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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

O God of love, may Your presence fill our lawmakers with Your wisdom and power. May Your wisdom lead them away from the pitfalls of delayed obedience so that they will seek to promptly do Your will. Lord, make them a source of strength. Direct their actions; motivate their hearts, as they seek to begin this day with an unreserved commitment to You. God, give them Your supernatural power, wisdom, and guidance, for You know them, their needs, their motives, their hopes, and their fears.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 19, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mrs. GILLIBRAND 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. Madam President, following leader remarks, the Senate will be in a period of morning business for 1 hour; the Republicans will control the first half, the majority the second half.

Following morning business, we will resume consideration of the supplemental appropriations bill. I mentioned last night we are going to have to move forward on this bill. I have been told the Republicans want to have a substitute, and we look forward to whatever that might be. We can set up a series of votes to satisfy those people who want to change this bill in some manner.

I would note that in the Northeast—other States but principally New York and New Jersey—there are about 700,000 people who have lost their homes. Tens of thousands of those homes have been destroyed, and other people are still living in very difficult situations.

When we had the devastation in the Gulf, we got the aid to those States very quickly. The population of those States—Louisiana, Mississippi, Alabama—is very sparse compared to New York and New Jersey. We have to make a decision on this very important legislation before we leave this week, and we are going to do that. I hope everyone would cooperate, but we have to do this. It is very unfair to the millions of people who are suffering as a result of this devastation.

We have had some devastating wildfires in the West. They are terribly damaging to the environment and on occasion there is lost life and often there are property losses. But relatively speaking, compared to the millions of people involved in this storm, we have to get our priorities right. It is unfair to those people who are suffering. It is not only individual people, but it is also businesses. I hope we can finalize this matter in the next day or two.

TRIBUTES TO DEPARTING SENATORS

KENT CONRAD

Mr. REID. Madam President, it is often said a man is only as good as his word. In this new world we live in, the same applies to women. This is a world we live in where men and women, as much as we can, are treated equally. A good man is somebody who has his word that is good. A good woman is a person who has their word that is good. I believe that is true.

If that fact is true, then Mr. KENT CONRAD, the Senior Senator from North Dakota, is a good man, indeed.

When he was running for the Senate the first time, he promised the people of North Dakota he would not run for reelection if the Nation's budget deficit was higher at the end of his term than at the beginning of it.

We came to the Senate together. I can remember 27 years ago in the LBJ Room where I first met KENT CONRAD—we were running for the Senate—this studious man, very intense. I can still remember that. We have been friends now for all those many years. But think what he did. He could have been reelected so easily and he probably could have figured out some way around it: It was my intention to reduce the debt, but we weren't able to do it.

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

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But he didn't follow that path. He said: I am not running for reelection, and he didn't. It is amazing what he did. He takes the national debt personally. He takes it very seriously. Kent announced he wouldn't seek reelection. I was stunned. KENT, how could you do that? He said: I gave my word. But fate, as we know—and we are feeling it today with these flowers here behind me—fate is rarely anticipated. After his first term was set to expire and he had announced he wasn't running for reelection, Quentin Burdick, with whom I had the pleasure of serving, died, and so he ran for his seat and was elected. So he has held both Senate seats in North Dakota. He ran in that special election to replace Senator Burdick and won. The Senate, the people of North Dakota, and every American who cares about controlling the Federal debt have benefited from his faithful service.

Every time we have done something dealing with the debt in the last 26 years, KENT CONRAD has been at the forefront. ObamaCare, he was on top of that. He was one of the Gang of 6, it was called at the time, and took months and months. He came up, of course, with the magnificent idea, he and Judd Gregg—two people who know the finances of this country as well as any other two men in the world—they were going to do something about it, and they introduced legislation. It was patterned after the base closing commissions. They would do their work—the Commission—come back to the Senate, no filibusters, no amendments. That was KENT CONRAD and Judd Gregg's idea. As we know, the problem was the Republicans who supported the legislation, cosponsored it, wouldn't let us get it on the floor; six or seven of them voted against that. The Bowles-Simpson Commission; the Obama-Boehner talks, two rounds of those; Biden-Cantor, he was involved in every one of those; the Gang of 6, the Gang of 8. Even though he wasn't personally one of the three people on the supercommittee, Chairperson MURRAY was leaning on him all the time for information.

He has been terrific. As chairman of the Budget Committee, no one could do more than he did. I can remember he managed the bills we had on getting budgets. He was here, my seat was there, and he wanted me to help him. Why? Because he didn't have time to deal with procedure. He was dealing with substance. I still joke with him about this. He was so intense; we could see that mind of his working. So he was happy I was here working with him to get the budgets through.

He has been a powerful voice against runaway deficits but always being totally reasonable, recognizing that we are in a time of economic slowdown and we have to do something about the debt. But he also believes that during any of these periods of time, we need stimulation of the economy; they go together.

As I have indicated, no one cares more about addressing the national debt than Senator CONRAD. But he also understands the balance between fiscal responsibility and funding our national priorities.

KENT CONRAD has been bipartisan. Sometimes some criticize him for being so bipartisan. He has never been afraid to reach across the aisle to keep our country on a responsible path. He is a person who is not an ideologue. I could be wrong, but I think he was the first person to endorse Obama. Obama was a Senator who gave indication he wanted to run for President. I think Senator CONRAD was the first to endorse him. We know Senator Obama didn't sell very well in North Dakota, but that didn't stop KENT CONRAD. He thought he was the best person to be President of the United States.

The proposal I mentioned with Senators CONRAD and Gregg was a blueprint for what the Bowles-Simpson Commission then came up with. As I have indicated, every bipartisan deficit reduction since then—and some partisan efforts—anytime there was involvement with the debt, he was there.

Although we have yet to reach a solution or a conclusion to the very serious fiscal challenges this country faces, I credit KENT CONRAD for the progress we have made to this point. He will continue to be a voice for reason and moderation even in his retirement. See, KENT has always had a brilliant mind for numbers. He is a step above an accountant's mind. I truly like accountants. My daughter-in-law is an accountant, but he is a step above that. He is of the mathematician's caliber; he is so very smart.

After graduating from college, he worked for the North Dakota State Tax Commission. The person who ran that tax commission was Byron Dorgan, who later joined him in the Senate. In 1980, KENT succeeded Byron as the commissioner of taxes in North Dakota. They are the best of friends. He served as tax commissioner for 6 years.

He is a fifth-generation North Dakotan, born in Bismarck. KENT CONRAD was raised by his grandparents. When he was 5 years old, his parents were killed by a drunk driver and so he was raised by his wonderful grandparents and he has told me so many times about how good they were to him.

He was always interested in politics. At his retirement party, he talked about coming to Washington, DC, and he went back to his room or wherever he went that evening and wrote on a piece of paper that he was going to be a Senator. He was just a boy, a little kid. He was a teenager, but at least in my view of a 16-year-old today he was still a little kid. He said he wanted to be a Senator to himself. ''It so inspired me that I thought someday I'd like to be down on that floor and I'd like to debate the great issues of the day.''

He has done it. He has done it for 24 years.

Today KENT doesn't just debate the great issues of the day, he also is famous for making sure people understand what he is talking about. He has visual aids—we call them charts—that explain all his numbers and make them understandable. In 2001, the Rules Committee gave him his own printer since he was producing more charts than all the rest of the Senators combined—and that is the truth. He is famous for his charts.

He is renowned for his dog. He loves that little dog named Dakota. It is a fluffy white dog, a bijon frise. Everywhere KENT goes, Dakota is with him. They love that dog like only people can love animals. I often question how—I used to question; I don't anymore. I have a daughter. My oldest child is a daughter. She is allergic to cats. Her husband, trying to be nice to her, bought her a cat that had no hair. Frankly, it was kind of an ugly little animal, but my daughter loves that cat. They named the cat Olivia. The cat got out at night—they live in a suburb here—and a racoon attacked the cat so the cat was never the same after that. But my daughter spent lots of money on this cat.

I finally said: Lana, why are you spending money on the cat?

She said: Dad, I love that animal.

So that was the beginning; I don't question it anymore. If my daughter feels that strongly about a cat, I am going to stop criticizing people who spend money on animals.

I am reminded of my daughter every day I see him with Dakota because she loved Olivia like he loves Dakota. He and his lovely wife Lucy have spent lots of money on that little dog. They love that dog. He calls him Little Guy; that Little Guy.

