Enhancement Act, S. 1886, has the support of groups such as the Alliance for Safe Online Pharmacies, the Easter Seals, and the U.S. Chamber of Commerce. The legislation is consistent with recommendations from the Intellectual Property Enforcement Coordinator and the administration's Counterfeit Pharmaceutical Interagency Working Group. I am pleased that a compromise version of this legislation will become law as part of S. 3187.

I am also glad that the final bill includes important provisions addressing the issue of synthetic drugs. These provisions correspond to three bills that the Senate Judiciary Committee passed last year—the Combating Dangerous Synthetic Stimulants Act, S. 409; the Combating Designer Drugs Act, S. 839; and the Dangerous Synthetic Drug Control Act, S. 605. I was glad to move these bills through the committee last year and to work to try to pass them in the full Senate. They address substances commonly known as ''bath salts'' and other synthetic drugs that have no legitimate use and can too easily be obtained under current law. Bath salts have resulted in a number of reports of individuals acting violently in the United States, including in Vermont, and have led to injuries to those using them and to others.

I thank Senators KLOBUCHAR, GRASSLEY, PORTMAN, and SCHUMER for their leadership on this issue. I was glad to be able to work with them and with Senator HARKIN to support including these important provisions in the FDA bill and keeping them there in negotiations with the House. It is good that we are able to make real progress in this area.

I am also glad that we are moving forward on this issue in a responsible way after appropriate consideration. Adding chemicals to schedule I of the Controlled Substances Act has serious consequences and is not a step that we should undertake without careful consideration. We will continue to study this issue and consult with the DEA, FDA, and others going forward.

I note also that Senator PAUL has expressed serious concerns about the mandatory minimum sentences contained in the Controlled Substances Act, mandatory sentences that are expanded every time we schedule new substances. I appreciate those concerns. As more and more of our criminal justice budget goes to housing more and more people in prison for ever longer periods of time, rather than supporting prevention programs and law enforcement which can more efficiently and effectively reduce crime, we have to rethink our reliance on mandatory minimum sentences, particularly for nonviolent drug offenses. In the future, I intend to work with Senator PAUL and others on this vital issue.

Finally, I am pleased that the final FDASIA includes language to protect the public's ability to access information under the Freedom of Information Act, FOIA. This bill will allow the Food and Drug Administration, FDA, to obtain important information about drug inspections and drug investigations undertaken by foreign governments, while at the same time ensuring that the American public has access to information about potential health and safety dangers. This provision carefully balances the need for the government to keep some information confidential, with the need to ensure free flow of information in our democratic society. A number of Senators, including Senator HARKIN and Senator ENZI, and a number of open government and consumer groups, including OpenTheGovernment.org and Public Citizen, worked with me to protect the public's access to FDA information in this bill.

Sending this legislation to the President's desk will save lives. The Senate's action will also mitigate the uncertainty facing the FDA should these user fees expire. I am pleased to support this legislation and urge other Senators to do so as well.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, we are about to move to a vote on the FDA reauthorization bill, a bill which I have said earlier we spent more than 1 year working on in committee. It has had a lot of input from Senators on all sides, including industry stakeholders and consumer groups. This is the result of a wide collaboration on all these issues.

I wish to respond to a couple things my friend from North Carolina—and he is my friend—said earlier about the amendment he was concerned about on the track-and-trace amendment. The Senator from North Carolina talked about speed. He said we were rushing this through. The vote in the Senate was 96 to 1. The House vote was unanimous. That doesn't happen if a bill is being rushed through. Anybody who tries to rush a bill is not going to get 96 votes in the Senate or a unanimous vote in the House.

Again, my friend questioned how hard we tried to get the track-and-trace provision included in the conference report. I might turn the question around and question how hard the Senator from North Carolina and the Senator from Colorado worked to get this included. We have been working on this bill for over 1 year. My friend, a good member of the committee, and his staff has been very much involved in many aspects of this bill. So I wonder why the amendment was dropped on our staff 1 day before filing the bill at the midnight hour. I might also point out that on September 14, 2011, our committee had a hearing on the supply chain issue. The record will show that I, the chairman, was the only one to raise the issue of track and trace at that hearing.

Two weeks before markup, Senator BURR and Senator COBURN introduced an FDA bill. Senator ENZI's staff and my staff worked for 2 weeks to incorporate elements of this bill into the reauthorization. These are elements of the bill that were introduced 2 weeks before by the Senator from North Carolina, Mr. BURR, and Senator COBURN. So our staff spent 2 weeks trying to incorporate elements into the bill, and they did. We did incorporate a lot of elements. I would point out there was nothing that mentioned track or trace that was in that bill that was introduced 2 weeks before.

Again, I just say, if this was so important, why wasn't it in their bill? If it was so important, why did they wait until Sunday evening at 6:20 p.m., the day before filing, to get the language? Again, who is trying to rush what? We did not try to rush anything, but when we get something dropped in our lap at

6:20 p.m. the night before the filing, it is hard to build a consensus, and that is what this bill is. We did go to conference on this, but this issue involves a lot of different players, and we could not get that consensus.

So I say to my friend from North Carolina, we are still working on this. We will work on it in good faith, but we have the State of California, we have the pharmaceutical manufacturers, we have drugstores, we have consumers, we have a lot of people out there who have something to say about this, and we have to build that coalition in order to get a good track-and-trace bill through.

We are now about to vote on the critical FDA bill reauthorizing user fees, modernizing FDA's authority in several meaningful and targeted ways, addressing the drug shortage problem, streamlining the device approval process, enhancing our global drug supply chain authority and all the while maintaining and improving patient safety. Because this bill will directly benefit patients and the U.S. biomedical industry, it is critically important to the agency, industry, and most important to patients that we get this done.

I urge my colleagues to vote for final passage and pass this bill. It is the same bill the House passed unanimously. Once it is done here, we can send it to the President and get it signed and move ahead with a good reauthorization of the Federal Food and Drug Administration.

The PRESIDING OFFICER. Under the previous order, the motion to concur with amendment No. 2461 is withdrawn.

The question is on agreeing to the motion to concur in the House amendment to S. 3187.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. UDALL) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Illinois (Mr. KIRK), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''yea.''

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

The result was announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—92

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

NAYS—4

Burr	Paul
Coburn	Sanders

NOT VOTING—4

Hatch	McCain
Kirk	Udall (CO)

The motion was agreed to.

Mr. HARKIN. Mr. President, today, with final passage of the FDA Safety and Innovation Act and the reauthorization of the FDA user fee agreements, we have helped both the FDA and the biomedical industry ensure that they can get needed medical products to patients quickly. This legislation, now headed to the President for his signature, will ensure that the FDA can swiftly approve drugs and medical devices, save biomedical industry jobs, protect patient access to new therapies, and preserve America's global leadership in biomedical innovation. It will keep patients safer by modernizing the FDA's inspection process for foreign manufacturing facilities, while also improving access to new and innovative medicines and devices. It will reduce drug costs for consumers by speeding the approval of lower cost generic drugs and help prevent and mitigate drug shortages.

Finally, by improving the way FDA does business, increasing accountability and transparency, U.S. companies will be better able to innovate and compete in the global marketplace.

With the FDA Safety and Innovation Act ready to be signed into law, we have taken an important step to improve American families' access to lifesaving drugs and medical devices.

As I have said throughout this debate, the bipartisan process that produced this excellent bill has been a shining example of what can be achieved when we all work together in good faith. I worked very closely with my colleagues on both sides of the aisle, as well as industry stakeholders, patient groups, and consumer groups, to solicit ideas and improvements on the critical provisions in this bill. We have a better product thanks to everyone's input.

My colleague, Ranking Member ENZI, deserves special recognition, and I extend my sincerest gratitude to him. Without his strong leadership and cooperation in this open bipartisan process, we would not have the exceptional consensus measure we have today. So I thank Senator ENZI for his partnership and collaboration throughout the past almost year and a half.

I wish to specifically thank the staff of Ranking Member ENZI, as they have devoted countless hours to working with my staff and others throughout this process to build consensus for this legislation.

I thank Frank Macchiarola, Chuck Clapton, Keith Flanagan, Melissa Pfaff, Grace Stuntz, Katy Spangler, and Roley Swinehart. I sincerely thank them for their tireless efforts and loyal commitment to this cause.

I also thank all of the HELP Committee members as well as other Senate Members and their staffs who were thoroughly engaged with this process from the beginning as part of the bipartisan working groups. Each of you has contributed significantly to this legislation, and I am sincerely grateful for your contribution.

I also recognize Chairman UPTON and Representative WAXMAN, as well as their staffs, who worked tirelessly to reconcile the differences between the Senate and House legislation.

Of course, I thank my own staff on the HELP Committee, who have spent many a night and weekend with Senator ENZI's staff, other Members' offices, and our colleagues in the House working to come to consensus on the critical policy issues in this legislation.

First of all, I thank our staff director Pam Smith, and I especially want to note the tremendous work done by Jenelle Krishnamoorthy through this last almost 15 months or more, for pulling people together and working on weekends. I don't know how she does it, and she still has time for the twins. It is remarkable, but she does it, and it is done remarkably well, and I thank Jenelle especially for her great leadership.

I also thank Elizabeth Jungman, Bill McConagha, Kathleen Laird, Dan Goldberg, Justine Sessions, Kate Frischmann, Elizabeth Donovan, Frank Zhang, and Evan Griffis.

I also thank our former staff director Dan Smith, who left the committee as staff director a couple of months ago, but he was very much involved in this until the time of his departure.

I also thank the Congressional Budget Office for their knowledgeable and capable team that was willing to work around the clock sometimes to estimate the budgetary effect of the legislation.

We also owe our gratitude to the staff members in the Legislative Counsel's Office—specifically Stacy Kern-Scheerer and Kim Tambor. This bill is a result of tremendous effort by their team to draft and redraft provisions in this measure, as well as address technical issues well into the nights and over weekends. I thank them profusely for their dedication.

This bill's final passage is a victory for millions of Americans who need medicines or medical devices, a victory that would not have been possible without the dedicated work of our Senate family.

The PRESIDING OFFICER. The majority leader is recognized.

SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 341, S. 2237.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 341, S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

Mr. REID. Mr. President, I made a commitment to proceed to a 5-year flood insurance bill following the farm bill. We have done that. It is the right thing to do. It is an extremely important piece of legislation. So I have lived up to that commitment. I had hoped the broad support we have for this extremely important bill would allow us to reach an agreement and finish the bill in a relatively short period of time.

As everyone knows, the senior Senator from Arkansas has had some issues with the bill. I have suggested that he have a vote. From talking to my Republican friends, they do not have a problem with that, giving him a vote. Unfortunately, as happens around here more often than I would like, we have not been able to reach agreement because a small group of Republicans is stopping us from doing this.

So my options are really very limited at this stage. I can file cloture and put at risk our ability to complete action on student loans and the Transportation bill. That is what it would do because if I file cloture, we will have to have a cloture vote on this on Thursday. And I would have to file cloture twice because there is the bill and there is the substitute, which everybody agreed was the right thing to do to move forward on the substitute. That is two votes, so at least 60 hours. The flood bill is a very important piece of legislation. It is not something we have to complete the day after tomorrow, but it is something we have to complete a month from now. So do I file cloture and put at risk these important pieces of legislation, meaning the Transportation bill, the student loans—put everything at risk—or I can give supporters of this bill time to try to come to an agreement on limiting the number of amendments.

I really believe the right thing to do is to give the people who want this bill passed, Democrats and Republicans, people who support this extremely important piece of legislation, a day or two to figure out if they can get something done. I hope they can. I honestly do. So I am not filing cloture on this bill as I had really actually contemplated. I hope my Republican friends will work with us to get this bill done.

This is a bill that deals with flood insurance. I have spoken to a number of Republican Senators, including Senator VITTER, who is the person who has spoken out on this more than anyone else, and he acknowledges that there may be a few relevant amendments that we should have on this bill. I do not care. That is fine with me. Let's set up a list of amendments and finish this bill. So I hope we can get that done. I really do. We should not get in a legislative morass on a bill that is extremely important for the country no matter what part of the country you live in. The dry deserts of Nevada, this is an important piece of legislation; the wetlands of Florida and Louisiana, very important piece of legislation. So I hope we can get this done.

Let me just say another word or two. I am very pleased to say that we are close to an agreement to prevent student loan rates from doubling for 7 million young men and women. That would happen at the end of the week. So I appreciate the leadership of President Obama. He has pushed forward on this for a long time. He has given many public statements in this regard. He has been talking to students around the country. He was in New Hampshire yesterday talking to students. They waited in the rain to hear him talk. He has been working with leaders in Congress to ensure that students will not pay the extra $1,000 to get a degree.

I would remind my colleagues, the Republicans, including the Speaker, my friend, were willing to give up on this issue a few weeks ago. We are not willing to give up on this issue. I am glad my Republican colleagues have agreed we should not give up on this issue. We do not want to let the rates double. Leader CANTOR even said Republicans were done legislating. Remember that? But with the President's leadership and our persistence and the help of my valiant Republican friends, we are going to be able, with a little bit of good luck, to protect 7 million students. I hope that is, in fact, the case.

I appreciate the diligent work of the chairman of our committee, Senator HARKIN. Senator JACK REED has worked very hard on this, as have other Senators. I am leaving a few out, but I am certainly not doing that intentionally.

I hope everyone understands the legislative issues we have to work to toward the end of this week. I hope we can get it done. I hope we do not get trapped in one of these Senate procedural bogs where we are going to have to be here Friday, Saturday. You know, I hope we do not have to do that. There is no reason to. We can get all of our work done, but we do need a little bit of cooperation.

The PRESIDING OFFICER. The Senator from Tennessee.

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT

Mr. ALEXANDER. Mr. President, I congratulate Senators HARKIN and ENZI, their staffs, and all who worked for 15 months on this important piece of legislation. I have watched the Senate for a long time—first as a staff member and then as a Senator—and it has always been a little messy and complicated. There are always disagreements. That is the purpose of the Senate, to work out arguments. But over the last few months, this Senate has done a much better job of operating in the way the American people expect us to operate. We are all here to try to get results after we state our positions. This bill especially affects the health and safety of millions of Americans. Almost every American family buys the prescription drugs and medical devices we are talking about in this legislation. I am glad to see this happen for two reasons—one, because of the result, and two, because of the way the Senate has worked. It is a fine example of what I hope to see happen more often.

I also thank the majority leader, Senator REID, and the minority leader, Senator MCCONNELL, for creating an environment in which we could have a large number of amendments, debate, and discussion. I think we all appreciate that very much and want to create an environment in which they can provide that kind of leadership.

