mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

(4) LIMITATION—

(A) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this paragraph, the terms "legal entity" and "person" have the meanings given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

(B) AMOUNT.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this section may not exceed $100,000 for any crop year, or an equivalent value in tree seedlings.

(C) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive payments under this subsection may not exceed 500 acres.

(f) PAYMENTS.—

(1) PAYMENT LIMITATIONS.—

(A) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this subsection, the terms "legal entity" and "person" have the meanings given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

(B) AMOUNT.—The total amount of disaster assistance payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this section (excluding payments received under subsection (e)) may not exceed $100,000 for any crop year.

(C) DIRECT ATTACHMENTS.—Subsections (d) and (e) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) or any successor provisions relating to direct attribution shall apply with respect to assistance provided under this section.

(2) PAYMENT DELIVERY.—The Secretary shall make payments under this section after October 1, 2013, for losses incurred in the 2012 and 2013 fiscal years.

SEC. 1013. FRUIT CROP DISASTER ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE CROP.—The term "eligible crop" means each commercial crop of annual fruit that is grown on a bush or tree—

(A)(i) for which catastrophic risk protection under subsection (o) of the Federal Insurance Act (7 U.S.C. 150b) was not available for the 2012 crop year; and

(ii) that is produced for food or fiber; and

(B) as a country covered by a declaration by the Secretary of a natural disaster for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961a) due to freeze or frost in 2012.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Administrator of the Farm Service Agency and using the funds, facilities, and authorities of the Commodity Credit Corporation consistent with this section.

(b) DISASTER ASSISTANCE.—

(1) IN GENERAL.—In the case of an eligible crop, the Secretary shall provide disaster assistance under this section and to the maximum extent practicable subject to the availability of funds under subsection (c)(3).

(2) PAYMENT.—In the case of an eligible crop, the Secretary shall provide disaster assistance under this section in the form of a payment for losses suffered in excess of 35 percent of the established yield for the eligible crop, as determined by the Secretary, compensated at a rate of 100 percent of the average market price for the eligible crop, as determined by the Secretary.

(c) ADMINISTRATION.—

(1) PAYMENTS.—

(A) DEFINITIONS.—In this subsection, the terms "legal entity" and "person" have the meanings given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

(B) AMOUNT.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) for any crop year under this section may not exceed $100,000 for any crop year, or an equivalent value in tree seedlings.

(C) LIMITATION ON MULTIPLE BENEFITS FOR SAME LOSS.—

(i) IN GENERAL.—Except as provided in clause (ii), if a producer who is eligible to receive benefits under this section is also eligible to receive assistance for the same loss under any other program administered by the Secretary, the producer shall not receive benefits in excess of 100 percent of the loss, as determined by the Secretary.

(ii) EXCEPTION.—Clause (i) shall not apply to emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

(2) REGULATIONS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, not later than 90 days after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, the Federal Crop Insurance Corporation, or the United States shall promulgate such regulations as are necessary to implement this section and the amendments made by this section.

(B) PROMULGATION.—The promulgation of the regulations and administration of this section shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the notice and comment provisions of section 10 of chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act"); and

(iii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking.

(C) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(3) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $125,000,000, to remain available until expended.

SA 2. Mr. REID (for Mr. UDALL of Colorado (for himself and Mr. BENNET)) submitted an amendment intended to be proposed by Mr. REID of NV to the bill H.R. 152, making supplemental appropriations for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table.

On page 32, line 17, strike "and" and insert "or".

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, January 29, 2013, at 10:00 a.m. in room SD–430 of the Dirksen Senate Office Building to conduct a hearing entitled "Assessing the State of America's Mental Health System."

For further information regarding this meeting, please contact Kathleen Laird of the committee staff on (202) 224–6840.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 22, 2013, at 2:30 p.m. The PRESIDING OFFICER. Without objection, it is so ordered.

INAUGURAL CEREMONY

Mr. DURBIN. Mr. President, I ask unanimous consent that the transcript of the inaugural ceremony proceedings for Monday, January 21, be printed in the RECORD.

