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Senate

The Senate met at 3:30 p.m. and was called to order by the Honorable CHRISTOPHER COONS, a Senator from the State of Delaware.

PRAYER

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

Let us pray.

Sovereign God, our lips sing Your praises and our souls rejoice in You. We pause now in prayer to enter Your throne room and seek Your face. Thank You for the opportunity You give our lawmakers to protect our freedoms and to share with others the hope that is ours as a free people. Use them to increase joy and peace in our world and to bring hope to the hearts of the dispossessed. Help our Senators to see more clearly the spiritual values that are the heritage and guide for this land we love. Let their thoughts, words, and actions be acceptable to You today and always, O Lord, our strength and our Redeemer.

Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 26, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER 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, following leader remarks, the Senate will be in a period of morning business until 4:30 p.m. At that time the Senate will resume consideration of the motion to concur in the House message to accompany H.R. 2608, the continuing resolution. The filing deadline for second-degree amendments to the House message is 5 p.m. At 5:30 p.m. there will be a cloture vote on the House message with the Reid of Nevada amendment.

DISASTER RELIEF

Mr. REID. Mr. President, 2 weeks ago the Senate passed a bipartisan bill to fund the Federal Emergency Management Agency, known as FEMA. For 2 weeks House Republicans have been sitting on that bill and taking no action. The House of Representatives has refused to act on a bipartisan bill to fund FEMA for the next year. Not only have they not moved that bill in any way but they left town. The House of Representatives, as we speak, on the eve of the government shutting down next Saturday, just a few days from now, and with FEMA on the verge of having no money, left. They are gone. They are not in Washington. It is hard to negotiate with people who are not here. It is hard to do legislation when one part of our bicameral legislature is not here.

Democrats are not giving up on funding FEMA and keeping our government open. We are here. The Senate is in session. The House Republican bill that would have killed 45,000 American jobs did not have the votes last week to pass the Senate. It was not even close. There were 36 votes, but that does not mean we have to shut down the government or abandon Americans in need. Democrats have made a good-faith effort to compromise.

Today the Senate will consider compromise legislation to fund FEMA and keep the government open without killing jobs. Our compromise includes a clean continuing resolution, a bill to fund the government for the next few weeks. Republicans in both Chambers have already agreed to and voted for the funding levels in this continuing resolution, so this should not be a controversial vote for them; they have already voted for it.

The legislation also includes $3.65 billion in funding for FEMA, which will give American communities ravaged by floods, wildfires, tornadoes, and other disasters the help they need. We know House Republicans support that funding level as well since they voted for it last week. Democrats would have given FEMA more, as we did with our vote last week.

It is interesting; President Obama has declared disasters in 48 of the 50 States this year. Unfortunately, though, this bill will force us to revisit this issue in a few weeks when FEMA funds will be depleted again. But this compromise legislation will cure FEMA's immediate needs. I urge my colleagues to do what is right and support this good-faith compromise to help disaster victims now. In effect, we are waiting for the House to take action on the bill that funds everything for a year, which they should do. But in the meantime, we have the opportunity here to vote today on legislation that takes the level that has already passed the House. I do not know how much

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

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more we could compromise or how much more fair we could be. I urge my colleagues to do what is right and support this good-faith compromise to help disaster victims and help them now.

The folks on the ground in States that have been hard hit by disasters, people who have seen the devastation firsthand, are all saying the same thing: There is no more time to waste. The U.S. Conference of Mayors has begged us to act, a bipartisan group of Governors has pleaded with us to act, and tens of thousands of Americans in every State in the Union are demanding we act. Republicans must not continue to block FEMA, blocking them from getting the resources it needs to help disaster victims.

This compromise legislation should satisfy House Republicans and includes their own much lower FEMA funding number. It satisfies Democrats because it does not include a $1.5 billion cut that would kill jobs. The U.S. Chamber of Commerce and the National Association of Manufacturers have warned us that this cut would kill 45,000 jobs at a time when our economy and our country can least afford it.

Here is what the Chamber of Commerce has said. The Chamber of Commerce is not a lapdog for Democrats. I appreciate the work they do. But certainly we need to listen to what they are saying, and my Republican colleagues need listen to what they are saying. This is a direct quote:

> This loan program promotes manufacturing in the U.S. and is an important component of America's energy security.

Promotes manufacturing.

Here is what the National Association of Manufacturers said, also certainly not out there promoting Democrats all the time. They try to be fair. The National Association of Manufacturers:

> Defunding [this program] would hurt manufacturers and their employees.

How much more direct could it be? Putting this offset in here is absolutely wrong. Democrats believe and American auto producers agree you should not have to choose between saying no to disaster victims and killing American jobs.

As you can see, this legislation is fair to both sides. It will get disaster victims the help they need without killing jobs. It is a commonsense solution that should pass both Chambers with bipartisan support. We will vote on it shortly. I am cautiously optimistic that my Republican colleagues here in the Senate will not force a government shutdown. By not voting for our bill, that is what it is.

Earlier this month when the Senate passed bipartisan legislation funding FEMA, which I talked about earlier, 10 Republicans joined Democrats in voting for the bill. It would have given FEMA nearly twice the funding this compromise legislation gives FEMA. At a time when those 10 Republicans said they believed disaster relief should be immune from partisan politics, they believe their constituents should not wait a moment longer for help, I can only assume those Republicans are as angry as I am over the delays by their Republican colleagues in the House. In the week since that vote—it has not been long, a very short period of time, a matter of days—the disasters have not gone away in the home States of Missouri, Louisiana, Massachusetts, Maine, Nevada, North Dakota, Alaska, Florida, Pennsylvania. These are the States where Republican Senators voted for this bill, and rightfully so. Roads and bridges, homes, schools, in those States and many others must still be repaired and replaced. In fact, millions of dollars of this restoration work—most of it—has been stopped in those 10 States. Work on nearly $½ billion worth of reconstruction nationwide has been delayed because FEMA is out of money.

Even with construction projects at risk in communities that were only just beginning to get back on their feet, FEMA's disaster fund will still run out of money this week. As to what date, that is debatable. FEMA has devoted every penny in its coffers to pay for food and shelter for families who lost their homes in major disasters in the last few months. There is not a dime left for anything else. Even now that money is going to run dry if we do not do something quickly. That is why I am hopeful Republicans will do the right thing today.

We must remember that we are not talking about zeros on a budget spreadsheet. FEMA takes care of people who have lost their moms and dads, sons and daughters, spouses and friends and others. Without additional funding, thousands of people who have lost literally everything they have owned will be forced to go without food and shelter. The reconstruction will be delayed in communities where homes, schools, roads have been wiped off the map by tragedy so terrible it is difficult to comprehend.

I brought a chart here to show some of the devastation. The upper lefthand corner is a picture of part of Joplin, MO. There is some of it that is wiped out. You see a few structures and cars left in the rubble. The fire is still burning. This picture was taken just hours after that storm hit.

I have talked on the floor about the windstorm, the winds of almost 300 miles an hour—I said, winds of 300 miles an hour, not almost. One of my Senator friends came to me and said, that could not be true; I do not think that is true. I knew I was right because in the last week or 10 days I went to a briefing with the National Science Foundation. They put forward some of the new things they have invented and are now developing, and one of those is to gauge how hard the wind blows. It is interesting to note that we have a number of recorded storms blowing more than 300 miles an hour. On this one they do not have the exact number down, but probably that. This is one of the worst storms to ever hit our country.

Here is a picture of Nags Head, NC. This is Hurricane Irene. It not only washed homes out to sea, it washed other facilities out to sea and devastated homes underwater. You can see the picture of the two people sitting on those steps. That was probably one of the seaside homes. It could have been a structure right on the coast, but it is gone. The home has been washed into the sea. It is not only in North Carolina but other places.

You can see here in the lower righthand corner a small picture of the fires in Texas. The fires in Texas burned more than 2,000 homes. They have had thousands of fires in Texas. Look at it. You can see in the background there are homes burning. It is hard to comprehend the destruction that took place there.

Cairo, IL, is a unique place because it is spelled like Cairo, but they pronounce it ''Kay-row.'' That is a picture of Cairo, IL. It is a good-sized city. The Mississippi River has overflowed its banks. It swept away everything in its path. This is more important than politics. Tornadoes, hurricanes, droughts, floods are just some of the devastation that has affected our citizens.

Here we are, having passed a bill and sent it to the House. They have done nothing with it. We have overwhelming bipartisan support here, and they are gone. They had that 2 weeks ago, and they are gone. What we are doing here should be more important than partisan posturing for every Member of the Republican Party—and, frankly, every Member of the Democratic Party. I know it is to me.

President Truman once said:

> America was built on courage, on imagination and an unbeatable determination to do the job at hand.

If there were ever a time when we have the obligation to do the job at hand, it is here. And to think that work in Joplin, MO, has basically come to a standstill or work in Nags Head, NC, has come to a standstill or in Cairo, IL, and, of course, all through Texas—only a few of the projects as a result of Hurricane Irene and Tropical Storm Lee are being worked on now.

So I don't think anyone can understand the devastation unless one has been there. I know I can't. No amount of money can ever replace what the people of Joplin or Cairo have lost. When I say ''unless a person has been there,'' I am trying to be as empathetic as I can, but I have never been involved in a flood such as that, anywhere near that, and certainly not the fires we have seen, not a tornado, not a tropical storm. So no amount of money can ever replace what the people of these devastated areas have lost, but at least we can help them get back on their feet. We can help them start over. That is what FEMA does. That is what FEMA's job is. So it is up to us to get the funds to FEMA so they can do their job.

Would the Chair announce the business for the day.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I wish to speak for up to 15 minutes, and I may extend my time as the debate goes.

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

FEMA FUNDING

Ms. LANDRIEU. Mr. President, I wish to follow up on the remarks of Leader REID by reminding everyone how unfortunate but in some ways necessary this situation is.

This whole debate, in my view, is worth having. It is unfortunate it is so close to the end of the year because the Senate actually offered a bill, as the Presiding Officer may remember, earlier in September to try to avoid getting to this last minute. But this whole controversy started just a few days after Hurricane Irene had raked the east coast and wreaked havoc from North Carolina, through Connecticut, into Vermont and New Hampshire, and people are still reeling. The way this controversy started was Representative CANTOR said: Before we can provide help, we need to find an offset in the budget. In other words, before we can help the victims of Irene—the thousands of homes that were flooded, the electrical wires on the ground, the businesses flooded out—we have to go to Washington and find a program to cut. I strongly objected then, and I have objected every day since then to that Cantor doctrine. So this is an argument and a debate worth having.

This could have been completely avoided if, the day after, Representative CANTOR, with all the outcry from his own district and newspapers around the country, many of which editorialized against that position, would have just said: I am sorry, I made a mistake. And I have had to say that in my political career: I am sorry, I made a mistake. But instead of saying that, he doubled down, and he doubled down on the backs of people from Pennsylvania, to New York, and actually to Louisiana and Mississippi because it is our projects that have been stopped for the last 6 weeks. FEMA, as far as Louisiana is concerned, was out of money 6 weeks ago.

This is what the Cantor doctrine looks like to a very clever cartoonist. I am going to put this up in my office and keep it forever. It says:

> Welcome to the Republican disaster relief hotline. At the tone, please tell us the emergency and how you plan to offset the cost of your rescue.

Here is Grandmother sitting on the roof, with her little cat on the chimney, with her television and her cane, calling FEMA.

I am the appropriations chair of this committee, as my colleagues know. It is a good thing I am chairing this appropriations committee because I happen to know a lot about disaster relief, having to lead the effort for the gulf coast in the wake of Katrina, Rita, Gustav, and Ike. This is not a little matter, as some of the press reported over the weekend. I have read most of the editorials from coast to coast. Some have written: Why is Congress arguing? This is such a minor matter. I don't think the $40 billion it took to rebuild the gulf coast is a minor matter, and I don't think any taxpayer in America would think $40 billion is a minor matter.

This Cantor doctrine must be rejected. I am not the only one who believes this. There are wonderful articles and editorials in papers all across the country. I am going to read some of them today. I am so glad people were working through the weekend and focusing on this debate.

From Colorado, the Denver Post writes:

> . . . and some Members of Congress are so bent on budget cutting—

They are referring to the Republicans, of course—

> that they happily seize the opportunity to demand concessions, despite the larger impact on our struggling economy. In this case, it is demanding that money for the Federal Emergency Management Agency to provide emergency disaster assistance to communities hit by flood, fire, and other manner of natural disasters, be offset by comparable cuts to the Federal budget. Demanding such offsets is unprecedented in terms of emergency relief, and it has again manufactured the prospects of a shutdown. To be clear, we are not supporting a blank check—

And neither am I. I have been an appropriator since I was 23 years old. I am 56. I understand balanced budgets and debt limits and curbing government spending. I have been a part of those efforts. The last time we had a balanced budget, a Democrat was in the White House—Bill Clinton—as the Presiding Officer knows. We understand there is no such thing as a free lunch or a blank check, and we are going to pay for these disasters, but we don't have to pay for them while Grandmother is on the roof. We can figure out how to pay for it later and send help to her now.

The article goes on to say:

> . . . but we think any near-term spending cuts are best dealt with by the super committee as opposed to a symbolic standoff that sends ripple effects beyond Washington.

This is the Brattleboro Vermont Reformer:

> Though individuals eligible for Federal disaster aid and State and city governments recouping emergency response costs are still receiving funds, projects dating back as far as Hurricane Katrina are once again waiting for money. How did House majority leader Eric Cantor of Virginia respond? He said: ''Change like this is hard.''

The paper goes on to say:

> However, not as hard as waiting for power lines to get restrung along the Auger Hole Road, wondering when, if ever, you will be able to move back into your waterlogged home or when your road might become passable again. Though Congress has about a week to get everything ironed out, we can expect this argument to go down to the last minute.

I wish we weren't here at the last minute. I wish to remind everyone that the Senate passed—with a bipartisan response to this, which provided the money FEMA needed without the offset—it was passed bipartisanly with 10 Republicans and all the Democrats and sent to the House. They could have passed that bill, and we would all be gone now, with FEMA replenished, set up for the next year, and the jobs program, which is really a private sector effort to create jobs in America, would be untouched and would be moving forward.

This argument started when Representative CANTOR came up with a new tea party agenda, which is for flood victims to let FEMA know what offset can be required before they are rescued.

Other newspapers throughout the country, including Pennsylvania, say:

> Much of northeast Pennsylvania needs Federal assistance to recover from flooding, but two of the region's representatives—

In this case, both Republican Representatives—

> offered an unacceptable condition.

They go on to say—they list the Members.

They say:

> The problem isn't the Senate, which earlier had passed a bill by a positive vote that included 10 Republicans to appropriate more than $7 billion for FEMA that handles disaster relief. That fund could run dry. The House responded with a bill that would provide $3.7 billion, but only if two loan programs for energy development projects were rescinded.

Senator HARRY REID, they say, ''goes on to offer a compromise with the House.'' But I guess we are in the time of no compromise and take whatever hostages you can. In this case, the tea party Republicans want to take hostage the Grandma who is on her roof asking for help.

Even the New York newspapers:

> Congress shouldn't allow disaster aid for people devastated by Tropical Storm Irene to be stalled by a fight over how much is enough and how to cover the tab.

We are willing to negotiate with the House over how much. We believe our number of $6.1 billion is not enough for the year, and I think the records will show as we move forward that I am accurate. But given the situation we are in, we don't need to fight over that

amount because if $6.1 billion isn't enough, most certainly $3.5 billion that the House has offered isn't enough, and we can work that out later on and that is what Leader REID has offered. But requiring an offset, particularly an offset from a program that Republicans themselves supported, that was signed into law by President Bush, and that is supported by the chamber of commerce, the National Manufacturers Association, the League of Cities, the National Conference of Mayors, and an offset that has created 40,000 jobs, that is a road I don't think we should go down.

If it is a manufacturing program today that the new Cantor doctrine requires, as one of these great articles this weekend said, maybe next time we have a disaster, we will have to offer up education programs; and the next time we have a disaster, we will have to offer up a fourth of our transportation budget; and the next time we have a disaster, we will have to offer up aid to Israel; or maybe the next time we have a disaster, we will have to offer up something else. When does the offering up stop?

The worst time to negotiate how to find funding after a disaster is when emotions are high, when people are really at their sort of emotional limit, particularly the disaster victims themselves. We want to argue and debate these things when cool heads prevail and once we get the estimates. It is hard, within a week or two or three of an emergency, to even know what those estimates are. We have to wait for the insurance adjusters to go out, for the FEMA adjusters to go out, for people to even get back to their communities to assess the damage.

Believe me, I have been through this. It was months after the aftermath of Katrina before people in my city of New Orleans and in parts of my State could even get back into their neighborhoods—months. Not days, not weeks, months. I remember people along the gulf coast having to come in on foot with chainsaws to try to get back. It took them days.

That is another reason why we do not want to have to find an offset to fund disasters. We want to do a couple things. We want to budget as carefully as we can in advance. I want to answer this argument that: Oh, well, the reason Congress is in this pickle is because they did not budget for disasters. I am going to put up a chart in a minute—if staff will grab that one for me—to show that we have budgeted for disasters. We have not budgeted as adequately as we should. This has been a problem for Democratic Presidents and Republican Presidents.

But I have to say, as chair of this committee, I have doubled the amount of money—more than doubled the amount of money—in anticipation of disasters to try to get in front of it. But no one—unless they had a crystal ball—could have predicted that 48 out of 50 States would have had disasters this year in America. It is unprecedented. We would have had to have a crystal ball that was always right and never, ever wrong to be able to predict we would have had that many disasters.

What can we do in the future? I have offered to my colleagues—Senator BLUNT, Senator SNOWE, and others—that I will work with them in the future to get a bill that mandates that Democratic and Republican Presidents, regardless of party, would have to send to us—budgeted and paid for—at least a 10-year average of previous disasters.

But I have to say, even if we would have had that law in place—which is the best we can all collectively think of; and universities or businesses would recommend the same—we still would have underestimated this last year, and we still would have underestimated Katrina and Rita. That is why I am on the floor making this argument.

I know it is inconvenient for Members to have to come back this week. I know people wanted to be away this week to work in their districts. But this is an argument and a debate worth having. I hope our side will prevail, but if not, at least we put up the fight that I think is necessary to make the argument to the American people.

But even if we had a crystal ball and even if we had budgeted more than the $1.8 billion we budget every year, approximately, out of Homeland Security, look what happened when Katrina and Rita and Wilma hit. This went up to $45 billion—Katrina, Rita, and Wilma. Wilma, you will remember, was one of the storms that hit Florida. In the year before, Florida had four storms. Dennis, Ivan, Frances, and Charley hit Florida in 1 year.

I believe that is why Senator RUBIO and Senator NELSON understand the hollowness and the danger of the Cantor doctrine. Because had this doctrine been in effect when these four hurricanes hit Florida back in 2004, the people of Florida would have had to come to Congress, and before we could spend one dime to help them, we would have had to find a $3 billion offset. Mr. President, maybe we would have gone to your State and taken the money out of your transportation program or gone to my State or gone somewhere to find $3 billion, but we did not. We sent Florida their $3 billion, and we will pay for it over time.

I do not know what we would have done on the gulf coast had the people of the United States enforced the Cantor doctrine, which was to find $45 billion like that—like that—before we could have sent money to Mississippi, Alabama, Louisiana or Texas. I could go on and on and on.

One of the more disappointing positions Republicans are holding, particularly Representative CANTOR, which is very disappointing, is that we have to scramble to find offsets for Americans who are in trouble, but we can just send free money to Iraq and Afghanistan. We do not have to send an offset to rebuild Iraq. We do not have to find an offset to rebuild Afghanistan. But we have to scramble around here and find an offset to help the people of our country.

Third point. Some of the House Members have stood and said: Senator LANDRIEU is wrong. We have offset emergency funding in the past. That is correct. We have offset emergency funding, but emergency funding is different than FEMA funding. We have emergencies such as dams break and levees break and the Corps of Engineers needs extra money. Over the course of time, we have, occasionally—because we want to be responsible with the budget when we can, and when we have time to figure it out, we most certainly can find offsets in programs that are not working as well. So we can eliminate that and push some of that money to emergency funding. We have done it in the military. We have done it for the Corps of Engineers. But if we do this, this will be the first time we have required an offset for FEMA funding in the history of our country.

I think it is a road we do not want to go down, and it can be avoided. We do not have to walk down this road. We can eliminate the offset completely. FEMA may—under the last 24 to 48 hours—be able to stretch their money through Friday. We can even accept the House number, which is the lower number. It is not going to be adequate. We are going to be back here literally in 8 weeks having the same debate. But they are hardheaded and insistent that they want to continue to have this debate week after week after week. But at least the $3 billion will jump-start all our programs that are stalled and many of them are in my State, which is why I am spending a lot of time on this, but I am also concerned about everybody else's State. It will give us enough money to get through Thanksgiving, maybe the first of the year. It is not going to be enough for all next year.

That is a reasonable compromise. On the side of that compromise is the Chamber of Commerce, the National Association of Manufacturers, four Governors of disaster-hit States—two Republicans and two Democrats—the National League of Cities, and the National Conference of Mayors. That is just to name a few.

There are editorials across the country from Pennsylvania to New York, to Louisiana. The Times-Picayune, my own newspaper, of which I am very proud, editorialized for this position that to require an offset before one can be rescued is not the American way. We do not require it when we declare war or disaster. We go ahead and send the troops, and we fund them later. I do not believe we want to go down this road.

So Leader REID has brought us back to try to work through it. Again, the Senate, earlier in September, passed a bipartisan resolution. The House rejected it for their own reason, insisting

that we have an offset. We are back saying that is a wrong policy to adopt. This is not the right time in America to adopt it. If we were going to adopt it, this is definitely the wrong program to eliminate. This program has created, with the private sector—this is not government jobs. These are private sector jobs that have been created. Republican leaders in the House—and I am going to read those letters for the RECORD this afternoon again—supported the program, wrote letters to the Secretary asking for this funding to be spent in their districts, and then they turn around and offer this as an offset when it is unnecessary, unprecedented, and absolutely wrongheaded.

For the legislators, the Congress men and women along the gulf coast, it is particularly disturbing. After receiving $45 billion—Mississippi, Louisiana, and Texas—after Katrina and Rita and not one penny offset while it was going on—we are all going to be paying for it for many years to come in our regular budgeting process—to then turn around and say, when the east coast needs help: Oh, no, we need to find an offset today.

That is how this argument started. I do not like to fight. I like to cooperate. I am one of nine siblings. I have two children myself. I have been happily married to my husband for 23 years. We resolve things by talking and negotiating in our home. We do not like to fight in our family.

But I have learned one thing: Some things are worth fighting for, win or lose. I have led this effort. I have been proud to lead it. I am so grateful to my colleagues on the Democratic side, both in the House and the Senate, who have spoken on this point, who have changed their schedules to support this. Win or lose, it is right to stand against the Cantor doctrine and the tea party agenda.

I guess this is where this comes from. We have never seen this before. Never have we offset a dime of FEMA funding. We have offset emergency funding, we have offset defense emergencies, Corps of Engineers emergencies, HUD community development block grant money we have offset but not FEMA.

But the Republican caucus in the House has run us right down to the wire, not willing to negotiate, not willing to even recognize the bipartisan bill we sent over there. Sometimes we say ''bipartisan'' around here if we have one Republican and all the Democrats. We kind of brag because we have bipartisanship. This was 10—10—Republican Senators. That is a big number today. We broke a Republican filibuster on this with 10 Republican Senators who said ERIC CANTOR was wrong. Now is not the time. We do not have to find an offset. Let's negotiate. Let's work through this. They were right. I hope they will stand strong. I hope the leadership can work this out. But, again, if we cannot, it was worth, in my view, the fight over this to say: The Cantor doctrine is dangerous for the country.

Let me just remind everyone—because I have spoken about the gulf coast—these are 48 States represented that have been hit by disasters. The only States that have been spared a natural disaster are Michigan and West Virginia. But as the Senators from Michigan will tell us, they have been experiencing their own economic disaster now for almost 6 years, an economic meltdown in Michigan. Because of the crash of the auto industry and the foreclosure disaster and the crash of some of the Wall Street banks and other banks, Michigan has been very hard hit. West Virginia is always one of our poorer States, with great assets, but they struggle all the time. So we can honestly say all 50 States are in need of help.

Why don't we help them? We have a supercommittee set up. Many of us are working hard on closing the deficit gap. We have already cut trillions, literally trillions, of dollars from this budget over the last 2 years. We have trillions more to cut and we have revenues to raise. But this time we have to find money in this budget—in this case for something that is wholly unprecedented and unnecessary—they recommend a program that is actually helping to turn around a very weak job outlook. It is creating jobs. It has created 40,000. It could create more public-private partnerships, promoting loans to auto companies that are creating new and different kinds of automobiles so we can minimize our dependence on foreign oil, we can start building again in America, we can start manufacturing again in America.

Again, it is a program—some of the newspapers reported it—Democrats support. This is a program George Bush signed into law. This is a program that Republicans and Democrats have supported. This is a program that actually works to put Americans back to work. Why would they pick this one? Why would they pick any one? But why would they pick this one? Because they wanted to pick a fight, and they knew we were not just going to say: OK, fine. So we did not pick this fight. I did not pick this fight. Representative CANTOR started it when he decided on a Cantor doctrine that would make disaster victims have to find an offset before they could be helped.

I am going to close with where I started, with this cartoon that says it all:

> Welcome to the Republican disaster relief hotline. At the tone, please tell us the emergency and how you plan to offset the cost of your rescue. . . .

This is not America. We have gone too far. If this kind of government is on the tea party agenda, I suggest they remove that item for consideration. This is not the way we operate our government in the United States. We are there for people in their time of need.

We do not ask them to find an offset. We will pay for this. We are working to have our budget balanced. But we do not put this kind of pressure on taxpaying Americans, who hardly ask us for anything. But when their home is washed away, when their business is destroyed, they expect FEMA to be there and they do not have to scramble around with their congressional delegation or their mayors or their counsel members or their local representatives to wring their hands and say: What program can we suggest Congress cut so we can get our meals today or our shelter for next week?

It is not the way we do business. I hope as Members come back tonight to talk about this, we can find a way forward, keep our government operating, and do what is right for Americans and our country.

I yield the floor and I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. 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.

Ms. LANDRIEU. There are other Members who are coming down to speak. But while I have this time, I wanted to just add a few other comments to the RECORD.

First of all, over the weekend, there were some reports and some statements made that this was a manufactured crisis by one of our colleagues on one of the big talk shows on Sunday morning.

First of all, that infers this is not a real crisis, that it was just made up because we enjoy fighting here in Washington. Nothing could be further from the truth.

This is not fun to do, but sometimes this is necessary. Sometimes it is necessary to draw sharp lines between policies because the outcome affects people's lives. Where would we have been along the gulf coast had that Cantor doctrine been in effect and used when Katrina hit the gulf coast? Instead of New Orleans and Biloxi and large portions of the gulf coast being rebuilt today, we would still probably be debating where we were going to find the money to do the work. Now, that is No. 1.

No. 2, the crisis may not be real for the whole country right now, today, as we speak on Monday, but I promise, for people in many States—and I will find this document which I have used several times in debate on the Senate floor—it is pages and pages, too numerous to mention—they are already having a crisis because these line items and numbers represent projects that have already been pink-slipped, shut down.

Government is still operating through this week, and we are going to work this out. We are not going to let the government shut down over this. I promise you—if I have anything to say about it. I might not, and my caucus

may overrule me, but it is worth arguing about to try to see if we can come to some reasonable compromise, which Leader REID has offered.

But there is already a crisis. For those who think this is manufactured, why don't they spend time this afternoon calling some of these small businesspeople who have shut down their operations?

They were building a road in Alaska, and they stopped because FEMA stopped their funding weeks and weeks ago. This isn't made up by MARY LANDRIEU. We can call Craig Fugate or anybody on this list if anyone thinks this is manufactured. They have stopped their projects because FEMA technically ran out of money months ago. They are operating on fumes. They stopped paying for all of their regular work that was going on rebuilding lots of places in America so they could give out their emergency aid to the east coast. They had no choice because we didn't give them enough money to make it through the year.

I sent a letter to the leadership on this issue months ago because I know this; I am the chair of the committee. They keep saying to me: Senator, we are running out of money. I have been saying this—and I will present letters for the RECORD. Anyone who follows this knows this is true. This is not a manufactured crisis.

This whole issue started when Representative CANTOR decided that the way to fix this problem was to cut something in the budget and have to offset something in order for us to move forward, and then the gears stopped. It was like he just threw a wrench in the gears. Everything was going along quite smoothly.

I know the American people are tired of the fighting and the name calling. I am, proudly, a centrist Democrat. I am still proud to say that. I have negotiated on probably every major deal that has been done—or compromised. I have been a part of almost every one for the 15 years I have been here. Some people don't like that about me, but I think that is good, and I am proud of it.

I most certainly am not one of the ones who like to start a partisan brawl just for the heck of it. This is an important principle. The principle is this: Should Americans have to scramble to find offsets while the water is rising and the wind is blowing, when we don't require the same for emergencies overseas? We don't scramble to find offsets when a famine happens or a drought hits in Africa. We send money because that is what Americans do. Yet our people are calling for help at home and somehow—this is on the tea party agenda—before we can send them help we have to find an offset in Washington, an offset that everybody agrees to. Good luck.

There are very few things here that two people agree to, let alone 535. If I had to do that, Mr. President, for Katrina and Rita, I don't know what I would have done.

We are in a crisis. It may not be for everybody in the country right now, like it could be next week if the government shuts down, which it will not. We are going to find a way forward. But for these people it has been a crisis for several months. Bridge projects are shut down, libraries are shut down, and all the workers have been sent home or told not to expect a paycheck on this project. I don't know how many people will continue to work without receiving a paycheck. Maybe some people are still doing that.

No. 2, we sent $1.3 trillion to Iraq and Afghanistan in the last 7 years—$1.3 trillion, not requiring one offset. Yet people in Florida are looking for help as are people in Vermont, and the Cantor doctrine says we have to find cuts in the budget.

The Senator from Florida wants to speak. I want to be accurate in this debate, so I want to correct one thing I said. I said that never before have we offset FEMA money. My staff corrected me and said that one time in history, in recent memory, we did that for a small amount of FEMA money when President Clinton was the President because the Republicans had just come into power and argued about it back then. President Clinton, to his credit, found an offset they could agree to, and they did it.

I don't think we should make this a routine exercise. It is not right for the flood victims or the taxpayers in the long run. Eventually, we will find a way to pay for these things, so let's reason together.

HARRY REID sent us a reasonable compromise. The House should focus on this and try to take this compromise—if we can. It has been worth discussing because this is going to go into law one way or the other, and we are going to be living with the consequences. Those of us on the gulf coast who are in hurricane alley—I will show this chart, and it is quite disturbing. I will put it up again.

This chart shows from 1851 to 2008. These lines represent every hurricane that has hit the lower 48. These large colored lines are Katrina, Gustav, Rita, and Ike. Most certainly, along the east coast people should know that this is just what happened. There was also a tornado chart that showed where the tornadoes hit, and there was one for the earthquakes. Every part of the country at some time experiences a disaster. We don't have to run up to Washington and gut the education programs overnight or gut our transportation programs overnight or try to call a special committee meeting to find out where we can come up with $1 billion by Friday to send to FEMA. We send it, and then we make those decisions over time. It is the way any corporation would operate, it is the way any family would operate, and it is the way our government should operate.

Again, if we take this Cantor doctrine to its ridiculous extreme, we would have firetrucks screaming down the street while a house is on fire, and before they turn the hose on, they would ask the family to come out and they would ask them what they should cut in the city budget before they turned on the water. We can only make reasonable assumptions about what disasters there will be—their frequency and their rate. If we go under a little bit, then we have to provide the money until we can fix it in the long run.

I am going to yield the floor. I thank the Members for engaging in this debate.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SMALL BUSINESS PROGRAM EXTENSION AND REFORM ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 2608, which the clerk will report.

The bill clerk read as follows:

Motion to concur in the House amendment to the Senate amendment to H.R. 2608, an act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with an amendment.

Pending:

Reid motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill, with Reid amendment No. 656 (to the amendment of the House to the amendment of the Senate to the bill), to provide continuing appropriations in fiscal year 2011 and additional appropriations for disaster relief in fiscal years 2011 and 2012.