I am going to miss KENT a lot. He is my friend, my pal. I wish him and his family well. He has a lovely family. His wife Lucy was the long-time chief of staff for Byron Dorgan—two Senators, both representing the same State, one Senator's wife is the chief of staff for his colleague. She went out in the private sector fairly recently and has done a great job. She has been involved in Major League Baseball. She and KENT love baseball. KENT always talks about he talked to Pete Angelos, the owner of the Baltimore Orioles; that he is looking forward to his retirement because Angelos promised him a tryout. He is going to try to play professional baseball. He loves baseball. They go to spring training when they can. I hope they will still have a presence in Washington. I think so much of both of them. They are wonderful people.

They have two children, a daughter who wrote a book about politics, and one grandson. KENT always boasts about how smart his daughter is. I went to the book signing. I am sure she is smart because she has such a brilliant father.

I value both KENT's friendship and leadership. While he will be missed in the Senate, he should rest assured that his legacy will remain long after he leaves.

RECOGNITION OF THE MINORITY LEADER

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

PREVENTING FURTHER ECONOMIC DAMAGE

Mr. MCCONNELL. Madam President, there is still time to prevent further damage to the economy and to stop the automatic tax hike on every American that's scheduled to go into effect at the beginning of the New Year. The President has a real opportunity, the second in 2 years, to do something significant about our debt crisis and jumpstart our economy. He has a real opportunity to show he can govern. He is letting that opportunity slip away.

Senate Democrats and the White House now say that a ''balanced approach'' is one that can pass both the House and Senate. But we know that neither the Democrat bill in the Senate, nor the President's plan for more than a trillion dollars in tax hikes meets their own new test of 'balance.'

Speaker BOEHNER, like me, would like to prevent a tax hike on everyone. But given the President's failure to act, the House will soon vote on legislation to prevent a tax hike on anyone making less than a million dollars a year—rather than letting taxes go up on every American taxpayer; in other words, a plan that 53 of our Democrat colleagues here in the Senate already voted to support. It is a plan that would ensure far more American families and small businesses are protected from tax hikes than anything our Democrat friends have proposed.

Democrats will have an opportunity to offer and vote on changes if they no longer agree with their previous positions. But what they cannot do is sit on their hands and let taxes go up on every American taxpayer. Senate Democrats have wasted precious time all year with show votes designed to fail. That has left us with little time to do the real work that needs to be done. But there is still enough time for us to finish all of our work before this weekend, if we are all willing to stay late and work hard. For the sake of the people who sent us here, it can and should be done.

TRIBUTES TO DEPARTING SENATORS

JIM DEMINT

Madame President, I would like to speak this morning in tribute to an unexpected addition to the list of retirees on the Republican side of the Senate, Senator JIM DEMINT of South Carolina.

They say success has many fathers, but it is hard to think of anyone who has done more than JIM DEMINT to raise the public's awareness on spending and debt, and the threat that big government poses to our liberties.

JIM has been a powerful voice for conservatism during his time in the House and the Senate. I have no doubt he will be extremely effective in his new post over at the Heritage Foundation. I wish him every success. Because the truth is, the Nation simply cannot continue on its current path, and if JIM can help more people understand that from his new perch on Massachusetts Avenue, then it will clearly have been worth it.

And so while JIM's voice will be missed here in the Senate, we are glad to see he will be putting his considerable talents to good use by helping to arm his former colleagues and many others with the arguments they will need to make the case for constitutional conservatism in the years ahead.

As a young boy, JIM developed a knack for sales by necessity. His mom ran a ballroom dancing school out of their home as a way to keep food on the table for her four children, and part of JIM's job was to recruit the students. He says he still runs into people who attended the DeMint Academy of Dance and Decorum. ''Our home sometimes seemed like boot camp,'' JIM once said, because to survive as a single parent his mom enlisted all four kids for daily duties starting at 6 a.m. It was ''the closest I would come to basic training.'' Interestingly, part of JIM's responsibilities involved filling in for folks who did not have a dance partner.

When JIM wasn't busy in the ballroom, he was working his two paper routes or bagging groceries at the grocery store. On weekends, he fed his love of music as the drummer for a band called ''Salt and Pepper.'' He was best known for his vocals on the song ''Wipe-out'' and the song's distinctive opening cackle. JIM says he could have been a rock star, if it weren't for the fact that he had no voice or musical talent. So as an adult, he stuck with sales, and it was from there that he launched his political career.

It has not been easy. JIM has always worked hard to ensure that Debbie and the kids remained at the center of his life. I know how much he admires Debbie for keeping her focus on their kids over the years. Theirs has been a true partnership almost since the day they first met all the way back in the seventh grade.

JIM was not always all that political. In fact, those who know him best say that one of the most surprising things about his career is how such a shy and gentle spirit could be viewed by so many as a take-no-prisoners firebrand. As a young marketing executive, he recalls thinking that he had a wife, kids and a business—and that was basically his universe. He did not even know who his congressman was. To this day, one of the things JIM enjoys doing most is working on his lawn back in Greenville. And while he has gotten his share of awards in Washington over the years, I don't think any of them compare with the one his neighborhood association gave him a few years back for ''best lawn.'' He is really proud of that one.

JIM's interest in politics came about when the government started to intrude more and more into his business, and when he started to notice how it unwittingly harmed others. ''The more I learned about how things operated,'' he once said, ''the more I understood how problems in our society such as broken homes, crime, and school dropout were a direct result of well-intended but misdirected government policies.''

So he got involved.

In 1992, Bob Inglis walked into his office and asked for his help in running a race in South Carolina's 4th District. JIM took the job and for the first time began to think about running for political office himself. When Inglis retired, JIM decided to run as his replacement. He was 47 years old, he had never run for anything in his life, and Debbie thought he was crazy. But the voters liked what he was selling, and so did his colleagues in the House. They voted him President of their freshman class in 1999.

Six years later, JIM was elected to the Senate. And he has been a leader here as well, working to cut Federal spending and reform how we spend taxpayer dollars. A conservative stalwart, JIM leaves with a stellar 98.77 lifetime rating from the American Conservative Union. And, crucially, he has made a difference. One member of the press corps once referred to JIM as the patron saint of lost causes in the Senate. And, frankly, I don't think we will be abolishing the tax code anytime soon, as JIM has suggested, but that's to miss the point. Great causes almost always start out with a constituency of one, and JIM has never been afraid to take up important and unpopular causes early, and let the polls and punditry take care of themselves.

After becoming what he called a ''recovering earmarker,'' he succeeded in convincing others to give up the practice. As a member of the Foreign Relations Committee, he was also instrumental in resolving a serious problem in Honduras a few years ago after the Obama Administration misconstrued the legal ouster of a president with a political coup. JIM enlisted Miguel Estrada to figure out what was really going on down there, and I was happy to help him travel to Honduras to investigate in person. JIM soon reported back that it was instantly obvious it was not a coup. The story eventually had a happy ending: the Honduran people held a new election and inaugurated a new president and the Obama administration grudgingly backed down. But none of this would have happened without the leadership of Senator DEMINT. ''The senator kept the administration honest,'' Estrada later said. ''He was invaluable.''

Senator DEMINT and I share a profound commitment to free speech, and he has written eloquently on its importance for our Nation. ''Good government,'' he has written, ''is a result of freedom debated.'' He has called the

right to free speech the ''most treasured benefit of living in a free and democratic nation.'' And he has certainly exercised that right to the fullest both here in the Senate and across the country.

Throughout his political career, JIM has always been guided by an unwavering commitment to freedom, and I know it is that same commitment to defend and enlarge our freedom that led him into this next chapter in his life. It is this passion to defend freedom, both for Americans here at home and for our allies around the world, that has struck a chord with so many Americans and helped make JIM a national figure—not to mention a best-selling author.

In addition to the fact that he and his staff have helped address more than 30,000 constituent inquiries during his time here in the Senate, it is also why JIM has remained so popular with his constituents back home, and it is why his colleagues here in the Senate are so sad to see him go.

JIM leaves with a legacy. He has been a real champion for limited government and constitutional conservatism on the national stage. But what has always guided him most over the years is the conviction that most decisions are best made at the local level. And whether it is his work with veterans, in promoting adoption, or in reforming education, that is what he has always stressed.

So I want to thank the Senator from South Carolina for his sterling service to the Palmetto State and to our country. I wish him and Debbie and the entire DeMint family all the very best in the years ahead. Godspeed, Senator DEMINT.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the 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 for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half.

The Senator from Utah is recognized.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

TRIBUTE TO DEPARTING SENATORS

JIM DEMINT

Mr. HATCH. Madam President, I wish to say a few words about my colleague JIM DEMINT. We have had a lot of really good people during my service here on both sides of the aisle. I have friends who have passed on and who made such a difference around here. I have to say that JIM DEMINT has been a rock-ribbed conservative who I think has made a great difference in this body and for whom I have a lot of respect. I have profound gratitude that he has fought as hard as he has for the principles he believes in, most of which I believe in.