I ask unanimous consent to speak as in morning business.

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

LAND GRANT UNIVERSITIES

Mr. ALEXANDER. Mr. President, on Monday, at the Library of Congress, was the 150th anniversary celebration of the creation of land-grant universities and the National Academy of Sciences. The assemblage also took a moment to throw a bouquet to Andrew Carnegie for founding so many free public libraries.

I am on the floor to ask this question: What was in the water in Washington, DC, 150 years ago, in 1862 and 1863? During the 2 years after the telegraph dispatched the Pony Express in 1861, Congress and President Lincoln enacted the Morrill Act creating land-grant colleges, authorized the Transcontinental Railroad—reducing the time for getting from New York to San Francisco from 6 months to 6 days—as well as the National Academy of Sciences, and enacted the Homestead Act. They also agreed on a conscription law with teeth, a National Banking Act, establishing a national currency, a new internal revenue law, and created the Department of Agriculture. To top it off, on December 2, 1863 the last section of the Statute of Freedom was put in place on top of the Capitol dome, with a great celebration.

Mr. President, if I were the Republican national chairman, I might suggest that this transforming burst of governing was simply a matter of turning the government completely over to

Republicans and sending home half of the Democrats. By the end of the 37th Congress in 1863, southern Democratic U.S. Senators could not obstruct any of these laws because their States had seceded from the Union and they could not to vote. According to the Senate Historian, that left 48 Senators voting at the end of that session—27 Republicans, 12 Democrats, and 9 Unionists, oppositionists, or Senators who called themselves the ''know nothings.''

Perhaps this burst of governing came from the energy of a new political party or the brilliance of the new President, Abraham Lincoln, or maybe a Congress that was simply more efficient in those days. The Morrill Act that created land-grant colleges passed both the Senate and House in the same week, in June 1862. The President signed the bill into law 2 weeks later. The National Academy of Sciences was introduced on February 20, 1863. It passed the Senate and the House and was signed by the President all on the same day, March 3. Back in those days, the President would obligingly travel down Pennsylvania Avenue and sit in an office in the Capitol waiting for bills to be brought to him for signature.

Maybe it was a result of the state of the American condition at the time—the absence of a 24-hour media, special interest groups, and instant communication on the Internet. Or maybe it was that Members of Congress had more time to think great thoughts while traveling to the sessions. It would take Senator Sam Houston 6 weeks to travel from his home in Texas to occupy his Senate desk in Washington, DC.

There is no doubt it helped that there was a crisis, the Civil War. Americans have always risen to our best in the midst of a crisis. Making the crisis worse, many thought the new President was incompetent. In January 1863, former Supreme Court Justice Benjamin R. Curtis ''reported general agreement on the utter incompetence of the President. He is shattered, dazed and utterly foolish.'' This is from David Herbert Donald's book ''Lincoln.'' The editor of the Cincinnati Commercial was more explicit when he wrote that President Lincoln was ''an awful, woeful ass. If Lincoln was not a damn fool, we could get along yet.'' The President, in turn, considered many of his generals incompetent. And he and Mrs. Lincoln were suffering a personal crisis at the time, grieving the death of their son, Willie. The war crisis clearly helped to enact transforming legislation in 1862 and 1863. One impetus for passage of the law creating land-grant colleges was to provide military training.

Among the first assignments of the National Academy of Sciences was to find some way to protect the iron hulls of the Union Navy warships from corrosion.

GEN Grenville Dodge told President Lincoln that the Transcontinental Railroad was a ''military necessity,'' even though Representative Justin Morrill, a visionary in other matters, said he saw no need for the railroad to go further than the silver mines in Nevada because it would only be traveling through uninhabited territories.

The war caused the bickering Republicans, who remained in Congress, to pull together. The editor of the Chicago Tribune explained:

> [If we fail], then all is lost. Union, party cause, freedom and abolition of slavery . . . let us first get the ship out of the breakers, then court martial the officers if they deserve it.

Mr. President, it helped to have a crisis.

Unfortunately, the formula for the passage of transforming legislation 150 years ago is not neatly explained as a crisis, plus a brilliant President, plus a high-minded Congress efficiently enacting big ideas developed in Washington, DC. The real story is much more American than that. As has usually been the case, these big American ideas came from outside Washington, they took a long time in coming, and enacting them into law was a long and messy process.

Jonathan Baldwin Turner's address before the Illinois Teachers Institute in 1850 proposed the creation of an ''industrial university'' 12 years before enactment of the Morrill Act. Representative Morrill first introduced the idea in 1857. After much struggle, it passed in 1959, but President Buchanan vetoed it. Two years later, Morrill succeeded. And even though the obstructionist Southerners were gone, eastern and western Republicans argued vigorously over land grants, as well as where the new Transcontinental Railroad should go.

The roots of the National Academy of Sciences can be traced to a group of Cambridge scientists meeting in the 1850s or to earlier philosophical organizations before that or even all the way back to Benjamin Franklin. California entrepreneurs and speculators and politicians—some of them were all three—were the ones who persisted in the 1850s until, in 1862, the Pacific Railroad Act became law.

So the formula for success for these transforming laws 150 years ago was typically American: big ideas bubbling up from around the country, plus entrepreneurial persistence, plus a crisis equals transforming results.

How does that formula apply today to improving the American condition? Well, to begin with, we have a handy crisis. Washington is borrowing 40 cents of every dollar it spends. By this rate, by 2025, every penny of tax revenue will go for Medicare, Medicaid, Social Security, and interest on the national debt, leaving nothing left—unless we borrow more—for national defense, national laboratories, national parks, research, or education. A second crisis, many fear, is that our country will be unable to compete in the future with the emerging Asian economies. So what transforming steps should the United States take to meet these new challenges?

My own view is that rather than creating new institutions, as America did in the 1850s and 1860s, it would be wiser for us to spend our time making the institutions we already have work.

Let me discuss just two examples—first, our basic governmental institutions. The new Foreign Minister of Australia, Bob Carr, a great friend of the United States, expressed recently in Washington, DC, that the United States is one budget deal away from reasserting its preeminence in the world. He means, of course, that the world is watching, actually hoping, that at the end of the year the United States will demonstrate that we actually can govern ourselves by resolving the fiscal mess we have in a way that reforms taxes, controls spending, and reduces debt. We do not need a new government to do this. We need for our newly elected President, whether his name be Romney or Obama, to lead.

President Lyndon B. Johnson's Press Secretary, George Reedy, once defined Presidential leadership as seeing an urgent need, developing a strategy to meet that need, and persuading at least half the people that you are right.

We don't need to change the rules of the United States Senate; we simply need a change in behavior—one that focuses less on playing games and more on getting results. The new Congress, next year's Congress, whether it be Republican or Democratic, must make its goal to dispute, amend, debate, vote upon the President's proposed agenda, and then help the President succeed, because if he succeeds our country succeeds.

We might well remember the words of that Chicago Tribune editorial writer in 1862 who said:

> Let us first get the ship out of the breakers . . . then court martial the officers if they deserve it.

The second institutions we should refurbish and make work are our colleges and universities—all 6,000 of them, not just the land-grant universities that we celebrate this week. Again, we do not need new institutions; we need to reassert the greatness of the ones we have. Our universities, along with our national labs, are our secret weapons for innovation, and innovation is our secret weapon for producing 25 percent of all the money in the world for just 5 percent of the world's population. The list of what it would take to strengthen our colleges and universities is short and mostly agreed upon. First, stop sending home every year 17,000 of the 50,000 international students who graduate from U.S. universities with advanced degrees in science, technology, engineering, and mathematics. Give them a green card and let them stay here to create jobs in the United States.

Next, double funding for advanced research, as the America COMPETES Act, which passed with huge bipartisan

support in the Senate, has already authorized.

Third, repeal the Federal Medicaid mandates that force States to spend money on Medicaid that otherwise would go to higher education. This has resulted in dramatic decreases in State support and increases in tuition to try to maintain quality.

Next, while Congress is repealing the Medicaid mandates, it should literally cut in half the stack of regulations that hampers institutional autonomy and wastes dollars that should be spent on students and research.

Finally, the institutions themselves should look for ways to save money, such as full utilization of facilities during the summer, 3-year degrees for some students, and reforms to teacher tenure.

In the 1960s, Mitt Romney's father, George Romney, offered this advice to the big three Detroit automobile manufacturers:

Nothing is more vulnerable than entrenched success.

The big three did not pay attention to that advice, and we see what happened. It is good advice for universities today.

In conclusion, I wish to say a word about the Carnegie libraries. My experience is that most ideas fail for lack of the idea; or to put it positively, that a great idea eventually carries itself into reality. Andrew Carnegie's great idea was building public libraries. All of us know of their importance.

I remember when the New York Times wrote an article about me. They said, Mr. ALEXANDER grew up in a lower middle-class family at the edge of the Tennessee mountains. When I called home later that week to talk with my mother, she was reading Thessalonians to gather strength for what she considered to be a slur on the family. She said to me: Son, we never thought of ourselves that way. You had a library card from the day you were 3 and a music lesson from the day you were 4. You had everything you needed that was important.

Andrew Carnegie's gift and the Federal laws 150 years ago creating land grant universities and the National Academy of Sciences and the transcontinental railroad and the Homestead Act all have this in common. They were not command-and-control Federal Government actions from Washington, DC. They were big ideas that, when implemented, empowered Americans to do things for themselves—to travel, to own a home, to educate themselves, and to learn by using a library.

For example, my empowered mother took me to the A. K. Harper Memorial Library in Maryville, TN, when I was 3 years old in order to get my library card. ''Mrs. Alexander,'' the librarian said to her, ''we don't give library cards to 3-year-olds.'' ''Well, you should,'' she said to them. And they did.

So on this anniversary for the congressional enactment of transforming and empowering ideas, there should be more hope than despair. We still have most of the world's great universities. They still attract most of the brightest students from everywhere, insourcing brainpower and creating wealth.

According to a recent Harvard School of Business survey of 10,000 of its alumni on U.S. competitiveness, if you are in business in this country, it is still hard to beat America's entrepreneurial environment, proximity to customers, low levels of corruption, access to skilled labor, safety for people and property, and protection of intellectual property.

We have a remarkable system of government created by geniuses that many countries struggle to emulate. So why not celebrate this anniversary by taking steps to ensure that 25 or 50 or 100 years from now we have even more of the greatest universities in the world?

Let me read exactly what Australia's Foreign Minister, Bob Carr, a friend of the United States, said in his speech in April:

America could be one budget deal away, in the context of economic recovery, one budget deal away from banishing the notion of American declinism. Think about that, one budget deal, an exercise of statesmanship up the road, in the context of an economic bounce-back and all of a sudden, with energy independence crystallizing, with technological innovation, resurgence of American manufacturing, people who spoke about American decline could be revising their thesis.

So as we celebrate the transforming legislation of 150 years ago, why not take the advice of our friend from Australia? Why not take advantage of our opportunity at the end of this year to enact a budget that will reassert Americans' preeminence in the world?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

HONORING OUR ARMED FORCES

ARMY MASTER SERGEANT GREGORY CHILDS

Mr. BOOZMAN. Mr. President, as the son of a master sergeant in the Air Force, I grew up in a family that had values rooted in military tradition and patriotism. But you certainly don't have to be from a military family to love our country. We are encouraged to have a sense of American pride in our daily lives.

I remember reciting the Pledge of Allegiance and singing patriotic songs that reflect the love of our country. Students continue to do this and to learn these values passed down from generations of Americans before them. We have special days that recognize the people and symbols important to our country.

Two weeks ago, we celebrated Flag Day and next week we celebrate Independence Day. The 3 weeks between these patriotic holidays is known as Honor America Days. You most likely won't find these on your calendar, but Congress established these days and adopted it into the U.S. Code to encourage gatherings and activities that celebrate and honor our country.

While these days are not widely recognized, one of the ways Americans demonstrate our devotion to our country is by supporting our men and women in uniform. These troops have made enormous sacrifices to defend our country and our interests across the globe. These heroes are shining examples of the spirit, commitment, and bravery of our Nation.

During my time in Congress, I have had the opportunity to travel and meet with our troops across the globe and thank them personally for their sacrifices to make our world a better place. These men and women are always in my thoughts and prayers. I thank our military personnel and our veterans for their valued service and offer my sympathy to those families whose loved ones have given their all in defense of our Nation.

This includes the family of Arkansas soldier Army MSG Gregory Childs. Master Sergeant Childs died on May 4, 2012, while serving in Afghanistan in support of Operation Enduring Freedom. His family and the community of Warren, AR, paid their respects to Master Sergeant Childs, a father, a son, a brother and a friend, in a very moving ceremony.

Master Sergeant Childs graduated from Warren High School in 1992. He considered it an honor to serve his country in the military. For 20 years he served his country in locations around the globe, from Bosnia, Germany, Colombia, and two tours in Afghanistan. He excelled through the ranks of the Non-Commissioned Officer Corps and earned one of the highest ranks he could attain.

I ask my colleagues to keep his family—especially his young daughter Kourtlan—and his friends in their thoughts and prayers during these difficult times. I humbly offer my appreciation and gratitude to this patriot for his selfless sacrifice.

As the home to literally thousands of active-duty military personnel and even more veterans, Arkansas has experienced more than its share of grief and sacrifice for loved ones who serve our country. Our State has a rich history of service to our Nation. Troops stationed in Arkansas have served our country honorably even before it was admitted to the Union. Our men and women have always been willing to do their part to serve and to protect. Our troops stationed in Arkansas and our military facilities at the Little Rock Air Force Base and the 188th Fighter Wing are some of the best assets in our military. Arkansans' active-duty personnel and National Guardsmen have time and again proven their dedication, perseverance, and commitment to excellence in defending this country.

As we plan our Independence Day celebrations, let us remember the service men and women who embody the

ideals that make our country great. I know my fellow Arkansans share my gratitude and appreciation for our military personnel and their families who sacrifice at home while their loved ones are away.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

SYNTHETIC DRUG AND PDMP AMENDMENTS

Mr. PORTMAN. Mr. President, I rise to talk about a couple of amendments that were included in the legislation we voted on here this afternoon in the Senate. I am speaking of the Food and Drug Administration legislation. That legislation included two very important amendments that deal with combating legal drug abuse here in this country.

I want to start by thanking my colleagues, Senators SCHUMER, KLOBUCHAR, GRASSLEY, and ENZI, for helping to develop and promote this legislation over many months. The legislation addresses what is called synthetic drugs. I also want to thank them for helping see it through to passage as an amendment today.