Reid amendment No. 657 (to amendment No. 656), to change the enactment date.

Reid motion to refer the message of the House on the bill to the Committee on Appropriations with instructions, Reid amendment No. 658, to change the enactment date.

Reid amendment No. 659 (to (the instructions) amendment No. 658), of a perfecting nature.

Reid amendment No. 660 (to amendment No. 659), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 will be equally divided and controlled between the two leaders or their designees.

The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I want to comment before the Senator from Louisiana leaves the floor. It is kind of like we have seen this movie before. If I recall, it was Friday. The Senator from Louisiana and I were out here with this chart talking about the same thing, showing all of these paths of hurricanes and how those folks who live along the gulf and the Atlantic coast understand what natural disaster is.

We are playing with people's lives when we threaten not to fund FEMA,

which can respond to these. How many of these do we have to have to get through to these decisionmakers who are blocking the funding of FEMA because of some ideological position? There are people out there who are hurting in Tuscaloosa, AL; in Joplin, MO, all throughout New England, and along the Atlantic coast—and who knows what is going to happen? Hurricane season goes until the end of November.

I want to tell the Senator from Louisiana how much I appreciate her bringing this to our attention over and over again. We need to remind people that there are certain things that only the government can do, and this is one of them. When people are in need, they have to rely on emergency functions from their government. That is one of the main reasons of having a government. Hopefully, that message will get through.

Mr. President, I want to speak about, basically, this budget conundrum in which we find ourselves. In a little less than an hour, we are going to vote on a motion to cut off debate just to get to the bill that would continue to fund the government after this Friday so that the government can operate.

Speaking of movies that we have seen before, didn't we see this movie back in early August? Then it was over a different question of whether the government could continue to pay its bills. But in essence it was the same thing. In that case it was the lifting of the debt ceiling. In this case it is to keep the appropriations going, starting October 1.

So if we have seen this movie before, didn't Senators and Members of Congress go home in August? And didn't they hear from their people, and the people said: What in the world are you all doing? What are you thinking? Have you guys gone off the rails, that you would threaten the shutdown of the government and all the necessary functions of the government, which would then imperil our economy more already than it is now imperiled in this recession?

One would think Members of Congress got that message. Yet here we are again, in late September, after having gone through that drill in early August. We are going through the same thing again—this brinkmanship, this partisan ideological brinkmanship that has all the vestiges of being all balled up in electioneering politics and a Presidential election. That is not any way to run a country.

Let me tell you why I think—if the folks out across America will start letting their elected representatives know they have had enough—why we might see some change. With that cataclysmic confrontation we went through in early August, in order to get the government to pay its bills, we set up a structure—a process in law—where there was immediate debt reduction of some $1 trillion, but there is supposed to be—and I am rounding—another $1½ trillion done by this supercommittee that is supposed to report by Thanksgiving, and then we are to vote on it. Remember, a week and a half ago, the Presiding Officer and I and 34 other Senators—Republicans and Democrats alike—went to the Senate press gallery and we stood and said: We want a big deal of deficit reduction. A lot of us were suggesting what we want is tax reform in the process, getting rid of a lot of the clutter in the Tax Code that is so inefficient in the way of tax preference to individual special interests, which have grown exponentially over the last 20 years, since the last tax reform measure, which was 1986, and instead utilize that revenue, which would be revenue gained, to simplify the Tax Code and lower rates. The actuaries tell us that would, in fact, crank up the engine of growth and from that growth would come additional revenue.

Why is that so hard? Every constituent I have talked to seems to think that is a fairly good idea. You know what they say? They say it sounds like common sense.

Mr. President, I see other Senators on the floor who wish to speak. I want the Senator from New York to know I have been speaking to some of his constituents—the titans on Wall Street—who are saying the same thing: What in the world are you guys doing? Have you all lost your minds?

We have an opportunity to do something. If we will have as our north star some common sense, bipartisanship, and keeping in mind what is good for the country and not for our particular little ideology, then we can get something done.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. First, Mr. President, let me thank my colleague from Florida. He knew I was waiting, and I know he cut short his remarks, so I appreciate that. But more importantly than that, I appreciate his insight, his articulation of our situation, and his desire to help the people of Florida. Nobody works harder for the people of Florida than the Senator from Florida. They know disaster just about better than anybody else, given their geographic situation. So his fight for FEMA dollars is a fight for every citizen of that great State of Florida, where I must say many of my former constituents now reside, so I have a special care about Florida as well. I thank him for both his courtesy and his insightfulness.

FEMA runs out of money very soon. Already, recovery projects in more than 40 States have been halted so FEMA can focus their last dollars on responding to the latest disasters. To have FEMA not working in Joplin, MO, where we all saw the pictures, and because of the dangers that Hurricanes Irene and Lee created, is unheard of in this country. It is unheard of.

The Senate has already passed the bipartisan bill to replenish FEMA's coffers, providing $7 billion in immediate relief, not just for FEMA but the Army Corps. I can tell you that in my State we need Army Corps relief as well as FEMA relief because so many of our rivers have changed course. They have flooded. I think I mentioned earlier the Erie Canal—the locks—are no longer by the river because the storm's force changed the course of the Mohawk, so the river is here and the locks are here—the great historic Erie Canal. So we provided this $7 billion.

A reasonable person might say—all our constituents are saying—to get government to work, the most logical thing to do would be quick passage by the House so we could begin to get those dollars out the door. Instead, House Republicans decided to take emergency disaster aid and leverage it to force cuts to a jobs program they themselves used to support. If there has ever been a case of playing politics, that is it. If they don't like this jobs program, fine, fight it out in the regular course of business, but don't hold FEMA dollars hostage to cut jobs. The American people don't want that choice. Help those who are in the middle of a disaster. Is the only way we can help them to cut jobs in Michigan or Louisiana or other States, at a time when our country is hurting for jobs? That is not America, and that is not what our constituents have asked us to do. The jobs program they want to end, before they are willing to provide more disaster aid, is not some radical program. It was started under the Bush administration. It was passed with a bipartisan majority.

I understand their anguish. We have to cut funding. But we don't have to do it like this. We don't have to do it on the backs of the people of Schoharie County, whose homes have been blown away, or the people of Binghamton, who are in shelters because there is no rental housing for them. We don't have to do it on their backs. That is not fair. If our Republican colleagues want to have a fight over a program they used to support but now say the circumstances have changed, fine, we should have that. That is what we are here for. But don't hold disaster aid hostage.

I want to say this, lest people think the Democratic stand is some way-out-there, leftwing stand. Guess who supports us. The U.S. Chamber of Commerce and the National Association of Manufacturers. Because they know what we are doing is right. Those are groups that are almost always supporting Republican initiatives. So when they say we are right, doesn't that send a shot across the bow to my colleagues to back off this ideological, narrow, my-way-or-the-highway position?

Most importantly, the House Republican approach would require that we kill 40,000 jobs in order to help our fellow Americans put their lives and businesses back together after this year's record disasters. That is not right, it is

unprecedented, and I would say it is not the way we have done things in this country in the past.

The CR we will vote on this afternoon is a fail-safe measure. It is a bill that will keep the government running at funding levels agreed to by Democrats and Republicans in the debt ceiling negotiations. It is a good-faith effort to compromise and contains the same amount of disaster relief funding House Republicans supported.

It falls short of fully funding FEMA, as we did in the bipartisan bill passed 2 weeks ago, with 10 Republican votes, but we are working to meet our colleagues on the other side of the aisle in the middle in order to break the impasse. Will they move a little to the middle to meet us, or will they insist the only way to go is a bill that failed in this Chamber with a bipartisan vote against it of 59 to 36? Is Speaker BOEHNER saying to us a bill that fails in the Senate 59 to 36 is the only way to go, when it is so wrong and not supported by the Chamber of Commerce; when it is pitting jobholders, and the future of this country in terms of energy independence, against each other versus disaster assistance? That is not fair. The only difference between our bill and the House bill is it doesn't require the job-killing cuts the Chamber of Commerce opposes and that our fragile economy can't afford right now.

We know there has been a lot of pressure on the 10 Senate Republicans who joined us 2 weeks ago to fight full disaster funding. I hope they do not cave in to the pressure exerted by the extreme minority in the House that demands job cuts as a precondition for disaster relief. I would urge them not do it. If they can't resist that pressure, what is their solution? They know the House bill is a dead letter here.

The path forward is clear. The Senate has already spoken on the political bill sent to us by the House. We must pass this commonsense, middle-of-the-road compromise measure that is now before the Senate. It will provide disaster aid to hard-hit communities across the country immediately and prevent an unnecessary government shutdown.

We shouldn't even be talking about shutdown. Why are we? Because the other body decided to attach disaster relief to government funding. We are not just holding jobs hostage, we are holding government funding hostage in a my-way-or-the-highway presentation take it or leave it or your government shuts down, take it or leave it or 40,000 people lose their jobs. That is not fair and that is not right.

Every aspect of our plan has already received major bipartisan support. Voting for it is the right thing to do. We must put politics aside at a time when the economy of this country is so fragile. We must avoid even coming close to a government shutdown. We must do what is right for our country. And what is right for our country is to pass the compromise measure that has had bipartisan support in the past and vote for it on the floor of the Senate in the next half hour.

One other comment. My great colleague from Louisiana has done an incredible job. She has been showing this, but in case people missed it over the last hour, it is a great little cartoon. There is a nice lady with a gray bun and little glasses talking on the telephone. There is her TV on the roof of her house, which has, obviously, been flooded. This cartoon is humorous, but I have seen flood levels up to this level on house after house after house across large parts of the eastern part of New York. She is on the phone, saying: ''Welcome to the Republican disaster relief hot line. At the tone, please tell us the emergency and how you plan to offset the cost of your rescue.''

When the next disaster comes and people are struggling, are we going to have to debate how much to cut education funds? In the next disaster, when people have experienced an earthquake, are we going to have to debate how to help those people while we talk about how much to cut Border Patrol funds? In the next disaster, when fires are ravaging across Texas or New Mexico or California, are we going to debate how much we have to cut food safety inspectors? That is not our way, and that is why we need to support this bill which has bipartisan elements and has been supported by Members of both parties. That bill is a compromise bill. It is the middle-of-the-road bill that is on the floor of the Senate.

Mr. President, I yield my time, and I thank my great colleague from Louisiana for the great job she has done.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from New York, who has been a strong clarion voice on this issue. He has helped to crystalize what this is about. He is exactly right.

I want to read into the RECORD, as the Senator from Illinois comes to speak, from several articles around the country that have editorialized exactly on the position that he ended on, and it is the point of this whole debate—whether we accept the Cantor doctrine, which requires an offset before we send help to people who are stranded or flooded out or in an ice storm or in the middle of a tornado or whether we have to have Washington cut the budget first.

The central Pennsylvania newspaper said it well. They said:

> It is easy to generalize and say our government spends too much money and needs to cut all government programs. Then a tornado wipes out Joplin, MO, or a hurricane called Irene slams into the East Coast destroying countless homes and lives in Vermont or a flood devastates communities in Derry Township, Middletown and Harrisburg, PA. It is then we count on our local, state and federal governments for help and, in particular, for the federal government to support us with disaster relief. We have certainly seen this year through wind, fire and rain—the ice could be next to come—that FEMA's financial efforts cannot be tied to some sort of Congressional pay-by-the-disaster system.
>
> We cannot decide with each new catastrophe where we will find money, stripping funds from transportation this month and education the next.

That is what this debate is about. We did not choose this fight. It was started by Representative ERIC CANTOR. There was a moment in time when he said we must offset this disaster.

Some of us stood right up and said: No, we will not.

I see the Senator from Illinois, but I sent four letters as the chair of this committee as early as February. Please don't let anyone in the press criticize me for waiting until the last minute. February 16, 2011, I sent a letter saying: Heads up. This is going to be a problem.

Not many people listened. Then I sent another letter in March, then I sent another letter in May, and then I sent another letter May 11. We are now in September. One can accuse me of a lot of things. I most certainly make mistakes, but not being ahead of this one is not one of them. I knew this was going to happen.

Here we are. This was not started by HARRY REID. It was not started by Leader DURBIN from Illinois. It was started when ERIC CANTOR said, despite the fact that we sent $1.3 trillion to Iraq and Afghanistan to build cities and communities and houses in Iraq and Afghanistan, we cannot send any money to Vermont or to New Hampshire or to Virginia—his own State, which is mind-boggling to me—until we find a program to cut. Then they cut a program that has bipartisan support that is creating jobs in America.

I will yield the floor. The Senator from Illinois always has some interesting things to add to the debate, and I appreciate his support and leadership.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to speak for 10 minutes.

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

Mr. DURBIN. Mr. President, let me say to the Senator from Louisiana, she has been a clarion and consistent voice on this issue because she has seen it and lived it. Anyone representing the State of Louisiana can give a lesson to all of us about what happens when the unexpected occurs and people lose their homes, their businesses, their lives. They are uprooted.

We had some folks from New Orleans in Chicago. They were leaving New Orleans to come to one of our fabulous winters because they had nowhere to go, and I saw the look in their eyes. They did not know where to turn. At that moment in time, many people across America count on the American family. That is who we are and we represent that family in the Senate.

We stand for this country and for the families who are suffering through no fault of their own. When the Senator from Louisiana comes and tells us: Be

careful when we set a standard that says before we can send the first dollar to someone who has lost their home or their business or their farm or whatever we have to come back to Washington and go through a budget debate and decide where we are going to cut—out of money for education and medical research and the like. That is not the way it has ever happened. Emergency spending is emergency spending.

I have lived through it—nothing like what my colleague went through in Louisiana, but the floods of 1993 in downstate Illinois, I was in pretty decent shape when it was over for all the sandbags I filled and pushed around with thousands of volunteers. We saw what happened. There were terrible things that happened, and I think the Senator from Louisiana would agree with me that flooding is one of the worst. It doesn't go away. It sits there destroying people's homes and everything they own, and when it finally goes away, what a mess. Also, in the Midwest, we have a little thing called a tornado. I grew up as a kid in downstate Illinois listening for the siren and heading for the basement. We did that I don't know how many times, sometimes in the middle of the night. But look at what happened to Joplin, MO. This beautiful town in Missouri was almost wiped off the map by a tornado.

What do we tell the people who survive the next day? Sorry, Congress has to meet and debate and we will get back to you? Of course not. We stand and help people—scores of volunteers, hundreds of volunteers who come in for the Red Cross and so many other agencies and all the first responders. Governors don't say: We will see if the Federal Government will pay for this before we go in and help and provide lifesaving efforts. They do it, anticipating we will stand with them.

Now Congressman CANTOR of Virginia decides there should be a new approach: We need Congress to get together and debate before we help people who are victims of disasters.

That is a serious mistake. We have to stand by people, whether they live in red States or blue States, whether they are Democrats, Republicans, Independents. We stand by one another and that is critically important.

Let me say to the Senator from Louisiana, I think the thing I noticed over the weekend in Illinois, as I traveled around, was how fed up people are with what is going on in Washington on Capitol Hill. When they see us break down into another cussing match over shutting down the Government, they say: For goodness' sake, grow up—grow up and accept your responsibility.

We are here today accepting a grown-up responsibility. The House of Representatives is not here today. I hope they are going to send a message to us that they found a solution or, if not, I hope they are planning on returning this week because we have work to do.

On Saturday, the spending for the Government ends. Once again, we face a shutdown, a shutdown which would cause unnecessary hardship to innocent people all across America. If you think you have heard this script before or watched this movie before, you have. This is the third time this year the House leadership has pushed a shutdown in front of us and said: That is it. Take it or leave it.

That is no way to run a Congress, and it is no way to run a great nation. We need to come together and agree. I will tell everyone what Senator REID, the leader on the Democratic side, did to try to reach an agreement. We had originally asked for $7 billion additional money for FEMA for next year. I will bet we need it. But Senator REID said: In an effort to compromise, I will cut that request in half. We can get back together if we need it. There was an effort in consensus and compromise. It was totally rejected by the House. That is not a good way to act.

I also wish to add to what the Senator from New York, Mr. SCHUMER, said earlier about this idea that the only way to pay for disasters is to eliminate jobs in America. How wrong is that? To go from a natural disaster to making our economic disaster worse? But that is what the House wanted to do. They wanted to eliminate jobs that are created by programs that have worked. Let me give an example.

This intelligent, fuel-efficient vehicle program has put money into major automobile manufacturers to create more manufacturing jobs in Illinois, where we have had more jobs, good-paying American jobs for workers, that cannot be shipped overseas, with a good salary and good benefits. What is wrong with that picture? Isn't that what we are hoping for the rest of America as well?

All across the Midwest, these car manufacturers have used this program and more than 40,000 jobs have been created and the House Republicans have said: Let's eliminate that and pay for disasters with it—totally upside-down thinking. We have to be thinking about helping those in distress, and we have to be thinking about creating jobs. We can do both.

I take no backseat when it comes to tackling the deficit and debt in this country. I have been engaged in this debate for quite a while now and intensely over the last year and a half. But every economist and every clear-thinking person has said, before we start serious deficit reduction, take care of our immediate needs—that would be the defense of America and responding to disasters—and make certain this recession is behind us. We cannot balance the budget with 14 million Americans out of work. So get busy creating jobs. And we are going to. The President has come up with a proposal which I think makes sense, giving a payroll tax cut to working families. In my State of Illinois, where the average family makes about $53,500 a year, President Obama's payroll tax cut would mean an additional $1,500 a year for them, which is going to be about $125 a month in their paychecks. I bet they can use it as they watch the price of gasoline go up to $4.50 and go back down and go up again. They can use it.

It also said: Let's give small businesses a tax credit and a tax incentive to hire the unemployed. I know, we all know, creating jobs in America has to start with small business. The Senator from Louisiana heads up that committee. She knows it. She has been the most aggressive spokesperson for that cause of any in the Senate.

The same is true of where we are spending our money. We should be investing in America. In the suburbs of Chicago, in Morton Grove, IL, at the Golf Middle School, they took me on a tour of the 60-year-old school, and it is hard to imagine how they keep it going. They took me down to the boiler room. I don't think too many Senators spend too much time in boiler rooms in schools today, but I did, looking at a 60-year-old boiler. The fellow, Jim Burke, who keeps it running, said it cost them $180,000 last year to keep this old, antique system going. They need a new HVAC system for the hundreds of kids going to this school. That is an example of buying products in America, installing them in America, and investing in America, so kids can be educated and can succeed in America. That is a plan we all should endorse in both political parties.

In just a few minutes, we will have a vote on the floor, and I hope we will vote in a bipartisan fashion in a clear voice to say we are going to stand behind the victims of disasters across America, the American family can come together, and we are not going to cut jobs in order to reduce the pain people feel in disasters.

We can do both, create American jobs and make certain those who are struggling through those disasters have the help they need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from Illinois. I continue to be amazed at his energy, in terms of leadership and what he does in Washington and his home State of Illinois. I appreciate the comments he has brought to this debate.

I wish to say the vote we are going to have in a few minutes is going to decide whether we are going to change the way we help disaster victims. We are either going to do it the way we have pretty much always done it—when a disaster strikes, the Federal Government steps up; we are there. We encourage our Governors and mayors and local elected leaders to roll up their sleeves, work side by side with people, and take care of business, basically, get people out of harm's way, move them into shelters, comfort them, console them, keep families together, and then work with them in

weeks and months and sometimes it takes years to get these communities back up and operating—or we are going to adopt the Republican sort of tea party/Cantor doctrine, which is ''my way or the highway,'' which is why we are having this debate a week before the end of the fiscal year, which says we are going to have to find money with each new catastrophe. We are going to have to find money by stripping money from either education or transportation or, in this particular case, stripping money from a program that creates private sector jobs—a public/private partnership, a lending program that helps new and emerging companies get the financial wherewithal to manufacture new automobiles in America and puts Americans to work.

In fact, what is amazing about this offset that the Republicans have chosen to have this whole debate about is, it is an offset of a program that is supported by Republicans themselves. In fact, many Republicans in the Senate and in the House have actually sent letters—and I am going to read one or two of those right now—to the Secretary of Energy asking for funding out of this exact program for creating jobs in one State, which is a legitimate thing to do. It is done all the time. There is nothing wrong with that. What is wrong is then turning around and coming to Washington and voting to gut this program under the guise that we need to do so to help disaster victims.

I have a number of letters and I ask unanimous consent they be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Ms. LANDRIEU. I am going to read a letter written by the Members of the Indiana delegation. At least three Republicans have signed this letter: Senator LUGAR from Indiana, Representative DAN BURTON from Indiana, and Representative MIKE PENCE from Indiana.

They wrote, on June 25:

> We write today to highlight the remarkable automotive innovation occurring in Indiana—and the tremendous potential for Hoosiers to lead our national effort in transforming the automotive sector. Indiana is uniquely qualified and prepared to lead the nation and the world in the development and commercialization of advanced battery, electric drive vehicles and other innovative transportation technologies.
>
> Hoosiers are committed to reaching our national goal of reducing our dependence on foreign oil, and they are actively researching, developing, and manufacturing technologies that will be cleaner and create lasting jobs.
>
> The Hoosier state is the most manufacturing-intensive state in the union and is home to some 700 automotive related companies which employ more than 130,000 workers. Moreover, Indiana's broad diversity of domestic and international companies, its long experience manufacturing light duty, heavy duty, recreational and military vehicles, and its rich legacy pioneering the development of the electric power train makes the state a national hub for automatic automotive technology development.

They go on and on. They say:

> Indiana already is home to a number of established and emerging battery and electric vehicle technology companies. . . .
>
> In addition, Indiana's world-class research universities including Purdue University, Indiana University-Purdue University Indianapolis, and the University of Notre Dame have formed an active research and development partnership.

The letter goes on to say what a great job they are doing. ''We strongly encourage you to give full consideration to the innovative applications for federal investment made by Indiana companies'' through the electric drive vehicle battery component manufacturing initiative and the $25 billion Advanced Technology Vehicle Manufacturing Loan Program. That is the exact loan program Republicans from Indiana have written to ask funding for that they are now eliminating to pay for disasters. If this were a program that was not working, if this were a program that did not create jobs in America, if this were a program that Republicans privately and publicly acknowledged was not a good program, that would be one thing. But to run home and cut ribbons, to say you are creating jobs in Indiana or in New York or in Illinois and then run up here and cut the program, claiming you have to do so to help disaster victims when it is just about unprecedented in the history of our country, there is something terribly wrong.

We do not need to be destroying jobs; we need to be creating them. We do not need to be making excuses about how we do not have to help victims of disasters; we need to be helping them.

I guess I take this a little bit personally because while the rest of the Members sort of say things like: Well, FEMA is not really running out of money, and they can probably make it until Friday—there is some talk about that going on. There are some technical ways that could be done—I wish to remind everyone here that this is already an emergency for over 400 projects that were shut down weeks ago. If you are a small business owner who had a subcontract building a road in Alaska, it is an emergency for you because you were shut down and you cannot make payroll. You already bought the supplies to build the bridge, and nobody on the Republican side is caring about your crisis.

FEMA is technically out of money as we speak. The only way they are continuing to operate is because they have shut down these projects.

This is the third time in the last 6 years, to my knowledge, that projects have been shut down across the country. Why is that right? Many of those projects are in Louisiana, some of them are in Mississippi, and some of them now are in Joplin. If you were in a disaster that happened a few years ago, because Republicans either will not budget the money or will not budget enough money or every time you go to ask for a dime, they require an offset somewhere else—truly what is happening is disaster victims in other parts of the country are subsidizing this foolishness.

This does not fall equally on the backs of Democrats and Republicans. I know people are tired of hearing it, but it does not. HARRY REID did not start this fight. MARY LANDRIEU did not start this fight. DICK DURBIN did not start this fight. ERIC CANTOR of Virginia, a Republican leader, started this fight when he said: We cannot fund the 2011 disasters without an offset.

So in this whole debate, what they have done is shut down projects in Louisiana and Mississippi despite the fact that I have said: We don't really need an offset. We have made arrangements in next year's budget. It is unprecedented, Representative CANTOR. Your State is going to be hurt as well.

He doesn't seem to care. But I do care, and I do think it is worth talking about.

I don't know if we will win this battle today. I don't know if we will win this vote this afternoon. I am not the whip. I do not count the votes. All I do is keep my eyes on the people who are in disasters because I have had to for the years I have been, unfortunately, the Senator from Louisiana who has been through the worst natural disaster our country has ever known. I have walked through too many destroyed neighborhoods, I have cried with too many people, and I have watched what they go through.

For me, this is not a simple change. This is a major change which we cannot afford in this country and which our people do not deserve. We cannot have a budget meeting every time there is a disaster in America and try to run up here and in 30 minutes or 2 days or a week decide what program we are going to slash that everybody can agree to so we can send help, whether it is to West Virginia or to Florida or to Michigan or Louisiana. That is no way to run a government.

Now tea party people and Republicans want to bring change to Washington. I welcome some of that change but not this. This is not a change we need. This is not a good policy for America. I am not opposed to change. I am adaptable. I am a centrist. I am a moderate. I can listen to what Republicans and Democrats say, and I am proud of that. It is a strength. I consider it a strength, not a weakness. This is not a change I can support lightly, and that is what this fight is about. We may be forced to change, but if we are, I want the people of America to know this was ERIC CANTOR's idea. This is on the tea party agenda. I do not think it should be on America's agenda.

EXHIBIT 1

CONGRESS OF THE UNITED STATES,
Washington, DC, June 25, 2009.

Hon. DR. STEVEN CHU,
Secretary of Energy, James Forrestal Building, Independence Avenue, SW., Washington, DC.

DEAR SECRETARY CHU: We write today to highlight the remarkable automotive innovation occurring in Indiana—and the tremendous potential for Hoosiers to lead our national effort in transforming the automotive sector. Indiana is uniquely qualified and prepared to lead the nation and the world in the development and commercialization of advanced battery, electric drive vehicles and other innovative transportation technologies.

Hoosiers are committed to reaching our national goal of reducing ow dependence on foreign oil, and they are actively researching, developing and manufacturing technologies that will be cleaner and create lasting jobs.

The Hoosier state is the most manufacturing intensive state in the union and is home to some 700 automotive related companies which employ more than 130,000 workers. Moreover, Indiana's broad diversity of domestic and international companies, its long experience manufacturing light duty, heavy duty, recreational and military vehicles, and its rich legacy pioneering the development of the electric power train makes the state a national hub for automotive technology development. Indiana's proven experience positions it to be the leader in next-generation batteries and electric drive vehicles. Hoosier companies like Delco Remy and later Delphi were ahead of their time in producing batteries systems for advanced technology vehicles, leading the development of the battery system for the EVI, GM's first and only electric vehicle.

Indiana already is home to a number of established and emerging battery and electric vehicle technology companies. Our state is also a national hub for battery systems development and testing for the defense and national security industry with unique assets like the U.S. Navy's Naval Surface Warfare Center Crane, which has forged strong partnerships around energy storage technologies with several top defense contractors across Indiana.

In addition, Indiana's world-class research universities including Purdue University, Indiana University-Purdue University Indianapolis and the University of Notre Dame have formed an active research and development partnership around next-generation battery technology and are working with a network of industry partners to accelerate technology transfer. These university partners are also collaborating with Indiana's statewide community colleges to develop new degree programs and curriculums needed to prepare the Hoosier workforce for advanced battery technology jobs.

Most importantly, Hoosiers have committed themselves to the goal of transforming our transportation sector. Diverse stakeholders recognize that no one company has all the answers and that success requires collaboration and partnership that crosses multiple industry boundaries. Hoosier companies have forged a number of joint partnerships involving Fortune 500 companies, innovative start-ups anti leading research institutions to leverage their assets and accelerate the development of advanced battery and energy technology solutions. Likewise, community support is palpable, with a steady stream of interest from local governments, schools, universities and non-government groups.

We strongly believe that Indiana is the smart choice for investment of grants, loans and other federal support for the research, development and commercialization of advanced automotive technologies and fuels. In particular, several Hoosier companies have applied for existing grants and loans through the $2 billion Electric Drive Vehicle Battery and Component Manufacturing Initiative and the $25 billion Advanced Technology Vehicle Manufacturing Loan Program. As you evaluate these proposals, we encourage you to remember the strong multiplier effect that will come by investing in a state already committed and with a broad base of support and experience.

Indiana's automotive and energy technology industries are uniquely positioned to participate in these new programs. Their experience, technical expertise, and commitment to collaboration would provide significant leverage for any federal investment. Investing in Hoosier innovation will make America safer, make our economy stronger and make our environment cleaner.

We strongly encourage you to give full consideration to the innovative applications for federal investment made by Indiana companies and institutions to accelerate the commercialization of high performance, safe, and cost effective advanced battery technologies.

Thank you for your consideration.

Sincerely,

Richard G. Lugar, Evan Bayh, Dan Burton, Peter J. Visclosky, Steve Buyer, Mark E. Souder, Mike Pence, Baron P. Hill, Joe Donnelly, Brad Ellsworth, André Carson.

UNITED STATES SENATE,
Washington, DC, February 16, 2011.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I was pleased on August 29th, 2010 when you spoke at Xavier University on the fifth anniversary of Hurricane Katrina about the will to keep up the fight to recover from that catastrophic event. During the speech, you spoke right to the survivors of the disaster and said, ''My administration is going to stand with you—and fight alongside you—until the job is done. Until New Orleans is all the way back, all the way.''

I am asking you to stand with me now. Based on the latest estimates from the Federal Emergency Management Agency (FEMA), the Disaster Relief Fund is expected to be exhausted in June. I understand that a minimum of $1.565 billion is needed just to meet the costs of eligible projects for the balance of this fiscal year. This shortfall is largely the result of past catastrophic and major disasters, such as Hurricanes Katrina, Rita, Gustav, Ike, the Midwest floods of 2008, and the Tennessee floods of 2010.

In the absence of an emergency supplemental request from you, the House Republican Leadership has decided to include $1.565 billion of non-emergency funding in H.R. 1, now pending before the House. In order to pay for this funding, H.R. 1 reduces funding for the Coast Guard, FEMA, and State and local first responders and emergency managers, the very agencies that are responsible for preparing for and responding to future disasters. It is true that in these tough economic times, it is critical that we make disciplined funding decisions, but it makes no sense to strip agencies of the resources they need to prepare for future disasters in order to pay for the costs of past disasters. We simply cannot return to the days when FEMA could not do its job. Therefore, I ask you to submit, without delay, a request for emergency supplemental funding.

Without your request for the needed amount of funding, I am concerned that history will soon repeat itself. Last year, FEMA was forced to stop making payments for over five months to my State and States across the Nation for recovery efforts from past disasters. In addition to the $1.565 billion that is necessary to continue disaster recovery this year, FEMA estimates that $6 billion will be required in FY 2012–2014 to pay for the recovery costs of past catastrophic disasters. Such funding simply cannot be accommodated within the existing budget of the Department of Homeland Security. I am concerned that if only the amount to cover known costs for FY 2011 is requested, $1.565 billion, then FEMA and OMB will once again have to stop making payments to States. There is no reason for this to happen again. It is imperative that in this and future budgets you request a sufficient amount of funding for both the known costs of past disasters and the estimated costs of future disasters.

In your August 29th speech, you said, ''I wanted to make sure that the federal government was a partner—not an obstacle—to recovery here in the Gulf Coast.'' Unfortunately, the budget process applied to the Disaster Relief Fund is an obstacle to recovery in Louisiana and the whole Nation. Your Administration has done a lot to help my State of Louisiana recover. I ask for your renewed commitment to continue that effort.

With kindest regards, I am

Sincerely,

MARY L. LANDRIEU,
United States Senator.

UNITED STATES SENATE,
Washington, DC, March 17, 2011.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Based on the latest estimates from the Federal Emergency Management Agency (FEMA), the Disaster Relief Fund is expected to be exhausted in June, at the very beginning of the hurricane season. A minimum of $1.565 billion is needed just to meet the costs of eligible projects for the balance of this fiscal year. This shortfall is largely the result of past catastrophic and major disasters, such as Hurricanes Katrina, Rita, Gustav, and Ike, the Midwest floods of 2008, and the Tennessee floods of 2010.

There are currently 49 States that are recovering from major disasters that you have declared under the Robert T. Stafford Act. All of these recovery efforts would be put on hold if FEMA is forced to stop disaster payments. Last year, FEMA was forced to stop such payments for five months, delaying recovery and increasing costs across the Nation. We should not allow history to repeat itself.