I wish him Godspeed as he works over at the Heritage Foundation. I can't imagine a better place for somebody who loves the issues, wants to play a role, has played a role, understands this body, understands the political nature of this country, and has been very active in trying to change this country for the better. JIM has those kinds of abilities. I wish him well, and I sure hope he will have a great time while he is over at the Heritage Foundation. I have great respect for him. I think most people who really know him have great respect for him. I always respect people who really do what they believe, and JIM DEMINT has exemplified that as well as anybody I know.

TANF

Mr. HATCH. Madam President, I rise today to speak about important issues facing us as we work to reauthorize the Temporary Assistance for Needy Families Program, the TANF Program. Poverty has risen to a crisis level in our country. In 2011 there were 16.1 million children in families with incomes below the poverty level.

The pernicious effects of poverty have implications for children's health, education, and well-being. Research has demonstrated that there are significant associations between poverty and problems with children's health, cognitive development, behavior, emotional well-being, and school achievement. These problems are exacerbated for families in extreme poverty, where the annual income is less than half of the poverty level. In 2011 there were over 7 million children in the United States living in extreme poverty.

Poverty is also a risk factor for child abuse and neglect. Data assembled by the Center for Law and Social Policy reveals that poverty is the single best predictor of child maltreatment. Children living in families with annual incomes below $15,000 were 22 times more likely to be abused or neglected than those living in families with annual incomes of $30,000 or more.

According to a report from the Children's Defense Fund, ''Children of color continue to suffer disproportionately from poverty.'' The Children's Defense Fund cites data showing that more than one in three African-American children and more than one in three Hispanic children were poor in 2011, compared to a 1-in-8 ratio among White non-Hispanic children.

These families face huge challenges navigating the bare necessities of daily life. Fresh healthy food can be rare. Unsafe housing contributes to chronic child health issues such as asthma. Transportation to and from work, the grocery store, and the doctor can be infrequent and unreliable.

Programs funded through TANF—the Temporary Assistance for Needy Families Program—provide cash assistance to families struggling in deep and persistent poverty. TANF is a block grant to States for their use in ending dependence on government benefits and, more broadly, to promote child well-being. TANF Programs can also provide work support such as transportation assistance and childcare for families working to get themselves out of poverty and into decent-paying jobs. In addition to safety net and work support programs, TANF also funds a number of child welfare programs that, when effective, reduce the number of children in foster care and help keep families together.

When TANF was enacted, many States used the funding stream in an effort to move welfare recipients into work. However, over time the focus of TANF in many of these States has shifted from working with job-ready adults to a funding stream largely dedicated to funding purposes unconnected to job readiness.

For many years I have expressed concern that nationwide over 50 percent of able-bodied adults receiving cash assistance are reported to engage in zero hours of work-related activity. Additionally, I have raised concerns that most States are not able to meet the Federal work-participation rate. This work-participation rate requires that a State engage half of its cash assistance caseload in specified work-related activities for a certain number of hours each week.

If you ask the average middle-class American how many able-bodied adults receiving welfare should be engaged in work or work-related activities, my guess is the answer would be all of them. It should be shocking to the American people that most States are not able to engage half of their welfare caseloads in such activities.

Furthermore, I have raised concerns that there is a considerable amount of TANF spending on child welfare programs that goes unaccounted for and is not coordinated with possibly duplicative spending administered by State child welfare agencies.

Authority for TANF expired at the end of 2010. Unfortunately, although this is a matter of serious concern, the Obama administration has never proposed a 5-year reauthorization of the TANF Program. Instead, on July 12, 2012, the Department of Health and Human Services released a document, which they inaccurately described as an ''Information Memorandum,'' to the States claiming on behalf of the Obama administration unprecedented waiver authority over TANF work rules.

This action provoked a swift and strong condemnation from members of the legislative branch and rightly so.

Many Members of Congress believe the welfare waiver document constitutes an excessive and unwarranted overreach on the part of the executive branch. The Government Accountability Office agreed with us and has determined that the July 12, 2012, document is, in fact, a rule as defined by the Administrative Procedures Act and as such should have been submitted to Congress for review.

Since the welfare waiver is considered a rule, like all rules, it is subject to a joint resolution of disapproval under the Congressional Review Act. The Senate Parliamentarian agrees with the GAO, and she has advised that for purposes of the CRA, that is, the Congressional Review Act, this rule should be considered to have been received by Congress on September 10, 2012, even though the administration failed to submit it as required by law.

The CRA provides the Senate with a procedure for expedited consideration and a vote on a resolution of disapproval during a certain window of time so long as at least 30 Senators have signed a discharge petition to bring the resolution to the floor. I have introduced such a resolution, S.J. Res. 50, which provides for congressional disapproval of the rule submitted by the Department of Health and Human Services relating to the authority to waive Federal welfare work requirements under section 407 of the Social Security Act. Having introduced it within the required timeframe under the CRA and having obtained enough signatures on a discharge petition, it is within my rights as a Senator to call for a vote on my resolution prior to the Senate's adjournment this year.

Now, I am not naive, nor am I overly idealistic. I am well aware that the vote on S.J. Res. 50 would likely fall along party lines, and this is disappointing. It is clear that the administration's purpose in granting themselves this waiver authority is to undermine a work-first approach to getting welfare recipients or clients off the rolls. This has been the desire of many critics of Clinton-era welfare reforms since they were enacted.

The administration has not been forthcoming at all about what they want to substitute for a work-first approach. In the past, absent strong Federal performance standards, States have allowed activities such as journaling, exercise, or assisting a neighbor, just to name a few, to count as work for the purposes of welfare eligibility.

Here is why I have such a problem with this shift in policy: I believe most people receiving welfare are unhappy with their situation and want to be able to work. Even with assistance, families trying to survive on cash-assistance welfare are living in desperately impoverished circumstances. The reasons some families have to go on welfare can be, of course, complicated. Many adults on welfare struggle with mental health and substance abuse issues. These barriers to work prevent adults on welfare from having work-readiness skills. Additionally, inactivity and the lack of attachment to the workforce can exacerbate mental health and self-medicating tendencies and create a downward spiral for these families, and it can be very hard to reverse course.

Over the years, research has consistently revealed that a work-first approach to welfare, combining an intense effort to engage recipients in work-related activities to foster an attachment to work with a blended array of work supports, such as education and training, has the greatest degree of success in getting clients off of welfare.

The reason I am so vehemently opposed to the administration's scheme to undermine the welfare work requirements is that I believe it will hinder, not help, the effort to get adults off welfare and into the workforce. Put simply, allowing activities that are not work to count as work will not get people off welfare.

The administration and their apologists have not even tried to make a policy case for their non-work-first approach. Instead, apologists of the administration's welfare waiver rule generally attempt to obfuscate and distract from the fact that the Obama administration granted themselves waiver authority to bypass the legislative branch with the goal of weakening welfare requirements.

Let's take a look at some of their arguments. Right out of the gates, supporters of the administration's policy argue that members of the legislative branch asserting their rights in the face of executive overreach were simply trying to give the Romney-Ryan campaign an issue.

Well, in case anyone hasn't heard, the country recently held an election, and President Obama was reelected. There is no longer a Romney-Ryan campaign, so that distraction falls away.

Apologists of the executive overreach have also tried to muddy the issue by suggesting that the administration is giving the States what they asked for. For example—and I take this a little personally—in an effort to create a false justification for their power grab, the Obama administration has repeatedly misrepresented the views of the State of Utah. It is true that when asked by the administration what they wanted in a TANF reauthorization, some States indicated the desire for more flexibility, but there was never any indication that the States wanted the administration to go around Congress to provide this flexibility.

According to the Government Accountability Office, between 2000 and 2009—during the Clinton, Bush, and even the Obama administration—HHS consistently told States that they had no waiver authority under TANF. So States naturally and rightly assumed that any requests for waivers would have to go through Congress. This is evidenced by the fact that in the 6 months since HHS granted itself authority to waive welfare work requirements, not a single State has applied for one of these waivers. In other words, any argument that the need for State flexibility is so urgent that the administration had to bypass Congress to give it falls by the wayside. Once again, we see a distraction crumble under the weight of the facts.

Another distraction raised by supporters of the administration is comments from a former House Ways and Means staffer to the press indicating that he thought additional flexibility for States might not be a bad idea. Of course, this same staffer also said that unilaterally establishing these waivers without consulting Congress was not the way to go. If that is the best expert opinion supporters of the administration can come up with to support this shift in policy, they have clearly failed to make their case.