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

INAUGURAL CEREMONY

Inauguration of Barack Hussein Obama, January 21, 2013, 11:30 a.m.

Their Excellencies, the Chiefs of Diplomatic Missions, assembled on the President's platform.

The Architect of the Capitol, Stephen T. Ayers, assembled on the President's platform.

The Joint Chiefs of Staff assembled on the President's platform.

The Governors of the United States and its territories and the mayor of the District of Columbia assembled on the President's platform.

Members of the 113th House of Representatives of the United States, led by majority whip Kevin McCarthy and Democratic whip Steny Hoyer, and the dean of the House of Representatives, John Dingell, assembled on the President's platform.

Members of the 113th Senate of the United States assembled on the President's platform.

Former Speaker of the House of Representatives, Newt Gingrich, accompanied by Mrs. Gingrich, assembled on the President's platform.

Former Senate majority leader Tom Daschle, accompanied by Mrs. Daschle, assembled on the President's platform.

Ambassador Matthew Barzun, Ms. Eva Longoria, Ms. Jane Steton, and Mr. Frank White, Jr., cochairs of the 57th Presidential Inaugural Committee; Mr. Steve J. Kerrigan, chief executive officer; and Mr. David J. Cusack, executive director of the 57th Presidential Inaugural Committee, assembled on the President's platform.

The President's Cabinet and agency designees assembled on the President's platform.\n
The Chief Justice of the United States, the Honorable John G. Roberts, Jr., and the Associate Justices of the Supreme Court of the United States assembled on the President's platform.

The 39th President of the United States, Jimmy Carter, and Mrs. Rosalynn Carter assembled on the President's platform.

The 42nd President of the United States, William Jefferson Clinton, and Secretary of State Hillary Rodham Clinton assembled on the President's platform.

The children of the Vice President, MAJ Beau Biden, Hunter Biden, and Ashley Biden, accompanied by the House chief administrative, Senator HARRY REID; and House majority leader, Representative, accompanied by Catlin O'Neill, assembles on the President's platform.

Dr. Jill Biden, accompanied by Mrs. Alexander, Mrs. Boehner, Mrs. Cant, Mrs. Pelosi, Assistant Secretary of the Senate Shelia Dyker, and Deputy Clerk of the House of Representatives Robert Reves, assembles on the President's platform.

The First Lady of the United States, Michelle Obama, accompanied by Secretary of the Treasury, Secretary of Commerce, Representatives Karen Haas, Mrs. Schumer, Mrs. Reid, and Mr. Pelosi, assembled on the President's platform.

The President of the United States, JOSEPH R. BIDEN, accompanied by the inaugural coordinator for the Joint Congressional Committee on Inaugural Ceremonies, Kelly Ayotte, Senator, Deputy Sergeant at Arms, Martine Bradford; House Deputy Sergeant at Arms, Kerry Hanley; Senate majority leader, Senator Harry Reid; and House Democratic leader, Representative NANCY PELOSI, assembled on the President's platform.

The President of the United States, Barack H. Obama, accompanied by the staff director for the Joint Congressional Committee on Inaugural Ceremonies, Jean Parvin Bordewich; Senate Sergeant at Arms, Terrence W. Gainer; the House Sergeant at Arms, Paul Irving; chairman of the Joint Congressional Committee on Inaugural Ceremonies, Senator, Deputy Sergeant at Arms, Senator, Senate majority leader, Representative, and House Democratic leader, Representative NANCY PELOSI, assembled on the President's platform.

Mr. SCHUMER. Mr. President, Mr. Vice President, Members of Congress, all who are present, and to all who are watching, welcome to the Capitol and to this celebration of our great democracy. This is the 57th inauguration of an American President, and no matter how many times one witnesses this event, the American people, the multiplicity, its innate majesty, and most of all its meaning, that sacred, yet cautious, entrusting of power from we, the people, to our chosen leader, never fails to make one's heart beat faster as it will today with special meaning. In a sublime irony, it was a former slave, now free American, Philip Reid, who helped to cast the bronze statue.