Further complicating this funding problem is the imminent onset of the flood season. The National Weather Service is projecting that the country is at risk of, ''moderate to major flooding this spring'', particularly in the Midwest. The tragic events in Japan have reminded us of the potential consequences of a catastrophic disaster. In responding to a catastrophic disaster such as Hurricane Katrina, the current Disaster Relief Fund balance would be exhausted in three days.

In the absence of an emergency supplemental request from you, the House Republican Leadership decided to include an additional $1.565 billion of non-emergency funding for the Disaster Relief Fund in H.R. 1. In order to pay for this shortfall, H.R. 1 reduces funding for the Coast Guard, FEMA, and State and local first responders and emergency managers, the very agencies that are responsible for preparing for and responding to future disasters. It is true that in these tough economic times, it is critical that we make disciplined funding decisions, but it

makes no sense to strip agencies of the resources they need to prepare for future disasters in order to pay for the costs of past disasters. This problem only gets worse next year. FEMA estimates the additional shortfall in FY 2012 to be $3 billion.

We simply cannot return to the days when FEMA could not do its job. Therefore, we ask you to submit, without delay, a request for emergency supplemental funding. H.R. 1, as it passed the House, contains $159 billion of emergency funding for Overseas Contingencies because the Department of Defense cannot absorb the cost of the wars within its base budget. Similarly, the Department of Homeland Security cannot absorb the costs of catastrophic disasters in its base budget.

Funding shortfalls in the Disaster Relief Fund with an emergency designation is consistent with past practice, by Democrats and Republicans alike. Since 1992, $110 billion out of $128 billion appropriated to the DRF has been emergency spending, primarily for Hurricanes Katrina, Rita, Gustav, and Ike, and 9/11. In your budget estimates, you have included an allowance for disaster costs, a responsible recognition of the potential costs of disasters. However, absent an emergency supplemental request, this allowance is nothing more than an unfilled promise to communities recovering from disasters.

We thank you for your consideration of this important matter.

Sincerely,

Mary Landrieu, Sheldon Whitehouse, Tom Harkin, Dianne Feinstein, Al Franken, Joe Lieberman, Barbara Boxer, Richard Durbin, Jack Reed, Kent Conrad, Amy Klobuchar, Frank Lautenberg, Ron Wyden, Jay Rockefeller.

UNITED STATES SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 2, 2011.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On February 18, 2011 and March 17, 2011, I wrote you urging that you request an emergency FY 2011 supplemental to address the shortfall in funding in the Department of Homeland Security Disaster Relief Fund. The $1.2 billion shortfall for FY 2011 was largely the result of past Presidentially-designated catastrophic disasters, such as Hurricanes Katrina, Rita, Gustav, and Ike, the Midwest floods of 2008, and the Tennessee floods of 2010. Regrettably, no request was submitted to the Congress. The recent tornados make this request all the more urgent demonstrating once again that natural disasters are indeed unpredictable, expensive, and require our compassionate and effective response.

In the absence of an emergency supplemental funding request, Congress had to make the difficult decision to cut the base budget for the Department of Homeland Security by $1 billion to accommodate the shortfall in fiscal year 2011. The only other alternative was for the Federal Emergency Management Agency (FEMA) to stop making payments for past disaster recovery efforts when they were estimated to run out of money in July of 2011, the beginning of the hurricane season. Congress determined that it made no sense to compound the pain of communities devastated by past disasters by stopping the recovery process.

As Chairman of the Homeland Security Appropriations Subcommittee, I am now drafting the FY 2012 Homeland Security Appropriations bill. We have scrutinized your $43.6 billion request. With one glaring exception, I find the request to be balanced and responsive to the many threats that this Nation faces. Regrettably, as in FY 2011, the request does not include any funding to address what FEMA estimated before the most recent disaster to be a $3 billion shortfall for the Disaster Relief Fund for FY 2012.

This past week, you told the victims of the tornados in Alabama that you would make sure that they were not forgotten. You made a similar promise in New Orleans on the fifth anniversary of Hurricane Katrina. These promises cannot be fulfilled without funding for the recovery effort, efforts that often take many years of sustained investment.

It is true that in these tough economic times, we must make disciplined funding decisions, but it makes no sense to strip agencies of the resources they need to deter, prepare for, and respond to future disasters in order to pay for the costs of past disasters. Yet without leadership from the Administration, we were forced, in the full-year continuing resolution, to cut funding below your request for first responder equipment and training grants, cyber security, port security, transit security, and aviation security. Frankly, given the increased threat of homegrown terrorism that you eloquently spoke of in your State of the Union Address, and the evolving threat that Secretary Napolitano has testified to, these cuts were neither responsible nor cost-effective.

Your FY 2012 request of $1.8 billion, which is based on a projection of the five-year average of disaster costs excluding catastrophic disasters, includes no funding for the known costs of past catastrophic disasters. As a candidate, you rightly criticized your predecessor for hiding known costs from his budget.

I urge you to seek emergency funding for the documented $3 billion shortfall for FY 2012. As you know, it is consistent with past practice, by Democrats and Republicans alike, to fund Disaster Relief Fund (DRF) shortfalls with an emergency designation. Since 1992, $110 billion out of $131 billion appropriated to the DRF has been true emergency spending. You include in your budget an allowance for disaster costs, which is a responsible recognition of the potential costs of disasters. However, absent an emergency funding request, this allowance is nothing more than an unfilled promise to communities recovering from disasters.

The Department of Homeland Security simply cannot absorb a $3 billion shortfall in the proposed budget of $43.6 billion for fiscal year 2012. Absent an emergency request, the priorities that you have identified in your request to secure the homeland will all regrettably be jeopardized.

Congress will begin drafting fiscal year 2012 appropriations bill this month. In the continued uncertainty of how the Administration will address the shortfall, I fear the House will make the same irresponsible cuts it proposed in H.R.1, only deeper, including cuts in FEMA, the Transportation Security Administration, United States Coast Guard, United States Secret Service, cyber, port, and transit security, and grants to State and local governments to equip and train first responders. In light of the threats this Nation faces, such cuts make no sense.

I ask that you submit an emergency funding request for the estimated shortfall for fiscal year 2012 without delay. Disaster victims in 49 States, including the victims of the recent tornados that have crossed this Nation, would be impacted if FEMA were forced to stop disaster recovery payments next spring.

With kindest regards, I am

Sincerely,

MARY L. LANDRIEU,
Chairman,
Subcommittee on Homeland Security.

U.S. SENATE,
Washington, DC, May 11, 2011.

Hon. BARACK OBAMA,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As the waters of the Mississippi River continue to rise each day, communities in the lower Mississippi River valley are bracing for widespread flooding. In my state of Louisiana, farms and towns along the Mississippi and in the Atchafalaya Floodway are busy preparing to safeguard lives and property from devastation, and we need your help.

The U.S. Army Corps and FEMA should continue their ongoing efforts to notify individuals of the impending risk and help them to escape from harm. I urge you to also move swiftly to approve the pending and anticipated requests for disaster declarations in the affected parishes of Louisiana, While I appreciate the emergency declarations that have already been issued for Louisiana and other states, more help will be needed to fight the flood waters and help communities to recover.

Specifically, I believe that public and individual assistance from FEMA, crop disaster, conservation, and watershed assistance from USDA, fisheries disaster assistance from NOAA, disaster loans from SBA, and housing vouchers and recovery grants from HUD will be needed in some communities. Further, I urge you to instruct all of these agencies to perform expedited damage assessments in order to determine eligibility for Federal assistance.

By all accounts, the Mississippi River and Tributaries (MR&T) Project is performing as intended and critical investments over many decades have paid huge dividends in reducing damage. However, not all communities in the path of these flood waters have adequate protection, and additional system upgrades will ultimately be required. According to the U.S. Army Corps of Engineers, only 88 percent of the MR&T Project has been completed since its initiation after the Great Flood of 1927. I call on you to join me in analyzing these remaining needs and developing a strategy to address them as soon as possible.

Sincerely,

MARY L. LANDRIEU,
United States Senator.

Ms. LANDRIEU. I see the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I think we all appreciate so much the passion and compassion our colleague from Louisiana has for the people of America—not just the people of Louisiana but all over America. I thank her for taking this fight and making sure people understand what we are fighting for. Being one of the other centrists in this body—and I think we have a majority right now—three of us—I appreciate all of us being in attendance.

I rise today to address the enormous frustration the American people must feel witnessing their government and their leaders engaging in another futile political exercise. Our government is being driven—and I agree with the Senator from Louisiana that we are not going to shut down over this, but it is unbelievable to get into the fuss we are in right now, to make people believe we could come to the brink of another when we just went through this bloody mess in August.

There is not a State in this great Nation that has not suffered the terrible tragedy and cost of a natural disaster. While there are many government programs and issues we should vigorously debate, we surely cannot question the responsibility of government to help our communities in their darkest moments. In the America I believe in, we don't look the other way when a community is suffering from the pain of a natural disaster. We stand to offer a helping hand. It is this spirit of helping each other that has defined this Nation since its very beginning, and we cannot let politics destroy that spirit.

Our belief in helping each other is a bedrock value for this country, and it runs much deeper than a belief in a political party. We are Americans, and for the sake of this great Nation I know we all love, these petty squabbles that define this place must end. That is why we must fund FEMA disaster relief and why I voted for a Senate bill that would fund FEMA through the end of the fiscal year.

Yes, we all agree that funding for disaster relief should be paid for in these most difficult times and especially now that we are looking at these deficits we have accrued. Yes, we must save and set aside that money. My grandfather once told me, Mr. President—and I think you can appreciate this, being a small businessperson—you can't give someone the shirt off your back if you don't have a shirt to give them. We have to plan and work hard to make sure we can put ourselves in position to help others.

Yes, we must return to the path of fiscal responsibility where we manage our budgets wisely and put away enough money for the eventual disasters we know will strike. In my great State of West Virginia, we have a contingency fund. We know we are going to have floods and challenges throughout our State, and we set aside, every budget year, X amount of dollars, and we accumulate that to use for a crisis. We can do the same right here in this great country of ours and in the Nation's Capital.

It is absolutely wrong—no ifs, ands, or buts about it—to pay for disaster relief out of funds that are creating jobs, with the potential of creating more jobs. Are there problems with some of the programs? Absolutely. Can we fix those programs? Absolutely. Should we eliminate programs that cost too much and offer little return? Absolutely. But are we so desperate to score political points that we eliminate a program—the Advanced Technology Vehicles Manufacturing Loan Program—which is actually helping to bring jobs back to America? For the record, that program is credited with saving or creating 39,000 American jobs, most with the Ford Motor Company, an American manufacturer. It is something we need more of in this country. It is a program with support from both the chamber of commerce and the National Association of Manufacturers. In fact, Ford actually moved a hybrid battery facility from Mexico to Michigan because of this loan program. I can think of a lot of loan programs we should fight over, but are we really going to defund a program that has helped bring jobs back to America? I don't think so.

So where do we go from here? Well, of my Republican and Democratic leaders, I respectfully ask them to consider how simple a choice we face. We can rebuild America or we can afford to pay for it. We can choose to fund FEMA or afford to pay for it. We can do all of this if we face the fact that we cannot continue to go into debt and spend billions in Afghanistan while suggesting that in order to fund FEMA, we must cut a program that actually helps to create jobs in America.

As I have said before, we must choose between rebuilding Afghanistan or rebuilding America. Today, we can make that choice. I, along with many of you, choose to rebuild America. At a time when our economy is strugglingly and our deficit is exploding, I cannot believe we in Washington would choose to rebuild another nation at the expense of our own. We can do better for this, and for the sake of our Nation's future, we must to better than this. We should not engage in a political theater that makes the false choice between funding disaster relief or eliminating a jobs program that actually helped create American jobs.

It is time for us to set our priorities. It is time for us to rebuild America, not to rebuild Afghanistan or Iraq. Helping America to rebuild during times of natural disaster must be a priority that cannot be defined by partisanship.

In West Virginia alone, several projects worth nearly $½ million have now been put on hold because of the bickering and squabbling that goes on. Those projects include funding to help individuals whose property was damaged in the severe snowstorms in 2009, flooding in 2010, as well as critical equipment that monitors waterflow in areas prone to flooding, equipment that is vital for forecasting river levels during our floods. This doesn't make any sense to me, and I know it doesn't make any sense to the people of West Virginia.

I cannot believe that any American would choose to lose billions more in waste and corruption in Afghanistan while we ignore the needs of our neighbors here at home—our neighbors who just this year survived tornadoes, floods, and hurricanes, and who need shelter and food.

I would like to offer the following amendment to offset the cost of funding FEMA by eliminating $1.6 billion from programs that will fund nation building in Afghanistan and instead direct that money to FEMA, to programs that rebuild America.

I yield the floor.

AFFORDABLE CARE ACT

Mr. BINGAMAN. Mr. President, I thank Senator STABENOW for her work in protecting children's dental coverage. I want to clarify any confusion about the Finance Committee's intent when we adopted her amendment, C–7, on pediatric dental coverage. As I understand it, her intent was to ensure that commercial stand-alone dental plans could participate fairly in an exchange and could also operate outside an exchange. The Senator expressly provided that these stand-alone dental plans could operate outside State or Federal exchanges.

Ms. STABENOW. That is correct and I thank the Senator for all his efforts in support of children's dental coverage as well and for this opportunity to clarify the intentions of my amendment. I offered this amendment to allow competition in the marketplace for dental benefits by allowing traditional stand-alone dental plans to participate both in and outside an exchange, just like health plans that provide coverage for medical care. The amendment ensured that stand-alone dental policies may fulfill the requirements of the essential health benefits package when paired with a qualified health plan covering all benefits other than pediatric oral health services within the exchange. To quote directly from the amendment, it indicated that ''required pediatric dental benefits in the non-group and small group markets (in and outside an exchange) may be separately offered and priced from other required health benefits.''

Many American families today receive dental coverage through stand-alone dental plans. Failure to properly implement the amendment as it was intended could result in serious disruptions in the dental coverage these families receive. That is why it is important that we get this right, and I appreciate the opportunity to make this clarification.

Mr. BINGAMAN. I thank the Senator for clarifying this issue.

Also Senator STABENOW and I want to thank the Chairman for working so closely with us and a number of our colleagues to ensure that the Affordable Care Act includes children's oral health care as part of the essential benefits package that health insurers must offer in order to participate in health insurance exchanges. In doing so, we fully recognized that too many children suffer needlessly from dental problems that are overwhelmingly preventable and that oral health is integral to their overall health.

Ms. STABENOW. Yes, I completely agree, Senator BINGAMAN. In fact our colleagues on the Finance Committee also overwhelmingly agreed that children must have access to oral health care, which is so critical to their overall well-being. We talked about the story of Deamonte Driver, a 12-year-old Maryland boy who died from a brain infection caused by tooth decay. He couldn't get access to an $80 dental procedure that would have saved his life. When his condition got worse, he ended up enduring two emergency surgeries, weeks of hospital care, and

$250,000 worth of medical bills—but it was all too late. Stories like this remind us of the importance of dental care for children, which is why the pediatric element of the essential health benefits package expressly includes oral care.

Mr. BINGAMAN. Senator STABENOW, I want to be sure that we clarify any confusion about the Finance Committee's intent when we adopted your amendment, C–7, on pediatric dental coverage. As I understand it, the Senator's intent was to ensure that commercial stand-alone dental plans could participate fairly in an exchange. When we adopted the Senator's amendment, we understood that children receiving coverage through an exchange would have the same level of benefits and consumer protections, including all cost sharing and affordability protections, with respect to oral care. This holds true whether they received pediatric oral care coverage from a stand-alone dental plan or from a qualified health plan.

Ms. STABENOW. That is correct, Senator BINGAMAN, and I thank you for this opportunity to clarify my intentions. The amendment ensured that stand-alone dental policies may fulfill the requirements of the essential health benefits package when paired with a qualified health plan covering all benefits other than pediatric oral health services within the exchange. To be clear, I intended for stand-alone dental plans to fully comply with the same level of relevant consumer protections that are required of qualified health plans with respect to this essential benefit. To quote directly from my modified amendment C–7 that was adopted in committee, ''. . . stand-alone dental plans must be allowed to offer the required pediatric dental benefits directly and to offer coverage through the Exchange and must comply with any relevant consumer protections required for participation in the Exchange.''

Mr. BINGAMAN. I thank the Senator for clarifying this point.

Mr. BAUCUS. I wish to thank Senator BINGAMAN for raising this issue, and Senator STABENOW for clarifying the intentions. I would like to echo the Senator's comments and reiterate the importance of ensuring that a full and affordable oral health benefit and the consumer protections we so carefully drafted apply equally to the pediatric oral care benefit whether offered by a stand-alone dental plan or a qualified health plan in an exchange.

Mr. BINGAMAN: I thank Senators BAUCUS and STABENOW for their assistance in clarifying this issue.

Mr. PAUL. Mr. President, I rise today to speak against the process by which this body is passing major legislation as we approach the end of this fiscal year. Last week we were asked, without debate or amendment, to pass at least a half dozen bills reauthorizing or extending expiring laws and spending authorities—some of which authorize the expenditure of billions of dollars over the next year.

Actions such as this are a big part of what gives Washington a reputation for being dysfunctional. The fact that authorizations for many programs expire on September 30 each year is not a secret. Nor is it a secret when September 30 will come around each year. But instead of planning ahead, working for weeks or months to address a foreseeable need, and actually doing its work on time, Congress resorts to passing massive bills at the last minute when there is not time for serious scrutiny or changes.

It is unconscionable this body would avoid debating such programs in a meaningful way. I would ask my colleagues, can you be sure these programs are working as efficiently as possible? Can you assure the American people the Federal Government is maximizing value for their tax dollars? Are these bills taking meaningful steps to eliminate waste and duplication within these programs?

We would know the answers to those questions if these bills had gone through the normal process of consideration in committees and on the Senate floor. Senators would have the chance to ask questions to the officials administering the programs and propose changes to them. Instead, we are faced with bills that have had very little—if any—process in the Senate at a time where even a week's delay to consider the bills will result in the programs expiring. That is unacceptable and should be embarrassing to the Senate as an institution.

We need to change the way Congress does its business. Part of that is reining in excessive spending and having more robust debates regarding the allocation of scarce taxpayer dollars. We must do better in the future.

Mr. LEVIN. Mr. President, over the last week or so I have outlined, here and in a letter to the Joint Select Committee on Deficit Reduction, a seven-part plan to reduce the deficit in ways that do not overburden American working families or damage economic growth. In my letter and in three previous speeches on the Senate floor, I have pointed out that revenues, and not just spending cuts, are necessary if we are to achieve significant deficit reduction. And I have discussed four proposals for restoring revenues: combating offshore tax havens; ending the corporate stock option loophole; and ending loopholes for hedge fund managers and derivatives traders.

Today I want to discuss three additional changes to our tax system that will make it more efficient and more equitable. We should make two tax rate changes: ending the unsustainable Bush-era tax cuts for the wealthiest Americans, and restoring capital gains tax rates to something approaching the rates in place under President Reagan. Also, we should replace the IRS's antiquated tax lien system. These proposals, combined with the other points of my plan, could reduce the deficit on the order of $1 trillion over the next 10 years.

Now, some of my colleagues may balk at the notion of reversing years of tax breaks for the wealthiest Americans. But I believe if we take off our ideological blinders, if we look at facts—hard, stubborn facts—the need for these reforms is clear.

First, we should allow Bush-era tax cuts to end for those making more than $250,000. The case for this change is straightforward: It would restore a measure of fairness to the tax code that has been sadly lacking for more than a decade, and it would reduce the deficit by hundreds of billions of dollars.

Supporters of the tax cuts in 2001 and 2003 made a number of promises. President Bush said his cuts ''will bring real and immediate benefits to middle-income Americans.'' And yet in the decade since they began, the incomes of middle-class Americans have stagnated. According to the U.S. Census Bureau, the typical American household's income, when adjusted for inflation, actually fell more than 8 percent from 2001 to 2010. President Bush said his tax cuts would increase the pace of job creation. And yet during the Bush years, jobs grew at roughly one-third the rate that we enjoyed during the Clinton administration. President Bush said ''we can proceed with tax relief without fear of budget deficits, even if the economy softens.'' And yet just those tax cuts going to the wealthiest 1 percent of Americans have added hundreds of billions of dollars to the deficit since 2001. So, these tax cuts have failed to deliver the promised benefits, and they have driven us deeper and deeper into debt. Ending them will bring down the deficit; President Obama's proposal to end the cuts for high-income earners would reduce the deficit by an estimated $866 billion over 10 years.

What these tax cuts did deliver is a striking and continuing rise in income inequality. It's no coincidence that as we passed a series of tax cuts whose benefits overwhelmingly flow to the wealthiest Americans, those wealthy individuals have seen their fortunes rise. A few decades ago, the wealthiest 1 percent of Americans took home 10 percent of all income. Today, they get 24 percent of all income. As those at the top have prospered greatly, middle-class wages have stagnated—again, down more than 8 percent, for the median American household, since the Bush tax cuts took effect.

A second proposal also would bring down the deficit and bring more fairness to the tax code: restoring capital gains tax rates closer to those in place during the Reagan administration. Capital gains are income from the increase in value of an asset, such as a stock. Today, thanks to the Bush-era tax cuts, the top rate on capital gains is 15 percent. That's substantially lower than the 28 percent rate included

in President Reagan's Tax Reform Act of 1986.

The theory in slashing capital gains tax rates was that lower rates would encourage investment, job creation and economic growth. But as has been the case with slashing ordinary income tax rates for the wealthy, cutting capital gains taxes simply has not delivered what supporters promised. Given the stagnation in middle-class living standards that we have seen since the 1980s, it is difficult to argue to middle-class Americans that reducing capital gains rates made them better off.

Instead, this is another benefit that flows overwhelmingly to the wealthiest among us. According to the Tax Policy Center, more than 75 percent of the benefit from lower capital gains taxes goes to those with incomes over $1 million a year, and 94 percent of the benefit to those above $200,000.

This tax break for the most fortunate of our citizens also adds tens of billions of dollars each year to the deficit. The Congressional Budget Office earlier this year estimated that raising the capital gains rate by just 2 percentage points would reduce the deficit by about $50 billion over 10 years. Raising the top rate closer to Reagan-era levels would bring far more deficit reduction.

Those who fight to preserve these high-income tax cuts call attempts to end them ''class warfare.'' Ending these tax breaks won't start a class war. It will help end one—a war that, for more than a decade, has taken a devastating and immediate toll on the middle class, and created huge new deficits that damage their future prospects as well.

The simple fact is that if we are to ensure that the burden of deficit reduction falls equitably, and that all our citizens are asked to contribute toward this goal, we must address these upper income tax cuts that have helped balloon the deficit. Deficit reduction will require spending cuts, and some of those cuts will fall hard on working families. But we can't ask them to carry the entire burden. That would be contrary to common sense, because spending cuts alone cannot achieve real deficit reduction. And it would be contrary to any sense of fairness. We all have to contribute.

Our constituents are speaking, and speaking loudly, on this topic. And they are speaking eloquently. Let me tell you about an email I received from a constituent a few weeks ago about our deficit.

This Michigan resident and her husband consider themselves upper middle class—though she wrote that ''many would call us wealthy.'' She wrote to me that we need to cut spending, and to compromise to do it. ''I will like some cuts and hate others and that is OK with me!'' she wrote.

But she also wrote: ''I also strongly urge you to consider passing what many would call tax hikes. . . . We are willing to pay a bit more to help our country and safeguard our children's futures.'' Upper income Americans, she wrote, ''aren't paying taxes at a fair and just rate. Fix this.''

And we should fix it. This constituent of mine said she was part of a ''silent majority'' in favor of increasing revenue. I am not sure how silent they are, but she is certainly part of a majority. In a recent Washington Post-ABC News poll, 72 percent of Americans—and 54 percent of Republicans—said they favored increasing taxes on those who make more than $250,000 a year as part of our deficit reduction strategy. Americans are strongly in favor of a balanced approach to deficit reduction that protects working families. They are asking us to fight for the middle class, and it is time we did so.

Let me discuss briefly the tax lien proposal. Tax liens are a basic tool to collect unpaid taxes. Today, Federal law requires liens to be filed on paper in more than 4,000 locations around the country, determined by the location of the lien. The IRS maintains a service center that does nothing but monitor dozens of varying local requirements for lien filings, track filings, and release liens once they are paid.

I have introduced legislation, S. 1390, along with Senator BEGICH, to replace this antiquated system with an electronic federal tax lien registry available to the public on the Internet at no cost. The IRS estimates that this change would not only save millions of dollars in administrative costs, but also enable the IRS to release liens more quickly once they have been paid and free up employees and resources for other work. Equally important, a public electronic registry could help encourage those who owe taxes to settle their bills and take enormous pressure off taxpayers who have paid what they owe.

Let me come back to where I started last week. Congress faces a difficult task in the weeks ahead. We must agree to $1.2 trillion or more in deficit reduction over the next decade. Failure to agree on a plan means automatic budget cuts through the sequestration process—including greatly damaging cuts to defense and other important Federal programs.

In my letter to the Joint Select Committee and here on the floor, I have outlined ways to avoid that outcome, proposing commonsense changes that bring equity to our Tax Code and restore lost revenue. If we reject that course, it almost certainly means damaging cuts in important programs—programs that keep our nation safe, that keep our faith with senior citizens and veterans, and that prepare our children for the future. Rejecting that course almost certainly means a failure to significantly reduce the deficit, because spending cuts alone are not enough to accomplish the deficit reduction we need.

The choice is ours. I hope we will not allow ideology to blind us to the reality of our budget situation, to the needs of middle-class families, or to the strong and consistent message from Americans who are demanding a balanced approach to reducing the deficit.

Mr. LEAHY. Mr. President, how much time remains?

The PRESIDING OFFICER. There is no time remaining on the Democratic side.

Mr. LEAHY. Mr. President, the Senator from West Virginia is absolutely right. We have tens of billions of unspent dollars sitting in accounts for Iraq and Afghanistan for rebuilding roads and such there. Let's spend it in America. Let's spend it on America. It is American tax dollars. Let's spend it on America.

I yield the floor.

Mr. REID. Has the time arrived for the vote?

The PRESIDING OFFICER. Yes.

Mr. REID. In fact, before we do that, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that if cloture is not invoked on the pending Reid motion to concur with an amendment, the majority leader be recognized to withdraw the pending motion to refer and the pending motion to concur with an amendment; that the majority leader be recognized to offer a new motion to concur with an amendment, the text of which is at the desk—amendment No. 665; that there be no amendments, points of order, or motions in order to the Reid motion to concur other than budget points of order and the applicable motions to waive; that there be up to 10 minutes of debate equally divided between the two leaders or their designees prior to vote a vote on adoption of the Reid motion to concur with an amendment; further, that the Reid motion be subject to a 60-vote affirmative threshold; that if the Reid motion to concur with an amendment is agreed to, the Senate proceed to the consideration of H.R. 2017 and that the majority leader be recognized to offer an amendment, the text of which is at the desk; that it be the only amendment in order to the bill; that the amendment be agreed to, the bill, as amended, be read the third time, and the Senate proceed to vote on passage of the bill, as amended, all with no intervening action or debate; and that if the Reid motion to concur with an amendment is not agreed to, the majority leader be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid motion to concur in the House amendment to the Senate amendment to H.R. 2608, with an amendment No. 656.

Harry Reid, Daniel K. Inouye, Tom Udall, Charles E. Schumer, Richard J. Durbin, Mary L. Landrieu, Patty Murray, Patrick J. Leahy, Richard Blumenthal, Benjamin L. Cardin, Sheldon Whitehouse, Sherrod Brown, Maria Cantwell, Daniel K. Akaka, Jack Reed, Debbie Stabenow, Kay R. Hagan.

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

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 2608, with an amendment No. 656, offered by the Senator from Nevada, Mr. REID, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL) and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), the Senator from Texas (Mrs. HUTCHISON), the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. MORAN), and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''nay.''

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

The yeas and nays resulted—yeas 54, nays 35, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—54

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

NAYS—35

Alexander	Crapo	Isakson
Ayotte	Enzi	Johanns
Barrasso	Graham	Johnson (WI)
Blunt	Grassley	Kyl
Boozman	Hatch	Lee
Coats	Heller	Lugar
Cochran	Hoeven	McCain
Corker	Inhofe	McConnell
Paul	Rubio	Toomey
Portman	Sessions	Vitter
Risch	Shelby	Wicker
Roberts	Thune	

NOT VOTING—11

Burr	Cornyn	Moran
Cantwell	DeMint	Murkowski
Chambliss	Hutchison	Webb
Coburn	Kirk	

The PRESIDING OFFICER. On this vote, the yeas are 54 and the nays are 35. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Under the previous order, I now withdraw my pending motion to refer and motion to concur with an amendment.

The PRESIDING OFFICER. The motions are withdrawn.

MOTION TO CONCUR WITH AMENDMENT NO. 665

Mr. REID. I move to concur in the House amendment to the Senate amendment to H.R. 2608 with an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment to H.R. 2608, with an amendment numbered 665.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Mr. President, under the previous order, there will be now up to 10 minutes of debate, equally divided between the two leaders.

The PRESIDING OFFICER. The Senator is correct.

The majority leader.

Mr. REID. Mr. President, I know everyone is in a hurry, and I will be as fast as I can.

Tonight can best be summed up by JOHNNY ISAKSON, the Senator from Georgia, who said: It is only worth fighting when there is something to fight for.

We have basically resolved this issue. I wish to recognize the leadership of Senator LANDRIEU. She chairs the Homeland Security Subcommittee on Appropriations. She is our expert on disaster. She has done a wonderful job of maintaining this in the eyes of the public.

In Friday morning's vote, we established, beyond a shadow of a doubt, that the Senate can't pass the House-passed CR. It got 36 votes. We couldn't pass it no matter what happens. With today's vote, Senate Republicans are showing they will back up the House vote on the question of offsetting spending in 2011. That is the vote we just took. But today's news also points a way that is more understanding and certainly a way out. Today's news story has come out saying FEMA disaster aid has enough money to last through this fiscal year. This afternoon, I received word from Jack Lew, of OMB, and FEMA that they will be able to get through the week without additional funding. That means they can get through the fiscal year without more money. I think it is very clear this is the right way to go. It shows us the way out and means we no longer have to fight 2011 funding.

I repeat what I said at the very beginning; that is, the way out is to focus on 2012. If we no longer need 2011 funding, then we can pass a bill that funds just 2012. This compromise should satisfy Republicans. It includes their own 2012 FEMA funding number, and it should satisfy the Democrats because it does not include the offsets we have talked about so much. It would be a win for everyone because we could end without another government crisis.

I appreciate Senator MCCONNELL for being understanding and working with us in this regard. But I end this from where I started, Senator JOHNNY ISAKSON: Let's fight when there's something to fight about. There is nothing to fight about tonight.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I am going to very briefly walk us through where we have been and where we are.

After tonight's vote, I think the best path forward is clear. The quickest and surest way to get FEMA all the disaster funds it needs and to put an end to any talk of government shutdown would have been for the Senate to take up and pass the House-passed CR right away.

As we know, our friends on the other side will not agree to that. However, earlier today, as we all know, FEMA indicated it already has the funds it needs for the duration of the current CR—which is, basically, this week—without the billions more in funding Democrats have been calling for.

Quite frankly, I think this is a vindication of what Republicans have been saying all along: Before we spend the taxpayers' money, we should have a real accounting—a real accounting—of what is actually needed.

We also believe that, in these days of huge deficits, we need to prioritize our spending around here.

That said, with this next vote, I think the majority leader has found a path forward, one that will continue to fund the government and which gives FEMA the funds it needs without any added emergency spending for the rest of this current fiscal year—in other words, this week—emergency funds that FEMA now says it doesn't need.

So tonight we will have had, after the next vote, two votes: One to reject deficit finance disaster spending without necessary spending cuts elsewhere and one to keep the government operational and to provide responsible disaster funding into November.

The CR, should it pass, will be within the top line we agreed to last summer. We have already basically voted on this top line. It will provide FEMA $2.65 billion in funding next fiscal year to continue the recovery efforts. It will not contain any emergency spending for this current fiscal year—the rest of this week. So it will drop both the

emergency spending and the provisions paying for that spending from the House-passed bill.