Once we cut through all of these distractions the administration and its allies have tried to throw in our path, we are left again with the heart of the matter. The Obama administration is trying to bypass Congress and enact policies that are not provided for under current law. Whether or not one agrees with the administration's change in policy, that simple fact remains and we ought to stand up for the prerogatives of the legislative branch. That is why we have three separate branches of government, so that we have some checks and some balances in our society.

As a Member of the Senate, I simply cannot stand by and watch the administration undermine the relevance of the legislative branch. I cannot stand by and see Members of the House of Representatives who have worked for years to develop expertise on welfare policy turned into potted plants.

But there is more than one way to stand up for the U.S. Congress. The country has been through an exhaustive and highly partisan election. Some call it a status quo election. The country has elected a Democrat to the White House and sent back a divided Congress. No one side can claim a mandate, in my opinion, and I think in the opinion of most people. What the American people want is for Democrats and Republicans and the President to work together to get things done for the American people, and get things done right for the American people. One of the things we need to get done is a comprehensive overhaul and reauthorization of TANF. Welfare-work requirements need to be updated and strengthened, certain loopholes need to be closed, and there must be increased transparency and accountability relative to TANF spending on child welfare programs and services.

In order to begin bringing all sides together, particularly after such an acrimonious political period, someone must make the first move. Therefore, as an act of good faith, in order to facilitate a collegial bipartisan working

relationship on TANF, I am putting my colleagues on notice that earlier today I sent President Obama a letter informing him that I will not insist on a vote on my resolution of disapproval during this session of Congress. In the spirit of compromise and bipartisanship, I have asked President Obama to respond to my action by instructing Health and Human Services Secretary Kathleen Sebelius to withdraw the welfare waiver rule and submit a 5-year TANF reauthorization proposal to the Congress. If there are aspects of the welfare waiver rule the administration wishes us to consider, I hope they will include them in their proposal so they can be debated and negotiated here in Congress.

I have written to the President and told him I am committed to working with his administration as well as Chairman CAMP and Chairman BAUCUS to enact comprehensive and meaningful welfare reauthorization early on in the 113th Congress. I made this offer to President Obama with good will and in good faith. However, if the President rebuffs my overture, the Congressional Review Act will afford me this opportunity for another vote on a resolution of disapproval next year. This is because even if the Senate meets in legislative session every day until January 3—including Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, and all weekends—there will not have been 60 session days between the date the welfare waiver rule is deemed to have been submitted to the Senate and the convening of the 113th Congress. Since the 112th Congress will end before the full 60-session-day period has elapsed, the Congressional Review Act provides for another 60-day period to act on a disapproval resolution regarding this rule in 2013. I hope it doesn't come to that. Therefore, if President Obama does not withdraw the welfare waiver rule, submit a 5-year TANF reauthorization plan, and then work with Congress to enact meaningful, comprehensive welfare reform that strengthens work requirements and provides for improved accountability of TANF spending, I will be right back here in a few months exercising my right to demand a vote on a new resolution of disapproval under the Congressional Review Act.

I sincerely hope it does not come to that. As my colleagues know, I have a long history of forging bipartisan compromises on welfare, among many other things. I was a key player during the 1996 consideration of welfare reform that was passed by a Republican Congress and signed by a Democratic President. In 2002, Senator Breaux and I worked with Republicans and Democrats to draft the so-called ''tripartisan'' agreement on welfare reauthorization. I stand willing to work again on a bipartisan basis on this important issue at this most critical time.

As Members of Congress, I believe we have a moral obligation to do what we can to help those facing staggering challenges and deep and persistent poverty. We can begin to meet this moral obligation by strengthening and improving the TANF Programs for the working poor, the middle class, and children in the child welfare system.

In America today we have women who take their children with them rummaging through trash cans, hoping to find discarded soda cans so they can sell them back to stores. In America today we have families who every month must make painful decisions about whether to buy food or medicine or whether to pay to heat their home or put gas in their car. Many single moms have no good choices when it comes to providing childcare for their children while they attempt to find work. I can think of no group of Americans more deserving of having the Senate's time and attention directed toward crafting policies designed to help improve their lives.

If my colleagues look over my past 36 years, I have been there for these Americans. I was there in enacting TANF. I was there on a number of child welfare programs. I was there on the Child Care and Development Block Grant. I was there on the Americans With Disabilities Act, and countless other bills. These bills I worked on have helped to make a difference.

But I am concerned that increasingly, we are becoming a welfare society. A lot of people aren't going to go to work, and every time, every quarter, we find more and more people who won't even look for a job anymore. That is not the way to run a great country. That is not the way to help people to be self-sufficient, it is not the way to help people to be self-reliant, and it is not the way to keep a country great.

This is an important issue. I believe everybody in the Senate ought to stand up for the rights of the Congress. And I believe the President can show great good will here if he would do what I have suggested, which I think my Democratic colleagues would appreciate as well, and that is send up the 5-year reauthorization of TANF and of course withdraw that particular approach toward waivers that literally should not ever be granted without congressional consent. I think the President would come a long way by doing that and it would mean a lot to me personally. Let's hope we can get the President to consider these remarks this day because they have been delivered in good faith, hoping we will find solutions to these problems and, above all, hoping we can help our people.

Madam President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak in morning business for up to 15 minutes.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, in every corner of the globe—from pole to pole, and from the top of our atmosphere to the depths of our oceans—we see evidence of the fundamental changes that are taking place across our Earth.

In 2012, North America experienced a number of unusually severe events and passed several ominous milestones. These episodes have driven a shift in attitude—a realization, really, among Americans. As we head home for the holidays this year, each of us is likely to find back in our home States that more and more people are convinced that climate change is happening, and that it is deadly serious.

Here are just some of the extraordinary events that occurred as we look back on this year, 2012.

January 2012 was the fourth warmest January experienced in the contiguous United States since we began keeping records. And we began keeping records in 1895. By the end of January, snowpack in the Sierra Nevada Mountains was 50 percent less than normal.

February 2012 marked the end of the fourth warmest winter on record—an above-average start to the year but not extremely so.

Then this happened: March 2012. March 2012 was the warmest March on record. Every State in the Nation experienced a record daily high temperature in March. There were 21 instances of nighttime temperatures—nighttime temperatures—being as warm or warmer than the existing daytime record temperature.

It was also in March that a University of Texas poll asked respondents if they thought climate change was occurring. Madam President, 83 percent of Democrats said yes; 60 percent of Independents said yes; 45 percent of Republicans said yes.

As 2012 went on, things did not slow down much for the lower 48 States.

April 2012 would become the third warmest April on record. I came to the floor in April to speak about another milestone surpassed that month. For the first time—for the first time—one of NOAA's remote monitoring sites—this one in the Arctic—recorded a concentration of 400 parts per million of carbon dioxide in the Earth's atmosphere, crushing records that go back 8,000 centuries. For 8,000 centuries mankind has inhabited a planet with an atmosphere with carbon concentration being 170 and 300 parts per million. We have broken out of that. For the

first time, in April, we hit 400 parts per million.

By May, it was no surprise that spring 2012 was a full 2 degrees Fahrenheit warmer than the next warmest spring in recorded history. May was the second warmest ever.

June was only the eighth warmest June, but it officially marked the end of the warmest 12-month period the United States of America has ever experienced.

Across the lower 48, July was not only the warmest July on record, it was the all-time warmest month in America in recorded history. According to the U.S. Drought Monitor, 62.9 percent of the contiguous U.S. was experiencing moderate to exceptional drought by the end of the month—nearly two-thirds. Madam President, 62.9 percent was experiencing moderate to exceptional drought as a result of this being the all-time warmest month.

As the mercury climbed in July, so did agreement among Americans on the crisis of climate change. That University of Texas poll was taken again, and the percentage of Democrats convinced of global climate change had risen to 87 percent in July, up from 83 percent in March. Among Independents, the percentage went from 60 percent up to 72 percent. And Republican believers in climate change became a majority. They went from 45 percent to 53 percent.

By August we had experienced the third hottest summer in the history of the continental United States. In the West, 3.6 million acres were ablaze with wildfires—nearly twice the August average, and the most in the 12-year period of record.

August also brought bad news from the North. The University of Colorado's National Snow and Ice Data Center and NASA announced that Arctic sea ice had reached a record low area of 1.58 million square miles—nearly 70,000 square miles smaller than the previous modern record low. Over the past three decades, average annual temperatures had increased twice as much over the Arctic as over the rest of the world. The average extent of the Arctic sea ice has declined by 25 to 30 percent in that time, and the rate of decline is accelerating.

September 2012. September 2012 was the 16th month in a row that the contiguous United States recorded an above 20th century average temperature.