Senator GRASSLEY actually shared with me a story a few weeks ago of a young man from Iowa, David Mitchell Rozga, an 18-year-old, who sadly took his life after using this synthetic drug known as K2, or spice. It is synthetic marijuana. He had purchased it legally at a local shopping mall.

In recent weeks, we have seen lots of news accounts of some of the savage acts committed by people high on these synthetic drugs, such as the widely reported cannibalism in Miami, FL. I saw today another horrible story about another man in Waco, TX. We have seen lots of deaths reported in my home State of Ohio due to synthetic drugs. Very recently we had a report of the Columbus, OH, police having to shoot two men who were high on what are called bath salts. One was shot fatally. There is synthetic marijuana out there, but also synthetic stimulants and synthetic hallucinogens. Unfortunately, people don't know they are dangerous because they are not illegal. So we need to act and act now, and we are doing so through this legislation today.

As I said, one of the drugs is called spice. It sounds like an ingredient you would find in a kitchen, something benign you would find on a shelf somewhere. The same with bath salts. Unfortunately, they are not benign at all. They are not what you think they are. They are dangerous compounds that can cause tremendous devastation, and we need to be sure we get the word out.

Users are led to believe they are getting a legal version of something that mimics marijuana, cocaine, LSD, or any other illegal street drug that is under what is called Schedule I of the Federal Food and Drug Administration. This means they are illegal drugs. But because these synthetic drugs are legal, again, users think they are safe. But they produce adverse reactions that are truly unexpected and sometimes bizarre. And like the street versions that are on Schedule I at the Federal level, the Drug Enforcement Agency and the FDA have both concluded none of these drugs has any currently accepted medical use in treatment in the United States.

It seems to me it is appropriate for us to list them under Schedule I. And again, that is what the Senate did today, following the House of Representatives. Because they are legal, they are accessible, particularly on the Internet. I have Googled a number of them, including K2, and it is alarming to see how easy it is to purchase them and how they are advertised. It is time to put them on Schedule I, just like street drugs, and by doing so we give the DEA the ability to prevent these drugs from being distributed or imported into the United States, and also allows them to pursue the manufacturers of these drugs.

A lot of families have suffered from synthetic drugs, and sometimes those families come to me. I have done a lot of work over the years in prevention and education of substance abuse. I started a coalition back home that continues to do great work in the greater Cincinnati area. I have been involved in encouraging community coalitions around the country, and I am hearing more and more about these synthetic drugs. Families come to me because they are hoping something positive will come out of the tragedies they have experienced; that the word will get out through these tragedies and other young people and adults won't lose their lives.

I heard one such story in the Senate about the family of Caleb Tanner Hixson in Riceville, TN.

Tanner was a student at Lee University in Cleveland, TN, majoring in exercise and health science. After graduating, he wanted to study for an advanced degree in physical therapy. Besides studying in that field, he was an avid athlete and outdoorsman. He had played competitive baseball his whole life, and he was also into hiking and canoeing. But all that promise was cut off on March 8 of this year when Tanner died as a result of a cardiac arrest after ingesting alcohol and a synthetic drug at a party in Chattanooga, TN. He was 22 years old. That drug is easily purchased on the Internet. In fact, it is identified on the Internet as being a ''research chemical.''

His cousin, Brandi White, was the one who told me about this incident on the Senate floor. Brandi actually works in the leadership office. I appreciated her sharing this story with me, and my heart goes out to her family. She said she called Tanner's mom to tell her about the legislation when we got it onto the bill, and she called her again today to tell her the legislation had passed. Although it is little comfort when you have lost a son, it is some comfort. I appreciate the fact that her family was willing to share that story so that other young people will not make that same mistake.

This legislation puts these dangerous drugs on what is called schedule I. We don't want one more young person to make one more bad decision and to die or have a serious health problem as a result of thinking these synthetic drugs are safe because Washington hasn't put them on the list to tell people they are unsafe.

If we want to do right by the safety and health of our children as well as our communities, closing this loophole, of course, was just something commonsense—and, by the way, something bipartisan, along the lines of what my colleague said earlier about how we ought to be operating in the Senate.

I am also proud to see bipartisan support for passage of another amendment today. This is legislation that I introduced with Senator WHITEHOUSE along with Congressman HAL ROGERS from Kentucky. This deals with the prescription drug problem we have. There is a prescription drug abuse problem throughout the country, but in Ohio we have been hit hard. One of the issues I found in going to a townhall in southern Ohio was the fact that the State prescription drug monitoring programs couldn't communicate and operate across State lines.

I did a townhall where Director Gil Kerlikowse of the Office of National Drug Policy kindly came to Portsmouth, OH, about 1 year ago in July 2011, which is in southern Ohio on the banks of the Ohio River, an area that has been in the center of prescription drug abuse and interstate drug trafficking. It is also right across the river from Kentucky and right near West Virginia, so it is an interstate area.

Prescription drug abuse has devastated the county in which Portsmouth sits, Scioto County, as well as other counties in the area. But because of the hard work of family members, community leaders, and Federal, State, and local law enforcement, there has been some momentum and we are beginning to turn things around. Pill shops are being closed. One critical tool they told me they needed was prescription drug monitoring programs that could work across State lines. This is a database that a lot of States use to monitor prescription drug abuse so when someone goes to ask for a prescription, the person responsible for implementing the program or someone at a pharmacy or a doctor knows what prescriptions this person has already received. These are very effective programs.

Forty-eight States have them, one territory has it, and they work well within the State but they don't communicate well within the States, between each other. Again, in a place such as Scioto County, where we have interstate traffic, this legislation will now protect our community and ensure that if someone gets a prescription in Ohio and then goes across to Kentucky to fill it once they have reached their

limit in Ohio, that there will be a monitoring program and a database available. So it succeeds by getting States' different programs to work together securely, reliably, and efficiently.

I would also like to thank the Alliance of States with Prescription Monitoring Programs, which has played a pivotal role in promoting national interoperability standards.

These are examples where the Senate acted to try to make our communities safer and to help ensure that young people can achieve their God-given potential. Working together, we have been able today to help ensure the health and well-being of our communities.

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

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent 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.

FREEDOM OF INFORMATION ACT

Mr. LEAHY. Mr. President, on July 4, the Nation will celebrate the 46th anniversary of the enactment of the Freedom of Information Act, FOIA. The ''right to know'' is a cornerstone of our Democracy. For five decades, Americans have counted on FOIA to help shed light on the activities of their government.

As we reach this important milestone, there are many victories to celebrate. This week the Senate will enact the Food and Drug Administration Safety and Innovation Act, which includes important language that I helped craft to protect the public's ability to access information under FOIA. Section 710 of that bill will allow the Food and Drug Administration, FDA, to obtain information about drug inspections and drug investigations undertaken by foreign governments, while at the same time ensuring that the American public has access to information about potential health and safety dangers. I thank Senators HARKIN and ENZI and the many open-government and consumer groups—including OpenTheGovernment.org and Public Citizen—who worked with me to enact this FOIA provision.

Last year the Senate unanimously passed the Faster FOIA Act, a bill that I cosponsored with Republican Senator JOHN CORNYN. This legislation would create a bipartisan panel of government and outside experts to make recommendations on improving the FOIA process. Sadly, despite the overwhelming and bipartisan support for this good-government legislation, this bill has been languishing in the House of Representatives for almost a year.

During the 3 years since President Obama made a historic commitment to restoring the presumption of openness in our government, the Obama administration has also taken steps to strengthen FOIA. I especially want to commend the Office of Government Information Services—and the inaugural Director of the OGIS, Miriam Nisbet—for working with the Environmental Protection Agency and the Department of Commerce to develop an online FOIA Module designed to help agencies better meet their requirements under the FOIA. This new FOIA program reaffirms the President's commitment to transparency in our government and will make government information more accessible to the American people.

While these and other FOIA accomplishments give us good reasons to celebrate, many other threats to the public's right to access information under FOIA remain. In the coming weeks the Senate is expected to consider several legislative exemptions to FOIA in relation to cybersecurity legislation. As this legislative process unfolds, I intend to work with Members on both sides of the aisle to ensure that the American public's ability to access information about threats to their health and safety in cyberspace is protected.

Securing our Nation's critical infrastructure information is a pressing national priority. So, too, is protecting the rights of Americans to know what their government is doing. We must strike a careful balance between security and openness in our cybersecurity policies. The anniversary of FOIA's enactment provides a timely reminder of just how important it is for the Congress to get that balance right.

As I have said many time before, open government is neither a Democratic issue, nor a Republican issue—it is truly an American value and virtue that we all must uphold. It is in this bipartisan spirit that I will continue to work to fulfill FOIA's promise of openness in our government and that I join all Americans in celebrating the 46th anniversary of the Freedom of Information Act.

TRIBUTE TO THE U.S. ARMY INTELLIGENCE COMMUNITY

Mr. McCAIN. Mr. President, it is my distinct privilege to honor the outstanding men and women who have made lasting contributions to U.S. Army Intelligence over the years. On July 1, 2012, MG Gregg C. Potter, commanding general of the U.S. Army Intelligence Center of Excellence and Fort Huachuca, will officially recognize the 50th anniversary of the founding of the Military Intelligence Branch and the 25th anniversary of the Military Intelligence Corps at Fort Huachuca, AZ. This is a momentous occasion, and I congratulate all Army intelligence professionals—soldiers and civilians alike—on these distinguished achievements.

Timely and accurate intelligence information has always been critical to the success of our Armed Forces on the battlefield. Across all intelligence disciplines, Army intelligence professionals have collected, analyzed, and supplied this vital information to commanders at all levels—from the tactical to the strategic. The intelligence information they supplied has directly contributed to winning our Nation's wars and to saving lives. Army Intelligence professionals have carried out this mission with great courage, devotion, and skill since we declared our independence 236 years ago. We recognize this legacy and look forward to Army intelligence's continued success and service to our country in the future.

Two critical events shaped the Military Intelligence Corps into the organization that exists today.

On July 1, 1962, the Secretary of the Army signed a general order authorizing the creation of the Army Intelligence and Security Branch. With this authorization, all Army intelligence soldiers, including regular Army and Reserve officers, were placed into a distinct branch. It ended the practice of detailing officers from other branches into intelligence positions and facilitated the professionalization of the intelligence field. By establishing a branch equal to all others, the Army recognized the critical importance of military intelligence.

On July 1, 1987, the Military Intelligence Corps was activated at Fort Huachuca. With the activation of the Corps, all Army intelligence professionals, regardless of their discipline, were symbolically bound together into one unified organization under the U.S. Army Regimental System. Since its activation, the unity of purpose and mission of the Military Intelligence Corps has remained vital to the success of the Army.

Today, the U.S. Army Intelligence Center of Excellence at Fort Huachuca is the home of military intelligence. Every year, the center trains approximately 20,000 students in the intelligence field, including initial military training, professional military education courses for all ranks and intelligence specialties, mobile training teams, and foreign military students.

I am immensely proud of the men and women in the U.S. Army intelligence community. They work tirelessly to protect our Nation and deserve our deepest gratitude for the sacrifices they have made. As indicated by their motto ''Always Out Front,'' Military intelligence will remain a critical element of the readiness of our Armed Forces.

Again, congratulations on this proud occasion.

GUN SAFETY

Mr. LEVIN. Mr. President, our Nation reached an important milestone over the past few years. In 2010, according to a recent report by the Violence Policy Center, motor-vehicle-related fatalities dropped to their lowest level in decades, a 72 percent decrease in deaths per miles traveled from 1966 levels. But not all of the report's findings are encouraging. While our roads have become safer, other aspects of American life have become more dangerous. Over that same period, firearm-related deaths steadily increased around the country. In fact, in 2009, firearm-related fatalities exceeded motor vehicle fatalities in 10 States, and current trends indicate that firearm violence statistics are only getting worse. Congress has the ability to protect lives with commonsense safety legislation, just as it did with motor vehicle safety measures. But it has recently lacked the will.

In the 1960s, this Nation confronted a public health crisis on its streets and highways. Over 40,000 people died from motor vehicle crashes in 1960 alone. A 1999 study by the Journal of the American Medical Association found that from 1960 to 1966 this crash death rate ballooned from 49.2 to 55 deaths per billion miles of travel. In response, Congress took action by creating the National Highway Traffic Safety Administration, NHTSA, which it charged with the responsibility of developing and implementing vehicle safety initiatives.

In the decades since, the NHTSA has spearheaded numerous efforts that have saved and will continue to save countless lives. Today, we take things like vehicle head rests, energy-absorbing steering wheels, shatter-resistant windshields, and seat belts for granted. We expect our roads to have clearly delineated lanes, guardrails, and adequate lighting. But many of these things would not exist if Congress hadn't taken action to protect the public from the dangers of unregulated motorways.

Just like congressional action made our roads safer, countless studies have shown that commonsense gun safety legislation would protect our homes, our schools, and our families from violence. According to the Centers for Disease Control, in 2009, guns killed more than 30,000 Americans and injured over 65,000. But despite these statistics, Congress has done little to address this public health crisis. Today, almost anyone, including convicted felons or the mentally ill, can walk into a gun show and buy a firearm from a private dealer without any background check. Others can walk into a gun shop and walk out with military-style assault weapons and high-capacity ammunition magazines, weapons with no sporting purposes.

Legislation has been introduced in this Congress that would address both of these issues and would make our society safer. I am a cosponsor of the Gun Show Background Check Act of 2011, S.35, and the Large Capacity Ammunition Feeding Devices Act, S.32, bills that would close this gun show loophole and prevent the sale of military-style ammunition cartridges. Congress should take up and pass these measures. We should act, like we did in the 1960s, to protect American lives with commonsense safety legislation. The price of doing nothing is just too high.

BRINGING JUSTICE TO UGANDA

Mr. COONS. Mr. President, the war crimes of Joseph Kony and the Lord's Resistance Army, LRA, are well documented. For two decades, they have terrorized Uganda and its neighbors in central Africa, tearing apart families and demolishing whole villages. Their war crimes are unspeakable, and Joseph Kony and other leaders of the LRA must be held accountable.

As chair of the Senate Foreign Relations Subcommittee on African Affairs, I partnered with Senator JIM INHOFE to introduce S. Res. 402, a bipartisan resolution condemning the crimes against humanity committed by Joseph Kony and the LRA, supporting ongoing international efforts to remove Kony from the battlefield, and calling for the United States to continue to enhance its mobility, intelligence, and logistical support of regional forces protecting civilians and pursuing the LRA.

The most important thing about this resolution is not that it has earned the support of 46 Senators of both political parties nearly half the Senate. What is most important is that this resolution has earned the support of 215 citizen cosponsors, individual Americans who felt compelled to speak out against Joseph Kony and stand with the President and the international community in their work to bring Kony and his top lieutenants to justice.