Again, my preferred path forward would have been to pass the House bill. But since our friends on the other side have rejected that approach, I believe this is a compromise that is a reasonable way to keep the government operational.

So now that we have demonstrated that there aren't enough votes to support more on offset spending, I am going to vote, and would encourage my colleagues to vote, in favor of the clean CR, which is the next vote we are going to have.

In my view, this entire fire drill was completely and totally unnecessary, but I am glad a resolution appears to be at hand.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. This, tonight, is the JOHNNY ISAKSON solution.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendment to the Senate amendment with an amendment No. 665, offered by the Senator from Nevada (Mr. REID).

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kansas (Mr. MORAN), the Senator from Illinois (Mr. KIRK), the Senator from Texas (Mrs. HUTCHISON), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. COBURN), the Senator from Georgia (Mr. CHAMBLISS), and the Senator from North Carolina (Mr. BURR).

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

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

The result was announced—yeas 79, nays 12, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—79

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

NAYS—12

Ayotte	Heller	Paul
Blunt	Inhofe	Risch
Crapo	Johnson (WI)	Rubio
Hatch	Lee	Toomey

NOT VOTING—9

Burr	Cornyn	Kirk
Chambliss	DeMint	Moran
Coburn	Hutchison	Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 79, the nays are 12. Under the previous order requiring 60 votes for the adoption of this amendment, the motion to concur with an amendment is agreed to.

(The bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2017, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2017), making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes.

Thereupon, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

DEPARTMENTAL OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $135,433,000: Provided, That not to exceed $51,000 shall be for official reception and representation expenses, of which $20,000 shall be made available to the Office of Policy solely to host Visa Waiver Program negotiations in Washington, D.C., and for other international activities: Provided further, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary: Provided further, That consistent with the requirements specified within Presidential Policy Directive-8, dated March 30, 2011, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives not later than October 15, 2011, the National Preparedness Goal and not later than January 15, 2012, the description of the National Preparedness System: Provided further, That $35,000,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive plan to initiate implementation of a biometric air exit capability in fiscal year 2012, or a written certification to the Congress that it is the position of the administration that the statutory requirement for biometric air exit be repealed.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $237,131,000, of which not to exceed $2,500 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, $5,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and $14,172,000 shall remain available until expended for the Human Resources Information Technology program.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $51,000,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $267,972,000; of which $105,578,000 shall be available for salaries and expenses; and of which $162,394,000, to remain available until September 30, 2014, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: Provided, That the Department of Homeland Security Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for all information technology acquisition projects funded under this heading or funded by multiple components of the Department of Homeland Security through reimbursable agreements, that includes—

(1) the proposed appropriations included for each project and activity tied to mission requirements, program management capabilities, performance levels, and specific capabilities and services to be delivered;

(2) the total estimated cost and projected timeline of completion for all multi-year enhancements, modernizations, and new capabilities that are proposed in such budget or underway;

(3) a detailed accounting of operations and maintenance and contractor services costs; and

(4) a current acquisition program baseline for each project, that—

(A) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline;

(B) aligns the acquisition programs covered by the baseline to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how each increment will address such known capability gaps; and

(C) defines life-cycle costs for such programs.

ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $339,368,000; of which not to exceed $4,250 shall be for official reception and representation expenses; and of which $136,665,000 shall remain available until September 30, 2013.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $125,000,000, of which not to exceed $300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $8,762,103,000; of which $3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $38,250 shall be for official reception and representation expenses; of which not less than $287,901,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided, That for fiscal year 2012, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: Provided further, That the Border Patrol shall maintain an active duty presence of not less than 21,370 full-time equivalent agents protecting the borders of the United States throughout the fiscal year.

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, $334,275,000, to remain available until September 30, 2014, of which not less than $140,000,000 shall be for the development of the Automated Commercial Environment: Provided, That of the total amount made available under this heading, $50,000,000 may not be obligated for the Automated Commercial Environment program until 30 days after the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results to date and plans for the program from the Department of Homeland Security.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, $400,000,000, to remain available until September 30, 2014: Provided, That of the total amount made available under this heading, $60,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Commissioner, U.S. Customs and Border Protection, reviewed by the Government Accountability Office, and submitted not later than 90 days after the date of the enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States of fencing and vehicle barriers, where practicable, and of other forms of tactical infrastructure and technology.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and, at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $506,566,000, to remain available until September 30, 2014: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2012 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, acquire, construct, renovate, equip, furnish, operate, manage, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, $239,096,000, to remain available until September 30, 2016: Provided, That for fiscal year 2012 and thereafter, the annual budget submission of U.S. Customs and Border Protection for ''Construction and Facilities Management'' shall, in consultation with the General Services Administration, include a detailed 5-year plan for all Federal land border port of entry projects with a yearly update of total projected future funding needs delineated by land port of entry.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations, including overseas vetted units operations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $5,512,856,000; of which not to exceed $10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $12,750 shall be for official reception and representation expenses; of which not to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $305,000 shall be for promotion of public awareness of the child pornography tipline and anti-child exploitation activities; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $15,770,000 shall be for activities in fiscal year 2012 to enforce laws against forced child labor, of which not to exceed $6,000,000 shall remain available until expended: Provided further, That of the total amount available, not less than $1,500,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable, of which $184,064,000 shall remain available until September 30, 2013: Provided further, That the Assistant Secretary of U.S. Immigration and Customs Enforcement shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 45 days after the end of each quarter of the fiscal year, on progress in implementing the preceding proviso and the funds obligated during that quarter to make that progress: Provided further, That the Secretary of Homeland Security shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: Provided further, That funding made available under this heading shall maintain a level of not less than 33,400 detention beds through September 30, 2012: Provided further, That of the total amount provided, not less than $2,724,125,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: Provided further, That of the total amount provided, $7,300,000 shall remain available until September 30, 2013, for the Visa Security Program: Provided further, That of the total amount provided under this heading, up to $5,000,000 may be transferred to United States Visitor and Immigrant Status Indicator Technology to address the visa overstay backlog: Provided further, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: Provided further, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than ''adequate'' or the equivalent median score in any subsequent performance evaluation system: Provided further, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $21,710,000, to remain available until September 30, 2016.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $5,293,566,000, to remain available until September 30, 2013, of which not to exceed $8,500 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed $4,193,246,000 shall be for screening operations, of which $555,003,000 shall be available for explosives detection systems; $214,893,000 shall be for checkpoint support; and not to exceed $1,100,320,000 shall be for aviation security direction and enforcement: Provided further, That of the amount made available in the preceding proviso for explosives detection systems, $222,738,000 shall be available for the purchase and installation of these systems: Provided further, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2012 so as to result in a final fiscal year appropriation from the general fund estimated at not more than $2,983,566,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2013: Provided further, That notwithstanding section 44923 of title 49, United States Code, for fiscal year 2012, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a): Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $134,748,000, to remain available until September 30, 2013.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $163,954,000, to remain available until September 30, 2013.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $1,042,066,000, to remain available until September 30, 2013: Provided, That of the funds appropriated under this heading, $25,000,000 may not be obligated for headquarters administration until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security, and for checkpoint support and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2012: Provided further, That these plans shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $981,115,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than $700,000) and repairs and service-life replacements, not to exceed a total of $28,000,000; purchases or lease of boats necessary for overseas deployment activities; minor shore construction projects not exceeding $1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $7,078,054,000; of which $598,000,000 shall be for defense-related activities, of which $258,000,000 is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed $17,000 shall be for official reception and representation expenses: Provided, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to this appropriation: Provided further, That the Coast Guard shall comply with the requirements of section 527 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 4331 note) with respect to the Coast Guard Academy: Provided further, That of the funds provided under this heading, $75,000,000 shall be withheld from obligation for Headquarters Directorates until:

(1) the fiscal year 2012 second quarter acquisition report; and

(2) the future-years capital investment plan for fiscal years 2013–2017, as specified under the heading Coast Guard, ''Acquisition, Construction, and Improvements'' of this Act, are received by the Committees on Appropriations of the Senate and the House of Representatives:

Provided further, That funds made available under this heading for overseas contingency operations may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $16,699,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $134,278,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,391,924,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $20,000,000 shall remain available until September 16, 2016, for military family housing, of which not more than $14,000,000 shall be derived from the Coast Guard Housing Fund, established pursuant to 14 U.S.C. 687; of which $642,000,000 shall be available until September 30, 2016, to acquire, effect major repairs, renovate, or improve vessels, small boats, and related equipment; of which $264,900,000 shall be available until September 30, 2016, to acquire, effect major repairs, renovate, or improve aircraft or increase aviation capability; of which $161,140,000 shall be available until September 30, 2016, for other equipment; of which $193,692,000 shall be available until September 30, 2016, for shore facilities and aids to navigation, including waterfront facilities at Navy installations used by the Coast Guard; of which $110,192,000 shall be available for personnel compensation and benefits and related costs: Provided, That the funds provided by this Act shall be immediately available and allotted to contract for long lead time materials, components, and designs for the sixth National Security Cutter notwithstanding the availability of funds for production costs or post-production costs: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each requested capital asset—

(1) the proposed appropriations included in that budget;

(2) the total estimated cost of completion, including and clearly delineating the costs of associated major acquisition systems infrastructure and transition to operations;

(3) projected funding levels for each fiscal year for the next 5 fiscal years or until acquisition program baseline or project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) a current acquisition program baseline for each capital asset, as applicable, that—

(A) includes the total acquisition cost of each asset, subdivided by fiscal year and including a detailed description of the purpose of the proposed funding levels for each fiscal year, including for each fiscal year funds requested for design, pre-acquisition activities, production, structural modifications, missionization, post-delivery, and transition to operations costs;

(B) includes a detailed project schedule through completion, subdivided by fiscal year, that details—

(i) quantities planned for each fiscal year; and

(ii) major acquisition and project events, including development of operational requirements, contracting actions, design reviews, production, delivery, test and evaluation, and transition to operations, including necessary training, shore infrastructure, and logistics;

(C) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline and the most recent baseline approved by the Department of Homeland Security's Acquisition Review Board, if applicable;

(D) aligns the acquisition of each asset to mission requirements by defining existing capabilities of comparable legacy assets, identifying

known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each asset will address such known capability gaps;

(E) defines life-cycle costs for each asset and the date of the estimate on which such costs are based, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the asset;

(F) includes the earned value management system summary schedule performance index and cost performance index for each asset, if applicable; and

(G) includes a phase-out and decommissioning schedule delineated by fiscal year for each existing legacy asset that each asset is intended to replace or recapitalize:

Provided further, That the Secretary of Homeland Security shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: Provided further, That subsections (a) and (b) of section 6402 of Public Law 110–28 shall apply with respect to the amounts made available under this heading.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $27,779,000, to remain available until September 30, 2016, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,440,157,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including: purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,670,237,000; of which not to exceed $21,250 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be for a grant for activities related to the investigations of missing and exploited children and shall remain available until September 30, 2013: Provided, That up to $18,000,000 for protective travel shall remain available until September 30, 2013: Provided further, That up to $19,307,000 for National Special Security Events shall remain available until expended: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: Provided further, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided further, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis: Provided further, That of the total amount made available under this heading, $43,843,000, to remain available until September 30, 2014, is for information integration and technology transformation: Provided further, That $20,000,000 made available in the preceding proviso shall not be obligated to purchase or install information technology equipment until the Chief Information Officer of the Department of Homeland Security submits a report to the Committees on Appropriations of the Senate and the House of Representatives certifying that all plans for integration and transformation are consistent with Department of Homeland Security data center migration and enterprise architecture requirements: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $5,380,000, to remain available until September 30, 2016.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, $37,875,000: Provided, That not to exceed $4,250 shall be for official reception and representation expenses: Provided further, That $9,000,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive plan to initiate implementation of a biometric air exit capability in fiscal year 2012, or a written certification to the Congress that it is the position of the administration that the statutory requirements for biometric air exit be repealed.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $918,283,000, of which $773,473,000 shall remain available until September 30, 2013.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service: Provided, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than December 31, 2011, that the operations of the Federal Protective Service will be fully funded in fiscal year 2012 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure that the Federal Protective Service maintains not fewer than 1,371 full-time equivalent staff and 1,007 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as ''in-service field staff''): Provided further, That the Director of the Federal Protective Service shall include with the submission of the President's fiscal year 2013 budget a strategic human capital plan that aligns fee collections to personnel requirements based on a current threat assessment.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology program, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $297,402,000, to remain available until September 30, 2014: Provided, That of the total amount made available under this heading, $75,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure, prepared by the Secretary of Homeland Security, not later than 90 days after the date of enactment of this Act, that meets the statutory conditions specified under this heading in Public Law 110–329: Provided further, That not less than $18,000,000 of unobligated balances of prior year appropriations shall remain available and be obligated solely for implementation of a biometric air exit capability.

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, $159,450,000; of which $29,171,000 is for salaries and expenses and $90,164,000 is for BioWatch operations: Provided, That $40,115,000 shall remain available until September 30, 2013, for biosurveillance, BioWatch Generation 3, chemical defense, medical and health planning and coordination, and workforce health protection: Provided further, That not to exceed $2,500 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATING EXPENSES

For necessary expenses for management and administration of the Federal Emergency Management Agency, $904,550,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394): Provided, That not to exceed $2,500 shall be for official reception and representation expenses: Provided further, That the Administrator of the Federal Emergency Management Agency is authorized to reprogram funds made available under this heading between programs, projects, and activities, subject to the limitations in section 503, by notifying the Committees on Appropriations of the Senate and the House of Representatives 15 days in advance of such reprogramming, but without prior written approval from such Committees: Provided further, That the authority in the preceding proviso shall expire on September 30, 2012: Provided further, That the President's budget submitted under section 1105(a) of title 31, United States Code, shall be detailed by office for the Federal Emergency Management Agency: Provided further, That of the total amount made available under this heading, not to exceed $12,000,000 shall remain available until September 30, 2013, for capital improvements at the Mount Weather Emergency Operations Center: Provided further, That of the total amount made available under this heading, $41,250,000 shall be for the Urban Search and Rescue Response System, of which not to exceed $1,600,000 may be made available for administrative costs; and $6,981,000 shall be for the Office of National Capital Region Coordination: Provided further, That $1,400,000 of the funds available for the Office of the Administrator shall not be available for obligation until the Administrator submits to the Committees on Appropriations of the Senate and the House of Representatives the National Preparedness Report required by Public Law 109–295 and a comprehensive plan to implement a system to measure the effectiveness of grants to State and local communities in fiscal year 2012: Provided further, That for purposes of planning, coordination, execution, and decisionmaking related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Public Law 107–296, the Homeland Security Act of 2002.

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, $1,476,681,000 shall be allocated as follows:

(1) $430,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): Provided, That of the amount provided by this paragraph, $50,000,000 shall be for Operation Stonegarden: Provided further, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2012, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) $400,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which, notwithstanding subsection (c)(1) of such section, $10,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) $200,000,000 shall be for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135, 1163, and 1182), of which not less than $20,000,000 shall be for Amtrak security: Provided, That such public transportation security assistance shall be provided directly to public transportation agencies.

(4) $200,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107.

(5) $15,000,000 shall be for grants for Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) to remain available until expended.

(6) $231,681,000 shall be for training, exercises, technical assistance, and other programs, of which $155,500,000 shall be for training of State, local, and tribal emergency response providers:

Provided, That 5.8 percent of the amounts provided under this heading shall be transferred to the Federal Emergency Management Agency ''Operating Expenses'' account for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days after the date of enactment of this Act: Provided further, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: Provided further, That for grants under paragraphs (1) through (5), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 90 days after the grant announcement, and that the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: Provided further, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: Provided further, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary of Homeland Security: Provided further, That in fiscal year 2012 and thereafter: (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended; (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train state and local emergency response providers; and (c) subject to (b), nothing in (a) prohibits the Center for Domestic Preparedness from providing training to employees of the Federal Emergency Management Agency for the professional development of such employees pursuant to 5 U.S.C. 4103 without reimbursement for the cost of such training.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $750,000,000, to remain available until September 30, 2013, of which $375,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $375,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a): Provided, That not to exceed 5 percent of the amount available under this heading shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $350,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2012, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2012, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $45,038,000.

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,800,000,000, to remain available until expended, of which $16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: Provided, That the Administrator of the Federal Emergency Management Agency shall submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives providing estimates of funding requirements for the ''Disaster Relief Fund'' for the current fiscal year and the succeeding three fiscal years: Provided further, That the report shall provide: (a) an estimate, by quarter, for the costs of all previously designated disasters; (b) an estimate, by quarter, for the cost of future disasters based on a 10-year average, excluding catastrophic disasters; (c) an estimate,

by quarter, for the costs of catastrophic disasters excluded from the 10-year average subdivided by disaster and the amount already obligated, and the remaining estimated costs; and (d) an estimate of the date on which the ''Disaster Relief Fund'' balance will reach $800,000,000: Provided further, That the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds for disaster readiness and support within 60 days after the date of enactment of this Act: Provided further, That the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes from the initial plan: Provided further, That the Federal Emergency Management Agency shall submit the monthly ''Disaster Relief Fund'' report, as specified in Public Law 110–161, to the Committees on Appropriations of the Senate and the House of Representatives, and include the amounts provided to each Federal agency for mission assignments: Provided further, That for any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department of Homeland Security for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department policies on—

(1) the detailed information required in supporting documentation for reimbursements; and

(2) the necessity for timeliness of agency billings.

For an additional amount for the ''Disaster Relief Fund'' for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $4,200,000,000, to remain available until expended: Provided, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $295,000 is for the cost of direct loans: Provided, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

For necessary expenses, including administrative costs, under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $92,712,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $171,000,000, which shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which not to exceed $22,000,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations; and not less than $149,000,000 shall be available for flood plain management and flood mapping, which shall remain available until September 30, 2013: Provided, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: Provided further, That in fiscal year 2012, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of:

(1) $132,000,000 for operating expenses;

(2) $1,007,571,000 for commissions and taxes of agents;

(3) such sums as are necessary for interest on Treasury borrowings; and

(4) $60,000,000, which shall remain available until expended for flood mitigation actions; of which not less than $10,000,000 is for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a); of which $10,000,000 shall be for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030); and of which $40,000,000 shall be for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017):

Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Insurance Act of 1968, notwithstanding subsection (f)(8) of such section 102 (42 U.S.C. 4012a(f)(8) and subsection 1366(i) and paragraphs (2) and (3) of section 1367(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(i), 4104d(b)(2)–(3)): Provided further, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), including administrative costs, $42,500,000, to remain available until expended: Provided, That the total administrative costs associated with such grants shall not exceed $3,000,000 of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $120,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $120,924,000, of which $102,424,000 is for immigration verification programs, including the E-Verify Program, as authorized by section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: Provided, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to five vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: Provided further, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment: Provided further, That none of the funds made available in this Act for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $238,957,000; of which up to $48,978,000 shall remain available until September 30, 2013, for materials and support costs of Federal law enforcement basic training; of which $300,000 shall remain available until expended to be distributed to Federal law enforcement agencies for expenses incurred participating in training accreditation; and of which not to exceed $10,200 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note), as amended by Public Law 111–83 (123 Stat. 2166), is further amended by striking ''December 31, 2012'' and inserting ''December 31, 2014'': Provided further, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year: Provided further, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $33,456,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181

et seq.), $143,000,000: Provided, That not to exceed $8,500 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); and the purchase or lease of not to exceed five vehicles, $657,000,000; of which $638,800,000 shall remain available until September 30, 2014, of which not less than $36,563,000 shall be for university programs; and of which $18,200,000, shall remain available until September 30, 2016, for infrastructure upgrades at the Transportation Security Laboratory.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.), for management and administration of programs and activities, $37,000,000: Provided, That not to exceed $2,500 shall be for official reception and representation expenses: Provided further, That not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a strategic plan of investments necessary to implement the Department of Homeland Security's responsibilities under the domestic component of the global nuclear detection architecture that shall:

(1) define each Departmental entity's roles and responsibilities in support of the domestic detection architecture, including any existing or planned programs to pre-screen cargo or conveyances overseas;

(2) identify and describe the specific investments being made by Departmental organizations in fiscal year 2012, and planned for fiscal year 2013, to support the domestic architecture and the security of sea, land, and air pathways into the United States;

(3) describe the investments necessary to close known vulnerabilities and gaps, including associated costs and timeframes, and estimates of feasibility and cost effectiveness; and

(4) explain how the Department's research and development funding is furthering the implementation of the domestic nuclear detection architecture, including specific investments planned for each of fiscal years 2012 and 2013.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear detection related development, testing, evaluation, and operations, $191,000,000, to remain available until September 30, 2014.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $40,000,000, to remain available until September 30, 2014: Provided, That none of the funds appropriated under this heading in this Act or any other Act shall be obligated for full-scale procurement of Advanced Spectroscopic Portal monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved by such obligation: Provided further, That the Secretary of Homeland Security shall submit separate and distinct certifications prior to the procurement of Advanced Spectroscopic Portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: Provided further, That the Secretary shall continue to consult with the National Academy of Sciences before making such certifications: Provided further, That none of the funds appropriated under this heading shall be used for high-risk concurrent development and production of mutually dependent software and hardware.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates a new program, project, or activity;

(2) eliminates a program, project, office, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or

(5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2012 Budget Appendix for the Department of Homeland Security, as modified by the joint explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that:

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or reduces the numbers of personnel by 10 percent as approved by the Congress; or

(3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) The notification thresholds and procedures set forth in this section shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2012: Provided, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2012 budget: Provided further, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: Provided further, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: Provided further, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: Provided further, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: Provided further, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2012 from appropriations for salaries and expenses for fiscal year 2012 in this Act shall remain available through September 30, 2013, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of an Act authorizing intelligence activities for fiscal year 2012.

SEC. 507. None of the funds made available by this Act may be used to make a grant allocation, grant award, contract award, Other Transaction Agreement, a task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: Provided, That if the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an

award is made or letter issued: Provided further, That no notification shall involve funds that are not available for obligation: Provided further, That the notification shall include the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account from which the funds are being drawn: Provided further, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under ''State and Local Programs''.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 520, 522, 528, and 530, of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. None of the funds made available in this Act may be used by any person other than the Privacy Officer appointed under subsection (a) of section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142(a)) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such subsection.

SEC. 513. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 514. For fiscal year 2012 and thereafter, none of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 515. Within 45 days after the end of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department.

SEC. 516. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration ''Aviation Security'', ''Administration'' and ''Transportation Security Support'' for fiscal years 2004 and 2005 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification: Provided, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 517. Any funds appropriated to Coast Guard ''Acquisition, Construction, and Improvements'' for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

SEC. 518. Section 532(a) of Public Law 109–295 (120 Stat. 1384) is amended by striking ''2011'' and inserting ''2012 and thereafter''.

SEC. 519. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 520. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer, may be obligated for a grant or contract funded under such headings by any means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, including the AbilityOne Program, that is authorized under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.);

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.);

(3) in an amount less than the simplified acquisition threshold described under section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or

(4) by another Federal agency using funds provided through an interagency agreement.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the application of this section for the award of a contract in the interest of national security or if failure to do so would pose a substantial risk to human health or welfare.

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract and an explanation of why the waiver authority was used. The Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by subsections (a), (b), and (c) of this section, the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: Provided, That the Inspector General shall review selected contracts awarded in the previous fiscal year through means other than a full and open competition: Provided further, That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: Provided further, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives no later than February 6, 2012.

SEC. 521. None of the funds made available in this or any other Act for fiscal years 2012 and thereafter, may be used to enforce section 4025(1) of Public Law 108–458 unless the Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 522. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of the enactment of this Act.

SEC. 523. None of the funds provided in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 524. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 525. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 526. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall hereafter be used to approve a waiver of the navigation and vessel-inspection laws pursuant to 46 U.S.C. 501 for the transportation of crude oil distributed from the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 48 hours of any request for waivers of navigation and vessel-inspection laws pursuant to 46 U.S.C. 501.

SEC. 527. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 528. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 529. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking ''Until September 30, 2011,'' and inserting ''Until September 30, 2012,'';

(2) by striking subsection (b);

(3) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively; and

(4) in subsection (c)(1) (as redesignated by paragraph (3) of this section), by striking ''September 30, 2011,'' and inserting ''September 30, 2012,''.

SEC. 530. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award

fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 531. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the E-Verify Program under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 532. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: Provided further, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 533. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9703.1 (g)(4)(B) of title 31, United States Code (as added by Public Law 102–393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: Provided, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 534. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 535. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 536. (a) Notwithstanding any other provision of law, if the Secretary of Homeland Security determines that the National Bio- and Agro-defense Facility should be located at a site other than Plum Island, New York, the Secretary shall ensure that the Administrator of General Services sells through public sale all real and related personal property and transportation assets which support Plum Island operations, subject to such terms and conditions as may be necessary to protect Government interests and meet program requirements.

(b) The proceeds of such sale described in subsection (a) shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology ''Research, Development, Acquisition, and Operations'' account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio- and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration.

SEC. 537. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 538. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121 note), as amended by section 550 of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83), is further amended by striking ''on October 4, 2011'' and inserting ''on October 4, 2012''.

SEC. 539. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 540. For fiscal year 2012 and thereafter, for purposes of section 210C of the Homeland Security Act of 2002 (6 U.S.C. 124j), a rural area shall also include any area that is located in a metropolitan statistical area and a county, borough, parish, or area under the jurisdiction of an Indian tribe with a population of not more than 50,000.

SEC. 541. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301.10–124 of title 41, Code of Federal Regulations.

SEC. 542. None of the funds made available in this Act may be used to propose or effect a disciplinary or adverse action, with respect to any Department of Homeland Security employee who engages regularly with the public in the performance of his or her official duties solely because that employee elects to utilize protective equipment or measures, including but not limited to surgical masks, N95 respirators, gloves, or hand-sanitizers, where use of such equipment or measures is in accord with Department of Homeland Security policy, and Centers for Disease Control and Prevention and Office of Personnel Management guidance.

SEC. 543. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 544. (a) Section 1647(b) of Public Law 112–10 is amended by striking ''provided in this division'' and inserting ''made available in this or any other Act''.

(b) The amendment made by subsection (a) shall apply to the fiscal year ending September 30, 2012.

SEC. 545. For an additional amount for necessary expenses for reimbursement of the actual costs to State and local governments for providing emergency management, public safety, and security at events, as determined by the Administrator of the Federal Emergency Management Agency, related to the presence of a National Special Security Event, $10,000,000, to remain available until September 30, 2013.

SEC. 546. Notwithstanding the 10 percent limitation contained in section 503(c) of this Act, the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to $20,000,000 from appropriations available to the Department of Homeland Security: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 5 days in advance of such transfer.

SEC. 547. The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary re-employment basis to conduct arbitrations of disputes as part of the arbitration panel established by the President under section 601 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 164).

SEC. 548. (a) Any company that collects or retains personal information directly from any individual who participates in the Registered Traveler program of the Transportation Security Administration shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800–30, entitled ''Risk Management Guide for Information Technology Systems'';

(2) the National Institute for Standards and Technology Special Publication 800–53, Revision 3, entitled ''Recommended Security Controls for Federal Information Systems and Organizations,''; and

(3) any supplemental standards established by the Assistant Secretary of Homeland Security, (Transportation Security Administration) (referred to in this section as the ''Assistant Secretary'').

(b) The airport authority or air carrier operator that sponsors the company under the Registered Traveler program shall be known as the Sponsoring Entity.

(c) The Assistant Secretary shall require any company covered by subsection (a) to provide, not later than 30 days after the date of the enactment of this Act, to the Sponsoring Entity written certification that the procedures used by the company to safeguard and dispose of information are in compliance with the requirements under subsection (a). Such certification shall include a description of the procedures used by the company to comply with such requirements.

SEC. 549. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 550. (a) Not later than 180 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report that either—

(1) certifies that the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code, has been met; or

(2) includes a strategy to comply with the requirements under title 44901(g) of title 49, United States Code, including—

(A) a plan to meet the requirement under section 44901(g) of title 49, United States Code, to screen 100 percent of air cargo transported on passenger aircraft arriving in the United States in foreign air transportation (as that term is defined in section 40102 of that title); and

(B) specification of—

(i) the percentage of such air cargo that is being screened; and

(ii) the schedule for achieving screening of 100 percent of such air cargo.

(b) The Assistant Secretary shall continue to submit reports described in subsection (a)(2) every 180 days thereafter until the Assistant Secretary certifies that the Transportation Security Administration has achieved screening of 100 percent of such air cargo.

SEC. 551. In developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that any processes developed take into consideration such passengers' and crews' privacy and civil liberties consistent with applicable laws, regulations, and guidance.

SEC. 552. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 553. (a) Funds made available by this Act solely for data center migration may be transferred by the Secretary of Homeland Security between appropriations for the same purpose, notwithstanding section 503 of this Act.

(b) No transfer described in (a) shall occur until 15 days after the Committees on Appropriations of the Senate and the House and Representatives are notified of such transfer.

(c) In addition to amounts made available in this Act for data center migration, $15,000,000, is available to the Secretary of Homeland Security for data center migration activities.

SEC. 554. For fiscal year 2012 and thereafter, U.S. Customs and Border Protection's Advanced Training Center is authorized to charge fees for any service and/or thing of value it provides to Federal Government or non-government entities or individuals, so long as the fees charged do not exceed the full costs associated with the service or thing of value provided: Provided, That notwithstanding 31 U.S.C. 3302(b), fees collected by the Advanced Training Center are to be deposited into a separate account entitled ''Advanced Training Center Revolving Fund'', and be available, without further appropriations, for necessary expenses of the Advanced Training Center program, and are to remain available until expended.

SEC. 555. Section 559(e) of Public Law 111–83 is amended—

(a) in the matter preceding the first proviso, by striking ''law, sell'' and inserting ''law, hereafter sell''; and

(b) in the first proviso—

(1) by striking ''shall be deposited'' and inserting ''shall hereafter be deposited''; and

(2) by striking ''subject to appropriation,'' and inserting ''without further appropriations,''.

SEC. 556. Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that specific U.S. Immigration and Customs Enforcement Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities no longer meet the mission need, the Secretary is authorized to dispose of individual Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities by directing the Administrator of General Services to sell all real and related personal property which support Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities, subject to such terms and conditions as necessary to protect Government interests and meet program requirements: Provided, That the proceeds, net of the costs of sale incurred by the General Services Administration and U.S. Immigration and Customs Enforcement, shall be deposited as offsetting collections into a separate account that shall be available, subject to appropriation, until expended for other real property capital asset needs of existing U.S. Immigration and Customs Enforcement assets, excluding daily operations and maintenance costs, as the Secretary deems appropriate: Provided further, That any sale or collocation of federally owned detention facilities shall not result in the maintenance of fewer than 33,400 detention beds: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to the announcement of any proposed sale or collocation.

SEC. 557. For an additional amount for the ''Office of the Under Secretary for Management'', $55,979,000, to remain available until expended, for necessary expenses to plan, acquire, construct, renovate, remediate, equip, furnish, and occupy buildings and facilities for the consolidation of department headquarters at St. Elizabeths and associated mission support consolidation: Provided, That the Committees on Appropriations of the Senate and House of Representatives shall receive an expenditure plan no later than 60 days after the date of enactment of this Act detailing the allocation of these funds.

SEC. 558. Notwithstanding section 44940(c) of title 49, United States Code, the limitation on fees imposed under subsection (a)(1) of such section 44940 may not exceed $4.00 per enplanement in air transportation or intrastate air transportation that originates at an airport in the United States, except that the total amount of such fees may not exceed $8 per one-way trip.

SEC. 559. None of the funds made available by this Act may be used to enforce the requirements in—

(1) section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)(1)(A));

(2) section 34(a)(1)(B) of such Act;

(3) section 34(c)(1) of such Act;

(4) section 34(c)(2) of such Act;

(5) section 34(c)(4)(A) of such Act; and

(6) section 34(a)(1)(E) of such Act.

SEC. 560. For fiscal year 2012 and thereafter, notwithstanding section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) and 31 U.S.C. 3302, in the event that a spill of national significance occurs, any payment of amounts from the Oil Spill Liability Trust Fund pursuant to section 1012(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(1)) for the removal costs incurred by the Coast Guard for such spill, shall be credited directly to the accounts of the Coast Guard that bore the expense or current at the time: Provided, That such amounts shall be merged with and, without further appropriations, made available for the same time period and the same purpose as the appropriation to which it is credited.