October finally ended that record streak with a temperature across the lower 48 that was 0.3 degrees Fahrenheit below the long-term average. But October also brought us, as the Acting President pro tempore so well knows, Hurricane Sandy, Superstorm Sandy. It was the largest Atlantic hurricane on record, claiming more than 100 lives, and the second costliest. The cleanup in my home State of Rhode Island and across the east coast—I know most agonizingly in New York and New Jersey—is still underway. This week in the Senate we are working to approve a $60 billion aid package which will help restore that damage.

HAZARD MITIGATION

Let me step aside of my climate remarks and speak for 1 minute to that because as we consider this supplemental appropriations bill, long-term mitigation must be part of this discussion. We should not replace and rebuild what was damaged just as it was. We need to replace and rebuild smarter. Sandy is a preview of what is to come. Infrastructure that failed or flooded should be replaced to higher standards; at-risk roads, wastewater treatment plants, and other utilities need to be relocated to safer places.

If disaster strikes, as it has, and we do not plan ahead, as we are being urged not to, we will squander Federal dollars. A 2005 study by the National Institute of Building Sciences showed FEMA hazard mitigation efforts yielded an average cost-benefit ratio of 4 to 1—$4 saved for every $1 spent. Let's not be foolish.

A prime example of this sort of smart planning was in the Acting President pro tempore's home State at Point Lookout, Lido Beach, and Atlantic Beach. These communities invested in sand dune buffers—sand dune habitat buffers. When Sandy came, they suffered relatively little damage compared to nearby Long Beach, which had decided against maintaining a sand dune buffer and ended up with an estimated $200 million in property and infrastructure damage.

Coastal wetlands act like sponges during flooding events. They absorb water. They dissipate wave energy. They protect against storm surge. They are an important part of our coastal defenses in coastal States. Natural dune systems on barrier islands and beaches do the same. They are part of our natural defense against coastal storms. These natural defenses must be protected and strengthened for our future safety. And I hope that even Senators who come from landlocked States can appreciate what this means in coastal States.

So back to Sandy. While it is impossible to say specifically that climate change caused Superstorm Sandy, we know that warmer oceans, warmer, moister air, and higher sea level all add to the power and danger of these extreme storms. We know that climate change ''loads the dice'' for such storms.

Madam President, 2012 marched us past even more portentous milestones. NOAA reported that November 2012 was the 333rd month in a row—the 333rd month in a row—that the global monthly temperature was above the 20th century average. The Earth has not seen a single month below 20th century average temperatures since February of 1985. Some of these interns and pages here were born after that. They have lived their entire lives in that environment.

According to the National Climate Data Center, 2012 is set to be the warmest calendar year on record for the contiguous United States. December would have to be one full degree Fahrenheit colder than the coldest December on record to prevent that from happening and make up for the exceptionally hot first 8 months of the year.

The overwhelming majority of scientific research indicates that these observed changes in the Earth's atmosphere are the direct result of human activity; namely, the emission of carbon dioxide from the burning of fossil fuels.

Just last week, Dr. James Powell, former Reagan and George H.W. Bush appointee to the National Science Board, released a new review of the scientific literature, in which he searched for articles that expressly reject human-caused global warming or propose an alternate explanation. He looked at 13,950 peer-reviewed climate articles—nearly 14,000 peer-reviewed climate articles. Madam President, 24—24—either rejected global warming trends or denied the human contribution to warming.

I am not even sure if viewers looking at this on C–SPAN can see it, but on this circle pie graph I have in the Chamber, this little red line depicts the 24 articles out of the 14,000. It is a tiny fringe.

The science is clear, and more and more Americans accept that the science is clear behind climate change. An AP poll out just last week found that 78 percent of Americans accept the reality of climate change.

The findings, like the University of Texas poll, break it down by political party: 83 percent of Democrats, 77 percent of Independents, and 70 percent of Republicans. So the real debate in this country is not whether humans are altering our climate but how severely we will do so and how as a society we will respond to this challenge.

Although some Members of this Chamber continue to deny the existence of climate change, Americans are aware that our Nation is vulnerable to extreme weather events. They are aware that climate change loads the dice. They are aware that carbon pollution continues unabated, and they are aware that Congress has failed to act.

The public is ready for us to take action, but we are not. We are, as I have said in a previous speech, sleepwalking. As Congress sleepwalks, Americans actually are taking action on their own. In coordination with the nonprofit organization 350.org, for example, students at more than 150 colleges and universities across the country are pressing those institutions to sell off the portions of their endowment portfolios that are invested in fossil fuel companies. These students are imploring their schools to weigh the real cost of climate change against the drive for greater financial returns and divest from the polluters.

This type of divestment campaign was employed effectively in the 1980s to pull investment from South Africa during apartheid. With American college

and university endowments estimated to total more than $400 billion, this movement by students deserves significant attention.

In the Senate key legislation such as the Water Resources Development Act must reflect the reality that our climate and environment are changing, that we need to prepare for these changes. We should take direct legislative action to mitigate climate change. We should defend the administration's carbon pollution standards which will require new and existing powerplants to clean up their smokestacks.

The United States must support the Department of Defense, the world's single largest consumer of oil, as a leader in energy efficiency and alternative fuel development for our national security sake. We must extend the production tax credit as our colleague, Senator MARK UDALL of Colorado, has so often and so eloquently pressed us to do. The American Wind Energy Association is pushing for a 6-year extension of the production tax credit to grow a vibrant wind power industry in America.

A greener economy provides a cleaner and safer future for Americans. More Americans already work in the green industries than in the fossil fuels industry. A Brookings Institution report found the clean economy employs 2.7 million workers. That is manufacturing and exports, the kind of jobs that support a strong middle class. But in Congress we are sleepwalking through history. We are sleepwalking through history, and we must wake up; awaken to our duties, awaken to our responsibilities, awaken to the plain facts that lay all around us if only we would open our eyes and see them.

The public has every reason to want to grab us and give us a good shake. We are sleepwalking through this era, lulled as we sleepwalk by the narcotics of corporate money, corporate money out of the polluters and their allies. We are lulled by the narcotics of manufactured doubt planted in a campaign of disinformation by those same polluters and allies. But history is calling us loudly and clearly. History is shouting in our ears. We are oblivious, sleepwalking along.

The people across the country and around the world are counting on us. They are imploring us. We have responsibilities to them. Yet in Congress, we ignore the facts. We ignore our duties. We sleepwalk on. It is irresponsible and it is wrong.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

REMEMBERING DANIEL K. INOUYE

Mr. BAUCUS. Madam President, I would like to say a few words about our close, beloved friend, colleague, Danny Inouye. I am hard pressed to think of anyone in this body I respected and loved more than Danny Inouye. His broad smile, his desire to work with you, help you, his interest in finding common ground, his decency, his honesty, his forthrightness, and his dedication to service is unsurpassed.

Someone pointed out to me that when Dan was first chairman of the House Appropriations Committee, he passed all of the measures through his committee virtually unanimously. We should stop and think about that for just a second. This place is now so polarized, it is so difficult to get measures passed. But Dan, as committee chairman, worked with his members so virtually every bill in his first year was passed unanimously. There was one that was 29 to 1.

If only we would stop and reflect on that a bit, it would help us to work better together. Dan also worked very closely with Ted Stevens. One time Ted was chairman of the Appropriations Committee, another time the ranking member. The two of them worked very closely together to get measures passed through the Appropriations Committee. Other committees do the same; the chairman and the ranking member work well together. Regrettably, those measures then come out to the floor and become very polarized. That toxic dynamic of this echo chamber, Washington, DC, takes over once measures get on the floor.

Everyone will talk about Danny as a military hero. He certainly was in so many respects. When Pearl Harbor was bombed, he tried to sign up, and he was refused because he was Japanese American. The Japanese were the enemy. But he and others petitioned the President and he was able to finally sign up.

Danny served his country, our country, fully over in Italy, losing an arm. He was such a hero, storming several German machine-gunner nests. He was so brave because he was American. He was fighting for his country.

Some may have mentioned, or some might in the future mention, Danny's statement to many of us who went to a Prayer Breakfast a few months ago. Dan did not ever go to any Prayer Breakfasts, but he went to one. He wanted to explain why he did something. It was one of the more touching moments in my memory here. It is when Danny went through a bit of his life, explaining how he was—in Hawaii, in a foster home or an orphanage, something similar to that, and a bishop would come by monthly to each of the young children, and say: What can I do for you, young lady; you, young man?

Danny right away said: I want a home. And Danny explained how he then went to live in the Security home, raised by nuns. That went a long way to help Danny appreciate and understand decency, working together, community. It meant a lot to him.

Later, at Pearl Harbor he wanted to sign up. He did and served. But when he explained all of this to us, he then mentioned how he stormed—he was a very good shot. He was an excellent shot. He was a marksman. He was a sharpshooter. He recounted the first German he shot and killed in Italy.