In an unprecedented wave of grassroots engagement, thousands of young Americans were inspired to take action by a powerful video released earlier this year by Invisible Children, a California-based nonprofit organization. This video was viewed more than 100 million times in just under a week, making it the most viral video in history. Yet young people all over this country did more than just watch they took action. They called and wrote their elected officials, they posted on Facebook and Twitter, and their voices were heard.

Although many of us in the Senate have been working on issues related to Joseph Kony and the LRA for years, hearing directly from so many of our constituents has renewed our focus and our commitment. It has been decades since we have seen such intense engagement from young Americans on a humanitarian situation in Africa, making this a critical moment to recognize and sustain.

Mr. President, I ask that the CONGRESSIONAL RECORD reflect the names of each of the 215 Americans who have signed on to S. Res. 402 as citizen cosponsors and thank each of them for standing with members of Congress, the President, and the international community as we work toward bringing Joseph Kony and his top commanders to justice.

List of names: The List follows:

Eugene Kim, Diane Delaney, Richard Behenna, Joann O'Reilly, Wanda Miller, Michelle Comfort, Rachel Breaux, Kourtney Harper, Daimian Dunn, Mary Claire Smith, Shea Grubbs, Tamara Kaiser, Shannon Wheeler, Sheila Janca, Laura Cordovano, Kenny Allen, Maureen Strazdus, Karen Gillis, Katie Nuber, Alex Gernert, Lucas Chizek, Susan Tuberville, Danielle Neuman, Greg Simpson, Lindsey Williams, Cydnie Daniel, Jan Carr, Sarah Langlois, Christine Turo-Shields, Heidi Nelson, Erin Kenna, Spenser Hooks, Emily Gneiser, John Parkhurst, Paul Claus, Diane Adams, Lindsay Katai, Andrew Towarnicky, Phillip Teel, Debra Niederschulte, Elana Katz, Priscilla Brown, Rachel Whisenant, Austin Martino, Cheree Miller, Briana Arensberg, Tiffany Luu, Mike Boucher, Abigail Rings, Nicholas Blake, Melanie Lopez, Emily Poley, Mary Louise Bannerman, Leah Schult, Sandi Jean, Stephanie Carroll, Gwyn Seltzer, Lillian Grace Walton, Jayme Collings, Angus Dupee, Karl Nielsen, G. Morgan Timmis, Christopher Walton, Andrya Ryan, Laura Vandivort, Mary Ann Mastrolillo, Lena Dupee, Nikkolette Dykstra, Anna Kuralt-Fenton, Paige Weber, Zachary Landrum, Kathy Stracke, Sara Schlussler, Carol Gernert, Emmanuel Ojobaro, Jessica Lapsley, Kara Sewall, Autumn Nyagaya, Daniel Sherier, Amber Gonzalez, Alice Jo Cargo, Jane Ziegler, Jane Coufal, Nicola Archibald, Victor Pulido-Rojas, Bailey Cox, Kevin Weidert, Nicole Tacker, William Mattheis, Jessica Nicholson, Connor Regan, Susan Bjelajac, Nicole Munger, Dave Stracke, Spencer Dove, Lynette Heinz, Adam Webb, Hillary Granier, Patricia Camacho, Janine Kramer, Tracy Frank, Ricky Hankies, Michelle Benzenhoefer, Susan Pullen, Sadie Stone, Dawn Hendrickson, Terie Fightmaster, Vickie Myers, Marcel Adams, Alicia McClain, Claire Whillans, Jordan Garrett, Sierra Stahl, Pedro Manancero, Andrea Timberlake, Jessie Garrett, Brynn Doherty, Brittany Dunn, C. Reid Johnson, Angela Underwood, Kate Haselhoff, Rebecca Dale, Grace Rogers, Allana Alexander, Andrew Stanek, Kevin Febus, Amy Gernert, Melissa Franklin, Erik Nielsen, Tyler McDaniel, Stephen Mulrine, Wendy Atkins, Samantha Foster, Dean Ober, Jade Thiraswas, Danielle Discepoli, Carolyn Hunter, Andrea Forney, Brenna Garman, Emily Dimaio, Christopher Kleinsmith, Andrew Bruner, Michele Widd-Williams,

Mary Thomas, Lisa Dougan, Alejandra Rios-Gutierrez, Elena Adlon Place, Peter Moosman, Kaylee Galvez, Nicole Eneff, Annette Hearing, Nathan Keller, Eva Posner, Latrisha McGhee, Christina Harrington, Joshua Hampton, Noah Eckstein, D.J. Morgan, Maryanne Rieder, Katherine Sasser, Jaclyn Licht, Robin Uribe, Jonathan Main, Ian Koski, Kaitlyn Scott, Brett Stauner, Dawn La Bounty, Deepan Rajaratnam, Sarah Henn, Jaquelyn Musselman, Charles Coats, Vanessa Walters, Chelsie Asher, Daniel Underwood, Chandler Kemp, Matthew Bowen, Margo Cowan, Joseph Denny, Harrison McIntosh, Drew McKinnie, Jesse Jimenez, Nancy Floeter, Kimberleigh Allen, Jamie McKay, Amos Allen, Toni Glaess, Shayleen Kurtz, Matthew Gaby, Lucas Neuman, Danny Couto, Kathleen Barnett, Debra Zens, Micah Aumen, Sarah Lake, Maxim Gantman, Jonathan Rakofsky, Noelle Quanci, Jordan Green, Neil-Brian Samen, Annamarie Reese, Jeffrey Man, Willard Williams, Tammy Brown, Noor Tozy, Daniel Smith, Grace Bennett, James Daley, Akshay Chalana, Leisa Thompson, Carol Maynard, Casey Gordon, Christopher Hays, Earnest Miller, Carol Lee Saffioti-Hughes, Alan Solinger, Carol Solinger, Peter Russell, Michael Reed, Zachary Patten, Dustin Davis.

ADDITIONAL STATEMENTS

SACO, MAINE

● Ms. COLLINS. Mr. President, today I wish to commemorate the 250th anniversary of the City of Saco, ME, one of the oldest communities in New England and one that exemplifies the determination and resiliency of its people. In 1617, 3 years before the Pilgrims landed at Plymouth, the English explorer Richard Vines established a test winter settlement along a sheltered cove on the coast of Maine. That settlement where the Saco River meets the sea, grew, prospered, and eventually was incorporated in 1762.

The name ''Saco'' is derived from the Abenaki word for ''mouth of the tidal stream,'' and the sheltered cove, known today as Biddeford Pool, had been a thriving center of Native American villages and cultivated fields dating back to prehistoric times. Although some 37 English families—fishermen, traders, lumberjacks, and farmers—relocated there within 20 years of Mr. Vine's exploration, growth was stifled by frequent armed conflicts with the French during those early colonial times.

The conflicts subsided and in 1716 a young merchant named William Pepperrell purchased 5,000 acres along the Saco River for a lumber operation. The small village began to prosper. In 1752, Sir William Pepperrell, by then a war hero and the first person born in America to be made an English baronet, donated a parcel to be a village common, burial ground, and site for a meetinghouse. Ten years later, the settlers incorporated as the town of Pepperrellborough, in honor of their benefactor.

In 1805, the long name was replaced with the much shorter Abenaki word, but the vision and energy of William Pepperrell lived on. First with water power and then with steam, Saco and its sister city across the river, Biddeford, became leading manufacturing centers of the industrial age in North America. At Saco Falls, 17 sawmills supplied Maine's shipbuilders. On Factory Island, Saco Iron Works opened in 1811, followed shortly by foundries, harness makers, and machine shops. With the arrival of the railroad came the great engine of the community's economy—vast, bustling textile mills.

That Saco is a city built by the skilled hands of past generations is evident in the fine architecture cherished by the residents of today. Nine properties are listed on the National Register of Historic Places, including the First parish Congregational Church, City Hall, and many homes in the Georgian, Federal, Greek Revival, and Victorian styles.

The decline of American manufacturing in the late 20th century presented Saco with one of the greatest challenge in its history. It is a challenge that is being met with the same strength demonstrated by its early settlers. The abandoned mills on Factory Island are undergoing a transformation with residential, educational, and business uses, bringing an economic renessaince to the downtown. Today, Saco is a center for tourism, education, and the arts. Its skilled workers keep the city on the forefront of high-tech manufacturing, including invaluable contributions to our Nation's security in the defense industry. A community that once used waterfalls to power sawmills now uses clean, renewable wind energy to light its beautiful passenger rail station.

Mr. President, the yearlong celebration now underway is not merely about the passing of time. It is about human accomplishment. We celebrate the people who for more than 2½ centuries have pulled together, cared for one another, and built a great community. Thanks to those who came before, Saco, ME, has a wonderful history. Thanks to those here today, it has a bright future.●

RECOGNIZING THE GEORGIA PEANUT COMMISSION

● Mr. ISAKSON. Mr. President, today I wish to honor in the RECORD the 50th anniversary of the Georgia Peanut Commission.

In 1961, the Georgia Agricultural Commodity Commission for Peanuts was established under the Commodities Promotion Act. The Commission conducts programs in the areas of promotion, research and education, and it is funded by peanut producers.

Today, the Commission represents over 3,500 peanut farmers in our great State of Georgia who produce nearly half of our nation's peanuts. The Georgia peanut industry contributes an estimated $2 billion to our State's economy and provides more than 50,000 jobs, making it a vital component to the citizens of our State.

Georgia peanuts are simply delicious, and the Georgia Peanut Commission sends my Senate office and other Georgia congressional offices lots of its signature little red bags of Georgia peanuts to give out to our constituents. In fact, the Georgia Peanut Commission distributes an impressive 2 million bags of Georgia peanuts far and wide each year.

I am proud to honor the Georgia peanut industry, which is critically important to our State and Nation, and I congratulate the Georgia Peanut Commission on its 50th anniversary.●

EUREKA, SOUTH DAKOTA

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize the 125th anniversary of the founding of Eureka, SD. Eureka is a town with a remarkable history deeply intertwined with the State of South Dakota and the country at large.

At its founding in 1887, Eureka was merely the end of the line for one section of the Chicago, Milwaukee, and St. Paul Railroad, but its bountiful water supply and strategic location between Bismark, ND and Pierre, SD assured that within just 5 years it would become the largest primary wheat shipping point in the entire world. It also became a haven for ethnic Germans who fled the oppression of Czarist Russia, a cultural heritage which is proudly maintained today. During World War II, Eureka again proved its worth to the country, as its proud farmers worked hard to make sure America's Armed Forces overseas were well fed.

More modern town heroes include Kathryn Schulkoski, who served as the town's librarian for 42 years, and whose name is now borne by the library she dedicated her life to. The town has produced nationally known figures as well, including Al Neuharth, founder of USA Today, and Marlene Hagge, a founding member of the LPGA and inductee to the World Golf Hall of Fame.

Today, Eureka keeps its heritage alive with events such as the annual Schmeckfest, first started by the town's Germans from Russia chapter in 1987, which continues to be a major draw for visitors; the Eureka Pioneer Museum, which gives visitors a wonderful look at the town's history and features a famous 37 foot tall wheat stalk statue; and of course kuchen, the delicious pastry dish which, after successful lobbying by the town, became the official dessert of the State of South Dakota.

Eureka will celebrate its quasquicentennial with carnivals, a parade, concerts, and a fireworks display

over Lake Eureka. These events will bring the town's residents together and remind them of their long and rich history.

Once again, I congratulate Eureka on reaching this milestone and all it has accomplished in the process. I also join its residents in believing that the town's best days lie ahead.●

ORIENT, SOUTH DAKOTA

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to pay tribute to the 125th anniversary of the founding of Orient, SD. Orient is a warm and tight knit community, and residents are proud of their town's legacy of accomplishment. The people of Orient will be celebrating the quasquicentennial anniversary of their community on the weekend of July 6–8.

Orient was founded when a small group of Civil War veterans moved westward in hopes of establishing their own town in the Dakota Territory. Having fought in the Battle of Gettysburg, they originally hoped to name their new home Gettysburg, but soon realized that a town by that name was located less than three miles east. Although the exact origins of the name Orient are unknown, it is believed that Donald McKary and L. J. Jones decided on the final name for the nascent town. Orient was officially recognized as a town on October 3, 1887.

Orient flourished as a result of the railroad that ran through the town at the time of its founding. In its first years as a small, vibrant community, it rightfully earned the nickname, ''The Metropolis of the Great Ree Valley.'' Early Orient was home to its own literary society, singing school, attorney, drug store, and many other small businesses, including the town newspaper, ''The Weekly Pioneer.'' The hardy community weathered many challenges, including fires, tornadoes, and some of the most severe blizzards in American history, but through these obstacles, Orient remained optimistic and determined.

Residents of Orient plan to commemorate their town's anniversary with a weekend of events, including a school reunion, parade, softball tournament, and dance. The celebration will also include digging up the 1987 Time Capsule, buried on the centennial anniversary of Orient's founding, as well as a reflection of ''Life in Orient,'' which will bring together residents of the town from 25, 50, and 75 years ago.

Orient was founded by a coalition of veterans, dreaming of a friendly and energetic community they could call home. To this day, that legacy lives on, and towns like Orient represent the foundation of South Dakota, embodying the values our State holds dear. I am proud to congratulate the people of Orient on reaching this historic milestone.●

REMEMBERING OLIVER BROWN WOLF

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize Oliver Phillip Brown Wolf, a World War II veteran of the Cheyenne River Sioux Tribe in South Dakota. Brown Wolf passed away on May 28, 2012. The community of Eagle Butte, SD and the Cheyenne River Indian Reservation has lost a war hero and friend.

Oliver Brown Wolf was born on February 4, 1924 in Ziebach County, SD. At the age of 18 years old, Oliver enlisted in the United States Army in 1943 and served during World War II. Brown Wolf was a part of the U.S. Army 42nd Infantry Division and served as infantry scout and was involved in the liberation of the Dachau Concentration Camp. Oliver received three Bronze Stars for his service in World War II and was honorably discharged in March of 1946.

Oliver Brown Wolf continued his service as an appointed tribal veterans service officer for the Cheyenne River Sioux Tribe, which he held for more than 25 years. Brown Wolf also was a member of the American Legion Post #308 and the Veterans of Foreign Wars. Oliver dedicated his life to ensuring that veterans received the honor and recognition that they deserved for their military service.

Throughout his life, Oliver was also committed to his culture and his family. Oliver was a member of many cultural organizations on the Cheyenne River Indian Reservation. He enjoyed sharing his Lakota way of life with the community. Oliver played a vital role in starting a cultural center and the International Sundance for the community.