SEC. 561. (a) CIVIL PENALTIES.—Section 46301(a)(5)(A)(i) of title 49, United States Code, is amended—

(1) by striking ''or chapter 449'' and inserting ''chapter 449''; and

(2) by inserting '', or section 46314(a)'' after ''44909)''.

(b) CRIMINAL PENALTIES.—Section 46314(b) of title 49, United States Code, is amended to read as follows:

''(b) CRIMINAL PENALTY.—A person violating subsection (a) of this section shall be fined under title 18, imprisoned for not more than 10 years, or both.''.

(c) NOTICE OF PENALTIES.—Section 46314 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(c) NOTICE OF PENALTIES.—

''(1) IN GENERAL.—Each operator of an airport in the United States that is required to establish an air transportation security program pursuant to section 44903(c) shall ensure that signs that meet such requirements as the Secretary of Homeland Security may prescribe providing notice of the penalties imposed under sections 46301(a)(5)(A)(i) and subsection (b) of this section, are displayed near all screening locations, all locations where passengers exit the sterile area, and such other locations at the airport as the Secretary of Homeland Security determines appropriate.

''(2) EFFECT OF SIGNS ON PENALTIES.—An individual shall be subject to the penalty provided for under section 46301(a)(5)(A)(i) and subsection (b) of this section without regard to whether signs are displayed at an airport as required by paragraph (1).''.

SEC. 562. (a) SHORT TITLE.—This section may be cited as the ''Disaster Assistance Recoupment Fairness Act of 2011''.

(b) DEBTS SINCE 2005.—

(1) DEFINITION.—In this section, the term ''covered assistance'' means assistance provided—

(A) under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and

(B) in relation to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the period beginning on August 28, 2005, and ending on December 31, 2010.

(2) WAIVER AUTHORITY.—The Administrator of the Federal Emergency Management Agency—

(A) subject to subparagraph (B), may waive a debt owed to the United States related to covered assistance provided to an individual or household if—

(i) the covered assistance was distributed based on an error by the Federal Emergency Management Agency;

(ii) there was no fault on behalf of the debtor; and

(iii) the collection of the debt would be against equity and good conscience; and

(B) may not waive a debt under subparagraph (A) if the debt involves fraud, the presentation of a false claim, or misrepresentation by the debtor or any party having an interest in the claim.

(3) REPORTING.—Not later than 3 months after the date of enactment of this Act, and every 3 months thereafter until the date that is 18 months after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report that assesses the cost-effectiveness of the efforts of the Federal Emergency Management Agency to recoup improper payments under the Individuals and Household Program under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) to—

(A) the Committee on Homeland Security and Governmental Affairs and the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate; and

(B) the Committee on Homeland Security, the Committee on Transportation and Infrastructure, and the Subcommittee on Homeland Security of the Committee on Appropriations of the House of Representatives.

SEC. 563. (a) Notwithstanding section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and subject to subsection (b), recipients of Small Business Administration Disaster loans for disaster-related damage to their homes may be eligible for reimbursement at the discretion of the state, under Section 404 of that Act, for documented and eligible mitigation work performed on their home.

(b) LIMITATIONS.—

(1) Any reimbursement provided to or on behalf of a homeowner pursuant to subsection (a) shall not exceed the amount of the disaster loan that may be used and was used for disaster mitigation activities; and

(2) Subsection (a) shall only apply if the disaster loan and assistance provided under section 404 were made available in response to the same disaster declaration.

(3) Shall be applicable only to disasters declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the

period beginning on August 28, 2005 and ending on August 28, 2006.

(c) If a state chooses to use funds under section 404 to reimburse homeowners as provided in subsection (a), it shall make payments in the following order:

(1) First, to the Small Business Administration on behalf of the eligible homeowner for the purpose of reducing, but not below zero, the homeowner's outstanding debt obligation to the Small Business Administration for the disaster loan; and

(2) Second, any remaining reimbursement shall be paid directly to the homeowner.

SEC. 564. Notwithstanding the requirement under section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)(A)) that grants must be used to increase the number of firefighters in fire departments, the Secretary of Homeland Security, in making grants under section 34 of such Act using the funds appropriated for fiscal year 2011, shall grant waivers from the requirements of subsections (a)(1)(B), (c)(1), (c)(2), and (c)(4)(A) of such section: Provided, That section 34(a)(1)(E) of such Act shall not apply with respect to funds appropriated for fiscal year 2011 for grants under section 34 of such Act: Provided further, That the Secretary of Homeland Security, in making grants under section 34 of such Act, shall ensure that funds appropriated for fiscal year 2011 are made available for the hiring, rehiring, or retention of firefighters.

(INCLUDING RESCISSIONS)

SEC. 565. (a) For an additional amount for Coast Guard ''Acquisition, Construction, and Improvements'', $18,300,000, to remain available until September 30, 2014, for aircraft replacement.

(b) The following amounts are rescinded:

(1) $7,300,000 from unobligated balances made available for Coast Guard ''Acquisition, Construction, and Improvements'' in chapter 5 of title I of division B of Public Law 110–329.

(2) $7,000,000 from unobligated balances made available for ''United States Citizenship and Immigration Services'' in chapter 6 of title I of Public Law 111–212.

(3) $4,000,000 from unobligated balances made available for Transportation Security Administration ''Aviation Security'' in chapter 5 of title III of Public Law 110–28.

(c) The amount made available in subsection (a) is designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

(RESCISSIONS)

SEC. 566. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) $2,577,000 from Coast Guard, ''Acquisition, Construction, and Improvements''.

(2) $4,000,000 from U.S. Immigration and Customs Enforcement, ''Salaries and Expenses''.

(3) $407,000 from ''Violent Crime Reduction Programs''.

(4) $7,101,000 from U.S. Customs and Border Protection, ''Salaries and Expenses''.

(5) $3,121,348 from Department of Homeland Security, ''Office for Domestic Preparedness''.

(6) $678,213 from Federal Emergency Management Agency, ''National Predisaster Mitigation Fund''.

(RESCISSION)

SEC. 567. Of the unobligated, prior year balances available for U.S. Immigration and Customs Enforcement, ''Salaries and Expenses'', $7,000,000 are rescinded.

(RESCISSION)

SEC. 568. Of the unobligated, prior year balances available for U.S. Immigration and Customs Enforcement, ''Automation Modernization'', $10,000,000 are rescinded.

(RESCISSION)

SEC. 569. Of the unobligated balances available for Department of Homeland Security, ''Transportation Security Administration'' in ''Aviation Security'' account 70x0550, $48,503,000 are rescinded.

(RESCISSION)

SEC. 570. Of the unobligated, prior year balances available for Science and Technology, ''Research, Development, Acquisition, and Operations'', $20,000,000 are rescinded.

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2012''.

Mr. REID. I ask unanimous consent to withdraw the committee-reported substitute.

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

AMENDMENT NO. 666

Mr. REID. I call up amendment No. 666.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 666.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. Under the previous order, the amendment No. 666 is agreed to, and the clerk will read the title of the bill for the third time.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read for the third time, the question is, Shall the bill pass?

The bill (H.R. 2017), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. Mr. President, I ask unanimous consent that an amendment of the title which is at the desk be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 667) was agreed to, as follows:

Amend the title so as to read: ''An Act making continuing appropriations for fiscal year 2012, and for other purposes.''

MORNING BUSINESS

Mr. REID. Mr. President, I now ask that we proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

TRIBUTE TO GROVER CLEVELAND ''G.C.'' GARLAND

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to an accomplished educator and veteran who has dedicated his life to teaching young Kentuckians. Mr. Grover Cleveland ''G.C.'' Garland was involved with the Laurel County School System for over 50 years, where he played a vital role in changing the face of education in Laurel County before finally retiring in 1988.

G.C., 79, graduated from Bush High School in 1948 at the age of 16. At 18, he began teaching at Sasser School, part of the Laurel County School District, after only 2 years of college—his oldest student was 16, barely 2 years younger than him. G.C. spent another year teaching before he joined the U.S. Air Force to serve his country in the Korean war.

G.C. received his basic training in San Antonio, TX, and was transferred around before ending up in Fairbanks, AK. While on leave from his duties G.C. met his wife of 56 years, Joan, at the Ocean Wave Skating Rink in Fariston, KY.

In January 1956, G.C. was discharged from the Air Force and returned to Kentucky, where he returned to school at the University of Kentucky and received a degree in secondary education. He majored in math, history, and political science. After graduation, G.C. and his family returned to Laurel County and he began teaching at Bush. During his 8 years at Bush, G.C. received his master's degree and also assumed the role of part-time guidance counselor.

In 1965, G.C. assumed the position of central office supervisor after Laurel County School Superintendent Hayward Gilliam asked him to help build Laurel County's first million-dollar high school. He spent 13 years as supervisor before being hired as the Laurel County superintendent in 1978. In his 10-year tenure as superintendent, he oversaw several major projects, including the construction of Cold Hill Elementary and junior high schools North and South Laurel Middle Schools.

In 2006 Mr. Garland was honored when the Laurel County school administration named one of the new office buildings after him—the G.C. Garland Administration Building, on the campus of London Elementary School. Furthermore, two of G.C.'s daughters, Jan and Sharon, currently work at Bush Elementary School.

Grover Cleveland ''G.C.'' Garland's lifetime of work and dedication to the education of Kentuckians is truly an inspiration to the people of our great Commonwealth. The Laurel County Sentinel Echo recently published an article highlighting and thanking G.C. for his service to the people of Kentucky. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Laurel County Sentinel Echo, Spring 2011]

BUILDING A LEGACY

(By Sue Minton)

For more than 50 years Grover Cleveland (G.C.) has been involved with the Laurel County School System, except for four years he served his country in the U.S. Air Force, and one year teaching another county.

The 79-year-old entered Murray Elementary School (Clay County) at the age of five

and finished his elementary years at Burning Springs Elementary.

''Burning Springs was a three-room elementary school and they didn't teach every grade every year,'' Garland said. ''They were not teaching the fifth grade the year I was supposed to be in the fifth. I was promoted to the sixth grade and this put me two years ahead of myself. I always did well academically, but socializing and sports were a problem for me. I was a nerd in today's language.''

Before Garland entered high school, his parents moved from Clay County to Laurel County and he continued his education at Bush High School, graduating in 1948 at the age of 16.

Then having completed two years of college, the 18-year-old found himself teaching at a one-room school.

''The year was 1950 and I was teaching in the Laurel County School District at Sasser School, teaching grades first through eighth,'' he recalls. He had one student, a girl, who was 16, just two years younger than he was at the time.

''That first year I also had two beginners. This concerned me,'' he added. ''I thought, how would I ever deal with them. By the end of the school year I was more proud of them than any of the other students. You could really see what they had accomplished.''

For his second year Garland was transferred to Valley Grove, the last one-room school built in Laurel County. ''I had only taught there half a year when I received greetings from President Harry Truman. I didn't let them draft me; I joined the Air Force. The Korean Conflict was raging at that time.''

Garland received his basic training at Lackland Air Force Base in San Antonio, Texas. He was later transferred to Keesler Air Force Base in Biloxi, Miss., where he remained for two years before going to Low Air Force Base in Denver, Colo.

''I was in Denver three months before I was transferred to Fairbank, Alaska with Project Remote,'' he said. ''While there I developed back trouble and was transported to a bigger hospital at Scott Air Force Base in Illinois. The doctors were getting ready to do surgery when the surgeon went on leave. I was sent to Walter Reed Medical Center in Washington, D.C. where I had surgery.''

''After recovering from back surgery, I returned to Laurel County to get my wife, Joan, and my car,'' he added. ''I got married before going to Alaska, but she couldn't go with me. I only had about six months left in my enlistment period and we returned to Washington, D.C.''

Although both Garland and his wife, Joan, were from Laurel County, they had not met before.

''I met Joan on leave from the Air Force at the Ocean Wave Skating Rink at Fariston,'' he recalls. ''We planned on getting married at Christmas in 1954, but I got my orders for Alaska in October. I asked her if we could get married before I left and she said 'yes.'" The couple have been married 56 years.

In January 1956, Garland was discharged from the U.S. Air Force. He and Joan returned to Kentucky and Garland returned to education.

He attended the University of Kentucky, receiving a degree in secondary education majoring in math, history and political science. While at UK, Garland taught one year at an elementary school in Bourbon County. Also, his son, Ronald Wayne, was born. (Wayne is now a chemical engineer for Eastman Chemical Company in Kingsport, Tenn.).

Garland and his family moved back to Laurel County and he started teaching at Bush School. For eight years he taught mostly math.

He remembers teaching trigonometry to one senior class. ''The class had an average I.Q. of 120. Those students have gone on to do great things. I wish we put more emphasis on the Gifted and Talented Program these days.''

''Also, our daughters, Sharon and Jan, were born during my tenure at Bush.''

Garland later accepted the responsibilities of a half-time guidance counselor.

''The guidance counselor program began while I was at Bush,'' he said.

''I picked-up my master's degree while I was teaching at Bush and it was at this time the National Defense Education Act began. The government got all excited after Russia launched the satellite Sputnik, thinking other countries were superior to the United States in math and science. This spurred more training for math teachers and guidance counselors. I was in both categories, so I got a lot of those institutes. I made a summer job out of going to school. Joan said I was a professional student.''

It was during one of the institutes at UK during the summer of 1965 that Garland was contacted by then Laurel County School Superintendent Hayward Gilliam. ''Mr. Gilliam told me he wanted to bring me into the central office as a supervisor. He said he was going to build a new high school and wanted me to help him. At that time we still had 12 to 14 one-and-two room schools. They had been good in their day, but their day had long since passed.''

Garland relates a story pertaining to a one-room school.

''When I went into the central office it was during Lyndon Johnson's term and they had just discovered poverty in these hills.' The Council of Southern Mountains in Berea had gathered some books they wanted to send to our one-and-two room schools. People had donated the books; they were mostly for adults. One of the schools received some of these books in a blue footlocker. A representative from the council came down to see where his books had gone and what good they had done. I took him to the school. They had a substitute teacher that day and she had no idea where his books had gone. He noticed a big blue patch on the front door and said 'at least the box was useful.' They had taken part of the footlocker and patched a hole on the front door.''

He recalls how the new school, Laurel County High School, was built.

''Before I took the supervisor's job I talked to some people and was told they didn't think the district could build a new school. The district was in debt. But, Mr. Gilliam was determined. That was the same year of the Elementary and Secondary Education Act (ESEA), the ''big'' federal aid program that offered funds to areas in poverty. It was broken down into different programs, one being the Title I Program. Laurel County's first allotment of Title I money was $414,860. That was a lot of money in those days. We still had those one-and-two room schools, were short on teachers and short overall on classrooms. The people over ESEA first said no construction with the funds. Susan Lou Young and I came into the central office at the same time as supervisors and we went with Mr. Gilliam to Frankfort to speak with the state coordinator of Title I. We were told we could not use the funds for construction. Mrs. Young said, 'Looks like we are just too poor to be helped.' The coordinator later said he thought about that and went to Washington, D.C. They agreed some of the money could be used for construction.''

Among the first building projects were libraries and reading rooms on the existing consolidated schools, followed by a lunchroom at Bush School.

Mr. Gilliam approached Garland saying he could purchase a 60-acre farm for $2,000 an acre if he could get $80,000 from the Title I money.'

''We told them in Frankfort how we were going to do away with the one-and-two room schools and consolidate so the students could have more Title I services,'' Garland added. ''London School, and independent district, was bursting at the seams and had no room to expand. At this time they merged with the Laurel County School District, and in the 1970–71 school year Laurel County High School opened, partially built with Title I funds.''

''This was the first million-dollar school in Laurel County,'' he added. ''And the four old high schools became junior highs.''

After 13 years as a supervisor and federal programs coordinator with the school district and the retirement of both Mr. Gilliam and the assistant superintendent, Garland pitched his hat in the ring for superintendent.

In 1978 Garland was hired as superintendent with a two-year contract. Joe McKnight came on-board as assistant superintendent.

In 1980 Garland's contract was not renewed and with 30 years of service to the district, he retired.

''That fall, the political climate changed. The superintendent was terminated and I applied to come back,'' Garland said. ''I was hired, finished the former superintendent's term and received a four-year contract. I was superintendent for 10 years minus the 6 or 7 months when my contract was not renewed, retiring under my own steam in 1988.''

Under Garland's administration, Cold Hill Elementary and the junior high schools, now North and South Laurel Middle Schools, were the major projects.

In 2006, Laurel County's current school administration paid tribute to his legacy in education by naming one of the new administration office buildings after him—the G.C. Garland Administration Building, located on the campus of London Elementary School.

Assistant Superintendent Joe McKnight succeeded Garland as superintendent. ''Joe did a lot for the system. The second high school, north Laurel High School, Hunter Hills and the new Bush school were built while he was superintendent.''

With two daughters in education—Jan teaching fifth grade and Sharon a guidance counselor, both at Bush Elementary School—Garland thinks the education field has changed a great deal.

''The facilities have changed dramatically over the years. We have always had good people, but there is no comparison to the facilities today as to 1965 when I went into the central office. Teachers are better trained today, at least in terms of college years and degrees and there is more and better funding of services for students. Teachers see it harder because of paperwork involved and discipline. I think paperwork takes away from time that could be used for instruction. But I guess students are like the rest of us, they are spoiled by all that has been handed to them. I just hope we don't hand them the debt to pay.''

''I don't think society in general appreciates a good education. Not necessarily the children. I think we are a spoiled society. In my days in school when they talked about rights, they talked about responsibility as well. Since the 60s we have majored on rights with very little talk about responsibility.''

''Again, we have always had good people in the Laurel County School System and I was always for the principals and assistant principals,'' he said. ''In my time we kind of used them as a board of directors. They made it easier on us in the central office. They had a hand in setting the policies and they backed the policies.''

Garland said he missed the students terribly for a while after he left the classroom, as well as the good people he worked with at the central office and the school system in general.

''I worked with a lot of good people,'' he said. ''We had a great team. I give any credit due to my family, my church and all the people I worked with. Also, I think we all owe a debt of gratitude to our current board members and to all who have ever served in that role.''

MONTANA TAA

Mr. BAUCUS. Mr. President, I want to thank all those Montanans who have participated in TAA and have shared their stories with me. They include Jerry Ann Ross, Wilfred Johnson, Daryl Blasing, Larry Netzel, Albert Drebes, and Kris Allen.

These Montanans embody the ideals of the TAA Program, which encourages people to keep trying, even when they have been let down or let go. Their hard work and perseverance led them to their success today.

I also want to thank a few more Montanans. These folks work tirelessly to deliver the TAA program and to help people like Jerry Ann and Larry get good-paying jobs. I want to recognize and thank the following: Kathy Yankoff, Elaine Eidum, Laura Gardner, and Wolf Ametsbichler.

And I want to thank the educational institutions that have helped to train these workers to find good-paying jobs. These include Flathead Valley Community College, University of Montana, especially the College of Technology; and Helena College of Technology.

I know these names are just a few of the many American success stories across the country.

For those Americans who have good paying jobs, keep at it. And for those of you who are looking for a job, help is on the way.

I am proud to support these Montanans. I am proud to support TAA.

HISPANIC HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, I rise today to join in the celebration of Hispanic Heritage Month and to recognize the many invaluable contributions that have been made by the Hispanic-American community.

For generations, a vibrant Hispanic community has worked tirelessly to enrich and strengthen our Nation.

With ancestors coming to the U.S. from Spain, Mexico, the Caribbean, and Central and South America, the Hispanic community's rich culture has enhanced the great diversity of the United States.

According to the latest census numbers, there are more than 54 million people of Hispanic heritage living in the United States, including 4 million in Puerto Rico alone.

All across America, a vibrant Hispanic-American community is contributing to all sectors of our economy and is playing a key role as small business entrepreneurs and government leaders on the Federal, State and local levels.

This is especially true in California, my home State, which boasts over 1,000 publicly elected officials of Hispanic heritage. These dedicated public officials serve as Members of the U.S. Congress, the California State Legislature, and hold numerous positions on the city and county levels of government.

This year, I was proud to support the nomination of Yvonne Gonzalez Rogers to serve as a U.S. District Judge for the Northern District of California. Her nomination is historic, as she would be the first Latina judge to serve on that court.

Judge Gonzalez represents an American success story, as her path in life has been extraordinary. Of her parents, her sixteen aunts and uncles, and their children, Judge Gonzalez Rogers is one of only three family members to attend college.

She has been able to rise from modest beginnings to graduate from two of the best universities in the country.

It is my hope that many more young people will follow Judge Gonzalez's journey. That is why I believe it is in America's best interest to give talented young adults who have good moral character and are dedicated to serving the United States the opportunity to succeed. The DREAM Act embodies the values of hard work that make this country great and I will continue to support this important legislation.

I believe it is also important to recognize the 1.1 million Hispanic Americans 18 years or older who are veterans of the U.S. Armed Forces. Americans of Hispanic descent have defended and served our country with valor in every conflict since the Revolutionary War.

Forty-one Hispanic Americans have received the Congressional Medal of Honor, the highest military award presented by the United States.

I commend our Hispanic-American veterans, as well as those on active duty, who have risked and given their lives for the safety and well-being of our Nation.

It is my hope that more of today's young people, including those of Hispanic heritage, will soon have the opportunity to pursue their dreams of obtaining a higher education degree or serving in the U.S. military.

On the larger front, we must continue to strive towards reforming our broken immigration system, which is crucial to the future success of the Nation's economy.

This country was built by people who risked everything because they believed in the promise and opportunities available in America. Part of the American dream is that anyone with a desire and a will to work can make a life for themselves here.

As the current generation of Hispanic Americans continues to strive to fulfill the American dream, I am pleased to celebrate their past accomplishments as well as their future achievements that will continue to make this country great.

TRIBUTE TO LAWRENCE H. LEE AND GERALD GRINSTEIN

Mr. HATCH. Mr. President, I rise today to pay tribute to two men whose influence has greatly benefitted my State.

My good friend Lawrence H. Lee was, at one time, the CEO of Western Airlines. As you may know, before merging with Delta Air Lines in 1986, Western was one of the largest airlines serving the western U.S.

In 1982, as an executive at Western Airlines, Lawrence was responsible for establishing a hub for the airline in Salt Lake City, UT. This would prove to be a consequential decision, both for the airline and, most especially, for the economic future of the State of Utah.

In the early 1980s, Western Airlines was on the verge of bankruptcy. Lawrence was appointed CEO in 1983 and tasked with the job of turning the airline around. Under his leadership, they were able to reduce costs and return Western to profitability. Ultimately, this success led to Western's merger with Delta Air Lines.

During his tenure as CEO of Western Airlines, Lawrence's right-hand man was none other than Gerald Grinstein, Delta's future CEO. An excerpt from Lawrence's journal gives an account of Mr. Grinstein's efforts to save Delta Air Lines and preserve its Salt Lake hub.

It is important to note that Delta's Salt Lake hub, which exists as a direct result of my friend Lawrence's decision to create a hub there for Western Airlines, is vital to Utah's economy. Salt Lake City is small relative to other major airline hubs in the U.S. Therefore, the city and its surrounding community receive an almost inordinate economic benefit from the presence of the Delta hub. Delta's Salt Lake hub attracts untold amounts of business to Utah. It was cited as a reason that Utah was able to secure the Winter Olympics in 2002. All told, Utah receives nearly $18 billion every year from commercial aviation, most of which is derived from Delta's presence in the market.

I thank my good friend Lawrence Lee for his contribution to Utah's growth and development. In his journal, Lawrence states that Gerald Grinstein should be considered a ''Giant of Salt Lake City.'' I certainly agree. But, I believe much the same could be said about Lawrence Lee.

Mr. President, as testimony to the importance of Lawrence Lee and Gerald Grinstein to Utah's economic growth, I ask unanimous consent that an excerpt from the Personal Journal of Lawrence H. Lee be printed in the RECORD.

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

EXCERPT FROM THE PERSONAL JOURNAL OF LAWRENCE H. LEE—2011

When an ''unfriendly takeover'' of a public transportation company occurs, one of the most important events to transpire is the testimony of each of the two Chief Executive Officers before the United States Senate Commerce Committee. The answer to each of the Senator's questions, and the way each Senator reacts to that answer, can pretty well predict whether or not they will bless the takeover.

This event took place between US Airways and Delta Air Lines. US Air had offered between eight and ten billion dollars to purchase Delta Air Lines while Delta was in bankruptcy. They had the financing arranged to buy Delta and it was apparent the Creditor's Committee was in favor of their purchase arrangement.

Had you been given the job to select a candidate who would ultimately become Delta Air Lines' CEO to testify at this hearing, what array of education, talent and experience might be included in your list of credentials? The future of thousands of employees and the financial health of at least one state's economy would most likely hang in the balance of this person's success in giving convincing testimony at this Senate hearing.

If I had been given that job, this is what I might have submitted as requirements to assure victory.

Graduate from the law school of an acclaimed university.

Be the Chief of Staff to an influential United States Senator.

Practice law as Chief Counsel to the Commerce Committee of the U.S. Senate.

Be Counsel to the Senate Merchant Marine and Transportation Subcommittee. Serve on a major airline's board of directors.

Ultimately be appointed Chief Executive Officer of that company.

Merge the airline with a partner who would keep the airline's current hub operations in place.

Be appointed to the merged airline's board of directors and so impress the others on the board that they would extend the person's tenure beyond the mandatory age for leaving the board.

Take over the leadership of that airline when it is financially crippled and then take it through bankruptcy.

SO BEGINS MY ACCOUNT OF GERALD GRINSTEIN'S RESCUE OF DELTA AIR LINES AND THE SALT LAKE AIRLINE HUB

One must look at Grinstein's post-graduate history in order to understand how decades later he arrived at a point where his actions, while the airline was in bankruptcy, were crucial to the future economy of Utah.

Not long after Jerry graduated from Harvard Law School and entered the political arena, he obtained a position in Washington as Chief Counsel to the U.S. Senate Commerce Committee and Counsel to the Merchant Marine & Transportation Subcommittee. This put him in touch with some very important Senators; several who were still serving when he was CEO of Delta Air Lines.

Grinstein was introduced to Western Airlines by Neil Stewart, Western's Vice President Governmental Affairs. Neil knew him when he was Administrative Assistant to the Senator from the State of Washington, Warren G. Magnuson.

Dominic P. Renda, then CEO of Western, was seeking a replacement for a retiring board member from Seattle. He asked Stewart for a suggestion and Neil recommended Gerald Grinstein who was then elected to the Board of Directors in 1977. During a later discussion with an influential member of Western Airline's board of directors, Bishop Victor Brown, I discovered that we both had the feeling that there was something special about Jerry. Although he had never held an executive position in a corporation, we felt he had un-tapped potential.

In the 1980's, Salt Lake City seemed ready to do what was necessary to become a greater draw for new industry. To have this happen, the right people were in place; especially the new Mayor, Ted Wilson. He had based his campaign on the expansion of the Salt Lake Airport. When I arrived in February, 1982 with the news that Salt Lake City was to be Western's main hub operation, it was as though Mayor Wilson had been awaiting our arrival. He welcomed us with open arms.

With the successful completion of the Salt Lake hub, and subsequent building of the ''D'' concourse, Western Airlines was in the position to meet the new deregulated marketplace; however, our cost structure was still too high to fight off the new low-cost carriers. This led to continued losses.

By April 1, 1983 I was asked to take on the chore of turning Western around. I knew I would need someone at my side who was a good communicator with fresh views; someone who was strong and yet sufficiently flexible to step into a new career.

Western was on the edge of bankruptcy, so the changes required had to be made quickly. From the moment I was asked to be the CEO I knew Jerry Grinstein was the man that could fill this position. In January, 1984, he accepted the position of President and Chief Operating Officer.

We at Western Airlines were successful in lowering costs, showing a record annual profit; and a potential groom, Delta Air Lines, had proposed marriage. In their proposal, Delta offered Western two seats on their board of directors. Jerry, then the CEO, took one of them. Later his experience and performance was deemed so valuable that the Delta board waived the ''age 70 and out'' rule so Jerry could stay on the board.

When Leo Mullin, Delta's CEO, resigned, Jerry was asked to be the President and CEO. Delta was in grave financial condition. Grinstein did everything in his power to keep Delta out of bankruptcy, but the pilot's cooperation did not come early enough to keep this from happening. Therefore, on September 14, 2005, Delta and its subsidiaries filed a petition for bankruptcy protection.

During this bankruptcy, US Airways, Inc. made an unsolicited eight-billion dollar offer to buy Delta Air Lines. Their plan was filed and was being evaluated by the Creditors Committee. Grinstein had submitted Delta's plan for recovery to this same group and one was being weighed against the other.

The Creditors Committee knew that the merging of Delta with US Airways would require government approvals. There was a strong employee program mounted at Delta to fight off this takeover. Nevertheless, in spite of their efforts, rumors persisted that the Creditors Committee felt US Airways offer was best and that they could get the government approval necessary to allow it to go forward; that is, until Jerry Grinstein appeared before the Senate.

Jerry, and Doug Parker, CEO of US Airways, were asked to testify before the Senate Transportation Sub-Committee; the same august body to whom Jerry had once served as counsel. Grinstein was in his favorite element. He was calm, collected and totally prepared to defend his plan to exit bankruptcy over Parker's plan to purchase Delta.

There was standing room only and the public area was filled with uniformed personnel from Delta Air Lines. Pilots in their full regalia were lining the walls. Those who had initially resisted Grinstein's attempts to cut costs were now on his side and cheering him on.

At one critical point of the long examination, Parker made a speech on how he was going to maximize profits from his proposed venture and a Senator asked where he was going to get the aircraft to accomplish this feat. His quick answer was, ''From Delta.'' The pilots along the wall went ballistic. Jerry handled this well and the meeting soon ended.

Following this session, it was obvious to the Creditors Committee that approval from the government now looked risky and not long after, Delta's plan was accepted. Grinstein's testimony was the linchpin in blocking US Airways' effort. No one else in the world could come close to accomplishing what Jerry did in that Senate Chamber. Jerry was at the right place at the right time to preserve the transportation service that Western Airlines established in May, 1982; the Salt Lake City Hub.

One might wonder why I place so much emphasis on this particular hub. I'll explain this as briefly as I can. It is because, in ratio to population, Delta Air Lines brings to Utah an inordinate amount of employment and revenue, as compared to other major airline hubs in America.

In 2006 Campbell Hill was engaged by the Air Transport Association to survey all 50 States in the Union to see what percentage of their economy was derived from commercial aviation. Their study indicates that Utah is receiving close to eighteen-billion dollars a year from commercial aviation. The only States higher than Utah in percentage of employment from commercial aviation are Hawaii and Nevada; no surprise, considering their heavy tourist trade. This is why the Salt Lake City aviation hub is so vital to Utah's financial system.

Another point to consider is that many of the companies that have opened businesses in Utah have stated that a major factor in their decision is the superior air transportation service available to them.

One other detail, the hub offers an immeasurable prestige to Utah by attracting many events that would otherwise book elsewhere. The greatest example of this is the 2002 Winter Olympics. To quote Kern Gardner, the man credited for recruiting Mitt Romney to organize those Olympics, ''Without the Delta Air Lines hub we would never have been successful in bringing the Winter Olympics to Salt Lake City.'' A point of interest, Kern was Chairman of the Airport Commission when Western decided to bring the hub to Utah. He was a great help to us at that time.

To me, the most significant contribution of the airline hub in Salt Lake City is the service it performs for the Church of Jesus Christ of Latter-day Saints who has its headquarters in Salt Lake City. The LDS Church has become a strong-worldwide entity and, with its large missionary program, books more travel than most big corporations. Recently there were non-stop flights added from Salt Lake City to Paris and to Tokyo. When this hub was formed by Western Airlines, we could only dream of such a local achievement. Without the LDS Church Headquarters in SLC it is doubtful one could support this direct-flight convenience.

By any measure, Grinstein should be considered ''A Giant of Salt Lake City.'' Through his efforts he helped preserve the ''economic structure'' of which I have spoken. Had US Airways been successful in their attempt to purchase Delta Air Lines, the multi-billion dollar a year contribution to Utah's economy from the Salt Lake City aviation hub could have been severely disrupted.