Our present times are not as perilous or despairing as they were in 2009, but we do not feel the same certainty of our mission and our ability to tackle our own era's half-finished domes.

Today's promises are intractable, they say; the times are so complex, the differences in the country and the world so great, we will never overcome them. Then they wonder, with such anxiety, fear, and even despair, we do well to remember that Americans have always been, and still are, a practical, optimistic, problem-solving people. That America's story shows, no matter how steep the climb, how difficult the problems, how half-finished the task, America always rises to the occasion. America prevails and America prospers.

Mr. SCHUMER. Those who bet against this country have inevitably been proved wrong. So it is a good moment to gaze upward and behold the Statue of Freedom at the top of the Capitol dome. It is a good moment to gain strength and courage and humility from those who were determined to complete the half-finished dome. It is a good moment to rejoice at this 57th Presidential inaugural ceremony and it is the perfect moment to renew our collective faith in the future of America.

Thank you and God bless these United States.

In that spirit of faith, I would now like to introduce civil rights leader Myrlie Evers, who has committed her life to extending the promise of our Nation's founding principles to all Americans.

Mrs. Evers will lead us in the invocation. Mrs. Evers.

Mr. SCHUMER. Mr. President, please be seated.

Mr. SCHUMER. Mr. President, Mr. Vice President, Members of Congress, all who are present, and to all who are watching, welcome to the Capitol and to this celebration of our great democracy. This is the 57th inauguration of an American President, and no matter how many times one witnesses this event, the American people, the multiplicity, its innate majesty, and most of all its meaning, that sacred, yet cautious, entrusting of power from we, the people, to our chosen leader, never fails to make one's heart beat faster as it will today with special meaning. In a sublime irony, it was a former slave, now free American, Philip Reid, who helped to cast the bronze statue.

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Mr. SCHUMER. Mr. President, please be seated.
most important of this grand experiment, the United States? Then Washington an-
swered his own question in this way: Not the election of the first President but the elec-
tion of office prescribed by the Constitution, which he repeated, as follows:

I. JOSEPH R. BIDEN JR., do solemnly swear that I will support and defend the Con-
stitution of the United States against all en-
emies foreign and domestic; that I will bear
true faith and allegiance to the same; that I
will obey the Constitution and laws of the United States of America, and, so help me, God.

Justice SOTOMAYOR. Congratulations.

Mr. SCHUMER. It is my pleasure to intro-
duce a wonderful musical artist James Taylor.

Performance by James Taylor.

Mr. SCHUMER. It is my honor to present
the Chief Justice of the United States, JOHN
G. ROBERTS, JR., who will administer the
Presidential oath of office.

Everyone please rise.

The Chief Justice of the U.S. Supreme
Court, JOHN G. ROBERTS, JR., adminis-
tered to the President-elect the oath of of-
cice prescribed by the Constitution, which he repeated as follows:

BARACK HUSSEIN OBAMA, do sol-
emnly swear that I will faithfully execute
the office of President of the United States
and will, to the best of my ability, preserve,
protect, and defend the Constitution of the
United States. So help me God.

Mr. SCHUMER. Ladies and gentlemen, it is
my great privilege and distinct honor to in-
roduce the 44th President of the United
States of America, Barack H. Obama.

Mr. SCHUMER. The President. Thank you. Thank you
so much.

Vice President BIDEN. Mr. Chief Justice. Members of the U.S. Congress, distinguished
guests, and fellow citizens, each time we
gather to inaugurate a President, we bear
witness to the enduring strength of our Con-
sstitution. We affirm the promise of our de-
ocracy. We recall that what binds this Na-
ton together are not the colors of our skin
or the, our sounds, but the values of our
names. What makes us exceptional—
what makes us American—is our allegiance to an idea, articulated in a declaration made more than two centuries ago:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

Today we celebrate the 57th inauguration of the American President: Find the good
and praise it.