Oliver Brown Wolf's family is very proud of his service to his country, tribe, and fellow veterans. This untiring service will surely be missed by those who had the opportunity to meet and work with Oliver. At the center of each Tribal community, strong leaders are present to provide guidance and advice, and the Cheyenne River Sioux Tribe certainly benefited from Oliver's contributions.●

TRIBUTE TO GARY AND MARSHA TANKENOFF

● Ms. KLOBUCHAR. Mr. President, today I wish to pay tribute to a truly remarkable couple from my home State of Minnesota, a husband and wife who have gone above and beyond in their dedication to the causes of justice, equality and opportunity.

Over the years, Gary and Marsha Tankenoff have poured their time and energy into a wide range of community-oriented causes, from religious organizations to educational institutions. The strength of their commitment to Tzedakah is matched only by the depth of their devotion to one another.

Through the Tankenoff Families Foundation, Gary and Marsha have touched the lives of countless Minnesotans. They are a shining example of the way we in Minnesota have always come together to lift up our neighbors in need.

As a family of strong Jewish faith, the Tankenoffs have been a driving force behind the Minneapolis Jewish Federation, the Jewish Community Relations Council and Herzl Camp. They are active members of Minnesota's Jewish community and tireless advocates for the core causes and values of their faith.

Minnesota is a more decent, inclusive, and forward thinking State because of people like Gary and Marsha Tankenoff.●

EUREKA, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Eureka, SD. The town of Eureka will commemorate the 125th anniversary of its founding this year.

Platted on October 3, 1887, at the ''end of the track,'' Eureka began as a railroad town. As was common in the area, Eureka was founded primarily by Russian-German immigrants, who learned to adapt and survive in the harsh and unsettled State of South Dakota. These steadfast settlers dealt with severe weather from blizzards to droughts.

With determination, the settlers built a strong agricultural economy. In the late 1890s, it was often called the Wheat Capital as it was one of the world's largest inland wheat centers. In 1892, more than 3,300 train cars of wheat from 35 elevators and warehouses were exported from Eureka. In 1977, a strain of wheat was even named Eureka in honor of the town. Today Eureka takes pride in its beautiful recreational opportunities and its active and engaged community.

Eureka has been a successful community for the past 125 years, and I am confident it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Eureka on this landmark occasion and wish them continued prosperity in the years to come.●

FULTON, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Fulton, SD. The town of Fulton will commemorate the 125th anniversary of its founding this year.

Fulton sits in the northwest section of Hanson County and became a town in June of 1887. Originally part of the Great American Desert, Fulton began as a railroad town during the early days of Dakota Territory. The first settlers in Fulton withstood numerous hardships such as troublesome horse thieves, prairie fires, and the devastating blizzard of October 14, 1880, whose sudden and devastating force tied up the railroad service and marooned every settlement in the area.

Fulton prides itself on its excellent pheasant hunting and fertile farmland. The area was described by an early surveyor as ''an attractive place to one seeking a good farm or a pleasant home,'' and Fulton still maintains that appearance today.

Fulton has been a successful community for the past 125 years, and I am confident it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Fulton on this landmark occasion and wish them continued prosperity in the years to come.●

MONROE, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Monroe, SD. The town of Monroe will commemorate the 125th anniversary of its founding this year.

First known as Warrington, Monroe was named after the fifth President of the United States, James Monroe. The first settlers, predominantly German and Dutch, came to Monroe to build a community for their children and future generations.

Most settlers lived in sod houses and relied on agriculture because the land was fertile. As did many young communities during that time, Monroe felt more than its fair share of hardships, including a fire that destroyed many businesses on Main Street in 1915. With hardships, there also came success. With community cooperation, the tenacious town rebuilt and now celebrates 125 years of hard work and dedication.

Monroe has been a successful community for the past 125 years, and I am confident it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Monroe on this landmark occasion and wish them continued prosperity in the years to come.●

ORIENT, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Orient, SD. The town of Orient will commemorate the 125th anniversary of its founding this year.

Orient was platted on October 3, 1887. Known as the southern terminus of the Roscoe and Orient branch of the Chicago, Milwaukee, and Saint Paul Railroad, Orient grew in the coal and lumber trade. As is the case with many South Dakota communities, Orient maintains ample opportunities for outdoor activities such as pheasant and duck hunting. Orient's close proximity to the Lake Louise recreational area provides its residents with beautiful hiking trails, camping areas, and fishing. The residents of Orient have built a welcoming and close-knit community.

Orient has been a successful community for the past 125 years, and I am confident it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Orient on this landmark occasion and wish them continued prosperity in the years to come.●

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–102. A resolution adopted by the House of Representatives of the State of Alaska in support of providing TRICARE program health care benefits to United States Coast Guard and military retirees as promised; to the Committee on Armed Services.

HOUSE RESOLVE NO. 10

Whereas recruiting and maintaining a high-quality, all-volunteer, effective military force to safeguard national security is a primary goal of the United States Department of Defense; and

Whereas persons who volunteer for military service are at risk of mortal harm throughout the time they serve; and

Whereas the people of the state and nation rely on the men and women who serve in the military to execute faithfully that service; and

Whereas it is reasonable for the men and women who serve in the military to rely on promises made to them by the people of the state and nation; and

Whereas men and women who serve in the military and the United States Coast Guard have been promised they will receive military retiree health care benefits from the TRICARE program of the United States Department of Defense Military Health System (10 U.S.C. 55) after they perform 20 or more years of honorable military service; and

Whereas breaking that promise would be dishonorable; be it

Resolved that the House of Representatives supports providing to military retirees who have kept their oaths of office and served the people of the state and nation the TRICARE program health care benefits they were promised in exchange for that service without their being required to participate in health care programs that are more expensive to them than the TRICARE program and without their eligibility for TRICARE program health care benefits being made subject to means testing.

POM–103. A resolution adopted by the Senate of the State of Massachusetts supporting the inclusion of Taiwan in international organizations and agreements; to the Committee on Foreign Relations.

RESOLUTION

Whereas, Taiwan, a beacon of freedom and democracy in the Asia-Pacific region, held a successful general election on January 14, 2012, during which it elected a president, vice-president and members of its legislature; and

Whereas, the recently re-elected president Ma Ying-Jeou has worked tirelessly to uphold democratic principles in Taiwan, ensure the prosperity of the people of Taiwan, promote Taiwan's international standing as a responsible member of the international community, increase participation in international organizations, dispatch humanitarian missions abroad and further improve relations between the United States and Taiwan; and

Whereas, the commonwealth has enjoyed an especially close relationship with Taiwan, marked by strong bilateral trade, educational and cultural exchange and scientific and technological development; and

Whereas, on November 12, 2011, United States President Barack Obama and the leaders of 8 Transpacific partnership countries announced the establishment of broad outlines for a 21st century Transpacific partnership agreement to forge close linkages among the partner countries' economies, enhance competitiveness and benefit consumers; and

Whereas, the latest data indicates that 8,797 companies exported goods from Massachusetts in 2009, rendering the Asia-Pacific market the Commonwealth's largest export market in the world; and

Whereas, thirteen billion dollars, or 50 per cent, of Massachusetts' total exports went to markets in the Asia-Pacific region, supporting an estimated 134,000 jobs; and

Whereas, the United Nations framework convention on climate change is the world's leading response to global clmate change and Taiwan has expressed a keen interest in being included in the convention's work and in contributing to the global effort addressing climate change; and

Whereas, Taiwan serves as a critical air transport hub in the Asia-Pacific region and the Taipei flight information region under Taiwan's jurisdiction covers an area of 176,000 square nautical miles, through which 1.35 million controlled flights pass each year; and

Whereas, the travelling public would benefit from the inclusion of Taiwan in the International Civil Aviation Organization; now therefore be it

Resolved, That the Massachusetts General Court hereby congratulates the people of Taiwan on their recent elections and further expresses its support for Taiwan's inclusion in international organizations and agreements; and be it further

Resolved, that a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth, to the Honorable Deval Patrick, Governor of the Commonwealth, to the Honorable Ma Ying-Jeou, president of Taiwan and to Anne Hung, Director-General of the Taipei Economic and Cultural Office in Boston.

POM–104. A concurrent resolution adopted by the Legislature of the State of Arizona opposing sections of the National Defense Authorization Act as being in violation of the limits of federal power; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 1011

Whereas, the Congress of the United States passed the National Defense Authorization Act, 2011 Public Law 112–81, (''2012 NDAA'') for fiscal year 2012 on December 15, 2011; and

Whereas, the President of the United States signed the 2012 NDAA into law on December 31, 2011; and

Whereas, section 1021 of the 2012 NDAA purports to authorize, but does not require, the President of the United States to use the armed forces of the United States to detain persons the President suspects were part of, or substantially supported, Al-Oaeda, the Taliban or associated forces; and

Whereas, section 1021 of the 2012 NDAA purports to authorize, but does not require, the President of the United States, through the armed forces of the United States, to dispose of such detained persons according to the Law of War, which may include: (1) indefinite detention without charge or trial until the end of hostilities authorized by the 2001 Authorization for Use of Military Force Against Terrorists, 2001 Public Law 107–40:

(2) prosecution through a military commission; or (3) transfer to a foreign country or foreign entity; and

Whereas, section 1021 of the 2012 NDAA seeks to preserve existing law and authorities pertaining to the detention of United States citizens, lawful resident aliens of the United States and any other person captured in the United States, but does not specify what such existing law or authorities are; and

Whereas, section 1021 of the 2012 NDAA purports to enlarge the scope of the persons the Office of the President may indefinitely detain beyond those responsible for the September 11, 2001 terrorist attacks, and those who harbored them, as purportedly authorized by the 2001 Authorization for Use of Military Force Against Terrorists, to now include ''[a] person who was a part of or substantially supported Al-Oaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces''; and

Whereas, section 1022 of the 2012 NDAA requires the armed forces of the United States to detain, pending disposition according to the Law of War, any person involved in, or who provided substantial support to, terrorism or belligerent acts against the United States, and who is a member of Al-Qaeda or an associated force; and

Whereas, the exemption for citizens of the United States in section 1022 of the 2012 NDAA only exempts them from a requirement to detain and reads as follows, ''The requirement to detain a person in military custody under this section does not extend to citizens of the United States''; and

Whereas, unlike section 1022 of the 2012 NDAA, section 1021 makes no specific exclusion for United States citizens and lawful resident aliens for conduct occurring within the United States; and

Whereas, the specific exclusion of application to United States citizens and lawful resident aliens contained in section 1022 of the 2012 NDAA, and the absence of such an exclusion in section 1021 of the NDAA, strongly implies that the provisions of section 1021 are intended to apply to all people, including United States citizens and lawful resident aliens. whether or not they are captured in the United States; and

Whereas, the Office of the President of the United States, under the administrations of both George W. Bush and Barack Obama, has asserted that the 2001 Authorization for the Use of Military Force Against Terrorists allows the Office of the President to indefinitely detain without charge persons, including United States citizens and lawful resident aliens, who are captured in the United States; and

Whereas, United States Senator Carl Levin declared on the floor of the United States Senate that the original 2012 NDAA provided that section 1021 (then section 1031 prior to final drafting) specifically would not apply to United States citizens, but that the Office of the President of the United States had requested that such a restriction be removed from the 2012 NDAA; and

Whereas, during debate in the Senate and before the passage of the 2012 NDAA, United States Senator Mark Udall introduced an amendment intended to forbid the indefinite detention of United States citizens, which was rejected by a vote of 38–60; and

Whereas, United States Senator John McCain and United States Senator Lindsey Graham declared on the floor of the United States Senate that section 1021 of the 2012 NDAA authorized the indefinite detention of United States citizens captured within the United States by the armed forces of the United States; and

Whereas, United States Senator Lindsey Graham declared on the floor of the United States Senate that the United States homeland is now part of ''the battlefield''; and

Whereas, policing the United States by the armed forces of the United States, as purportedly authorized by the 2012 NDAA, overturns the posse comitatus doctrine and is repugnant to a free society; and

Whereas, sections 1021 and 1022 of the 2012 NDAA, as they purport to authorize the detainment of persons captured within the United States without charge or trial, military tribunals for persons captured within the United States and the transfer of persons captured within the United States to foreign jurisdictions, violate the following rights enshrined in the Constitution of the United States:

Article I, section 9, clause 2 right to seek a writ of habeas corpus.

The First Amendment right to petition the government for a redress of grievances.

The Fourth Amendment right to be free from unreasonable searches and seizures.

The Fifth Amendment right to be free from charge for an infamous or capitol crime until presentment or indictment by a grand jury.

The Fifth Amendment right to be free from deprivation of life, liberty or property without due process of law.

The Sixth Amendment right in criminal prosecutions to enjoy a speedy trial by an impartial jury in the state and district where the crime was allegedly committed.

The Sixth Amendment right to be informed of the nature and cause of the accusation.

The Sixth Amendment right to confront witnesses.

The Sixth Amendment right to counsel.

The Eighth Amendment right to be free from excessive bail and fines, and cruel and unusual punishment.

The Fourteenth Amendment right to be free from deprivation of life, liberty or property without due process of law.

Whereas, the members of the Legislature of Arizona have taken an oath to uphold the Constitution of the United States and the Constitution of the State of Arizona; and

Whereas, this Legislature opposes any and all rules, laws, regulations, bill language or executive orders that amount to an overreach of the federal government and that effectively take away civil liberties; and

Whereas, it is indisputable that the threat of terrorism is real and that the full force of appropriate and constitutional law must be used to defeat this threat, yet winning the war against terror cannot come at the great expense of mitigating basic, fundamental constitutional rights; and

Whereas, undermining our own constitutional rights serves only to concede to the terrorists' demands of changing the fabric of what made the United States of America a country of freedom, liberty and opportunity; therefore be it

Resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. That the Members of the Legislature condemn sections 1021 and 1022 of the 2012 NDAA as they purport to repeal posse comitatus and authorize the President of the United States to use the armed forces of the United States to police American citizens, to indefinitely detain persons captured within the United States without charge until the end of hostilities as purportedly authorized by the 2001 Authorization for Use of Military Force, to subject persons captured within the United States to military tribunals, and to transfer persons captured within the United States to a foreign country or foreign entity.

2. That the Members of the Legislature find that the enactment into law by the United States Congress of sections 1021 and 1022 of the National Defense Authorization Act of 2012 is inimical to the liberty, security and well-being of the people of Arizona and that those sections were adopted by Congress in violation of the limits of federal power in the United States Constitution.