At that moment he was pretty proud of himself, very patriotic. I am a good shot. I am an American. I got that German. They were engaged with the enemy frequently. He shot a few more Germans. One time he stormed a tower. There was a machine gunner up in the tower. Danny rushed up. Prior to that time, one of the solders threw a grenade or shot a bazooka. It blew up most of the Germans there in that tower.

Danny stormed up the stairway, got up there and there was one still alive. Danny's immediate reaction was to use the butt of his gun to hit the soldier so the soldier could not shoot him. Well, at that moment, the soldier then reached into his pocket and pulled out photographs, photographs of the soldier's family, the soldier's mother, the soldier's brothers and sisters and children.

Danny, in that instant, it was like an epiphany. He then realized he was not shooting the enemy, he was not shooting soldiers, he was not racking up statistics, he was killing people, a person, a real live person. It hit him so hard he then decided he had to leave. He had to stop this. He could not go on killing people.

He went to the chaplain and said: Chaplain, I have to leave.

The chaplain said: Well, I understand. That is your right. But maybe it is best if you stay in the service.

Danny stayed. Danny said a lot of people count sheep going to sleep at night. Danny stayed awake at night. He could not sleep. He was counting the soldiers he shot and killed, and that had a huge, profound effect on him.

Years later, the Senate was debating the Iraq war resolution. Senator Byrd walked up to Senator Inouye. Senator Byrd, as we will recall, was very much opposed to the United States entering the war in Iraq. He stood up on the Senate floor and very eloquently explained why it was the wrong thing to do—the United States should not send troops over to Iraq.

Well, Senator Byrd walked over to Danny and said: Danny, I have to ask you if you can support this resolution. I know you cannot because, my gosh, you are a war hero and given your military service.

Danny right away said: Oh, no, I will vote with you because it is the right thing to do. It is wrong for the United States to send troops over to Iraq.

Danny said it was largely because of that experience, when that soldier reached in his pocket and showed him photographs of his family, that it just changed him. It changed Danny and made Danny realize the importance of not going to war unless it is absolutely, totally necessary, and going to Iraq was not necessary.

I was so impressed with Danny in so many different ways. When I was first here, Danny was assigned to defend Harrison Williams who was charged with ABSCAM violations. I remember,

right over here on the side over here, Danny set up; that was his responsibility as a lawyer on the floor to defend Senator Williams. I was stunned at Danny's presentation. It was so good. It was so thoughtful. He spoke with such authority. Sure, he was a lawyer doing what lawyers are supposed to do, but as I said, it was stunning. He was an amazing man. It may be kind of a small thing. It may not be something that is repeated terribly often on the floor of the Senate, but I was stunned at how good he was. Other things I have also dealt with him personally on, matters dealing with the Appropriations Committee and sometimes on matters dealing with Montana.

I was really honored; we have this tradition around here called the secret Santa where we give presents secretly to one of our colleagues. I drew Danny Inouye's name. I was Danny's secret Santa. I thought: My gosh, what am I going to do to sufficiently honor Danny?

I thought a little bit. Years ago there was something in Montana called the Devil's Brigade. During World War II the U.S. military joined with Canadians and set up secret training for rugged men, mountaineers, miners and loggers, and so forth to go over to Europe and help fight the war.

It is interesting, this is a precursor to all of special operations: Navy SEALs and Rangers and all of the special operations sprung from this secret, joint U.S.-Canadian effort in Montana. It was called the Devil's Brigade.

They went over in their first big operation to scale a cliff that was outside Rome, a hill held by the Germans. The Germans thought no way in the world would someone come up the cliff, so we will not defend the cliff.

Sure enough, the Devil's Brigade climbed that cliff at night. They beat the Germans up on the top. I thought this was a great gift for Danny since World War II and Italy meant so much for him.

But, regretfully, when I went to the little ceremony, Danny was not there and I could not give him my Secret Santa gift—but it is a small thing. As I walked over here, the secretary in my office said: Senator, you should see this. A letter came in today, just today, this morning. It is from Danny, and it was wishing me happy birthday. My birthday is 4 days after Pearl Harbor, and it just poignantly hit me. This was something thoughtful Danny did. He did it himself. It wasn't an office letter. It was something he wrote himself.

I will just finish. There were a lot of things about Danny, but the one thing I think that is so appropriate, again, Dan was such a statesman. He was beloved, obviously a hero, and all the things we like to talk about.

I would like to read a little excerpt from a book. It is a preface Dan wrote. Dan wrote his own personal history. It is a ''Journey to Washington'' by Senator Danny Inouye.

There is a preface, written by Senator Mike Mansfield, at the beginning of the book, and I would like to read this preface. It summarizes Danny.

> The life of Danny Inouye has carried him from the streets of Honolulu into war, into law and political leadership in Hawaii, and, now, into the Senate of the United States as the first American Senator of Japanese ancestry. Dan Inouye's life is a personal triumph, a triumph of a man's courage and determination. But his triumph is, in the end, the triumph of America. The recognition which has come to Dan Inouye, like others before him, reveals the resilient capacity of this nation for replenishment, with energy and wisdom drawn from the many wellsprings of the human race. The story of Daniel Ken Inouye, an American, is, in truth, an enduring chapter in the story of America.

So, Danny, aloha.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I ask unanimous consent to speak as in morning business.

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

Ms. MIKULSKI. I would like to compliment the Senator from Montana on his deeply moving and so personal reminiscences. It was both touching and manly. Thank you very much. It was inspirational.

HURRICANE SANDY

Madam President, I come to the floor—and I am so glad the Senator from New York is the Presiding Officer—because here we are, the Chamber is vacant. It looks like the Senate is not moving. The Presiding Officer is a Senator from New York, along with Senator SCHUMER. I am a Senator from Maryland, and we have been hit by a hurricane. We have been hit by Hurricane Sandy.

I come to the floor to say, as we reflect on the life and times of Senator Danny Inouye, we should also reflect on his work, which is to move appropriations bills in a timely way—and particularly when that appropriations bill deals with the supplemental appropriations to meet the compelling human needs of our communities and our people when they have suffered a natural disaster.

The clock is ticking. We have businesses that need to restart. We have homes that need to be rebuilt. In my own State of Maryland, we had a double whammy. As the hurricane came forth on our coastal areas along the beloved Chesapeake Bay and the Atlantic Ocean, we were hit by the hurricane. Then up in western Maryland, Garrett County, called the Switzerland of Maryland, we were hit by a blizzard—a blizzard.

Where are we now? It has been days. The TV cameras have left, but the compelling human need has not.

What is the Senate facing? Inertia, parliamentary roadblocks, and we are fussing about the budget. I believe we need to have a more frugal, sensible government, but these are the American people. Sometimes I am for helping other nations around the world, but after a natural disaster, while we have been busy rebuilding Afghanistan, how about if we rebuild New York, New Jersey. How about getting my communities up and running along the coast of the Chesapeake Bay and communities such as Crisfield. These people are not asking for a handout; they are asking for a hand up. These are the American citizens who pay their taxes on time. Then why doesn't the Senate act on time? I am deeply frustrated by the inertia and the parliamentary roadblocks for nothing.

Look what this would mean. We could show hope and help. Actually, along the way, the very things we will do will be creating jobs in the local community because this is physical reconstruction—and, I might add, the reconstruction of human lives.

The Senator from New York knows so well; she told me the moving stories of the firefighters themselves, our gallant first responders who suffered terrible fires in their own home communities. What a horrible thing. I know if the Presiding Officer came over with me to the Eastern Shore and went down to the community of Crisfield, she would be touched. This is a wonderful community, but they have had some hard times. They have a 94-percent unemployment rate. Our agriculture and our seafood industries have been hit by drought and declining species. Our industries have been hard hit. In these rural areas, these homes have been in these communities for generation after generation after generation.

The western shore lobbyists who come in or appraisers who are looking for Gucci waterfront property might value these small, tidy, well-maintained homes for appraisal value, but the appraisal was in the hearts of my people of Crisfield. Generations have lived there. Generations have worked there. Generations have sent their sons to fight the wars—and now their daughters. All they want is for their country to help them rebuild, get the mold out, get some assistance coming in so they can buy their crab pots and get back to work. They want their homes. They want to get their lives back, and they want to get their livelihoods back.

What do we have here? Inertia.

When all is said and done, I am very tired that more gets said than gets done. This is the time to act. My constituents truly need help, and we have been here.