The patriots of 1776 did not fight to replace
the tyranny of a king with the privileges of a
few or the rule of a mob. They gave to us
a republic, a government of and by and for
the people. The peaceful transfer of power is what will separate our country from every other country in the world.

Today we celebrate the 57th inauguration of the American President: Find the good and praise it.

While freedom is a gift from God, it must be
secured by His people here on Earth.

While these truths may be self-evident,
they do not mean that all Americans are equally endowed with the skills they need to work harder, learn more, and reach higher. But while the
means will change, our purpose endures. A
nation that rewards the effort and deter-
mination of every single American, that
is what this moment requires. That is what
will make our real meaningful to our creed.

We, the people, still believe that every cit-
derizes a basic measure of security and
dignity. We must make the hard choices to
prevent the cost of inaction from growing
bigger than the cost of action. But we reject the belief that America must choose between caring for the generation that built this country and in-
vesting in the generation that will build its future.

They do not make us a nation of takers; they
make us all take the risks that make this country great.

Some may still deny the overwhelming junc-
ture of science, but the
devastating impact of raging fires and crip-
pling drought and more powerful storms. The
path toward sustainable energy sources will
be long and sometimes difficult, but America
cannot resist this transition; we must lead
it. We cannot cede to other Nations the tech-
ology that will power new jobs and new in-
dustries; we must claim its promise. That is
how we will maintain our economic vitality
and our national treasure, our forests and
waterways, our croplands and snow-capped
peaks. That is how we will preserve our plan-
et, commanded to our care by God. That is
what will lend meaning to the creed our Fa-
thers once declared.

The people, still believe that enduring secu-
rit and lasting peace do not require perpetual war. Our brave men and women in uniform,
unnder the flames of battle, are unmatched in skill and courage. Our citi-
zens, seared by the memory of those we have
lost, know too well the price that is paid for
liberty. The knowledge of their sacrifice will
keep us forever vigilant against those who
would do us harm. But we are also heirs to
those who won the peace and not just the
war, who turned sworn enemies into the sur-
rendering friends, and we must carry those les-
sons into this time as well.

We will defend our people and uphold our
teasures values through strength of arms and rule
of law. We will show the courage to try and re-
solve our differences with other Nations peace-
fully, not because we are naive about the
dangers we face but because engagement can more durably lift suspicion and fear.

America will remain the anchor of strong
alliances in every corner of the globe, and we will honor those institutions that extend
our capacity to manage crisis abroad, for no one has a greater stake in a peaceful world than
its most powerful Nation. We will support
our friends in Asia, we will return the
American's to the Middle East, because our in-
terests and our conscience compel us to act

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on behalf of those who long for freedom. We must be a source of hope to the poor, the sick, the marginalized, the victims of prejudice, not out of mere charity but because peace requires the constant reaffirmation of the values that our country holds dear. For the sake of peace, we must carry forward the work of others who have fought and struggled and sacrificed to ensure that we do not retain the values of war, and that we do not bear those values in their place. We must uphold the principles of freedom and equality that we have inherited and that we have fought for, and we must do so with courage and conviction, because the freedom of the individual must be a cornerstone of our society.

We must work to ensure that every child has access to a quality education, that every family has access to affordable healthcare, and that every person has access to a fair and just system of justice. We must work to ensure that every person has a voice in the democratic process, and that every person has a say in the decisions that affect their lives. We must work to ensure that every person has a chance to pursue their dreams and ambitions, and that every person has a right to live a life of dignity and purpose.

We must work to ensure that every person is treated with respect and dignity, and that every person is given the opportunity to contribute to the common good. We must work to ensure that every person is given the chance to succeed, and that every person is given the chance to fail. We must work to ensure that every person is given the chance to learn, and that every person is given the chance to earn a living.

We must work to ensure that every person is given the chance to contribute to the common good, and that every person is given the chance to live a life of purpose and meaning. We must work to ensure that every person is given the chance to be heard, and that every person is given the chance to be counted. We must work to ensure that every person is given the chance to be a part of the society that we are building, and that every person is given the chance to be a part of the society that we are creating.