Utah enjoys a finely-tuned transportation service and we owe Gerald Grinstein a debt of gratitude for helping to keep it in place.

RECOGNIZING THE ANTI-DEFAMATION LEAGUE

Ms. COLLINS. Mr. President, in the aftermath of September 11, Americans found strength in each other and in our common values. At a time when polarization and division seem to characterize the public debate on many of the important issues confronting our Nation, including terrorism and border security, the 10th anniversary of September 11 has been an occasion for us to reflect and refocus on the core values that unite us as Americans, including the belief that each person should be free to live without persecution, regardless of race, religion, or ethnicity.

It is in that spirit that I wish today to recognize the work of the Anti-Defamation League; which has carried out important work in opposition to the anti-Semitic sentiments of those promoting September 11 conspiracy theories. As we mark the 10th anniversary of September 11, we must strongly condemn the anti-Semitic conspiracy theories that blame Jews or Israel for carrying out the September 11 terrorist attacks that continue to this day.

The ADL also plays an important role in addressing the consequences of hate and fostering a dialog through its recent work with a broad coalition of groups. In its retrospective, ''9/11 Ten Years Later: The Changing Face of Hate, Terrorism and Democracy in America,'' the ADL assesses the proliferation of anti-Semitic conspiracy theories related to the September 11 terrorist attacks, the nature and magnitude of homegrown extremism and terrorism, the growing problem of anti-Muslim bigotry, and the recalibration of the balance between security and individual rights. The ADL also has been a leader in promoting police-community partnerships and expanding training for law enforcement.

We face serious challenges in the fight against terrorism and violent extremism. In meeting those challenges, we as lawmakers should be inspired by efforts like those of the ADL to transcend division and differences.

On the occasion of the 10th anniversary of September 11, it is an honor for me to recognize the work of the ADL and underscore the importance of their message.

RECOGNIZING THE FREEPORT FLAG LADIES

Ms. SNOWE. Mr. President, today I wish to pay tribute to three truly remarkable Mainers—Elaine Greene, Carmen Footer and JoAnn Miller, affectionately known as, The Freeport Flag Ladies. It has been said that great things come in threes. That adage applies many, many times over for my friends and phenomenal Mainers, all retired and residing together in Elaine's home on School Street in Freeport. I am in awe of them and their story which is one of unabashed patriotism, limitless inspiration, and a love of country that makes us all inexpressibly proud.

Every Tuesday morning from 8 to 9 a.m., regardless of weather and irrespective of season, these renowned Flag Ladies have stood not far from another icon in Maine, L.L. Bean, with the presence and exuberance of not one, but three Statues of Liberty having come to life for the single purpose of paying rightful homage to those who have sacrificed for all of us—our brave service men and women and our first responders.

And incredibly, they have never, ever missed a Tuesday—not once. They have given up vacations and used the money they saved for this and other endeavors, including sending care packages to those fighting in Iraq and Afghanistan. They travel to Bangor International Airport two to three times a week to join the Maine Troop Greeters, or to Pease International in New Hampshire, they attend numerous troop send-off or welcome-home ceremonies, and Elaine estimates she has taken 1 million photos of the troops when they greet them at various locations.

These women project the inescapable belief that our strength and resolve as a State and a nation have always emanated not from Augusta, not from Washington, but from the people themselves—from tireless patriots of their own volition performing the most extraordinary of deeds. I well recall when we stood shoulder to shoulder as the steel beams from the Twin Towers—bequeathed by officials at Ground Zero to the town of Freeport—journeyed this past May from their hallowed home in New York to be enshrined in a 9/11 Memorial. Elaine, Carmen, and JoAnn's leadership in bringing the steel to Maine was instrumental.

How fitting it is that this massive steel beam that once undergirded the World Trade Center now undergird our spirits, our hearts, and our memories in Freeport. After all, there are only a finite number of steel pieces that remain from the Twin Towers, and the requests for them within America and around the world far exceed what is available. To have the proud distinction of displaying this beam—in which so much meaning is infused—defies description. But behind Maine's selection was the knowledge that we would be more than custodians of this patriotic emblem—that we would in fact be its steward. What better stewards than the Freeport Flag Ladies.

The words are difficult to find to adequately convey the height of my admiration, not to mention the sense of privilege I have felt when joining them on Main Street to wave American flags. People honk as they drive by, they wave, they stop and thank them—it really is something. Let me just say, it was the highest of honors to join Elaine, Carmen, and JoAnn on the 10th anniversary of the September 11 attacks in Freeport.

Ever since I learned of their exceptional response to the horrific events of 9/11, Tuesdays have never been the same for me, for my staff, and for the countless individuals who have encountered them in Freeport or heard about them in the news. Indeed, after the heinous acts that occurred that Tuesday morning on September 11, 2001, when President Bush asked us all, as Americans, to walk outside and light a candle in remembrance of those individuals taken tragically from us too soon, Elaine, Carmen, and JoAnn did just that. But they also kindled a deeper flame in all of us by bringing American flags with them to wave on Main Street in Freeport. And for that we are so very grateful.

It is fitting that these three women with backgrounds in health care have taken it upon themselves—one Tuesday at a time, one greeting at a time, one photo at a time, and one good word at a time—to help heal our Nation by harnessing the best of who we are and what we stand for, whether in the best of times or when facing adversity.

When considering their stalwart dedication to our country and those who serve her, I cannot help but recall one of Maine's giants and America's military heroes, GEN Joshua Chamberlain, who once said, ''I long to be in the field again, doing my part to keep the old flag up, with all its stars.'' The Freeport Flag Ladies, by being civilian sentinels of freedom have indeed been doing their part for 10 years. Thank you Elaine, Carmen, and JoAnn.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. C. PAT TAYLOR

• Mr. BLUNT. Mr. President, today I pay tribute to Dr. C. Pat Taylor, who has served as president of Southwest Baptist University in Bolivar, MO, for the last 15 years, making him the longest serving president in the 133-year history of the school. Dr. Taylor already had an impressive record in higher education before coming to SBU in 1996. In the last 15 years he has added to that record of accomplishment and earned respect for his leadership and dedication to the students and community at Southwest Baptist University.

Southwest Baptist University is a very special place to me. I earned my undergraduate degree there and 20 years later served 4 years as its President. Dr. Taylor is my successor, and I have enjoyed watching the university grow and get even better under his leadership.

During his remarkable tenure at SBU:

Dr. Taylor has presented a record 11,881 degrees since 1996.

SBU has Missouri's third largest nursing degree program on its Springfield campus.

The number of student missionaries sent out in North American has doubled to more than 400 in the last decade, and Dr. Taylor hopes to see that continue to increase.

Student enrollment peaked at more than 3700 in the fall of 2009 and remains at 3,576 this semester.

The Partner in Excellence campaign between 1999 and 2005 raised a record $62 million to fund 13 major building projects for the arts, instructional technology and extended learning, sports and athletics, religious education, and campus parking.

The SBU endowment more than doubled during the last decade to over $19 million.

The school's first doctoral program was launched, and the number of physical therapy applications has grown each year.

''It's all God's blessing,'' Dr. Taylor has explained. ''We've worked hard, but God has blessed it. It's not what we've done, but it's what God has done through us. When I really look at our success, it's because God has ordained that we will be successful.''

I could not agree with Dr. Taylor more. I would add that Dr. Taylor is a blessing to Southwest Baptist University and the community. It is my hope that Southwest Baptist University continues to meet its mission as a ''Christ-centered, caring academic community preparing students to be servant leaders in a global society.'' It is a bold calling, and I am certain SBU has the leadership and dedication in Dr. Taylor to see it fulfilled.●

TRIBUTE TO GLENN VANSELOW

● Mr. WYDEN. Mr. President, today I want to recognize and honor Glenn Vanselow and wish him well upon his upcoming retirement from his position as executive director of the Pacific Northwest Waterways Association of Portland, OR.

Glenn has served as the executive director of the Pacific Northwest Waterways Association since 1989. His 22 years of service to Oregonians and all the residents of the Northwest have been invaluable. His advocacy on behalf of infrastructure projects in the region has been key to ensuring that Oregon's ports remain a vital component of our economy and laid a foundation for them to grow and flourish in the future.

He has been critical to helping build and maintain the locks, dams, hydropower and irrigation projects on the Columbia/Snake River system that have been so important to commerce in our region. He brought experience, know-how, leadership, and vision to critical navigation projects like the Columbia River Channel Deepening and the lock gate replacements just this past winter. And a few years ago, we were able to celebrate the completion of repairs to the Tillamook north jetty together.

Glenn has made many stops along the way in serving the Northwest. He is on the board of the Lower Columbia River Estuary Partnership, he co-chaired the Bi-State Water Quality Study for the Lower Columbia and served as chair of the Lower Columbia River Estuary Program in developing a management plan for ecosystem restoration. Past board memberships have included the Oregon Governor's Council of Economic Advisors, Regional Maritime Security Coalition-Columbia River, and University of Idaho College of Mines Advisory Board.

The legacy of Glenn's time with PNWA will be the permanent and long-term investments in Oregon that he helped move forward, the jobs those projects helped to create, and the families who have benefited from the great work the PNWA has done during his tenure. I know my home State of Oregon owes Glenn a great debt.

I congratulate Glenn on his significant contributions to the growth and development of the economy of the Pacific Northwest, and I wish him well in retirement.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on today, September 26, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. UPTON) has signed the following enrolled bills:

H.R. 2646. An act to authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes.

H.R. 2883. An act to amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

H.R. 2943. An act to extend the program of block grants to States for temporary assistance for needy families and related programs through December 31, 2011.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bills were signed on today, September 26, 2011, during the adjournment of the Senate, by the President pro tempore (Mr. INOUYE).

MESSAGE FROM THE HOUSE

At 3:33 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2401. An act to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes.

MEASURES REFERRED

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

H.R. 2401. An act to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

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

S. 1633. A bill to amend chapter 1606 of title 10, United States Code, to modify the basis utilized for annual adjustments in amounts of educational assistance for members of the Selected Reserve; to the Committee on Armed Services.

By Mr. TESTER:

S. 1634. A bill to amend title 38, United States Code, to improve the approval and disapproval of programs of education for purposes of educational benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1635. A bill to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. COONS (for himself, Ms. MURKOWSKI, Mr. BINGAMAN, Ms. STABENOW, and Mr. PRYOR):

S. Res. 283. A resolution designating the year of 2011 as the ''International Year of Chemistry''; considered and agreed to.

By Mr. KOHL (for himself, Ms. MIKULSKI, Mr. ENZI, Mr. BLUMENTHAL, Ms. COLLINS, and Mr. SANDERS):

S. Res. 284. A resolution designating September 23, 2011, as ''National Falls Prevention Awareness Day'' to raise awareness and encourage the prevention of falls among older adults; considered and agreed to.

ADDITIONAL COSPONSORS

S. 268

At the request of Mr. TESTER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 268, a bill to sustain the economic development and recreational use of National Forest System land and other

public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, and for other purposes.

S. 393

At the request of Mr. REED, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 393, a bill to aid and support pediatric involvement in reading and education.

S. 412

At the request of Mr. LEVIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 484

At the request of Mr. BENNET, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 484, a bill to direct the Secretary of Education to pay to Fort Lewis College in the State of Colorado an amount equal to the tuition charges for Indian students who are not residents of the State of Colorado.

S. 601

At the request of Mr. UDALL of New Mexico, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 601, a bill to encourage and ensure the use of safe football helmets and for other purposes.

S. 606

At the request of Mr. CASEY, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 606, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the priority review voucher incentive program relating to tropical and rare pediatric diseases.

S. 609

At the request of Mr. INHOFE, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 609, a bill to provide for the establishment of a committee to assess the effects of certain Federal regulatory mandates.

S. 701

At the request of Mr. BENNET, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 701, a bill to amend section 1120A(c) of the Elementary and Secondary Education Act of 1965 to assure comparability of opportunity for educationally disadvantaged students.

S. 811

At the request of Mr. MERKLEY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 811, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

S. 838

At the request of Mr. TESTER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 951

At the request of Mrs. MURRAY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 1094

At the request of Mr. MENENDEZ, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1094, a bill to reauthorize the Combating Autism Act of 2006 (Public Law 109–416).

S. 1096

At the request of Ms. STABENOW, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1096, a bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for bone mass measurement under such program through 2013.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1214, a bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1251

At the request of Mr. CARPER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Maryland (Mr. CARDIN) 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. 1301

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, and for other purposes.

S. 1350

At the request of Mr. COONS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1350, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 1507

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1507, a bill to provide protections from workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1508

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1508, a bill to extend loan limits for programs of the Federal Housing Administration, the government-sponsored enterprises, and the Department of Veterans Affairs, and for other purposes.

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1508, supra.

S. 1514

At the request of Mr. TESTER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Maryland (Mr. CARDIN) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1594

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1594, a bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to carry out a conservation program under which the Secretary shall make payments to assist owners and operators of muck land to conserve and improve the soil, water, and wildlife resources of the land.

S. 1597

At the request of Mr. BROWN of Ohio, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1597, a bill to provide assistance for the modernization, renovation, and repair of elementary school

and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

S. 1623

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1623, a bill to provide a processing extension for emergency mortgage relief payments, and for other purposes.

S. RES. 275

At the request of Mr. REID, his name was added as a cosponsor of S. Res. 275, a resolution designating October 30, 2011, as a national day of remembrance for nuclear weapons program workers.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 283—DESIGNATING THE YEAR OF 2011 AS THE ''INTERNATIONAL YEAR OF CHEMISTRY''

Mr. COONS (for himself, Ms. MURKOWSKI, Mr. BINGAMAN, Ms. STABENOW, and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 283

Whereas the United Nations has designated the year of 2011 as the International Year of Chemistry and is holding a worldwide celebration called ''Chemistry—Our Life, Our Future'', which recognizes the achievements made in the field of chemistry and the contributions of those achievements to the well-being of humankind;

Whereas the science of chemistry is vital to the improvement of human life because of its power to transform;

Whereas chemistry provides solutions that successfully address global challenges involving safe food and water, alternate sources of energy, improved health, and a healthy and sustainable environment;

Whereas the members of chemical enterprise and industry, scientific societies, and academia in the United States, and the Government of the United States, generate important contributions to the economy of the United States, and energize the scientific and technological base with critical innovations;

Whereas 2011 represents the 100th anniversary of the award of the Nobel Prize to Marie Curie for the second time, the first time that an individual had received a second Nobel Prize;

Whereas Marie Curie has inspired generations of scientists to excel in their fields;

Whereas the purpose of the ''Chemistry—Our Life, Our Future'' celebration is to increase public appreciation of chemistry in meeting world needs, to further the development of science, technology, engineering, and mathematics education at all levels, and to encourage interest in chemistry among young people in order to create a future corps of innovators;

Whereas exciting new practices of sustainable green chemistry incorporate design processes to maximize the amount of raw material that ends up in the end product, use safe, environmentally benign substances, including solvents, design energy efficient processes, and minimize waste disposal by not creating it in the first place; and

Whereas during the year of 2011, countries and organizations will reach out to adults and children through symposia, conferences, demonstrations, workshops, contests, school activities, exhibitions, and other public events to increase awareness of the history and importance of chemistry: Now, therefore, be it

Resolved, That the Senate—

(1) designates the year of 2011 as the ''International Year of Chemistry'';

(2) supports the goals of the International Year of Chemistry;

(3) recognizes the necessity of educating the public on the merits of the sciences, including chemistry, and promoting interest in the sciences among the youth of the United States; and

(4) encourages the people of the United States to participate in the International Year of Chemistry through appropriate recognition of programs, activities, and ceremonies that call attention to the importance of chemistry to our well-being in the present and the future.

SENATE RESOLUTION 284—DESIGNATING SEPTEMBER 23, 2011, AS ''NATIONAL FALLS PREVENTION AWARENESS DAY'' TO RAISE AWARENESS AND ENCOURAGE THE PREVENTION OF FALLS AMONG OLDER ADULTS

Mr. KOHL (for himself, Ms. MIKULSKI, Mr. ENZI, Mr. BLUMENTHAL, Ms. COLLINS, and Mr. SANDERS) submitted the following resolution; which was considered and agreed to:

S. RES. 284

Whereas older adults, 65 years of age and older, are the fastest-growing segment of the population in the United States, and the number of older adults in the United States will increase from 35,000,000 in 2000 to 72,100,000 in 2030;

Whereas 1 out of 3 older adults in the United States falls each year;

Whereas falls are the leading cause of injury, death, and hospital admissions for traumatic injuries among older adults;

Whereas, in 2009, approximately 2,200,000 older adults were treated in hospital emergency departments for fall-related injuries, and more than 582,000 were subsequently hospitalized;

Whereas, in 2007, more than 18,400 older adults died from injuries related to unintentional falls;

Whereas the total cost of fall-related injuries for older adults is $80,900,000,000, including more than $19,000,000,000 in direct medical costs;

Whereas the Centers for Disease Control and Prevention estimate that if the rate of increase in falls is not slowed, the annual cost under the Medicare program will reach $32,400,000,000 by 2020; and

Whereas evidence-based programs show promise in reducing falls and facilitating cost-effective interventions, such as comprehensive clinical assessments, exercise programs to improve balance and health, management of medications, correction of vision, and reduction of home hazards: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 23, 2011, as ''National Falls Prevention Awareness Day'';

(2) commends the Falls Free Coalition and the falls prevention coalitions in 43 States and the District of Columbia for their efforts to work together to increase education and awareness about the prevention of falls among older adults;

(3) encourages businesses, individuals, Federal, State, and local governments, the public health community, and health care providers to work together to promote the awareness of falls in an effort to reduce the incidence of falls among older adults in the United States;

(4) urges the Centers for Disease Control and Prevention to continue developing and evaluating strategies to prevent falls among older adults that will translate into effective fall prevention interventions, including community-based programs;

(5) encourages State health departments, which provide significant leadership in reducing injuries and injury-related health care costs by collaborating with colleagues and a variety of organizations and individuals, to reduce falls among older adults; and

(6) recognizes proven, cost-effective falls prevention programs and policies and encourages experts in the field to share their best practices so that their success can be replicated by others.

AMENDMENTS SUBMITTED AND PROPOSED

SA 661. Mr. REID submitted an amendment intended to be proposed to amendment SA 656 proposed by Mr. REID to the bill H.R. 2608, making continuing appropriations for fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 662. Mr. REID submitted an amendment intended to be proposed to amendment SA 656 proposed by Mr. REID to the bill H.R. 2608, supra; which was ordered to lie on the table.

SA 663. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 656 proposed by Mr. REID to the bill H.R. 2608, supra; which was ordered to lie on the table.

SA 664. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 656 proposed by Mr. REID to the bill H.R. 2608, supra; which was ordered to lie on the table.

SA 665. Mr. REID proposed an amendment to the bill H.R. 2608, supra.

SA 666. Mr. REID proposed an amendment to the bill H.R. 2017, making continuing appropriations for fiscal year 2012, and for other purposes.

SA 667. Mr. REID proposed an amendment to the bill H.R. 2017, supra.

SA 668. Mr. REID (for Mr. ISAKSON (for himself and Mrs. BOXER)) proposed an amendment to the bill S. 1280, to amend the Peace Corps Act to require sexual assault risk-reduction and response training, and the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

TEXT OF AMENDMENTS

SA 661. Mr. REID submitted an amendment intended to be proposed to amendment SA 656 proposed by Mr. REID to the bill H.R. 2608, making continuing appropriations for fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike lines 16 through 23, and insert in lieu thereof:

(1) an additional amount for ''Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief'', $774,000,000, to remain available until expended; and

(2) an additional amount for ''Corps of Engineers-Civil—Flood Control and Coastal

Emergencies'', $226,000,000, to remain available until expended.

SA 662. Mr. REID submitted an amendment intended to be proposed to amendment SA 656 proposed by Mr. REID to the bill H.R. 2608, making continuing appropriations for fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the word ''The'' on page 1, line 4, and insert the following:

Following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2012, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2011 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2011, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Department of Defense Appropriations Act, 2011 (division A of Public Law 112–10).

(2) The Full-Year Continuing Appropriations Act, 2011 (division B of Public Law 112–10).

(b) The rate for operations provided by subsection (a) is hereby reduced by 1.503 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2011 or prior years; (2) the increase in production rates above those sustained with fiscal year 2011 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2011.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2011.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2012, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2012 without any provision for such project or activity; or (3) November 18, 2011.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2012 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2011, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2011, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2011 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2011, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) Except as provided in subsection (b), each amount incorporated by reference in this Act that was previously designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress. Section 101(b) of this Act shall not apply to any amount so designated.

(b) Subsection (a) shall not apply to amounts for ''Department of Justice—Federal Bureau of Investigation—Salaries and Expenses''.

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2012 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts made available by this Act for ''Department of Defense—Operation and Maintenance—Operation and Maintenance, Air Force'' may be used by the Secretary of Defense for operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: *Provided*, That the authority made by this section shall continue in effect through the date specified in section 106(3) of this Act: *Provided further*, That section 9014 of division A of Public Law 112–10 shall not apply to funds appropriated by this Act.

SEC. 117. Notwithstanding section 101, funds made available in title IX of division A of Public Law 112–10 for ''Overseas Contingency Operations'' shall be available at a rate for operations not to exceed the rate permitted by H.R. 2219 (112th Congress) as passed by the House of Representatives on July 8, 2011.

SEC. 118. The authority provided by section 127b of title 10, United States Code, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. The authority provided by section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as extended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4623), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 120. Notwithstanding section 101, amounts are provided for ''Defense Nuclear Facilities Safety Board—Salaries and Expenses'' at a rate for operations of $29,130,000.

SEC. 121. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading ''District of Columbia Funds'' for such programs and activities under title IV of H.R. 2434 (112th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under ''District of Columbia Funds—Summary of Expenses'' as included in the Fiscal Year 2012 Budget Request Act of 2011 (D.C. Act 19–92), as modified as of the date of the enactment of this Act.

SEC. 122. Notwithstanding section 101, amounts are provided for the necessary expenses of the Recovery Accountability and Transparency Board, to carry out its functions under title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), at a rate for operations of $28,350,000.

SEC. 123. (a) Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) shall be applied by substituting the date specified in

section 106(3) of this Act for ''September 30, 2011''.

(b) Notwithstanding section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)), the Small Business Technology Transfer Program shall continue in effect through the date specified in section 106(3) of this Act.

(c) Notwithstanding section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)), the pilot program under section 9(y) of such Act shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking ''September 30, 2011'' and inserting the date specified in section 106(3) of this Act.

SEC. 125. (a) Notwithstanding section 101, amounts are provided for ''Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief'' at a rate for operations of $2,650,000,000: *Provided*, That the Secretary of Homeland Security shall provide a full accounting of disaster relief funding requirements for such account for fiscal year 2012 not later than 15 days after the date of the enactment of this Act, and for fiscal year 2013 in conjunction with the submission of the President's budget request for fiscal year 2013.

(b) The accounting described in subsection (a) for each fiscal year shall include estimates of the following amounts:

(1) The unobligated balance of funds in such account that has been (or will be) carried over to such fiscal year from prior fiscal years.

(2) The unobligated balance of funds in such account that will be carried over from such fiscal year to the subsequent fiscal year.

(3) The amount of the rolling average of non-catastrophic disasters, and the specific data used to calculate such rolling average, for such fiscal year.

(4) The amount that will be obligated each month for catastrophic events, delineated by event and State, and the total remaining funding that will be required after such fiscal year for each such catastrophic event for each State.

(5) The amount of previously obligated funds that will be recovered each month of such fiscal year.

(6) The amount that will be required in such fiscal year for emergencies, as defined in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(7) The amount that will be required in such fiscal year for major disasters, as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(8) The amount that will be required in such fiscal year for fire management assistance grants, as defined in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187).

SEC. 126. Any funds made available pursuant to section 101 for the Department of Homeland Security may be obligated at a rate for operations necessary to sustain essential security activities, such as: staffing levels of operational personnel; immigration enforcement and removal functions, including sustaining not less than necessary detention bed capacity; and United States Secret Service protective activities, including protective activities necessary to secure National Special Security Events. The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 127. The authority provided by section 532 of Public Law 109–295 shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 128. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 129. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this Act for ''October 4, 2011''.

SEC. 130. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2011''.

SEC. 131. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (42 U.S.C. 1701 note), concerning Service First authorities, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 132. Notwithstanding section 101, section 1807 of Public Law 112–10 shall be applied by substituting ''$374,743,000'' for ''$363,843,000'' and ''$10,900,000'' for ''$3,000,000''.

SEC. 133. The second proviso of section 1801(a)(3) of Public Law 112–10 is amended by striking ''appropriation under this subparagraph'' and inserting ''appropriations made available by this Act''.

SEC. 134. Notwithstanding section 101, amounts are provided for ''Federal Mine Safety and Health Review Commission—Salaries and Expenses'' at a rate for operations of $14,510,000.

SEC. 135. Sections 399AA(e), 399BB(g), and 399CC(f) of the Public Health Service Act (42 U.S.C. 280i(e), 280i–1(g), 280i–2(f)) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2011''.

SEC. 136. Notwithstanding section 101, section 2005 of division B of Public Law 112–10 shall be applied by substituting ''$0'' for each dollar amount.

SEC. 137. The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2011'' in section 7 of such Act.

SEC. 138. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2011''.

SEC. 139. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed a rate for operations of $25,000,000,000: *Provided*, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at $80,000,000 multiplied by the number of days covered in this Act.

SEC. 140. (a) RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—

(1) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a ''renewal resolution'' for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(b) EFFECTIVE DATE.—This section shall take effect on July 26, 2011.

(c) APPLICABILITY.—This section shall not be subject to any other provision of this Act.

This Act may be cited as the ''Continuing Appropriations Act, 2012''.

SA 663. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 656 proposed by Mr. REID to the bill H.R. 2608, making continuing appropriations for fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, amounts are provided for ''Department of Commerce—United States Patent and Trademark Office—Salaries and Expenses,'' for necessary expenses of the United States Patent and Trademark Office provided for by law, at a rate of operations of $2,706,313,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to section 31 of the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (commonly referred to as the ''Trademark Act of 1946'') (15 U.S.C. 1113) and sections 41 and 376 of title 35, United States Code, are received during fiscal year 2012, so as to result in a fiscal year 2012 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2012, should the total amount of offsetting fee collections be less than $2,706,313,000, this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of $2,706,313,000 in fiscal year 2012 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: *Provided further*, That the Director of the Patent and Trademark Office shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of division B of Public Law 111–117 and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SA 664. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 656 proposed by Mr. REID to the bill H.R. 2608, making continuing appropriations for fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amounts appropriated or otherwise made available for the Department of State for fiscal year 2011 for activities in Afghanistan that remain available for obligation as of the date of the enactment of this Act, $1,600,000,000 is hereby rescinded.

SA 665. Mr. REID proposed an amendment to the bill H.R. 2608, making continuing appropriations for fiscal year 2012, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the House amendment to Senate amendment, insert the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2012, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2011 and under the authority and

conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2011, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Department of Defense Appropriations Act, 2011 (division A of Public Law 112–10).

(2) The Full-Year Continuing Appropriations Act, 2011 (division B of Public Law 112–10).

(b) The rate for operations provided by subsection (a) is hereby reduced by 1.503 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2011 or prior years; (2) the increase in production rates above those sustained with fiscal year 2011 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2011.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2011.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2012, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2012 without any provision for such project or activity; or (3) November 18, 2011.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2012 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2011, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2011, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2011 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2011, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) Except as provided in subsection (b), each amount incorporated by reference in this Act that was previously designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress. Section 101(b) of this Act shall not apply to any amount so designated.

(b) Subsection (a) shall not apply to amounts for ''Department of Justice—Federal Bureau of Investigation—Salaries and Expenses''.

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2012 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts made available by this Act for ''Department of Defense—Operation and Maintenance—Operation and Maintenance, Air Force'' may be used by the Secretary of Defense for operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: *Provided*, That the authority made by this section shall continue in effect through the date specified in section 106(3) of this Act: *Provided further*, That section 9014 of division A of Public Law 112–10 shall not apply to funds appropriated by this Act.

SEC. 117. Notwithstanding section 101, funds made available in title IX of division A of Public Law 112–10 for ''Overseas Contingency Operations'' shall be available at a rate for operations not to exceed the rate permitted by H.R. 2219 (112th Congress) as passed by the House of Representatives on July 8, 2011.

SEC. 118. The authority provided by section 127b of title 10, United States Code, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. The authority provided by section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as extended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4623), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 120. Notwithstanding section 101, amounts are provided for ''Defense Nuclear Facilities Safety Board—Salaries and Expenses'' at a rate for operations of $29,130,000.

SEC. 121. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading ''District of Columbia Funds'' for such programs and activities under title IV of H.R. 2434 (112th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under ''District of Columbia Funds—Summary of Expenses'' as included in the Fiscal Year 2012 Budget Request Act of 2011 (D.C. Act 19–92), as modified as of the date of the enactment of this Act.

SEC. 122. Notwithstanding section 101, amounts are provided for the necessary expenses of the Recovery Accountability and Transparency Board, to carry out its functions under title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), at a rate for operations of $28,350,000.

SEC. 123. (a) Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2011''.

(b) Notwithstanding section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)), the Small Business Technology Transfer Program shall continue in effect through the date specified in section 106(3) of this Act.

(c) Notwithstanding section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)), the pilot program under section 9(y) of such Act shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking ''September 30, 2011'' and inserting the date specified in section 106(3) of this Act.

SEC. 125. (a) Notwithstanding section 101, amounts are provided for ''Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief'' at a rate for operations of $2,650,000,000: *Provided*, That the Secretary of Homeland Security shall provide a full accounting of disaster relief funding requirements for such account

for fiscal year 2012 not later than 15 days after the date of the enactment of this Act, and for fiscal year 2013 in conjunction with the submission of the President's budget request for fiscal year 2013.

(b) The accounting described in subsection (a) for each fiscal year shall include estimates of the following amounts:

(1) The unobligated balance of funds in such account that has been (or will be) carried over to such fiscal year from prior fiscal years.

(2) The unobligated balance of funds in such account that will be carried over from such fiscal year to the subsequent fiscal year.

(3) The amount of the rolling average of non-catastrophic disasters, and the specific data used to calculate such rolling average, for such fiscal year.

(4) The amount that will be obligated each month for catastrophic events, delineated by event and State, and the total remaining funding that will be required after such fiscal year for each such catastrophic event for each State.

(5) The amount of previously obligated funds that will be recovered each month of such fiscal year.

(6) The amount that will be required in such fiscal year for emergencies, as defined in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(7) The amount that will be required in such fiscal year for major disasters, as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(8) The amount that will be required in such fiscal year for fire management assistance grants, as defined in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187).

SEC. 126. Any funds made available pursuant to section 101 for the Department of Homeland Security may be obligated at a rate for operations necessary to sustain essential security activities, such as: staffing levels of operational personnel; immigration enforcement and removal functions, including sustaining not less than necessary detention bed capacity; and United States Secret Service protective activities, including protective activities necessary to secure National Special Security Events. The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 127. The authority provided by section 532 of Public Law 109–295 shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 128. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 129. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this Act for ''October 4, 2011''.

SEC. 130. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2011''.

SEC. 131. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (42 U.S.C. 1701 note), concerning Service First authorities, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 132. Notwithstanding section 101, section 1807 of Public Law 112–10 shall be applied by substituting ''$374,743,000'' for ''$363,843,000'' and ''$10,900,000'' for ''$3,000,000''.

SEC. 133. The second proviso of section 1801(a)(3) of Public Law 112–10 is amended by striking ''appropriation under this subparagraph'' and inserting ''appropriations made available by this Act''.

SEC. 134. Notwithstanding section 101, amounts are provided for ''Federal Mine Safety and Health Review Commission—Salaries and Expenses'' at a rate for operations of $14,510,000.

SEC. 135. Sections 399AA(e), 399BB(g), and 399CC(f) of the Public Health Service Act (42 U.S.C. 280i(e), 280i–1(g), 280i–2(f)) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2011''.

SEC. 136. Notwithstanding section 101, section 2005 of division B of Public Law 112–10 shall be applied by substituting ''$0'' for each dollar amount.

SEC. 137. The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2011'' in section 7 of such Act.

SEC. 138. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2011''.