I am going to congratulate Senator MURRAY and Senator LANDRIEU, who chair the subcommittees in Appropriations on FEMA and THUD because it will be FEMA money and community development block grant money that will help these communities. Now we are going to need the Corps of Engineers for beach replenishment, public investments that will protect private property. It has been 2 months since Sandy, 2 months. Surely, we can act.

The President has made a request. Yes, it is a hefty $60 billion. But look at who was hit, a big city that is one of the heartbeats of America, New York, and a little community such as Crisfield. But no matter whether someone lives in New York City or in Crisfield, MD, they deserve the help from their government.

I say to my colleagues, let us think of the people we were sent to represent. We weren't sent to represent a bottom line; we were sent to represent people. I would hope we would put into place, that we would pass the President's request. We have great policies that were arrived at—and if you truly want to honor Senator Inouye, let us honor his own code of conduct, a gentle way, a civil way, a consensus builder, a bipartisan builder, and a worker to move this bill.

Senator Inouye chaired the full Committee on Appropriations these last couple years. His own staff shared a story with me, and it is relevant today.

He said: I chaired the Defense subcommittee, and that is how the Federal budget defends America. But my other committees, like Labor-HHS—and I might add housing, Federal disaster assistance—is how we define ourselves. So those who say let us make sure we defend America, let us also make sure we put the money in the Federal budget on how it defines America.

The way we define America is when one community is hit, all communities are hit. If New York is hit, Crisfield or Ocean City, all communities have been hit. We need to act like the United States of America because the disaster the Chair and I faced 2 months ago could be somebody else's disaster tomorrow. And the real disaster should not be in the Senate because we failed to act.

I call my colleagues to the floor, and I call them forth to pass these appropriations. I look forward again to working on both sides of the aisle to have a safer country from either a defense or a disaster perspective, and I also look forward to moving this bill in a way that we will define our country, that we are a country that helps, neighbor helping neighbor.

I yield the floor.

Mr. LEAHY. Madam President, I wish to praise the senior Senator from Maryland. I was out here listening to what she said but not just the words. She believes them. It is a passion. She cares.

She and I have served on the Appropriations Committee for about 100 or 200 years, I think. She was a child when she went there, but we have served there together. We both have lost one of our dearest friends, Senator Inouye.

But over and over in that committee, I have heard her stand and say: People are involved. These are human beings, and we ought to stand up for them.

As the distinguished Presiding Officer knows, because she represents New York State, when we have a disaster of this unbelievable amount, the whole Nation is supposed to come together. We are the United States of America. We are not the State of New York, the State of Maryland, the State of Vermont; we are the United States of America.

We have come together as a country. Whether the disaster has been in California, on the east coast or in Southern States or in the West, we come together, and that is what we are trying to do. I would defy any Senator who has worried about coming together to help these people to go to one of the homes. Go to one of the homes on Long Island. Go to one of the homes that has been devastated. Go to one of the businesses where we have a couple who spent their whole life building up their business, hoping to have something to leave to their children, and now they are looking at rubble. Come on. These are real people. This is the United States of America.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam 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.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

Pending:

Leahy (for Inouye) amendment No. 3338, in the nature of a substitute.

Leahy (for Inouye) amendment No. 3339 (to amendment No. 3338), of a perfecting nature.

Merkley amendment No. 3367 (to amendment No. 3338), to extend certain supplemental agricultural disaster assistance programs.

McCain/Coburn amendment No. 3355 (to amendment No. 3338), to strike funding for the Emergency Forest Restoration Program.

Tester amendment No. 3350 (to amendment No. 3338), to provide additional funds for wild land fire management.

Coburn/McCain amendment No. 3371 (to amendment No. 3338), to ensure that Federal disaster assistance is available for the most severe disasters.

Mr. LEAHY. Madam President, I see the distinguished senior Senator from New Mexico on the Senate floor, and I yield to him.

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

Mr. BINGAMAN. I thank my colleague Senator LEAHY.

Madam President, what is the pending business before the Senate now? Is it an amendment to this legislation?

The ACTING PRESIDENT pro tempore. Amendment No. 3371 is the pending business.

AMENDMENT NO. 3344

Mr. BINGAMAN. Madam President, I ask unanimous consent that the pending amendment be set aside and that I be permitted to call up amendment No. 3344 and ask for its immediate consideration.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. WEBB, and Mr. WYDEN, proposes an amendment numbered 3344.

Mr. BINGAMAN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for the approval of an agreement between the United States and the Republic of Palau in response to Super Typhoon Bopha)

At the appropriate place, insert the following:

SEC. ___. APPROVAL OF THE 2010 U.S.-PALAU AGREEMENT IN RESPONSE TO SUPER TYPHOON BOPHA.

(a) IN GENERAL.—The agreement entitled ''The Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review'' signed on September 3, 2010 (including the appendices to the agreement) (referred to in this section as the ''Agreement'') is approved (other than Article 7 to the extent it extends Article X of the Federal Programs and Services Agreement) and may only enter into force after the Secretary of State, in coordination with the Secretary of the Interior, enters into an implementing arrangement with the Republic of Palau that makes the adjustments to dates and amounts as set forth in Senate Amendment 3331.

(b) AMENDMENT.—Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S. C. 1921d(f)(1)(B)(ix)) is amended by striking ''2009'' and inserting ''2024''.

(c) FUNDING.—

(1) IN GENERAL.—There are appropriated to the Secretary of the Interior such sums as are specified to carry out sections 1, 2(a), 4(a), and 5 of the Agreement for each of fiscal years 2014 through 2024.

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

(3) EMERGENCY DESIGNATION.—Amounts appropriated under paragraph (1) are designated by Congress as being for an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

Mr. BINGAMAN. Madam President, this is an amendment offered by myself

and cosponsored by Senators Webb and Wyden. It would provide for the approval of an agreement between the United States and the Republic of Palau in response to Supertyphoon Bopha.

Few people are aware that as Hurricane Sandy was making its landfall in the northeastern part of our country, the United States, a supertyphoon known as Bopha was tracking a path of destruction across the western Pacific. The Republic of Palau, which is one of our closest allies and with which we are tied by a strategic alliance known as the Compact of Free Association, was struck by Bopha on December 2, causing extensive damage. The President of Palau declared a state of emergency, and the U.S. President, acting through the Department of State, issued a disaster declaration for Palau.

This massive storm went on to kill over 1,000 people in the Philippines. Fortunately, there were no deaths in Palau, but high winds and storm surge and torrential rains caused widespread damage.

A week ago the Ambassador from Palau, the Honorable Hersey Kyota, wrote to me as the chair of the Committee on Energy and Natural Resources, which has jurisdiction for assistance to nations that are in free association with the United States. The Ambassador asked for my help in responding to the disaster, but he did not ask for additional funding. Instead, the Ambassador asked that the agreement on future assistance that was signed between the United States and Palau in 2010 be added to this emergency supplemental so the funding already agreed to by representatives of the United States would become available for disaster relief and recovery in Palau.

I fully support the request by the Ambassador. I am glad to have the cosponsorship of my colleagues Senator WEBB, who is chairman of the Asia-Pacific subcommittee, and Senator WYDEN, who, of course, is the incoming chair of the Energy and Natural Resources Committee, and I urge my colleagues' support of the amendment.

The amendment tracks S. 343, which was introduced by me in February of 2011. At that time it was cosponsored by Senators MURKOWSKI, AKAKA, and WEBB. The agreement to be approved would revise and update the Compact of Free Association that has governed U.S.-Palau relations since 1994 by extending and phasing out financial assistance over 11 years.

Palau is an island nation located strategically between the U.S. territory of Guam, the Philippines, and Indonesia. Captured in World War II, Palau became part of the U.S.-administered Trust Territory of the Pacific Islands. In 1994 Palau became a sovereign nation in free association with the United States under a 50-year compact that grants the U.S. military rights that the Department of State calls ''vital to our national security.''

The compact also provided Palau with an initial 15-year term of assistance that ended in 2009. The agreement would extend and phase out U.S. assistance by 2024. Congress has provided stop-gap funding since 2009, but the Department of Defense wrote to our committee—the Committee on Energy and Natural Resources—in April of 2011 stating:

> Failure to follow through on our commitments to Palau, as reflected in the proposed [agreement], would jeopardize our defense posture in the Western pacific.

The agreement provides for the phaseout of financial assistance for operations, construction, and maintenance. The Congressional Budget Office's 10-year budget estimate for direct spending is $171 million. This U.S. commitment to future funding would make a crucial contribution to Palau's efforts to respond and recover from this present disaster.

U.S. failure to respond to the needs of this strategic ally in its time of need by simply approving the already signed agreement would signal to Palau and to most other nations in the Pacific that the United States is an unreliable partner. So I urge the support of my colleagues for this amendment and for approving the agreed-to assistance to Palau so they may have the resources needed to respond to Supertyphoon Bopha.