3. That the Secretary of State of the State of Arizona transmit copies of this Resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–105. A resolution adopted by the Legislature of Rockland County, New York, urging Algonquin Gas Transmission Corporation to prepare and submit to the Federal Energy Regulatory Commission (FERC) an additional means of access to the pipeline and facilities operating in and through Kakiat Park, and urging FERC to reject any application for expansion or modification of Algonquin's facilities absent a plan for emergency access; to the Committee on Energy and Natural Resources.

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. KERRY (for himself, Mr. RUBIO, and Mr. CARDIN):

S. 3341. A bill to require a quadrennial diplomacy and development review, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself and Ms. SNOWE):

S. Res. 505. A resolution congratulating His Holiness Dorje Chang Buddha III and The Honorable Benjamin A. Gilman on being awarded the 2010 World Peace Prize; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 506. A resolution to authorize legal representation in Bilbrey v. Tyler; considered and agreed to.

By Mr. RUBIO (for himself and Mr. NELSON of Florida):

S. Res. 507. A resolution congratulating the Miami Heat for winning the National Basketball Association Championship; considered and agreed to.

By Mr. BLUNT (for himself, Mrs. MCCASKILL, and Mr. NELSON of Florida):

S. Res. 508. A resolution recognizing the teams and players of Negro League Baseball for their achievements, dedication, sacrifices, and contributions to baseball and the Nation; considered and agreed to.

By Mr. BLUNT (for himself and Mrs. MCCASKILL):

S. Res. 509. A resolution recognizing Major League Baseball as an important part of the cultural history of American society, celebrating the 2012 Major League Baseball All-Star Game, and honoring Kansas City, Missouri, as the host city of the 83rd All-Star Game; considered and agreed to.

By Ms. MIKULSKI (for herself and Ms. MURKOWSKI):

S. Res. 510. A resolution designating the month of June 2012 as ''National Cytomegalovirus Awareness Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 362

At the request of Mr. WHITEHOUSE, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 434

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mr. BOOZMAN) 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. 693

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 693, a bill to establish a term certain for the conservatorships of Fannie Mae and Freddie Mac, to provide conditions for continued operation of such enterprises, and to provide for the wind down of such operations and dissolution of such enterprises.

S. 941

At the request of Mr. REED, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 941, a bill to strengthen families' engagement in the education of their children.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1747

At the request of Mrs. HAGAN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1747, a bill to amend the Fair Labor Standards Act of 1938 to modify provisions relating to the exemption for computer systems analysts, computer programmers, software engineers, or other similarly skilled workers.

S. 1843

At the request of Mr. ISAKSON, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1843, a bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

S. 1935

At the request of Mrs. HAGAN, the names of the Senator from Kansas (Mr. MORAN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1989

At the request of Ms. CANTWELL, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1989, a bill to amend the Internal Revenue Code of 1986 to make permanent the minimum low-income housing tax credit rate for unsubsidized buildings and to provide a minimum 4 percent credit rate for existing buildings.

S. 1994

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1994, a bill to prohibit deceptive practices in Federal elections.

S. 2036

At the request of Mrs. GILLIBRAND, the name of the Senator from Wisconsin (Mr. JOHNSON) was withdrawn as a cosponsor 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.

At the request of Mrs. GILLIBRAND, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2036, supra.

S. 2099

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2099, a bill to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

S. 2165

At the request of Mrs. BOXER, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2189

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal antidiscrimination and antiretaliation claims, and for other purposes.

S. 2239

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2239, a bill to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

S. 2241

At the request of Mrs. MURRAY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2241, a bill to ensure that veterans have the information and protections they require to make informed decisions regarding use of Post-9/11 Educational Assistance, and for other purposes.

S. 2364

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2364, a bill to extend the availability of low-interest refinancing under the local development business loan program of the Small Business Administration.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from Kansas (Mr. ROBERTS) 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. 3179

At the request of Mr. REED, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3179, a bill to amend the Servicemembers Civil Relief Act to enhance the protections accorded to servicemembers and their spouses with respect to mortgages, and for other purposes.

S. 3199

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3199, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States and for other purposes.

S. 3204

At the request of Mr. JOHANNS, the name of the Senator from Kansas (Mr. MORAN) 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. 3206

At the request of Mr. BOOZMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3206, a bill to amend title 38, United States Code, to extend the authorization of appropriations for the Secretary of Veterans Affairs to pay a monthly assistance allowance to disabled veterans training or competing for the Paralympic Team and the authorization of appropriations for the Secretary of Veterans Affairs to provide assistance to United States Paralympics, Inc., and for other purposes.

S. 3237

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a

cosponsor of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3270

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3270, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to consider the resources of individuals applying for pension that were recently disposed of by the individuals for less than fair market value when determining the eligibility of such individuals for such pension, and for other purposes.

S. 3274

At the request of Mr. KERRY, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors 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. 3280

At the request of Mr. JOHANNS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 3280, a bill to preserve the companionship services exemption for minimum wage and overtime pay under the Fair Labor Standards Act of 1938.

S. 3308

At the request of Mr. HELLER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3308, a bill to amend title 38, United States Code, to improve the furnishing of benefits for homeless veterans who are women or who have dependents, and for other purposes.

S. 3313

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3313, a bill to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to women veterans, to improve health care furnished by the Department, and for other purposes.

S. 3328

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3328, a bill to provide grants for juvenile mentoring.

S. 3340

At the request of Mrs. MURRAY, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3340, a bill to improve and enhance the programs and activities of the Department of Defense and the Department of Veterans Affairs regarding suicide prevention and resilience and behavioral health disorders for members of the Armed Forces and veterans, and for other purposes.

S. CON. RES. 48

At the request of Mr. LEAHY, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

S. RES. 496

At the request of Mr. PRYOR, his name was added as a cosponsor of S. Res. 496, a resolution observing the historical significance of Juneteenth Independence Day.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. RUBIO, and Mr. CARDIN):

S. 3341. A bill to require a quadrennial diplomacy and development review, and for other purposes; to the Committee on Foreign Relations.

Mr. KERRY. Mr. President, I rise today along with my colleagues from Florida and Maryland, Senator RUBIO and Senator CARDIN, to introduce the Quadrennial Diplomacy and Development Review Act of 2012.

This legislation demonstrates Congress's commitment to strengthening the accountability and effectiveness of our foreign aid programs. With the United States facing critical foreign policy and development priorities worldwide, it is vital that we update our foreign aid programs to reflect the new challenges of the 21st century.

The first-ever quadrennial review on diplomacy and development provided an important roadmap for increasing the effectiveness and efficiency of our diplomatic and development agencies. I applaud Secretary Clinton for her leadership in bringing this valuable planning tool to the State Department.

The purpose of our bill is straightforward: In keeping with the practice of undertaking quadrennial reviews by various departments, including the Department of Defense, it creates the statutory basis for conducting periodically scheduled reviews to guide the mission of the State Department and USAID.

The Quadrennial Diplomacy and Development Review Act will strengthen our diplomacy and development efforts in several key ways. Let me cite just a few specifically:

First, this bill clarifies the measures by which we assess and evaluate our diplomacy and development efforts. Developing clear metrics will further the effective and results-oriented diplomacy and development efforts that I view as essential for protecting and advancing our national security interests.

Second, this bill will focus our diplomacy and development efforts in the most effective ways possible, getting the biggest bang for our scarce foreign assistance dollars.

Third, it will help ensure that Congress and the Administration, working together, can set clear priorities for diplomacy and development. As we face multiple crises and major challenges, setting priorities will be absolutely critical to our shared success going forward. We must continue to foster inclusive and sustainable economic growth and vibrant civil societies. We must also focus on areas where we have comparative strengths, including public health, humanitarian aid and food security.

Fourth, this bill will put our diplomacy and development efforts on a sustainable path. It streamlines the process for working with the Department of Defense and it will help us bring all the tools of the United States government to bear in meeting the complex challenges of this new century.

Finally, we all know that we need to strengthen our professional diplomatic expertise and capacity, target our investments and untie the hands of our aid workers. The QDDR process and our bill provides the Secretary and President with a comprehensive and analytically sound basis for doing just that.

Returning diplomacy and development to their rightful place cannot be achieved through words alone. This legislation translates words into deeds. And if that helps promote U.S. national security interests and keeps us safe, as I believe it will, then it's time and effort well spent.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 505—CONGRATULATING HIS HOLINESS DORJE CHANG BUDDHA III AND THE HONORABLE BENJAMIN A. GILMAN ON BEING AWARDED THE 2010 WORLD PEACE PRIZE

Mr. MENENDEZ (for himself and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 505

Whereas the World Peace Prize Awarding Council has recognized His Holiness Dorje Chang Buddha III (referred to in this preamble as ''H.H. Dorje Chang Buddha III'') for his devotion to an immensely wide scope of humanitarian activities directed at people from communities throughout the world;

Whereas, through his wisdom and benevolence, H.H. Dorje Chang Buddha III embraces people of all races, ethnicities, cultures, and religions through an approach of kindness, peace, and equality toward all people;

Whereas H.H. Dorje Chang Buddha III has received numerous awards, including the United States Presidential Gold Medal Award that the Chairman of the President's Advisory Commission on Asian Americans and Pacific Islanders presented on behalf of President George W. Bush to H.H. Dorje Chang Buddha III for the outstanding contributions of H.H. Dorje Chang Buddha III to the arts, medicine, ethics, Buddhism, spiritual leadership, and United States society;

Whereas the World Peace Prize Awarding Council has recognized The Honorable Benjamin A. Gilman for being a life-long champion of human rights who has fought world hunger, narcotics abuse, and narcotics trafficking;

Whereas The Honorable Benjamin A. Gilman has helped facilitate prisoner exchanges that have freed citizens of the United States who were being held in East Germany, Mozambique, Cuba, and several other countries; and

Whereas The Honorable Benjamin A. Gilman served 15 terms in the United States House of Representatives, during which time he served—

(1) as Chairman of the Committee on International Relations of the United States House of Representatives;

(2) as a congressional delegate to the United Nations under Ambassador Jeane Kirkpatrick;

(3) on the United States Commission on the Ukraine Famine; and

(4) as Chairman of the House Select Committee on Missing Persons in Southeast Asia: Now, therefore be it

Resolved, That the Senate—

(1) congratulates His Holiness Dorje Chang Buddha III and The Honorable Benjamin A. Gilman on being awarded the 2010 World Peace Prize; and

(2) commends His Holiness Dorje Chang Buddha III and The Honorable Benjamin A. Gilman for their humanitarian contributions to society in the United States.

SENATE RESOLUTION 506—TO AUTHORIZE LEGAL REPRESENTATION IN BILBREY V. TYLER

Mr. REID of Nevada (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 506

Whereas, in the case of Bilbrey v. Tyler, No. 18C04–1111–SC–2209, pending in Delaware Circuit Court No. 4, Small Claims Division, in Muncie, Indiana, the plaintiff has sought testimony from former Senator Evan Bayh and an unnamed employee of his former Senate office;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent former Members and former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Bayh and former employees of his Senate office in Bilbrey v. Tyler and related proceedings.

SEC. 2. Senator Bayh's former director of constituent services, Karen Railing, is authorized to submit a declaration in this case.

SENATE RESOLUTION 507—CONGRATULATING THE MIAMI HEAT FOR WINNING THE NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. RUBIO (for himself and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 507

Whereas, on June 21, 2012, the Miami Heat defeated the Oklahoma City Thunder by a score of 121 to 106 in Miami, Florida, winning the second National Basketball Association (NBA) Championship in the history of the Miami Heat franchise;

Whereas, during the 2012 NBA Playoffs, the Heat defeated the New York Knicks, the Indiana Pacers, the Boston Celtics, and the Oklahoma City Thunder;

Whereas the Heat became the first team to win an NBA title after trailing in three different postseason series;

Whereas, after losing the first game of the NBA Finals, the Heat came back to win 4 games in a row, which earned the team an overall record of 62-27 and the right to be named NBA champions;

Whereas LeBron James, who averaged 28.6 points during the Finals, was named the Most Valuable Player of the NBA Finals;

Whereas Dwyane Wade and Udonis Haslem have been integral players on both Miami Heat championship teams;

Whereas Chris Bosh returned from serious injury to contribute significantly to the team;

Whereas each member of the Miami Heat roster, including Joel Anthony, Shane Battier, Chris Bosh, Mario Chalmers, Norris Cole, Eddy Curry, Terrel Harris, Udonis Haslem, Juwan Howard, LeBron James, James Jones, Mike Miller, Dexter Pittman, Ronny Turiaf, and Dwyane Wade, played an essential role in bringing a second NBA Championship to Miami;

Whereas Erik Spoelstra and his assistant coaches Bob McAdoo, Keith Askins, Ron Rothstein, David Fizdale, Chad Kammerer, Octavio De La Grana, Bill Foran, as well as trainers Jay Sabol, Rey Jaffet, and Rob Pimental, worked with the Miami Heat players and maintained a standard of excellence;

Whereas owner Micky Arison has built a first-class sports franchise and provided unwavering commitment to bringing another championship to the city of Miami;

Whereas, over his 17 seasons with the Miami Heat, team President Pat Riley has provided the team with an unprecedented level of dedication and leadership; and

Whereas the Miami Heat brought the city of Miami, the State of Florida, and their fans around the world a second ''white hot'' NBA Championship: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Miami Heat on its victory in the 2012 National Basketball Association Championship; and

(2) requests the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to—

(A) the owner of the Miami Heat, Micky Arison;

(B) the President of the Miami Heat, Pat Riley; and

(C) the coach of the Miami Heat, Erik Spoelstra.