SEC. 139. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed a rate for operations of $25,000,000,000: *Provided*, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at $80,000,000 multiplied by the number of days covered in this Act.

SEC. 140. (a) RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—

(1) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a ''renewal resolution'' for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(b) EFFECTIVE DATE.—This section shall take effect on July 26, 2011.

(c) APPLICABILITY.—This section shall not be subject to any other provision of this Act.

This Act may be cited as the ''Continuing Appropriations Act, 2012''.

SA 666. Mr. REID proposed an amendment to the bill H.R. 2017, making continuing appropriations for fiscal year 2012, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2012, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2011 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2011, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Department of Defense Appropriations Act, 2011 (division A of Public Law 112–10).

(2) The Full-Year Continuing Appropriations Act, 2011 (division B of Public Law 112–10).

(b) The rate for operations provided by subsection (a) is hereby reduced by 1.503 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2011 or prior years; (2) the increase in production rates above those sustained with fiscal year 2011 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2011.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2011.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2012, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2012 without any provision for such project or activity; or (3) October 4, 2011.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2012 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be

made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2011, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2011, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2011 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2011, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) Except as provided in subsection (b), each amount incorporated by reference in this Act that was previously designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress. Section 101(b) of this Act shall not apply to any amount so designated.

(b) Subsection (a) shall not apply to amounts for ''Department of Justice—Federal Bureau of Investigation—Salaries and Expenses''.

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2012 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts made available by this Act for ''Department of Defense—Operation and Maintenance—Operation and Maintenance, Air Force'' may be used by the Secretary of Defense for operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: *Provided*, That the authority made by this section shall continue in effect through the date specified in section 106(3) of this Act: *Provided further*, That section 9014 of division A of Public Law 112–10 shall not apply to funds appropriated by this Act.

SEC. 117. Notwithstanding section 101, funds made available in title IX of division A of Public Law 112–10 for ''Overseas Contingency Operations'' shall be available at a rate for operations not to exceed the rate permitted by H.R. 2219 (112th Congress) as passed by the House of Representatives on July 8, 2011.

SEC. 118. The authority provided by section 127b of title 10, United States Code, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. The authority provided by section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as extended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4623), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 120. Notwithstanding section 101, amounts are provided for ''Defense Nuclear Facilities Safety Board—Salaries and Expenses'' at a rate for operations of $29,130,000.

SEC. 121. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading ''District of Columbia Funds'' for such programs and activities under title IV of H.R. 2434 (112th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under ''District of Columbia Funds—Summary of Expenses'' as included in the Fiscal Year 2012 Budget Request Act of 2011 (D.C. Act 19–92), as modified as of the date of the enactment of this Act.

SEC. 122. Notwithstanding section 101, amounts are provided for the necessary expenses of the Recovery Accountability and Transparency Board, to carry out its functions under title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), at a rate for operations of $28,350,000.

SEC. 123. (a) Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2011''.

(b) Notwithstanding section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)), the Small Business Technology Transfer Program shall continue in effect through the date specified in section 106(3) of this Act.

(c) Notwithstanding section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)), the pilot program under section 9(y) of such Act shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking ''September 30, 2011'' and inserting the date specified in section 106(3) of this Act.

SEC. 125. (a) Notwithstanding section 101, amounts are provided for ''Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief'' at a rate for operations of $2,650,000,000: *Provided*, That the Secretary of Homeland Security shall provide a full accounting of disaster relief funding requirements for such account for fiscal year 2012 not later than 15 days after the date of the enactment of this Act, and for fiscal year 2013 in conjunction with the submission of the President's budget request for fiscal year 2013.

(b) The accounting described in subsection (a) for each fiscal year shall include estimates of the following amounts:

(1) The unobligated balance of funds in such account that has been (or will be) carried over to such fiscal year from prior fiscal years.

(2) The unobligated balance of funds in such account that will be carried over from such fiscal year to the subsequent fiscal year.

(3) The amount of the rolling average of non-catastrophic disasters, and the specific data used to calculate such rolling average, for such fiscal year.

(4) The amount that will be obligated each month for catastrophic events, delineated by event and State, and the total remaining funding that will be required after such fiscal year for each such catastrophic event for each State.

(5) The amount of previously obligated funds that will be recovered each month of such fiscal year.

(6) The amount that will be required in such fiscal year for emergencies, as defined in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(7) The amount that will be required in such fiscal year for major disasters, as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) .

(8) The amount that will be required in such fiscal year for fire management assistance grants, as defined in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187).

SEC. 126. Any funds made available pursuant to section 101 for the Department of Homeland Security may be obligated at a rate for operations necessary to sustain essential security activities, such as: staffing levels of operational personnel; immigration enforcement and removal functions, including sustaining not less than necessary detention bed capacity; and United States Secret Service protective activities, including protective activities necessary to secure National Special Security Events. The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 127. The authority provided by section 532 of Public Law 109–295 shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 128. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 129. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this Act for ''October 4, 2011''.

SEC. 130. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2011''.

SEC. 131. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (42 U.S.C. 1701 note), concerning Service First authorities, shall continue in effect through the date specified in section 106(3) of this Act.

Sec. 132. Notwithstanding section 101, section 1807 of Public Law 112–10 shall be applied by substituting ''$374,743,000'' for ''$363,843,000'' and ''$10,900,000'' for ''$3,000,000''.

SEC. 133. The second proviso of section 1801(a)(3) of Public Law 112–10 is amended by striking ''appropriation under this subparagraph'' and inserting ''appropriations made available by this Act''.

SEC. 134. Notwithstanding section 101, amounts are provided for ''Federal Mine

Safety and Health Review Commission Salaries and Expenses'' at a rate for operations of $14,510,000.

SEC. 135. Sections 399AA(e), 399BB(g), and 399CC(f) of the Public Health Service Act (42 U.S.C. 280i(e), 280i–1(g), 280i–2(f)) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2011''.

SEC. 136. Notwithstanding section 101, section 2005 of division B of Public Law 112–10 shall be applied by substituting ''$0'' for each dollar amount.

SEC. 137. The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2011'' in section 7 of such Act.

SEC. 138. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2011''.

SEC. 139. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed a rate for operations of $25,000,000,000: *Provided*, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at $80,000,000 multiplied by the number of days covered in this Act.

SEC. 140, (a) RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—

(1) IN GENERAL—Congress. approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b) (1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a ''renewal resolution'' for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(b) EFFECTIVE DATE.—THIS SECTION SHALL TAKE EFFECT ON JULY 26, 2011.

(c) APPLICABILITY.—THIS SECTION SHALL NOT BE SUBJECT TO ANY OTHER PROVISION OF THIS ACT.

This Act may be cited as the ''Continuing Appropriations Act, 2012''.

SA 667. Mr. REID proposed an amendment to the bill H.R. 2017, making continuing appropriations for fiscal year 2012, and for other purposes; as follows:

Amend the title so as to read: ''An Act making continuing appropriations for fiscal year 2012, and for other purposes.''

SA 668. Mr. REID (for Mr. ISAKSON (for himself and Mrs. BOXER)) proposed an amendment to the bill S. 1280, to amend the Peace Corps Act to require sexual assault risk-reduction and response training, and the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Kate Puzey Peace Corps Volunteer Protection Act of 2011''.

SEC. 2. PEACE CORPS VOLUNTEER PROTECTION.

The Peace Corps Act is amended by inserting after section 8 (22 U.S.C. 2507) the following new sections:

''SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE TRAINING

''SEC. 8A. (a) IN GENERAL.—As part of the training provided to all volunteers under section 8(a), the President shall develop and implement comprehensive sexual assault risk-reduction and response training that, to the extent practicable, conforms to best practices in the sexual assault field.

''(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault risk-reduction and response training under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.

''(c) SUBSEQUENT TRAINING.—Once a volunteer has arrived in his or her country of service, the President shall provide the volunteer with training tailored to the country of service that includes cultural training relating to gender relations, risk-reduction strategies, treatment available in such country (including sexual assault forensic exams, post-exposure prophylaxis (PEP) for HIV exposure, screening for sexually transmitted diseases, and pregnancy testing), MedEvac procedures, and information regarding a victim's right to pursue legal action against a perpetrator.

''(d) INFORMATION REGARDING CRIMES AND RISKS.—Each applicant for enrollment as a volunteer shall be provided with information regarding crimes against and risks to volunteers in the country in which the applicant has been invited to serve, including an overview of past crimes against volunteers in the country.

''(e) CONTACT INFORMATION.—The President shall provide each applicant, before the applicant enrolls as a volunteer, with—

''(1) the contact information of the Inspector General of the Peace Corps for purposes of reporting sexual assault mismanagement or any other mismanagement, misconduct, wrongdoing, or violations of law or policy whenever it involves a Peace Corps employee, volunteer, contractor, or outside party that receives funds from the Peace Corps;

''(2) clear, written guidelines regarding whom to contact, including the direct telephone number for the designated Sexual Assault Response Liaison (SARL) and the Office of Victim Advocacy and what steps to take in the event of a sexual assault or other crime; and

''(3) contact information for a 24-hour sexual assault hotline to be established for the purpose of providing volunteers a mechanism to anonymously—

''(A) report sexual assault;

''(B) receive crisis counseling in the event of a sexual assault; and

''(C) seek information about Peace Corps sexual assault reporting and response procedures.

''(f) DEFINITIONS.—In this section and sections 8B through 8G:

''(1) PERSONALLY IDENTIFYING INFORMATION.—The term 'personally identifying information' means individually identifying information for or about a volunteer who is a victim of sexual assault, including information likely to disclose the location of such victim, including the following:

''(A) A first and last name.

''(B) A home or other physical address.

''(C) Contact information (including a postal, email, or Internet protocol address, or telephone or facsimile number).

''(D) A social security number.

''(E) Any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with information described in subparagraphs (A) through (D), would serve to identify the victim.

''(2) RESTRICTED REPORTING.—

''(A) IN GENERAL.—The term 'restricted reporting' means a system of reporting that allows a volunteer who is sexually assaulted to confidentially disclose the details of his or her assault to specified individuals and receive the services outlined in section 8B(c) without the dissemination of his or her personally identifying information except as necessary for the provision of such services, and without automatically triggering an official investigative process.

''(B) EXCEPTIONS.—In cases in which volunteers elect restricted reporting, disclosure of their personally identifying information is authorized to the following persons or organizations when disclosure would be for the following reasons:

''(i) Peace Corps staff or law enforcement when authorized by the victim in writing.

''(ii) Peace Corps staff or law enforcement to prevent or lessen a serious or imminent threat to the health or safety of the victim or another person.

''(iii) SARLs, victim advocates or healthcare providers when required for the provision of victim services.

''(iv) State and Federal courts when ordered, or if disclosure is required by Federal or State statute.

''(C) NOTICE OF DISCLOSURE AND PRIVACY PROTECTION.—In cases in which information is disclosed pursuant to subparagraph (B), the President shall—

''(i) make reasonable attempts to provide notice to the volunteer with respect to whom such information is being released; and

''(ii) take such action as is necessary to protect the privacy and safety of the volunteer.

''(3) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States, and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

''(4) STALKING.—The term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

''(A) fear for his or her safety or the safety of others; or

''(B) suffer substantial emotional distress.

''SEXUAL ASSAULT POLICY

''SEC. 8B. (a) IN GENERAL.—The President shall develop and implement a comprehensive sexual assault policy that—

''(1) includes a system for restricted and unrestricted reporting of sexual assault;

''(2) mandates, for each Peace Corps country program, the designation of a Sexual Assault Response Liaison (SARL), who shall receive comprehensive training on procedures to respond to reports of sexual assault, with duties including ensuring that volunteers who are victims of sexual assault are moved to a safe environment and accompanying victims through the in-country response at the request of the victim;

''(3) requires SARLs to immediately contact a Victim Advocate upon receiving a report of sexual assault in accordance with the restricted and unrestricted reporting guidelines promulgated by the Peace Corps;

''(4) to the extent practicable, conforms to best practices in the sexual assault field;

''(5) is applicable to all posts at which volunteers serve; and

''(6) includes a guarantee that volunteers will not suffer loss of living allowances for reporting a sexual assault.

''(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault policy under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field, including experts with international experience.

''(c) ELEMENTS.—The sexual assault policy developed under subsection (a) shall include, at a minimum, the following services with respect to a volunteer who has been a victim of sexual assault:

''(1) The option of pursuing either restricted or unrestricted reporting of an assault.

''(2) Provision of a SARL and Victim's Advocate to the volunteer.

''(3) At a volunteer's discretion, provision of a sexual assault forensic exam in accordance with applicable host country law.

''(4) If necessary, the provision of emergency health care, including a mechanism for such volunteer to evaluate such provider.

''(5) If necessary, the provision of counseling and psychiatric medication.

''(6) Completion of a safety and treatment plan with the volunteer, if necessary.

''(7) Evacuation of such volunteer for medical treatment, accompanied by a Peace Corps staffer at the request of such volunteer. When evacuated to the United States, such volunteer shall be provided, to the extent practicable, a choice of medical providers including a mechanism for such volunteers to evaluate the provider.

''(8) An explanation to the volunteer of available law enforcement and prosecutorial options, and legal representation.

''(d) TRAINING.—The President shall train all staff outside the United States regarding the sexual assault policy developed under subsection (a).

''OFFICE OF VICTIM ADVOCACY

''SEC. 8C. (a) ESTABLISHMENT OF OFFICE OF VICTIM ADVOCACY.—

''(1) IN GENERAL.—The President shall establish an Office of Victim Advocacy in Peace Corps headquarters headed by a full-time victim advocate who shall report directly to the Director. The Office of Victim Advocacy may deploy personnel abroad when necessary to help assist victims.

''(2) PROHIBITION.—Peace Corps Medical Officers, Safety and Security Officers, and program staff may not serve as victim advocates. The victim advocate referred to in paragraph (1) may not have any other duties in the Peace Corps that are not reasonably connected to victim advocacy.

''(3) EXEMPTION.—The victim advocate and any additional victim advocates shall be exempt from the limitations specified in subparagraphs (A) and (B) of paragraph (2) and paragraph (5) under section 7(a) of the Peace Corps Act (22 U.S.C. 2506(a)).

''(b) RESPONSIBILITIES.—

''(1) VICTIMS OF SEXUAL ASSAULT.—The Office of Victim Advocacy shall help develop and update the sexual assault risk-reduction and response training described in section 8A and the sexual assault policy described in section 8B, ensure that volunteers who are victims of sexual assault receive services specified in section 8B(c), and facilitate their access to such services.

''(2) OTHER CRIMES.—In addition to assisting victims of sexual assault in accordance with paragraph (1), the Office of Victim Advocacy shall assist volunteers who are victims of crime by making such victims aware of the services available to them and facilitating their access to such services.

''(3) PRIORITY.—The Office of Victim Advocacy shall give priority to cases involving serious crimes, including sexual assault and stalking.

''(c) STATUS UPDATES.—The Office of Victim Advocacy shall provide to volunteers who are victims regular updates on the status of their cases if such volunteers have opted to pursue prosecution.

''(d) TRANSITION.—The Office of Victim Advocacy shall assist volunteers who are victims of crime and whose service has terminated in receiving the services specified in section 8B(c) requested by such volunteer.

''ESTABLISHMENT OF SEXUAL ASSAULT ADVISORY COUNCIL

''SEC. 8D. (a) ESTABLISHMENT.—There is established a Sexual Assault Advisory Council (in this section referred to as the 'Council').

''(b) MEMBERSHIP.—The Council shall be composed of not less than 8 individuals selected by the President, not later than 180 days after the date of the enactment of this section, who are returned volunteers (including volunteers who were victims of sexual assault and volunteers who were not victims of sexual assault) and governmental and nongovernmental experts and professionals in the sexual assault field. No Peace Corps employee shall be a member of the Council. The number of governmental experts appointed to the Council shall not exceed the number of nongovernmental experts.

''(c) FUNCTIONS; MEETINGS.—The Council shall meet not less often than annually to review the sexual assault risk-reduction and response training developed under section 8A, the sexual assault policy developed under section 8B, and such other matters related to sexual assault the Council views as appropriate, to ensure that such training and policy conform to the extent practicable to best practices in the sexual assault field.

''(d) REPORTS.—On an annual basis for 5 years after the date of the enactment of this section and at the discretion of the Council thereafter, the Council shall submit to the President and the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report on its findings based on the reviews conducted pursuant to subsection (c).

''(e) EMPLOYEE STATUS.—Members of the Council shall not be considered employees of the United States Government for any purpose and shall not receive compensation other than reimbursement of travel expenses and per diem allowance in accordance with section 5703 of title 5, United States Code.

''(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

''VOLUNTEER FEEDBACK AND PEACE CORPS REVIEW

''SEC. 8E. (a) MONITORING AND EVALUATION.—Not later than 1 year after the date of the enactment of this section, the President shall establish goals, metrics, and monitoring and evaluation plans for all Peace Corps programs. Monitoring and evaluation plans shall incorporate best practices from monitoring and evaluation studies and analyses.

''(b) PERFORMANCE PLANS AND ELEMENTS.—The President shall establish performance plans with performance elements and standards for Peace Corps representatives and shall review the performance of Peace Corps representatives not less than annually to determine whether they have met these performance elements and standards. Nothing in this subsection shall be construed as limiting the discretion of the President to remove a Peace Corps representative.

''(c) ANNUAL VOLUNTEER SURVEYS.—The President shall annually conduct a confidential survey of volunteers regarding the effectiveness of Peace Corps programs and staff and the safety of volunteers. The results shall be provided in aggregate form without identifying information to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives. Results from the annual volunteer survey shall be considered in reviewing the performance of Peace Corps representatives under subsection (a).

''(d) PEACE CORPS INSPECTOR GENERAL.—The Inspector General of the Peace Corps shall—

''(1) submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives—

''(A) a biennial report on reports received from volunteers relating to misconduct, mismanagement, or policy violations of Peace Corps staff, any breaches of the confidentiality of volunteers, and any actions taken to assure the safety of volunteers who provide such reports;

''(B) a report, not later than two years after the date of the enactment of this section and every three years thereafter, evaluating the effectiveness and implementation of the sexual assault risk-reduction and response training developed under section 8A and the sexual assault policy developed under section 8B, including a case review of a statistically significant number of cases; and

''(C) a report, not later than two years after the date of the enactment of this section, describing how Peace Corps representatives are hired, how Peace Corps representatives are terminated, and how Peace Corps representatives hire staff, including an assessment of the implementation of the performance plans described in subsection (b); and

''(2) when conducting audits or evaluations of Peace Corps programs overseas, notify the Director of the Peace Corps about the results of such evaluations, including concerns the Inspector General has noted, if any, about the performance of Peace Corps representatives, for appropriate action.

''ESTABLISHMENT OF A POLICY ON STALKING

''SEC. 8F. (a) IN GENERAL.—The President shall develop and implement a comprehensive policy on stalking that—

''(1) requires an immediate, effective, and thorough response from the Peace Corps upon receipt of a report of stalking;

''(2) provides, during training, all Peace Corps volunteers with a point of contact for the reporting of stalking; and

''(3) protects the confidentiality of volunteers who report stalking to the maximum extent practicable.

''(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the stalking policy under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of those with expertise regarding the crime of stalking.

''(c) TRAINING OF IN-COUNTRY STAFF.—The President shall provide for the training of all in-country staff regarding the stalking policy developed under subsection (a).

''ESTABLISHMENT OF A CONFIDENTIALITY PROTECTION POLICY

''SEC. 8G. (a) IN GENERAL.—The President shall establish and maintain a process to allow volunteers to report incidents of misconduct or mismanagement, or violations of any policy, of the Peace Corps in order to protect the confidentiality and safety of such volunteers and of the information reported, and to ensure that such information is acted on appropriately. This process shall conform to existing best practices regarding confidentiality.

''(b) GUIDANCE.—The President shall provide additional training to officers and employees of the Peace Corps who have access to information reported by volunteers under subsection (a) in order to protect against the

inappropriate disclosures of such information and ensure the safety of such volunteers.

''(c) PENALTY.—Any Peace Corps volunteer or staff member who is responsible for maintaining confidentiality under subsection (a) and who breaches such duty shall be subject to disciplinary action, including termination, and in the case of a staff member, ineligibility for re-employment with the Peace Corps.

''REMOVAL AND ASSESSMENT AND EVALUATION

''SEC. 8H. (a) IN GENERAL.—If a volunteer requests removal from the site in which such volunteer is serving because the volunteer feels at risk of imminent bodily harm, the President shall, as expeditiously as practical after receiving such request, remove the volunteer from the site. If the President receives such a request, the President shall assess and evaluate the safety of such site and may not assign another volunteer to the site until such time as the assessment and evaluation is complete and the site has been determined to be safe. Volunteers may remain at a site during the assessment and evaluation.

''(b) DETERMINATION OF SITE AS UNSAFE.—If the President determines that a site is unsafe for any remaining volunteers at the site, the President shall, as expeditiously as practical, remove all volunteers from the site.

''(c) TRACKING AND RECORDING.—The President shall establish a global tracking and recording system to track and record incidents of crimes against volunteers.

''REPORTING REQUIREMENTS

''SEC. 8I. (a) IN GENERAL.—The President shall annually submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report summarizing information on—

''(1) sexual assault of volunteers;

''(2) other crimes against volunteers;

''(3) the number of arrests, prosecutions, and incarcerations for crimes involving Peace Corps volunteers for every country in which volunteers serve; and

''(4) the annual rate of early termination of volunteers, including demographic data associated with such early termination.

''(b) GAO.—Not later than one year after the date of the enactment of this section, the Comptroller General of the United States shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report evaluating the quality and accessibility of health care provided through the Department of Labor to returned volunteers upon their separation from the Peace Corps.

''(c) ACCESS TO COMMUNICATIONS.—

''(1) IN GENERAL.—The President shall determine the level of access to communication, including cellular and Internet access, of each volunteer.

''(2) REPORT.—Not later than six months after the date of the enactment of this section, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report on the costs, feasibility, and benefits of providing all volunteers with access to adequate communication, including cellular service and Internet access.''.

SEC. 3. RETENTION OF COUNSEL FOR CRIME VICTIMS.

Section 5(l) of the Peace Corps Act (22 U.S.C. 2504(l)) is amended by inserting before the period at the end the following: ''and counsel may be employed and counsel fees, court costs and other expenses may be paid in the support of volunteers who are parties, complaining witnesses, or otherwise participating in the prosecution of crimes committed against such volunteers''.

SEC. 4. SENSE OF CONGRESS ON STAFFING OF OFFICE OF VICTIM ADVOCACY.

It is the sense of Congress that—

(1) the Office of Victim Advocacy established under section 8C of the Peace Corps Act, as added by section 2, should provide an adequate number of victim advocates so that each victim of crime receives critical information and support;

(2) any full-time victim advocates and any additional victim advocates should be credentialed by a national victims assistance body; and

(3) the training required under section 8A(a) of the Peace Corps Act, as added by section 2, should be credentialed by a national victims assistance body.

SEC. 5. PERSONAL SERVICE CONTRACTS.

The Peace Corps Act is amended—

(1) in section 7(a)(3) (22 U.S.C. 2506(a)(3)), by inserting '', or contracted with for personal services under section 10(a)(5),'' after ''employed, appointed, or assigned under this subsection''; and

(2) in section 10(a)(5) (22 U.S.C. 2509(a)(5)), by striking ''any purpose'' and inserting ''the purposes of any law administered by the Office of Personnel Management (except that the President may determine the applicability to such individuals of provisions of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.))''.

SEC. 6. INDEPENDENCE OF THE INSPECTOR GENERAL OF THE PEACE CORPS.

Section 7(a) of the Peace Corps Act (22 U.S.C. 2506(a)) is amended by adding at the end the following new paragraph:

''(7) The limitations specified in subparagraphs (A) and (B) of paragraph (2) and in paragraph (5) shall not apply to—

''(A) the Inspector General of the Peace Corps; and

''(B) officers and employees of the Office of the Inspector General of the Peace Corps.''.

SEC. 7. CONFORMING SAFETY AND SECURITY AGREEMENT REGARDING PEACE CORPS VOLUNTEERS SERVING IN FOREIGN COUNTRIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Peace Corps shall consult with the Assistant Secretary of State for Diplomatic Security and enter into a memorandum of understanding that specifies the duties and obligations of the Peace Corps and the Bureau of Diplomatic Security of the Department of State with respect to the protection of Peace Corps volunteers and staff members serving in foreign countries, including with respect to investigations of safety and security incidents and crimes committed against volunteers and staff members.

(b) INSPECTOR GENERAL REVIEW.—

(1) REVIEW.—The Inspector General of the Peace Corps shall review the memorandum of understanding described in subsection (a) and be afforded the opportunity to recommend changes that advance the safety and security of Peace Corps volunteers before entry into force of the memorandum of understanding.

(2) REPORT.—The Director of the Peace Corps shall consider the recommendations of the Inspector General of the Peace Corps regarding the memorandum of understanding described in subsection (a). If the Director enters into the memorandum of understanding without implementing a recommendation of the Inspector General, the Director shall submit to the Inspector General a written explanation relating thereto.

(c) FAILURE TO MEET DEADLINE.—

(1) REQUIREMENT TO SUBMIT REPORT.—If, by the date that is 180 days after the date of the enactment of this Act, the Director of the Peace Corps is unable to obtain agreement with the Assistant Secretary of State for Diplomatic Security and certification by the Inspector General of the Peace Corps, the Director shall submit to the committees of Congress specified in paragraph (2) a report explaining the reasons for such failure and a certification that substantial steps are being taken to make progress toward agreement.

(2) COMMITTEES OF CONGRESS SPECIFIED.—The committees of Congress specified in this paragraph are the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 8. PORTFOLIO REVIEWS.

(a) IN GENERAL.—The Director of the Peace Corps shall, at least once every 3 years, perform a review to evaluate the allocation and delivery of resources across the countries the Peace Corps serves or is considering for service. Such portfolio reviews shall at a minimum include the following with respect to each such country:

(1) An evaluation of the country's commitment to the Peace Corps program.

(2) An analysis of the safety and security of volunteers.

(3) An evaluation of the country's need for assistance.

(4) An analysis of country program costs.

(5) An evaluation of the effectiveness of management of each post within a country.

(6) An evaluation of the country's congruence with the Peace Corp's mission and strategic priorities.

(b) BRIEFING.—Upon request of the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the Director of the Peace Corps shall brief such committees on each portfolio review required under subsection (a). If requested, each such briefing shall discuss performance measures and sources of data used (such as project status reports, volunteer surveys, impact studies, reports of Inspector General of the Peace Corps, and any relevant external sources) in making the findings and conclusions in such review.

SEC. 9. CONFORMING AMENDMENTS.

(a) INCLUSION OF SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE TRAINING.—The Peace Corps Act is amended—

(1) in section 5(a) (22 U.S.C. 2504(a)), in the second sentence, by inserting ''(including training under section 8A)'' after ''training''; and

(2) in section 8(a) (22 U.S.C. 2507(a)), in the first sentence, by inserting '', including training under section 8A,'' after ''training''.

(b) CERTAIN SERVICES.—Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)) is amended, in the first sentence—

(1) by inserting ''(including, if necessary, for volunteers and trainees, services under section 8B)'' after ''health care''; and

(2) by inserting ''including services provided in accordance with section 8B (except that the six-month limitation shall not apply in the case of such services),'' before ''as the President''.

SEC. 10. OFFSET OF COSTS AND PERSONNEL.

Notwithstanding any other provision of law, the Direct of the Peace Corps shall—

(1) eliminate such initiatives, positions, and programs within the Peace Corps (other than within the Office of Inspector General) as the Director deems necessary to ensure any and all costs incurred to carry out the provisions of this Act, and the amendments made by this Act, are entirely offset;

(2) ensure no net increase in personnel are added to carry out the provisions of this Act, with any new full or part time employees or equivalents offset by eliminating an equivalent number of existing staff (other than within the Office of Inspector General);

(3) report to Congress not later than 60 days after the date of the enactment of this Act the actions taken to ensure compliance with paragraphs (1) and (2), including the specific initiatives, positions, and programs within the Peace Corps that have been eliminated to ensure that the costs of carrying out this Act will be offset; and

(4) not implement any other provision of this Act (other than paragraphs (1), (2), and (3)) or any amendment made by this Act until the Director has certified that the actions specified in paragraphs (1), (2), and (3) have been completed.

SEC. 11. SUNSET.

This Act and the amendments made by this Act shall cease to be effective 7 years after the date of the enactment of this Act.

CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT OF 2011—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 183, S. 1619.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will report.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 1619) to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion that is at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 183, S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Harry Reid, Sherrod Brown, Charles E. Schumer, Tom Udall, Richard J. Durbin, Richard Blumenthal, Benjamin L. Cardin, Daniel K. Akaka, Jack Reed, Joe Manchin III, Debbie Stabenow, Sheldon Whitehouse, Kay R. Hagan, Robert P. Casey, Jr., Kent Conrad, Kirsten E. Gillibrand, Robert Menendez.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE NOMINATIONS

Mr. REID. I ask unanimous consent that on Monday, October 3, 2011, at 4:30 p.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 113, 171, 172, 173, 184, and 357; that there be 1 hour of debate equally divided in the usual form; that upon the use or yielding back of time, Calendar Nos. 171, 172, 173, 184, and 357 be confirmed and the Senate proceed to vote without intervening action or debate on Calendar No. 113; further, that at a time to be determined by the majority leader, after consultation with the Republican leader, not prior to October 11, 2011, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 250, 251, 252, and 253; that there be 2 hours for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nominations in the order listed; further, that on all listed nominations, motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 281, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 343, 347, 348, 349, 350, 351, 352, 362, 368, 369, 370, and 404; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; and that President Obama be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Thomas M. Countryman, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (International Security and Non-Proliferation.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Constance Smith Barker, of Alabama, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2016.

NATIONAL SCIENCE FOUNDATION

Robert J. Zimmer, of Illinois, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2016.

Arnold F. Stancell, of Connecticut, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2014.

RAILROAD RETIREMENT BOARD

Walter A. Barrows, of Virginia, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2014.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Charles R. Korsmo, of New York, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2011.

Charles R. Korsmo, of New York, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2017.

John H. Yopp, of Kentucky, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2011.

John H. Yopp, of Kentucky, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2017.

Marcos Edward Galindo, of Idaho, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring April 17, 2014.

Maria E. Rengifo-Ruess, of Virginia, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring February 4, 2014.

NATIONAL BOARD FOR EDUCATION SCIENCES

Robert C. Granger, of New Jersey, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2014.

Anthony Bryk, of California, to be a Member of the Board of Directors of the National Board of Education Sciences for a term expiring November 28, 2015.

NATIONAL COUNCIL ON DISABILITY

Matan Aryeh Koch, of New York, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

FINANCIAL STABILITY OVERSIGHT COUNCIL

S. Roy Woodall, Jr., of Kentucky, to be a Member of the Financial Stability Oversight Council for a term of six years.

DEPARTMENT OF JUSTICE

S. Amanda Marshall, of Oregon, to be United States Attorney for the District of Oregon for the term of four years.

John Malcolm Bales, of Texas, to be United States Attorney for the Eastern District of Texas for the term of four years.

Kenneth Magidson, of Texas, to be United States Attorney for the Southern District of Texas for the term of four years.

Robert Lee Pitman, of Texas, to be United States Attorney for the Western District of Texas for the term of four years.

Sarah Ruth Saldana, of Texas, to be United States Attorney for the Northern District of Texas for the term of four years.

Edward M. Spooner, of Florida, to be United States Marshal for the Northern District of Florida for the term of four years.

DEPARTMENT OF STATE

John A. Heffern, of Missouri, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

UNITED STATES TAX COURT

Maurice B. Foley, of Maryland, to be a Judge of the United States Tax Court for a term of fifteen years.

Juan F. Vasquez, of Texas, to be a Judge of the United States Tax Court for a term of fifteen years.

Joseph H. Gale, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years.

DEPARTMENT OF JUSTICE

David B. Barlow, of Utah, to be United States Attorney for the District of Utah for the term of four years.

NOMINATIONS DISCHARGED

Mr. REID. Madam President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of Presidential nomination 541, Mark D. Acton, Postal Regulatory Commission, and Presidential nomination 542, Robert Taub, Postal Regulatory Commission; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; and that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

POSTAL REGULATORY COMMISSION

Mark D. Acton, of Kentucky, to be a Commissioner of the Postal Regulatory Commission for a term expiring October 14, 2016.