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MEASURES READ THE FIRST TIME—S. 47 AND H.R. 152, EN BLOC
Mr. DURBIN. I understand there are two bills at the desk. I ask for their first reading, en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills, en bloc.

Mr. DURBIN. I now ask for a second reading, en bloc, and object to my own request, en bloc.

The PRESIDING OFFICER. Object is heard. The bills will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, JANUARY 22, 2013
Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recesso 9:30 a.m. on Wednesday, January 23, 2013; that following the prayer and pledge, the Journal of proceedings be approved to date and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for debate only until 12 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

RECESS 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 the Senate recess under the previous order.

There being no objection, the Senate, at 7:02 p.m., recessed until Wednesday, January 23, 2013, at 9:30 a.m.

NOMINATIONS
Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE
CHARLES TIMOTHY HAGEL, OF NEBRASKA, TO BE SECRETARY OF DEFENSE, VICE LEON E. PANETTA.

FREDERICK V. SMITH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, NEW POSITION.

JAN L. FORD, OF DISTRICT OF COLUMBIA, TO BE A PRINCIPAL DEPUTY SECRETARY OF DEFENSE, VICE FRANK KENDALL III.

CHEMICAL SAFETY AND HAZARD INVESTIGATION
RICHARD J. ENGEL, OF NEW JERSEY, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD, TERM EXPIRING FIVE YEARS.

DEPARTMENT OF THE TREASURY
CHRISTOPHER J. NEAL, OF NEW YORK, TO BE GENERAL COUNSEL, FoR THE DEPARTMENT OF THE TREASURY, VICE GEORGE WHEELER MADISON, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
WILLIAM B. SCHULTZ, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR HUMAN SERVICES, VICE DANIEL MERRON.

DEPARTMENT OF THE TREASURY
JACOB J. LEW, OF NEW YORK, TO BE SECRETARY OF THE TREASURY, VICE TIMOTHY F. GEITZ.

INTERNATIONAL BANKS
JACOB J. LEW, OF NEW YORK, TO BE UNITED STATES GOVERNOR OF THE INTERNATIONAL MONETARY FUND, TERM EXPIRING FIVE YEARS; UNITED STATES GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, TERM EXPIRING FIVE YEARS.

JENNY B. YANG, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE TIMOTHY G. GEITZ.

DEPARTMENT OF STATE
JOHN FORBES KERRY, OF MASSACHUSETTS, TO BE SECRETARY OF STATE, VICE WILLIAM J. BLOOMBERG CLINTON.

BROADCASTING BOARD OF GOVERNORS
JEFFREY SHELL, OF CALIFORNIA, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS, VICE WALTER E. ISBERGER, RESIGNED.

JEFFREY SHELL, OF CALIFORNIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2015, VICE WALTER ISAACSON, RESIGNED.

EQUA EMPLOYMENT OPPORTUNITY COMMISSION
CAROL WALLER POPE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2017, VICE STUART ISHIMARU, RESIGNED.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
ROBERT F. COHEN, JR., OF WEST VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 2014, (REAPPOINTMENT).

FEDERAL LABOR RELATIONS AUTHORITY

CENTRAL INTELLIGENCE AGENCY
JOHN OWEN BRIGGS, OF MASSACHUSETTS, TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY, VICE DAVID H. PETRAUS, RESIGNED.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARDS
DAVID MEdINE, OF MARYLAND, TO BE CHAIRMAN AND MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 26, 2018, (REAPPOINTMENT).

DEPARTMENT OF JUSTICE
DEHRA ANTHONY WEST, OF CALIFORNIA, TO BE ASSOCIATE ATTORNEY GENERAL, VICE THOMAS JOHN PERELLI, RESIGNED.

IN THE AIR FORCE
THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OF AMERICA FOR APPOINTMENT IN THE RETIRED ARMED FORCES OF THE UNITED STATES.