SENATE RESOLUTION 508—RECOGNIZING THE TEAMS AND PLAYERS OF NEGRO LEAGUE BASEBALL FOR THEIR ACHIEVEMENTS, DEDICATION, SACRIFICES, AND CONTRIBUTIONS TO BASEBALL AND THE NATION

Mr. BLUNT (for himself, Mrs. MCCASKILL, and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 508

Whereas, prior to 1947, Major League Baseball excluded African Americans from playing professional baseball, but could not suppress their desire to play the sport;

Whereas African Americans began organizing their own professional baseball teams in 1885;

Whereas, between 1920 and 1960, African Americans organized 6 separate baseball leagues, known collectively as the Negro Leagues;

Whereas the Negro Leagues included exceptionally talented athletes who played baseball at the sport's highest level;

Whereas, on May 20, 1920, the first Negro League, the Negro National League, played its first game;

Whereas, prior to the inclusion of African Americans in Major League Baseball, the Negro Leagues and their players were extraordinarily successful and popular throughout the United States;

Whereas the skills and abilities of players in the Negro Leagues contributed to the realization by Major League Baseball of the need to integrate African Americans into the sport;

Whereas Major League Baseball was not fully integrated until July 1959;

Whereas the Negro Leagues Baseball Museum in Kansas City, Missouri, was founded in 1990, to honor those who played in the Negro Leagues as a result of segregation in the United States;

Whereas the Negro Leagues Baseball Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of players in the Negro Leagues from 1920 through 1960;

Whereas there remains a need to preserve evidence of the honor, courage, sacrifice, and triumph in the face of segregation that African Americans displayed while playing in the Negro Leagues;

Whereas the Negro Leagues Baseball Museum seeks to educate a diverse audience through its comprehensive collection of historical materials, important artifacts, and oral histories of the players in the Negro Leagues, as well as inform the public on the impact of segregation on the lives of those African-American players and their fans; and

Whereas the Negro Leagues Baseball Museum, through its invaluable resources, presents a great opportunity to teach children and others by providing on-site visits, traveling exhibits, classroom curriculum, distance learning, and other educational initiatives: Now, therefore, be it

Resolved, That the Senate—

(1) honors the teams and players of Negro League Baseball for their achievements, dedication, sacrifices, and contributions to baseball and the Nation;

(2) supports the designation of the Negro Leagues Baseball Museum in Kansas City, Missouri, as ''America's National Negro Leagues Baseball Museum'', including the museum's future and expanded exhibits, collections library, archives, artifacts, and education programs;

(3) commends the efforts of the Negro Leagues Baseball Museum to recognize and

preserve the history of the Negro Leagues and the impact of segregation on the Nation;

(4) recognizes that the continued collection, preservation, and interpretation of the historical objects and other materials at the Negro Leagues Baseball Museum enhances the knowledge and understanding of the experience of African Americans during segregation;

(5) calls on every American to join in celebrating the Negro Leagues Baseball Museum and its mission of preserving and interpreting the legacy of the Negro Leagues; and

(6) encourages present and future generations of Americans to understand the important issues surrounding the Negro Leagues, the role of the Negro Leagues in shaping Major League Baseball and the Nation, and how the sacrifices of Negro League players helped establish baseball as a national pastime of the United States.

SENATE RESOLUTION 509—RECOGNIZING MAJOR LEAGUE BASEBALL AS AN IMPORTANT PART OF THE CULTURAL HISTORY OF AMERICAN SOCIETY, CELEBRATING THE 2012 MAJOR LEAGUE BASEBALL ALL-STAR GAME, AND HONORING KANSAS CITY, MISSOURI, AS THE HOST CITY OF THE 83RD ALL-STAR GAME

Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted the following resolution; which was considered and agreed to:

S. RES. 509

Whereas Major League Baseball's All-Star Game, the Midsummer Classic, occurs once a year between players from the American and National Leagues, allowing baseball fans, players, and managers to select players to represent each league;

Whereas the first All-Star Game, held as part of the 1933 World's Fair in Chicago, Illinois, at Comiskey Park was intended to be a one-time event, yet its widespread success led to the establishment of the game as an annual tradition;

Whereas the Major League Baseball All-Star Game showcases the best baseball players in the major leagues and all across the world, giving baseball fans the opportunity to select the starting players;

Whereas, since 1933, the Major League Baseball All-Star Game has taken place every year but one, 1945, in the midst of World War II;

Whereas the 83rd edition of the Major League Baseball All-Star Game for the 2012 season will be held on July 10, 2012, at Kauffman Stadium in Kansas City, Missouri, the home of the Kansas City Royals;

Whereas the event will mark the third time the All-Star Game has been played in Kansas City, with Kauffman Stadium, then named Royals Stadium, last hosting the event in 1973, the stadium's inaugural year;

Whereas the event was also held at Municipal Stadium in 1960, when it was the home of the Athletics;

Whereas the illustrious baseball history of Kansas City, Missouri, includes the Royals' 1985 World Series Championship, the contributions of Jackie Robinson, Buck O'Neil, and others to the Kansas City Monarchs, and Lou Gehrig's final three innings of play in a 1939 exhibition against the Kansas City Blues;

Whereas, as part of Major League Baseball's All-Star Summer celebration, Major League Baseball will host a number of events in the Greater Kansas City region leading up to the All-Star Game, benefitting the Kansas City community as a whole;

Whereas Major League Baseball and the Kansas City Royals will hold numerous charity events throughout the region, including an All-Star Game Charity 5K & Fun Run, with all Major League Baseball proceeds being donated equally between three cancer charities, Stand Up To Cancer, the Prostate Cancer Foundation and Susan G. Komen for the Cure, Greater Kansas City;

Whereas, as part of the All-Star Summer celebration, Major League Baseball will provide funding to help renovate two baseball fields owned by the Kansas City Missouri Parks and Recreation Department, Mulkey Square Park and Satchel Paige Stadium;

Whereas the fields will be used regularly by local Reviving Baseball in Inner Cities leagues and by Guadalupe Center Youth Baseball;

Whereas Kansas City, Missouri, has worked to preserve the history of the Negro Baseball Leagues by establishing the Negro Leagues Baseball Museum, and as part of the All-Star Game summer events, funding will be provided for a new traveling exhibit focusing on Negro League Players who, after Jackie Robinson broke the baseball color barrier, began participating in All-Star Games in 1949;

Whereas Kansas City, Missouri, known for world-class barbeque, rich jazz history, and a legacy of professional sports, including the Royals' 1985 World Series Championship, will play host to the 83rd All-Star Game, and will be showcased in the forefront of baseball history as the All-Star Game is broadcast world wide; and

Whereas the 2012 Major League Baseball All-Star Game in Kansas City, Missouri, will be a unique and unforgettable experience for baseball fans across the State of Missouri and throughout the country: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Kansas City, Missouri, as the host city for the 83rd Major League Baseball All-Star Game and supports efforts to achieve an unforgettable Midsummer Classic baseball experience for all fans; and

(2) recognizes Major League Baseball for sponsoring the All-Star Game and for its efforts in energizing the Kansas City community by hosting a number of baseball-related events that benefit numerous charities, focusing on fan appreciation and youth involvement, and emphasizing the continued appreciation of baseball as America's favorite pastime.

SENATE RESOLUTION 510—DESIGNATING THE MONTH OF JUNE 2012 AS ''NATIONAL CYTOMEGALOVIRUS AWARENESS MONTH''

Ms. MIKULSKI (for herself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 510

Whereas congenital Cytomegalovirus (referred to in this preamble as ''CMV'') is the most common congenital infection in the United States, with 1 in 150 children born with congenital CMV;

Whereas congenital CMV is the most common cause of birth defects and childhood disabilities in the United States;

Whereas congenital CMV is preventable with behavioral interventions such as practicing frequent hand washing with soap and water after contact with diapers or oral secretions, not kissing young children on the mouth, and not sharing food, towels, or utensils with young children;

Whereas CMV is found in bodily fluids, including urine, saliva, blood, mucus, and tears;

Whereas congenital CMV can be diagnosed if the virus is found in urine, saliva, blood, or other body tissues of an infant during the first week after birth;

Whereas CMV infection is more common than the combined metabolic or endocrine disorders currently in the United States core newborn screening panel;

Whereas most people are not aware of their CMV infection status, with pregnant women being 1 of the highest risk groups;

Whereas the American College of Obstetricians and Gynecologists and the Centers for Disease Control and Prevention recommend that OB/GYNs counsel women on basic prevention measures to guard against CMV infection;

Whereas, in 1999, the Institute of Medicine stated that development of a CMV vaccine was the highest priority for new vaccines;

Whereas the incidence of children born with congenital CMV can be greatly reduced with public education and awareness; and

Whereas a comprehensive understanding of CMV provides opportunities to improve the health and well-being of our children: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of June 2012 as ''National Cytomegalovirus Awareness Month'' in order to raise awareness of the dangers of Cytomegalovirus (referred to in this resolution as ''CMV'') and reduce the occurrence of congenital CMV infection; and

(2) recommends that more effort be taken to counsel women of childbearing age of the effect that CMV can have on their children.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2480. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table.

SA 2481. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1940, supra; which was ordered to lie on the table.

SA 2482. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1940, supra; which was ordered to lie on the table.

SA 2483. Mr. BARRASSO (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1940, supra; which was ordered to lie on the table.

SA 2484. Mr. BARRASSO (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1940, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2480. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. STUDY AND REPORT ON WAIVERS OF THE PROHIBITION ON DEVELOPMENT ON FILL IN V ZONES.

(a) DEFINITIONS.—In this section—

(1) the term ''detrimental change in the effect of wave forces'' means a significant increase in wave forces or transportation of shore materials; and

(2) the term ''eligible area'' means an area designated as Zone V1–30, VE, or V on a National Flood Insurance Program rate map.

(b) STUDY.—

(1) STUDY REQUIRED.—The Administrator shall conduct a study assessing the feasibility of granting a waiver of regulations of the Federal Emergency Management Agency (including any legislative proposals that may be necessary to enable the Administrator to grant a waiver) to a community—

(A) to allow new construction within an eligible area located seaward of the reach of the mean high tide if the community demonstrates that the new construction—

(i) will withstand wave forces, currents, and debris impact associated with the base flood; and

(ii) will not increase the elevation of the base flood at any point within the community or cause a detrimental change in the effect of wave forces on properties in the community;

(B) to allow new construction within an eligible area located seaward of the reach of the mean high tide if the community demonstrates that the new construction will not increase the water surface elevation of the base flood at any point within the community;

(C) to allow the use of fill for structural support of buildings within an eligible area if—

(i) the community demonstrates that the effect of the proposed fill will not increase the elevation of the base flood at any point within the community; and

(ii) a licensed engineer having sufficient qualifications and experience demonstrates that—

(I) the substrate on which the fill will be placed will not be eroded during the base flood predicted for the site of the buildings; and

(II) the placed fill is adequately protected from erosion during the base flood event; or

(D) to allow the use of fill for structural support of buildings within an eligible area if the community demonstrates that the effect of the proposed development will not increase the water surface elevation of the base flood at any point within the community.

(2) ADEQUATE PROTECTION OF FILL.—For purposes of paragraph (1)(C)(ii)(II), a licensed engineer shall demonstrate adequate protection of fill by calculations that the fill—

(A) will not settle below the elevation of the base flood; and

(B) will resist forces of scour, erosion, and differential settlement.

(3) ADDITIONAL CONSIDERATIONS.—The study required under paragraph (1) shall evaluate the appropriateness of limiting the waivers described in paragraph (1) to locations where—

(A) the main flooding source—

(i) is wave overtopping of the upland; and

(ii) is not surge inundation; and

(B) the breaking wave height in the base flood event is less than 10 feet.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains the results of the study under subsection (b).

(d) REVISIONS OF CERTAIN CITY ORDINANCES.—The Administrator may not require revisions to section 49.70.400(f)(6) of the Code of Ordinances of the City and Borough of Juneau, Alaska as a condition of continued participation in the National Flood Insurance Program before the date that is 1 year after the date on which the Administrator submits the report under subsection (c).

SA 2481. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, strike line 19 and all that follows through page 8, line 11, and insert the following:

''(A) any residential property which is not the primary residence of an individual; or

''(B) any business property; and''; and

On page 12, lines 1 and 2, strike ''(A) through (E)'' and insert ''(A) and (B)''.

SA 2482. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. ___. FINANCIAL HARDSHIP WAIVER.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by this Act, is amended by adding at the end the following:

''(j) FINANCIAL HARDSHIP WAIVER.—

''(1) WAIVER.—Notwithstanding subsection (e)(2), the Administrator shall establish a risk premium rate for a policyholder with respect to a property described in subparagraph (B), (C), or (E) of section 1307(a)(2) that is equal to the risk premium rate that would have applied to the property if the Administrator were not required to increase risk premium rates under subsection (e)(2), if the Administrator determines that an increase in the risk premium rate under subsection (e)(2) would cause undue financial hardship for the policyholder.

''(2) CONSIDERATIONS.—In making a determination under paragraph (1) with respect to a policyholder, the Administrator shall take into consideration the cost of living in the area where the property is located.''.

SA 2483. Mr. BARRASSO (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, between lines 7 and 8, insert the following:

(3) CLIMATE SCIENCE.—The term ''climate science''—

(A) means natural climate variability; and

(B) does not include the study of anthropogenic climate change.

On page 50, beginning on line 24, strike ''and the potential'' and all that follows through ''warming'' on page 51, line 2.

SA 2484. Mr. BARRASSO (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 44, strike line 8 and all that follows through page 45, line 10.

On page 50, strike line 19 and all that follows through page 51, line 2, and insert the following:

related hazards; and

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 26, 2012 at 10 a.m., to conduct a committee hearing entitled ''Empowering and Protecting Servicemembers, Veterans and Their Families in the Consumer Financial Marketplace: A Status Update.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 26, 2012, at 2:15 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 26, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Prohibiting the Use of Deceptive Practices and Voter Intimidation Tactics in Federal Elections: S. 1994,''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 26, 2012, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Sergio Perez, Peter Bautz, Bill McConnaughay, and Sean O'Connor of my staff be granted floor privileges for the duration of today's session.

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

COMMENDING ROTARY INTERNATIONAL

Mr. DURBIN. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 434, S. Res. 473.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 473) commending Rotary International and others for their efforts to prevent and eradicate polio.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements printed in the RECORD.