Robert G. Taub, of New York, to be a Commissioner of the Postal Regulatory Commission for a term expiring October 14, 2016.

HIGGINBOTTOM NOMINATION

Mr. REID. Madam President, we have been working very hard on the Heather Higginbottom nomination. Heather Higginbottom has been nominated to be the Deputy Director of the Office of Management and Budget, a very important assignment. We have been trying to confirm her nomination for almost 6 months.

I hope and understand that Senator KYL is working with the administration on something that will clear this nomination. I am not going to ask consent on this nomination tonight, but all my Republican colleagues should be prepared for a unanimous consent request on this nomination when we return next week. I hope Senator KYL will allow this nomination to go forward after his request is satisfied.

INVESTMENT TREATY WITH RWANDA

MUTUAL LEGAL ASSISTANCE TREATY WITH BERMUDA

Mr. REID. Madam President, I ask unanimous consent that the Senate consider Executive Calendar Nos. 2 and 3, which are treaty document Nos. 110–23 and 111–6; that the treaties be considered as having advanced through the various parliamentary stages up to and including the presentation of the resolutions of ratification; that any committee declarations be agreed to, as applicable; that any statements be printed in the RECORD; further, that when the votes on the resolutions of ratification are taken, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The treaties will be stated.

The legislative clerk read as follows:

Treaty document No. 110–23, Investment Treaty with Rwanda.

Treaty document No. 111–6, Mutual Legal Assistance Treaty with Bermuda.

Mr. REID. Madam President, I ask for a division vote on each of the resolutions of ratification.

The PRESIDING OFFICER. A division vote has been requested.

On treaty document No. 110–23, Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification is as follows:

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment, signed at Kigali on February 19, 2008 (Treaty Doc. 110–23), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: Articles 3 through 10 and other provisions that qualify or create exceptions to these Articles are self-executing. With the exception of these Articles, the Treaty is not self-executing.

The PRESIDING OFFICER. A division vote has been requested.

On treaty document No. 111–6, Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification is as follows:

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Treaty between the Government of the United States of America and the Government of Bermuda Relating to Mutual Legal Assistance in Criminal Matters, signed at Hamilton on January 12, 2009 (the ''Treaty'') (Treaty Doc. 111–6), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Treaty is self-executing.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

COMBATING AUTISM REAUTHORIZATION ACT OF 2011

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 174, H.R. 2005.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2005) to reauthorize the Combating Autism Act of 2006.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I know of no further debate on this measure.

The PRESIDING OFFICER. There being no further debate, the question is on the third reading of the bill.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2005) was passed.

Mr. REID. Madam President, I ask unanimous consent that the motion to reconsider be laid upon the table and that any statements relating to the bill be printed in the RECORD.

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

KATE PUZEY PEACE CORPS VOLUNTEER PROTECTION ACT OF 2011

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 176, S. 1280.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1280) to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of sexual assault protocol and guidelines, the establishment of victims' advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Kate Puzey Peace Corps Volunteer Protection Act of 2011''.

SEC. 2. PEACE CORPS VOLUNTEER PROTECTION.

The Peace Corps Act is amended by inserting after section 8 (22 U.S.C. 2507) the following new sections:

''SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE TRAINING

''SEC. 8A. (a) IN GENERAL.—As part of the training provided to all volunteers under section 8(a), the President shall develop and implement comprehensive sexual assault risk-reduction and response training that is based upon best practices in the sexual assault field to respond to reports of sexual assault.

''(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault risk-reduction and response training under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.

''(c) CONTENT OF TRAINING.—Training under subsection (a) shall be tailored to the country of service, and shall include cultural training relating to gender relations, risk-reduction strategies, a safety plan in the event of an assault, treatment available in such country (including forensic rape exams, post-exposure prophylaxis (PEP) for HIV exposure, screening for sexually transmitted diseases, and pregnancy testing), and MedEvac procedures.

''(d) INFORMATION REGARDING CRIMES AND RISKS.—Each applicant for enrollment as a volunteer shall be provided with information regarding crimes against and risks to volunteers in the country in which the applicant has been invited to serve.

''(e) CONTACT INFORMATION.—The President shall provide each applicant, before the applicant enrolls as a volunteer, with—

''(1) the contact information of the Inspector General of the Peace Corps for purposes of reporting sexual assault mismanagement or any other mismanagement, misconduct, wrongdoing, or violations of law or policy whenever it involves a Peace Corps employee, trainee, volunteer, consultant, contractor, or outside party that receives funds from the Peace Corps; and

''(2) clear, written guidelines regarding whom to contact, including the direct telephone number for the designated SAVSL and the Office of Victims Advocacy and what steps to take in the event of a sexual assault or other crime.

''(f) DEFINITIONS.—In this section and sections 8B through 8G:

''(1) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States, and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

''(2) INCLUSION OF TRAINEES.—The term 'volunteers' includes trainees.

''SEXUAL ASSAULT POLICY

''SEC. 8B. (a) IN GENERAL.—The President shall develop and implement a comprehensive sexual assault policy that—

''(1) includes a system for restricted and unrestricted reporting of sexual assault;

''(2) protects the confidentiality of a volunteer who is a victim of sexual assault until such time that he or she elects to pursue unrestricted reporting of the assault;

''(3) mandates, for each Peace Corps country program, the designation of a Sexual Assault Victim Support Liaison (SAVSL), who shall receive comprehensive training on procedures to respond to reports of sexual assault, with duties including ensuring that volunteers who are victims of sexual assault are moved to a safe environment and receive prompt access to medical care;

''(4) requires SAVSLs to immediately contact the Office of Victims Advocacy upon receiving a report of sexual assault;

''(5) is based upon best practices in the sexual assault field; and

''(6) is applicable to all posts at which volunteers serve.

''(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault policy under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.

''(c) ELEMENTS.—The sexual assault policy developed under subsection (a) shall include, at a minimum, the following with respect to a volunteer who has been a victim of sexual assault:

''(1) The option of pursuing either restricted or unrestricted reporting of an assault.

''(2) Provision of a SAVSL and victim's advocate to the volunteer.

''(3) Provision of a sexual assault forensic evidence examination to the volunteer in accordance with applicable law.

''(4) Provision of emergency health care to the volunteer.

''(5) Completion of a safety and treatment plan with the volunteer.

''(6) Evacuation of the volunteer for medical treatment, accompanied by a Peace Corps staffer at the request of such volunteer.

''(7) An explanation to the volunteer of available law enforcement and prosecutorial options, and legal representation.

''(d) TRAINING.—The President shall train all in-country staff regarding the sexual assault policy developed under subsection (a).

''(e) REMOVAL AND ASSESSMENT AND EVALUATION.—

''(1) IN GENERAL.—If a volunteer feels at risk of imminent bodily harm and requests removal from the site in which such volunteer is serving, the President shall, as expeditiously as practical after receiving such request, remove the volunteer from the site. If the President receives such a request, the President shall assess and evaluate the safety of such site and may not assign another volunteer to the site until such time as the assessment and evaluation is complete and the site has been determined to be safe.

''(2) DETERMINATION OF SITE AS UNSAFE.—Volunteers may remain at a site during an assessment and evaluation under paragraph (1). If the President determines that a site is unsafe, the President shall, as expeditiously as practical, remove all volunteers from the site.

''(f) TRACKING AND RECORDING.—The President shall establish a global tracking and recording system to track and record incidents of crimes against volunteers.

''(g) STALKING.—

''(1) IN GENERAL.—The policies and procedures established by this section shall also apply in instances when a volunteer reports stalking.

''(2) STALKING.—In this subsection, the term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

''(A) fear for his or her safety or the safety of others; or

''(B) suffer substantial emotional distress.

''OFFICE OF VICTIMS ADVOCACY

''SEC. 8C. (a) ESTABLISHMENT OF OFFICE OF VICTIMS ADVOCACY.—

''(1) IN GENERAL.—The President shall establish an Office of Victims Advocacy in Peace Corps headquarters headed by a full-time victims advocate who shall report directly to the Director. The Office of Victims Advocacy may deploy personnel abroad when necessary to help assist victims.

''(2) PROHIBITION.—Peace Corps Medical Officers, Safety and Security Officers, and program staff may not serve as victims advocates. The victims advocate referred to in paragraph (1) may not have any other duties in the Peace Corps.

''(3) EXEMPTION.—The victims advocate and any additional victims advocates shall be exempt from the five year rule on appointments and assignments under section 7(a)(5).

''(b) RESPONSIBILITIES.—The Office of Victims Advocacy shall help develop and update the sexual assault risk-reduction and response training described in section 8A and the sexual assault policy described in section 8B and ensure that volunteers who are victims of crime receive services described in the sexual assault policy. The Office of Victims Advocacy shall assist volunteers who are victims of crime by making such victims aware of the services available to them and facilitating their access to such services.

''(c) STATUS UPDATES.—The Office of Victims Advocacy shall provide to volunteers who are victims of assault regular updates on the status of their cases if such volunteers have opted to pursue prosecution.

''(d) TRANSITION.—The Office of Victims Advocacy shall assist volunteers who are victims of crime and whose service has terminated in receiving any benefits to which they are entitled under section 8142 of title 5, United States Code.

''ESTABLISHMENT OF SEXUAL ASSAULT ADVISORY COUNCIL

''SEC. 8D. (a) ESTABLISHMENT.—There is established a Sexual Assault Advisory Council (in this section referred to as the 'Council').

''(b) MEMBERSHIP.—The Council shall be composed of not less than 8 individuals selected by the President who are returned volunteers (including volunteers who were victims of sexual assault and volunteers who were not victims of sexual assault) and governmental and nongovernmental experts and professionals in the sexual assault field. No Peace Corps employee shall be a member of the Council. The number of governmental experts appointed to the Council shall not exceed the number of nongovernmental experts.

''(c) FUNCTIONS; MEETINGS.—The Council shall meet not less often than annually to review the sexual assault risk-reduction and response training developed under section 8A, the sexual assault policy developed under section 8B, and such other matters related to sexual assault the Council views as appropriate, to ensure that such training and policy is based upon best practices in the sexual assault field.

''(d) REPORTS.—Not later than one year after the date of the enactment of this section, annually thereafter for four years, and every three years thereafter, the Council shall submit to the President and the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report on its findings based on the reviews conducted pursuant to subsection (c).

''(e) FEDERAL EMPLOYEES.—Members of the Council shall not be considered employees of the United States Government for any purpose and shall not receive compensation other than reimbursement of travel expenses and per diem allowance.

''(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

''VOLUNTEER FEEDBACK AND PEACE CORPS REVIEW

''SEC. 8E. (a) MONITORING AND EVALUATION.—The President shall establish performance plans with performance elements and standards for Peace Corps representatives and shall review the performance of Peace Corps representatives not less than annually to determine whether they have met these performance elements and standards. Nothing in this subsection shall be construed as limiting the discretion of the President to remove a Peace Corps representative.

''(b) ANNUAL VOLUNTEER SURVEYS.—The President shall annually conduct a confidential survey of volunteers regarding the effectiveness of Peace Corps programs and staff and the safety of volunteers. The results shall be provided in aggregate form without identifying information to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

''(c) PEACE CORPS INSPECTOR GENERAL.—The Inspector General of the Peace Corps shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives the following:

''(1) A biennial report on reports received from volunteers relating to misconduct, mismanagement, or policy violations of Peace Corps staff,

any breaches of the confidentiality of volunteers, and any actions taken to assure the safety of volunteers who provide such reports.

''(2) A report, not later than two years after the date of the enactment of this section and every three years thereafter, evaluating the effectiveness and implementation of the sexual assault risk-reduction and response training developed under section 8A and the sexual assault policy developed under section 8B. The evaluation shall include a case review of a statistically significant number of cases.

''(3) A report, not later than two years after the date of the enactment of this section, describing how Peace Corps representatives are hired, how Peace Corps representatives are terminated, and how Peace Corps representatives hire staff, including an assessment of the implementation of subsection (a).

''NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION

''SEC. 8F. The President shall establish and maintain a process to allow volunteers to report incidents of misconduct or mismanagement, or violations of any policy, of the Peace Corps in order to protect the confidentiality and safety of such volunteers and of the information reported, and to ensure that such information is acted on appropriately. The President shall train all volunteers and staff about this process.

''REPORTING REQUIREMENTS

''SEC. 8G. (a) IN GENERAL.—The President shall annually submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report summarizing information on—

''(1) sexual assault of volunteers;

''(2) other crimes against volunteers; and

''(3) the annual rate of early termination of volunteers, including demographic data associated with such early termination.

''(b) GAO.—Not later than one year after the date of the enactment of this section, the Comptroller General of the United States shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report evaluating the quality and accessibility of health care provided through the Department of Labor to returned volunteers upon their separation from the Peace Corps.

''(c) ACCESS TO COMMUNICATIONS.—

''(1) IN GENERAL.—The President shall determine the level of access to communication, including cellular and Internet access, of each volunteer.

''(2) REPORT.—Not later than six months after the date of the enactment of this section, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report on the costs of providing all volunteers with access to adequate communication, including cellular service and Internet access.''.

SEC. 3. RETENTION OF COUNSEL FOR CRIME VICTIMS.

Section 5(l) of the Peace Corps Act (22 U.S.C. 2504(l)) is amended by inserting before the period at the end the following: ''and counsel may be employed and counsel fees, court costs and other expenses may be paid in the support of volunteers who are parties, complaining witnesses, or otherwise participating in the prosecution of crimes committed against such volunteers''.

SEC. 4. SENSE OF CONGRESS ON STAFFING OF OFFICE OF VICTIMS ADVOCACY.

It is the sense of Congress that the Office of Victims Advocacy established under section 8C of the Peace Corps Act, as added by section 2, should maintain a staffing level sufficient to ensure the provision of timely and comprehensive services to Peace Corps volunteers.

SEC. 5. PERSONAL SERVICE CONTRACTS.

Section 10(a)(5) of the Peace Corps Act (22 U.S.C. 2509(a)(5)) is amended by deleting ''any purpose'' and inserting ''the purposes of any law administered by the Office of Personnel Management''.

SEC. 6. INDEPENDENCE OF THE INSPECTOR GENERAL OF THE PEACE CORPS.

Section 7(a) of the Peace Corps Act (22 U.S.C. 2506(a)) is amended by adding at the end the following new paragraph:

''(7) The limitations specified in subparagraphs (A) and (B) of paragraph (2) and in paragraph (5) shall not apply to—

''(A) the Inspector General of the Peace Corps; and

''(B) officers and employees of the Office of the Inspector General of the Peace Corps.''.

SEC. 7. CONFORMING AMENDMENTS.

(a) INCLUSION OF SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE TRAINING.—The Peace Corps Act is amended—

(1) in section 5(a) (22 U.S.C. 2504(a)), in the second sentence, by inserting ''(including training under section 8A)'' after ''training''; and

(2) in section 8(a) (22 U.S.C. 2507(a)), in the first sentence, by inserting '', including training under section 8A,'' after ''training''.

(b) CERTAIN SERVICES.—Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)) is amended, in the first sentence—

(1) by inserting ''(including, if necessary, for volunteers and trainees, services under section 8B)'' after ''health care''; and

(2) by inserting ''including services provided in accordance with section 8B (except that the six-month limitation shall not apply in the case of such services),'' before ''as the President''.

Mr. LEAHY. Madam President, the Senate today is expected to pass the Kate Puzey Peace Corps Volunteer Protection Act of 2011. I support this legislation and I commend its sponsors, Senator ISAKSON and Senator BOXER, and their counterpart in the House of Representatives, Congressman POE, for the efforts they have made to get it passed.

Kate Puzey was a young, vivacious Peace Corps volunteer in Benin when she was murdered. Not only was she the victim of a terrible crime, the Peace Corps mishandled her case, in fact it contributed to her death by failing to protect her identity after she sent an email expressing concerns about the actions of a family member of a Peace Corps employee. It was inexcusable, and it tarnished the Peace Corps' reputation.

This legislation is also a tribute to Kate Puzey's family, who never wavered in their determination to honor and remember Kate by doing everything possible to protect the safety of other Peace Corps volunteers. And I commend the former volunteers, who were victims of sexual assault when they served, who have joined with her family in this effort.

I support this bill and have been a strong proponent of reform at the Peace Corps to improve training, transparency, accountability, and the effective use of resources. In fact, the report accompanying the Senate version of the fiscal year 2012 Department of State and foreign operations bill, S. 1601, which was reported by the Appropriations Committee earlier this week, discusses several steps the Peace Corps should take in this regard. But as chairman of the State and Foreign Operations Subcommittee that is responsible for the Peace Corps' budget at a time when, like other Federal agencies, it is facing cuts, I want to take this opportunity to ask my friend from Georgia if he would clarify the intent behind a few of the bill's provisions.

Am I right in understanding that the Peace Corps has established an Office of Victim Advocacy and that the requirement in section 8A(e)(3) of a 24-hour sexual assault hotline can be met by ensuring that all volunteers have contact information for the Office of Victim Advocacy? I assume this provision is not intended to impose an onerous or impractical burden on the agency, but rather is intended to ensure that volunteers who are victims of sexual assault have reliable contact information for a Peace Corps employee who is appropriately trained to receive a report of sexual assault and provide the necessary information and support to the volunteer.

Mr. ISAKSON. Yes, that is correct. Peace Corps volunteers need contact information for 24 hour access to the Office of Victim Advocacy, and this is what we intend by a hotline.

Mr. LEAHY. Is it correct that section 8C(d), ''Transition,'' is specifically intended to ensure that the Office of Victim Advocacy assists returned volunteers who are attempting to access services through the Federal Employees' Compensation Act? While such services are not provided through Peace Corps, and the agency's role may be limited, the victim advocate can assist and guide returned volunteers through the Department of Labor process.

Mr. ISAKSON. Yes, that is the intent.

Mr. LEAHY. Is it also correct that section 8E(a), ''Monitoring and Evaluation,'' is not intended to impose new requirements on the agency, nor to supersede current requirements in law, such as those of the Government Performance Results Act—Modernization Act, enacted in 2010. The GPRA-MA requires agencies to develop strategic and performance plans, among other things. To the extent that the agency already meets the requirements of this subsection to monitor and evaluate country programs and directors, it would not have to expend additional scarce resources for these purposes.

Mr. ISAKSON. Yes, that is correct.

Mr. LEAHY. With respect to section 8F(a)(3), concerning stalking, the mandate that the agency protect the confidentiality of volunteers who report stalking to ''the maximum extent practicable'' would not preclude the agency from taking appropriate steps to ensure the safety and security of the volunteer, or to take other steps to provide services to him or her. A victim of stalking may be at risk of physical attack, and if other appropriate individuals need to be informed of the identity of a volunteer in order to take action to address a potential risk to that volunteer's safety or security, we would

not want to prevent that. At the same time, the agency must ensure that it complies with all legal protections regarding confidentiality, including the Privacy Act.

Mr. ISAKSON. I agree with the Senator.

Mr. LEAHY. Concerning section 8H, ''Removal and Assessment and Evaluation,'' we recognize that Peace Corps cannot guarantee or know with absolute certainty that a given site is safe. But we do want the agency to take all necessary steps to assess the safety of a volunteer's site if that volunteer expresses a legitimate concern that he or she is at risk of imminent bodily harm.

Mr. ISAKSON. Yes, that is what we expect.

Mr. LEAHY. This bill, once it becomes law, may require the agency to hire additional staff, and given the wording of section 10, ''Offset of Costs and Personnel,'' that could mean cutting costs or laying off other staff. However, I want to be sure that unless the new employee is being added solely because of this law, and would not have otherwise been added, and that the new staff's responsibilities relate solely to implementing provisions of the law, the agency would not be required to eliminate another position. Personnel numbers at any agency fluctuate, so it is important to determine whether a particular employee was hired ''to carry out the provisions of this Act,'' as indicated in subsection (2).

Mr. ISAKSON. The Senator is correct.

Mr. LEAHY. I thank the Senator, and again commend him and the Puzey family for this very important legislation. We all support the Peace Corps' mission and we want to do everything we can to help it succeed, and at the same time ensure that volunteers have the training and support they need. There are inherent risks whenever an American travels, studies, works, or serves overseas, especially in remote areas in poor countries where law enforcement and judicial systems are often corrupt or dysfunctional. But what happened to Kate Puzey should never have happened. We need to do everything reasonably possible to protect the safety of Peace Corps volunteers, and this bill represents a major step forward. I am very pleased that it bears Kate's name. I know Peace Corps Director Aaron Williams has already taken some significant steps in this regard, and that he shares our goal.

Mr. REID. I ask unanimous consent the substitute amendment at the desk be agreed to; the committee-reported amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The amendment (No. 668) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

GRANTING THE CONSENT OF CONGRESS

Mr. REID. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S.J. Res. 22 and the Senate proceed to its immediate consideration.

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

The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 22) to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. I ask unanimous consent the joint resolution be passed, the preamble be agreed to, the motion to reconsider be considered made and laid upon the table, there be no intervening action or debate, and any statements be printed in the RECORD.

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

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 22

Whereas to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years;

Whereas the Congress in consenting to the compact between Missouri and Illinois creating the Bi-State Development Agency and the Bi-State Metropolitan District provided that no power shall be exercised by the Bi-State Agency until such power has been conferred upon the Bi-State Agency by the legislatures of the States to the compact and approved by an Act of Congress;

Whereas such States previously enacted legislation providing that the Bi-State Agency had the power to issue notes, bonds, or other instruments in writing provided they shall mature in not to exceed 30 years, and Congress consented to such power; and

Whereas such States have now enacted legislation amending this power: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT.

(a) IN GENERAL.—The consent of Congress is given to the amendment of the powers conferred on the Bi-State Development Agency by Senate Bill 758, Laws of Missouri 2010 and Public Act 96–1520 (Senate Bill 3342), Laws of Illinois 2010.

(b) EFFECTIVE DATE.—The amendment to the powers conferred by the Acts consented to in subsection (a) shall take effect on December 17, 2010.

SEC. 2. APPLICATION OF ACT OF AUGUST 31, 1950.

The provisions of the Act of August 31, 1950 (64 Stat. 568) shall apply to the amendment approved under this joint resolution to the same extent as if such amendment was conferred under the provisions of the compact consented to in such Act.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is expressly reserved.

SEC. 4. RESERVATION OF RIGHTS.

The right is reserved to Congress to require the disclosure and furnishings of such information or data by the Bi-State Development Agency as is deemed appropriate by Congress.

CORRECTING THE ENROLLMENT OF H.R. 2608

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 81, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 81) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 2608.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 81) was agreed to.

REMEMBERING NUCLEAR WEAPONS PROGRAM WORKERS

Mr. REID. Madam President, I ask the Senate that the Judiciary Committee be discharged from further consideration of S. Res. 275 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 275) designating October 30, 2011, as a national day of remembrance for nuclear weapons program workers.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that 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 that any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 275) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 275

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building the nuclear defense weapons of the United States;

Whereas these dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including having developed disabling or fatal illnesses;

Whereas the Senate recognized the contribution, service, and sacrifice these patriotic men and women made for the defense of the United States in Senate Resolution 151, 111th Congress, agreed to May 20, 2009, and Senate Resolution 653, 111th Congress, agreed to September 28, 2010;

Whereas a national day of remembrance time capsule has been crossing the United States, collecting artifacts and the stories of the nuclear workers relating to the nuclear defense era of the United States;

Whereas these stories and artifacts reinforce the importance of recognizing these nuclear workers; and

Whereas these patriotic men and women deserve to be recognized for the contribution, service, and sacrifice they have made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2011, as a national day of remembrance for nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2011, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

INTERNATIONAL YEAR OF CHEMISTRY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 283, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 283) designating the year 2011 as the ''International Year of Chemistry.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any related statements be printed in the RECORD.

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

The resolution (S. Res. 283) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 283

Whereas the United Nations has designated the year of 2011 as the International Year of Chemistry and is holding a worldwide celebration called ''Chemistry—Our Life, Our Future'', which recognizes the achievements made in the field of chemistry and the contributions of those achievements to the well-being of humankind;

Whereas the science of chemistry is vital to the improvement of human life because of its power to transform;

Whereas chemistry provides solutions that successfully address global challenges involving safe food and water, alternate sources of energy, improved health, and a healthy and sustainable environment;

Whereas the members of chemical enterprise and industry, scientific societies, and academia in the United States, and the Government of the United States, generate important contributions to the economy of the United States, and energize the scientific and technological base with critical innovations;

Whereas 2011 represents the 100th anniversary of the award of the Nobel Prize to Marie Curie for the second time, the first time that an individual had received a second Nobel Prize;

Whereas Marie Curie has inspired generations of scientists to excel in their fields;

Whereas the purpose of the ''Chemistry—Our Life, Our Future'' celebration is to increase public appreciation of chemistry in meeting world needs, to further the development of science, technology, engineering, and mathematics education at all levels, and to encourage interest in chemistry among young people in order to create a future corps of innovators;

Whereas exciting new practices of sustainable green chemistry incorporate design processes to maximize the amount of raw material that ends up in the end product, use safe, environmentally benign substances, including solvents, design energy efficient processes, and minimize waste disposal by not creating it in the first place; and

Whereas during the year of 2011, countries and organizations will reach out to adults and children through symposia, conferences, demonstrations, workshops, contests, school activities, exhibitions, and other public events to increase awareness of the history and importance of chemistry: Now, therefore, be it

Resolved, That the Senate—

(1) designates the year of 2011 as the ''International Year of Chemistry'';

(2) supports the goals of the International Year of Chemistry;

(3) recognizes the necessity of educating the public on the merits of the sciences, including chemistry, and promoting interest in the sciences among the youth of the United States; and

(4) encourages the people of the United States to participate in the International Year of Chemistry through appropriate recognition of programs, activities, and ceremonies that call attention to the importance of chemistry to our well-being in the present and the future.

NATIONAL FALLS PREVENTION AWARENESS DAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 284, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 284) designating September 23, 2011, as ''National Falls Prevention Awareness Day'' to raise awareness and encourage the prevention of falls among older adults.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that 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 that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 284) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 284

Whereas older adults, 65 years of age and older, are the fastest-growing segment of the population in the United States, and the number of older adults in the United States will increase from 35,000,000 in 2000 to 72,100,000 in 2030;

Whereas 1 out of 3 older adults in the United States falls each year;

Whereas falls are the leading cause of injury, death, and hospital admissions for traumatic injuries among older adults;

Whereas, in 2009, approximately 2,200,000 older adults were treated in hospital emergency departments for fall-related injuries, and more than 582,000 were subsequently hospitalized;

Whereas, in 2007, more than 18,400 older adults died from injuries related to unintentional falls;

Whereas the total cost of fall-related injuries for older adults is $80,900,000,000, including more than $19,000,000,000 in direct medical costs;

Whereas the Centers for Disease Control and Prevention estimate that if the rate of increase in falls is not slowed, the annual cost under the Medicare program will reach $32,400,000,000 by 2020; and

Whereas evidence-based programs show promise in reducing falls and facilitating cost-effective interventions, such as comprehensive clinical assessments, exercise programs to improve balance and health, management of medications, correction of vision, and reduction of home hazards: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 23, 2011, as ''National Falls Prevention Awareness Day'';

(2) commends the Falls Free Coalition and the falls prevention coalitions in 43 States and the District of Columbia for their efforts to work together to increase education and awareness about the prevention of falls among older adults;

(3) encourages businesses, individuals, Federal, State, and local governments, the public health community, and health care providers to work together to promote the awareness of falls in an effort to reduce the incidence of falls among older adults in the United States;

(4) urges the Centers for Disease Control and Prevention to continue developing and evaluating strategies to prevent falls among older adults that will translate into effective fall prevention interventions, including community-based programs;

(5) encourages State health departments, which provide significant leadership in reducing injuries and injury-related health care costs by collaborating with colleagues and a variety of organizations and individuals, to reduce falls among older adults; and

(6) recognizes proven, cost-effective falls prevention programs and policies and encourages experts in the field to share their best practices so that their success can be replicated by others.

ORDER OF PROCEDURE THROUGH MONDAY, OCTOBER 3, 2011

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Thursday, September 29, 2011, at 1:45 p.m. for a pro forma session only, with no business conducted, and that following the pro forma session, the Senate adjourn until Monday, October 3, 2011, at 2 p.m.; 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 later in the day; that following any leader remarks, the Senate be in a period of morning business until 3:30 p.m., with Senators permitted to speak for up to 10 minutes each; and that following morning business, the Senate resume consideration of the motion to proceed to S. 1619, the Currency Exchange Rate Oversight Reform Act, with the time until 4:30 p.m. equally divided and controlled between the two leaders or their designees; further, at 4:30 p.m., the Senate proceed to executive session, under the previous order; finally, that the cloture vote with respect to the motion to proceed to S. 1619 occur when the Senate resumes legislative session following the rollcall vote on the confirmation of Henry Floyd to be United States Circuit Judge for the Fourth Circuit.

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

PROGRAM

Mr. REID. Madam President, there will be two rollcall votes at 5:30 p.m. on Monday, October 3. The first vote will be on the confirmation of Henry Floyd of South Carolina, to be United States Circuit Judge for the Fourth Circuit, and the second vote will be on the motion to invoke cloture on the motion to proceed to S. 1619.

ADJOURNMENT UNTIL THURSDAY, SEPTEMBER 29, 2011, AT 1:45 P.M.

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:39 p.m., adjourned until Thursday, September 29, 2011, at 1:45 p.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL COUNCIL ON DISABILITY

GARY BLUMENTHAL, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013. (REAPPOINTMENT)

NATIONAL INSTITUTE OF BUILDING SCIENCES

SUSAN A. MAXMAN, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2012, VICE WILLIAM HARDIMAN, TERM EXPIRED.

SUSAN A. MAXMAN, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2015. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING NAMED OFFICER IN THE GRADE INDICATED IN THE REGULAR ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be captain

KARI L. CRAWFORD

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

PAUL E. WARE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

STEPHEN A. TANKERSLEY

DISCHARGED NOMINATIONS

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nominations by unanimous consent:

MARK D. ACTON, OF KENTUCKY, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2016.

ROBERT G. TAUB, OF NEW YORK, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2016.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 26, 2011:

DEPARTMENT OF STATE

THOMAS M. COUNTRYMAN, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL SECURITY AND NON—PROLIFERATION).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CONSTANCE SMITH BARKER, OF ALABAMA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2016.

NATIONAL SCIENCE FOUNDATION

ROBERT J. ZIMMER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2016.

ARNOLD F. STANCELL, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014.

RAILROAD RETIREMENT BOARD

WALTER A. BARROWS, OF VIRGINIA, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2014.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

CHARLES R. KORSMO, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2011.

CHARLES R. KORSMO, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2017.

JOHN H. YOPP, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2011.

JOHN H. YOPP, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2017.

MARCOS EDWARD GALINDO, OF IDAHO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING APRIL 17, 2014.

MARIA E. RENGIFO—RUESS, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING FEBRUARY 4, 2014.

NATIONAL BOARD FOR EDUCATION SCIENCES

ROBERT C. GRANGER, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2014.

ANTHONY BRYK, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2015.

NATIONAL COUNCIL ON DISABILITY

MATAN ARYEH KOCH, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013.

FINANCIAL STABILITY OVERSIGHT COUNCIL

S. ROY WOODALL, JR., OF KENTUCKY, TO BE A MEMBER OF THE FINANCIAL STABILITY OVERSIGHT COUNCIL FOR A TERM OF SIX YEARS.

DEPARTMENT OF JUSTICE

S. AMANDA MARSHALL, OF OREGON, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS.

JOHN MALCOLM BALES, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

KENNETH MAGIDSON, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

ROBERT LEE PITMAN, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

SARAH RUTH SALDANA, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

EDWARD M. SPOONER, OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF STATE

JOHN A. HEFFERN, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

UNITED STATES TAX COURT

MAURICE B. FOLEY, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

JUAN F. VASQUEZ, OF TEXAS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

JOSEPH H. GALE, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

DEPARTMENT OF JUSTICE

DAVID B. BARLOW, OF UTAH, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS.

POSTAL REGULATORY COMMISSION

MARK D. ACTON, OF KENTUCKY, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2016.

ROBERT G. TAUB, OF NEW YORK, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2016.