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

The resolution (S. Res. 473) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 473

Whereas polio is a highly infectious disease that primarily affects children and for which there is no known cure;

Whereas polio can leave survivors permanently disabled from muscle paralysis of the limbs and occasionally leads to a particularly difficult death through the paralysis of respiratory muscles;

Whereas polio was once one of the most dreaded diseases in the United States, killing thousands annually in the late 19th and early 20th centuries and leaving thousands more with permanent disability, including the 32nd President of the United States, Franklin Delano Roosevelt;

Whereas severe polio outbreaks in the 1940s and 1950s caused panic in the United States, as parents kept children indoors, public health officials quarantined infected individuals, and the Federal Government restricted commerce and travel;

Whereas 1952 was the peak of the polio epidemic in the United States, with more than 57,000 people affected, 21,000 of whom were paralyzed and 3,000 of whom died;

Whereas safe and effective polio vaccines, including the Inactivated Polio Vaccine (commonly known as ''IPV''), developed in 1952 by Jonas Salk, and the Oral Polio Vaccine (commonly known as ''OPV''), developed in 1957 by Albert Sabin, rendered polio preventable and contributed to the rapid decline of polio incidence in the United States;

Whereas polio, a preventable disease that the United States has been free from since 1979, still needlessly lays victim to children and adults in several countries where challenges such as active conflict and lack of infrastructure hamper access to vaccines;

Whereas the eradication of polio is the highest priority of Rotary International, a global association that was founded in 1905 in Chicago, Illinois, is currently headquartered in Evanston, Illinois, and has 1,200,000 members in more than 170 countries;

Whereas Rotary International and its members (commonly known as ''Rotarians'') have contributed more than $1,000,000,000 and volunteered countless hours in the global fight against polio;

Whereas the Federal Government is the leading public sector donor to the Global Polio Eradication Initiative and provides technical and operational leadership to this global effort through the work of the Centers for Disease Control and the United States Agency for International Development;

Whereas Rotary International, the World Health Organization, the United States Government, the United Nations Children's Fund (commonly known as ''UNICEF''), and the Bill and Melinda Gates Foundation have joined together with national governments to successfully reduce cases of polio by more than 99 percent since 1988, from 350,000 reported cases in 1988 to fewer than 700 reported cases in 2011;

Whereas polio was recently eliminated in India and is now endemic only in Nigeria, Pakistan, and Afghanistan; and

Whereas the eradication of polio is imminently achievable and will be a victory shared by all of humanity: Now, therefore, be it

Resolved, That the Senate—

(1) commends Rotary International and others for their efforts in vaccinating children around the world against polio and for the tremendous strides made toward eradicating the disease once and for all;

(2) encourages the international community of governments and non-governmental organizations to remain committed to the elimination of polio; and

(3) encourages continued commitment and funding by the United States Government to the global effort to rid the world of polio.

RESOLUTIONS SUBMITTED TODAY

Mr. DURBIN. I ask unanimous consent the Senate proceed to immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 506, S. Res. 507, S. Res. 508, S. Res. 509, and S. Res. 510.

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

Mr. REID. Mr. President, this resolution, S. Res. 506, on behalf of myself and the distinguished Republican leader, Mr. MCCONNELL, concerns a request for representation in a pro se civil action pending in Indiana small claims court. In this action, the plaintiff seeks damages from a former Member of the Indiana House of Representatives arising out of plaintiff's efforts to obtain Social Security benefits. Plaintiff has issued trial subpoenas to former Senator Evan Bayh and an unnamed employee of his former Senate office for testimony arising out of their Senate duties.

This resolution would authorize the Senate Legal Counsel to represent Senator Bayh and employees of his former Senate office in this case to seek to quash the subpoenas on the ground that the Senator and his former staff lack personal knowledge of the relevant events and other legal bases. The resolution would also authorize the former constituent services director for Senator Bayh to submit a declaration in support of the motion to quash attesting that she has no knowledge of anyone in the former Senator's office who has any information relevant to this case.

Mr. DURBIN. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 506

To authorize legal representation in Bilbrey v. Tyler

Whereas, in the case of Bilbrey v. Tyler, No. 18C04–1111–SC–2209, pending in Delaware Circuit Court No. 4, Small Claims Division, in Muncie, Indiana, the plaintiff has sought testimony from former Senator Evan Bayh and an unnamed employee of his former Senate office;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent former Members and former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Bayh and former employees of his Senate office in Bilbrey v. Tyler and related proceedings.

SEC. 2. Senator Bayh's former director of constituent services, Karen Railing, is authorized to submit a declaration in this case.

S. RES. 507

Congratulating the Miami Heat for winning the National Basketball Association Championship

Whereas, on June 21, 2012, the Miami Heat defeated the Oklahoma City Thunder by a score of 121 to 106 in Miami, Florida, winning the second National Basketball Association (NBA) Championship in the history of the Miami Heat franchise;

Whereas, during the 2012 NBA Playoffs, the Heat defeated the New York Knicks, the Indiana Pacers, the Boston Celtics, and the Oklahoma City Thunder;

Whereas the Heat became the first team to win an NBA title after trailing in three different postseason series;

Whereas, after losing the first game of the NBA Finals, the Heat came back to win 4 games in a row, which earned the team an overall record of 62-27 and the right to be named NBA champions;

Whereas LeBron James, who averaged 28.6 points during the Finals, was named the Most Valuable Player of the NBA Finals;

Whereas Dwyane Wade and Udonis Haslem have been integral players on both Miami Heat championship teams;

Whereas Chris Bosh returned from serious injury to contribute significantly to the team;

Whereas each member of the Miami Heat roster, including Joel Anthony, Shane Battier, Chris Bosh, Mario Chalmers, Norris Cole, Eddy Curry, Terrel Harris, Udonis Haslem, Juwan Howard, LeBron James, James Jones, Mike Miller, Dexter Pittman, Ronny Turiaf, and Dwyane Wade, played an essential role in bringing a second NBA Championship to Miami;

Whereas Erik Spoelstra and his assistant coaches Bob McAdoo, Keith Askins, Ron Rothstein, David Fizdale, Chad Kammerer, Octavio De La Grana, Bill Foran, as well as trainers Jay Sabol, Rey Jaffet, and Rob Pimental, worked with the Miami Heat players and maintained a standard of excellence;

Whereas owner Micky Arison has built a first-class sports franchise and provided unwavering commitment to bringing another championship to the city of Miami;

Whereas, over his 17 seasons with the Miami Heat, team President Pat Riley has provided the team with an unprecedented level of dedication and leadership; and

Whereas the Miami Heat brought the city of Miami, the State of Florida, and their fans around the world a second ''white hot'' NBA Championship: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Miami Heat on its victory in the 2012 National Basketball Association Championship; and

(2) requests the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to—

(A) the owner of the Miami Heat, Micky Arison;

(B) the President of the Miami Heat, Pat Riley; and

(C) the coach of the Miami Heat, Erik Spoelstra.

S. RES. 508

Recognizing the teams and players of Negro League Baseball for their achievements, dedication, sacrifices, and contributions to baseball and the Nation

Whereas, prior to 1947, Major League Baseball excluded African Americans from playing professional baseball, but could not suppress their desire to play the sport;

Whereas African Americans began organizing their own professional baseball teams in 1885;

Whereas, between 1920 and 1960, African Americans organized 6 separate baseball leagues, known collectively as the Negro Leagues;

Whereas the Negro Leagues included exceptionally talented athletes who played baseball at the sport's highest level;

Whereas, on May 20, 1920, the first Negro League, the Negro National League, played its first game;

Whereas, prior to the inclusion of African Americans in Major League Baseball, the Negro Leagues and their players were extraordinarily successful and popular throughout the United States;

Whereas the skills and abilities of players in the Negro Leagues contributed to the realization by Major League Baseball of the need to integrate African Americans into the sport;

Whereas Major League Baseball was not fully integrated until July 1959;

Whereas the Negro Leagues Baseball Museum in Kansas City, Missouri, was founded in 1990, to honor those who played in the Negro Leagues as a result of segregation in the United States;

Whereas the Negro Leagues Baseball Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of players in the Negro Leagues from 1920 through 1960;

Whereas there remains a need to preserve evidence of the honor, courage, sacrifice, and triumph in the face of segregation that African Americans displayed while playing in the Negro Leagues;

Whereas the Negro Leagues Baseball Museum seeks to educate a diverse audience through its comprehensive collection of historical materials, important artifacts, and oral histories of the players in the Negro Leagues, as well as inform the public on the impact of segregation on the lives of those African-American players and their fans; and

Whereas the Negro Leagues Baseball Museum, through its invaluable resources, presents a great opportunity to teach children and others by providing on-site visits, traveling exhibits, classroom curriculum, distance learning, and other educational initiatives: Now, therefore, be it

Resolved, That the Senate—

(1) honors the teams and players of Negro League Baseball for their achievements, dedication, sacrifices, and contributions to baseball and the Nation;

(2) supports the designation of the Negro Leagues Baseball Museum in Kansas City, Missouri, as ''America's National Negro Leagues Baseball Museum'', including the museum's future and expanded exhibits, collections library, archives, artifacts, and education programs;

(3) commends the efforts of the Negro Leagues Baseball Museum to recognize and preserve the history of the Negro Leagues and the impact of segregation on the Nation;

(4) recognizes that the continued collection, preservation, and interpretation of the historical objects and other materials at the Negro Leagues Baseball Museum enhances the knowledge and understanding of the experience of African Americans during segregation;

(5) calls on every American to join in celebrating the Negro Leagues Baseball Museum and its mission of preserving and interpreting the legacy of the Negro Leagues; and

(6) encourages present and future generations of Americans to understand the important issues surrounding the Negro Leagues, the role of the Negro Leagues in shaping Major League Baseball and the Nation, and how the sacrifices of Negro League players helped establish baseball as a national pastime of the United States.

S. RES. 509

Recognizing Major League Baseball as an important part of the cultural history of American society, celebrating the 2012 Major League Baseball All-Star Game, and honoring Kansas City, Missouri, as the host city of the 83rd All-Star Game

Whereas Major League Baseball's All-Star Game, the Midsummer Classic, occurs once a year between players from the American and National Leagues, allowing baseball fans, players, and managers to select players to represent each league;

Whereas the first All-Star Game, held as part of the 1933 World's Fair in Chicago, Illinois, at Comiskey Park was intended to be a one-time event, yet its widespread success led to the establishment of the game as an annual tradition;

Whereas the Major League Baseball All-Star Game showcases the best baseball players in the major leagues and all across the world, giving baseball fans the opportunity to select the starting players;

Whereas, since 1933, the Major League Baseball All-Star Game has taken place every year but one, 1945, in the midst of World War II;

Whereas the 83rd edition of the Major League Baseball All-Star Game for the 2012 season will be held on July 10, 2012, at Kauffman Stadium in Kansas City, Missouri, the home of the Kansas City Royals;

Whereas the event will mark the third time the All-Star Game has been played in Kansas City, with Kauffman Stadium, then named Royals Stadium, last hosting the event in 1973, the stadium's inaugural year;

Whereas the event was also held at Municipal Stadium in 1960, when it was the home of the Athletics;

Whereas the illustrious baseball history of Kansas City, Missouri, includes the Royals' 1985 World Series Championship, the contributions of Jackie Robinson, Buck O'Neil, and others to the Kansas City Monarchs, and Lou Gehrig's final three innings of play in a 1939 exhibition against the Kansas City Blues;

Whereas, as part of Major League Baseball's All-Star Summer celebration, Major League Baseball will host a number of events in the Greater Kansas City region leading up to the All-Star Game, benefitting the Kansas City community as a whole;

Whereas Major League Baseball and the Kansas City Royals will hold numerous charity events throughout the region, including an All-Star Game Charity 5K & Fun Run, with all Major League Baseball proceeds being donated equally between three cancer charities, Stand Up To Cancer, the Prostate Cancer Foundation and Susan G. Komen for the Cure, Greater Kansas City;

Whereas, as part of the All-Star Summer celebration, Major League Baseball will provide funding to help renovate two baseball fields owned by the Kansas City Missouri Parks and Recreation Department, Mulkey Square Park and Satchel Paige Stadium;

Whereas the fields will be used regularly by local Reviving Baseball in Inner Cities leagues and by Guadalupe Center Youth Baseball;

Whereas Kansas City, Missouri, has worked to preserve the history of the Negro Baseball Leagues by establishing the Negro Leagues Baseball Museum, and as part of the All-Star Game summer events, funding will be provided for a new traveling exhibit focusing on Negro League Players who, after Jackie Robinson broke the baseball color barrier, began participating in All-Star Games in 1949;

Whereas Kansas City, Missouri, known for world-class barbeque, rich jazz history, and a legacy of professional sports, including the Royals' 1985 World Series Championship, will play host to the 83rd All-Star Game, and will be showcased in the forefront of baseball history as the All-Star Game is broadcast world wide; and

Whereas the 2012 Major League Baseball All-Star Game in Kansas City, Missouri, will be a unique and unforgettable experience for baseball fans across the State of Missouri and throughout the country: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Kansas City, Missouri, as the host city for the 83rd Major League Baseball All-Star Game and supports efforts to achieve an unforgettable Midsummer Classic baseball experience for all fans; and

(2) recognizes Major League Baseball for sponsoring the All-Star Game and for its efforts in energizing the Kansas City community by hosting a number of baseball-related events that benefit numerous charities, focusing on fan appreciation and youth involvement, and emphasizing the continued appreciation of baseball as America's favorite pastime.

S. RES. 510

Designating the month of June 2012 as ''National Cytomegalovirus Awareness Month''

Whereas congenital Cytomegalovirus (referred to in this preamble as ''CMV'') is the most common congenital infection in the United States, with 1 in 150 children born with congenital CMV;

Whereas congenital CMV is the most common cause of birth defects and childhood disabilities in the United States;

Whereas congenital CMV is preventable with behavioral interventions such as practicing frequent hand washing with soap and water after contact with diapers or oral secretions, not kissing young children on the mouth, and not sharing food, towels, or utensils with young children;

Whereas CMV is found in bodily fluids, including urine, saliva, blood, mucus, and tears;

Whereas congenital CMV can be diagnosed if the virus is found in urine, saliva, blood, or

other body tissues of an infant during the first week after birth;

Whereas CMV infection is more common than the combined metabolic or endocrine disorders currently in the United States core newborn screening panel;

Whereas most people are not aware of their CMV infection status, with pregnant women being 1 of the highest risk groups;

Whereas the American College of Obstetricians and Gynecologists and the Centers for Disease Control and Prevention recommend that OB/GYNs counsel women on basic prevention measures to guard against CMV infection;

Whereas, in 1999, the Institute of Medicine stated that development of a CMV vaccine was the highest priority for new vaccines;

Whereas the incidence of children born with congenital CMV can be greatly reduced with public education and awareness; and

Whereas a comprehensive understanding of CMV provides opportunities to improve the health and well-being of our children: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of June 2012 as ''National Cytomegalovirus Awareness Month'' in order to raise awareness of the dangers of Cytomegalovirus (referred to in this resolution as ''CMV'') and reduce the occurrence of congenital CMV infection; and

(2) recommends that more effort be taken to counsel women of childbearing age of the effect that CMV can have on their children.

ORDERS FOR WEDNESDAY, JUNE 27, 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, June 27; that following the prayer and 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 until later in the day; that the majority leader be recognized; and that the first hour of debate 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.

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

PROGRAM

Mr. DURBIN. Mr. President, we will continue to debate the flood insurance bill tomorrow. I hope we can come to an agreement to complete action on that bill. We will also consider the transportation bill and the student loan extension before the recess later this week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:28 p.m., adjourned, until Wednesday, June 27, 2012, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 26, 2012:

THE JUDICIARY

ROBIN S. ROSENBAUM, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.