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

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

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam 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.

FAREWELL TO THE SENATE

Mrs. HUTCHISON. Madam President, I rise today to address this Chamber for possibly the last time as the senior Senator from the great State of Texas.

I have to say it is an ironic note that if I had given my farewell address last week, there would have been so much joy in the halls of the Capitol, ringing with the laughter and the anticipation of our season's happiest time. But in just one weekend, a sadness has set in with the news of a massacre of innocent children in Newtown, CT, followed by the loss of our wonderful colleague, Senator Danny Inouye.

So I will leave this extraordinary institution and experience with a heavy heart for those who have been lost in the last few days.

I want to thank the people of Texas for asking me to represent them in Washington. I want to thank the many people who have served on my staff for almost 20 years. I have to say I am touched that both benches on both sides of this room are filled with my staff members who have been so hard-working and so loyal and have produced so much in 20 years for our State and Nation, and I thank them.

I want to thank my colleagues and all the people who work here, the Senators, but also those who work behind the scenes to make our lives as good as they can be with the hard hours we all have; those who keep our buildings safe and clean, who work in the libraries, the shops, the cafeterias, and who guide tens of thousands of tourists through our Nation's beautiful Capitol each year.

I want to thank my husband Ray and our two children Bailey and Houston. They are 11 years old now, and so many of my colleagues who were here when I started bringing my children as babies have watched them grow up. The Senate isn't easy on families. They have sacrificed so I could serve the people of Texas, and I am grateful for their patience and generosity. They have loved coming to the Capitol—11 years for the children and 20 for my husband Ray. And I know my children's fondest memory, if I ask them what do they remember most about visits to the Capitol, is playing soccer in the Russell Building's hallways in the evenings when the coast is clear.

I would not be here today if it were not for my parents who gave me the gifts of strong values, unwavering support, and education to be whatever I wanted to be. I must say that my parents were surprised when they saw what I wanted to be. They would never have thought that their daughter, growing up in LaMarque, TX—a town of 15,000 good people—would think she could be a United States Senator. We had a wonderful public school system, and I am proud to say I am a product of public education. My public schools in LaMarque—which were excellent—and my University of Texas and University of Texas Law School prepared me to be what I could be.

It has been a privilege to walk these halls in the Capitol of the world's greatest and longest serving democracy.

I think back to the days that stand out in our memories. September 11, 2001, of course, is the one none of us will ever forget. We know exactly where we were the minute we knew there was a terrorist attack on America. And though we suffered a horrific attack, the strength, resilience, and extraordinary acts of kindness of the American people showed the world that attempts to destroy our way of life would never succeed. On that day, no one could get in or out of Washington and many communications networks were inoperable. So when the Pentagon was hit and the Capitol was evacuated, my staff and I walked one block to my home on Capitol Hill. Just as an example, the husband of my office manager worked in the section of the Pentagon that had been hit, so we were on the one phone that we had to hospitals, the police, anyone we thought might be able to tell us if he was safe. Thankfully, he was fine. But there were so

many who waited for hours, who called hospitals, to hear from their loved ones. Sometimes the news was a relief and sometimes they waited in vain for good news.

I have to say it was an incredible moment when the Senators who could find each other, wherever they had gone from the Capitol, finally gathered late afternoon in the Capitol Police headquarters to talk to our leaders who had been taken to an undisclosed location. They said, We don't want anyone to come, but we were going to the steps of the Capitol to hold a press conference. We don't want anyone there because we don't know if it is safe, but we want to tell the press that we are going to open for business tomorrow and do the Nation's business, even though there was suspicion that the Capitol had been on the terrorists' list of targets.

Every single one of the Senators—and I think there were 60 to 70 who had made it to the Capitol Police headquarters—did come to the Capitol steps, as did Members of the House of Representatives. After the press conference was held by the leaders, all of the several hundred who had gathered spontaneously broke out singing ''God Bless America.'' That was a time that said this is the strength of our country and we will not be defeated.

As I exit the Senate, I am aware that we are divided as a legislative body and as a country. I do not think we have different goals—not here, and not in America—but we do have different ways of reaching them. Congress suffers a great deal of criticism for partisan acrimony. But while we may disagree politically and air our opposition in this Chamber, it is the conversation behind the scenes that cements and defines our relationships. I will leave the Senate knowing I have worked with men and women of great patriotism, intellect, and heart on both sides of the aisle.

I wish to thank my colleagues, Democrat and Republican, for the many wonderful years working together. We seconded one another at times and engaged in rigorous debate in others. Yet the American people should know that either way, we are collegial and we all understand that our States have different needs and there will be differences in priorities. But in the Senate, an adversary today will be an ally tomorrow. It is a rare occasion for acrimony to turn personal.

It would be my parting hope that this collegiality will not be lost. Protecting the rights of the minority has assured that every Senator's voice is heard and every State represented is heard, as intended by our Constitution. Open debate and open amendments are what differentiate the Senate from the House.

When our committees function, we pass bills in vigorous markups, we put the bills in shape for floor debate. If they don't go through committees and are not allowed floor amendments, the quality of the legislation suffers and mistakes are often made.

Let me give you some examples of how relationships can produce results.

During the anthrax scare, the Hart Building was closed for a month, which made it very difficult, of course, for Senators based there to do their work. So Senator DIANNE FEINSTEIN's staff joined in my offices in the Russell Building. My chief of staff at the time gave them full access. One of Senator FEINSTEIN's staff members commented on that: A Republican office giving Democrats free rein? But my chief of staff said, They had full access because we trusted them.

Senator FEINSTEIN and I have teamed up to pass important legislation—the Hutchison-Feinstein Overseas Basing Commission—that studied the training capabilities and costs of overseas military bases to determine their value compared to American bases. This resulted in consolidation and closures that brought thousands of troops back to the United States where training and rapid deployment were superior. We passed the Feinstein-Hutchison Breast Cancer Research Stamp bill that, through voluntary purchase, has raised $72 million for breast cancer research. That was Senator FEINSTEIN's idea. And Senator FEINSTEIN and I took the Amber Alert for abducted children nationwide, which has accounted for rescuing almost 600 children since its passage.

I remember when Senator Hillary Clinton stopped by with her chief of staff to wish me happy birthday the first year she was in the Senate. It was just a few months after she had arrived, and my staff was surprised—and possibly a bit star-struck—to see the former First Lady walk into the room. We went on to work together on Vital Voices, a global partnership dedicated to supporting and empowering women leaders and social entrepreneurs in emerging economies. We also teamed up with Senators MIKULSKI and COLLINS to assure public schools had the option to offer single-sex schools and classes, after I visited with Secretary of Education Rod Paige the Young Women's Leadership Academy in the Harlem area of New York City—one of the first and most successful pilot projects for girls' public schools, with which I know the Presiding Officer is very familiar.

I remember the time I invited Senator BARBARA MIKULSKI to Texas, because she and I have worked together supporting NASA for so many years, and this year she has been chair and I ranking member of the Appropriations subcommittee funding NASA. We went to visit the Johnson Space Center because I wanted her to see the great work they are doing there. Then I took her to the Houston rodeo because I wanted her to see the Texas culture. Well, I am not sure the Senator who grew up in the inner city of Baltimore knew exactly how people would dress at the rodeo, but suffice it to say there were a lot of rhinestones and cowboy boots and big hair and big hats. Senator MIKULSKI whispered to me during this time, KAY, if we were here Monday and we went to the Chamber of Commerce, would these people look like this? And I said, Yeah, pretty much.

Senator MIKULSKI and I also teamed up to pass the Homemaker IRA, to make sure our stay-at-home moms and dads would have the same opportunity for retirement security savings that those who work outside the home have, and it has been a huge success. We also cosponsored the National Breast and Cervical Cancer Early Detection Program. She is a skilled legislator and a dear friend.

Senator JAY ROCKEFELLER has been an outstanding chairman of the Commerce Committee. We don't always agree, but as the lead Democrat and Republican we have worked hard to reach consensus, and we have gotten things done—the FAA bill, started the planning for the next generation of air traffic control systems; the highway bill; the NASA reauthorization that ensured we would keep the focus on our space program that has been instrumental in our national security and economic development, with tremendous help from Senator BILL NELSON, who is the only one among us today who has actually been into space.

In a Congress that has been marked by little progress, we have found a way forward. For some, that might not be something to take pride in. But we have served the American people by passing legislation that keeps the country running, and I am very proud of what we have been able to accomplish. Our Commerce Committee has been one of the most productive in the whole Congress. And I count him as a friend.

MARIA CANTWELL and HARRY REID and I have worked to address the issues of our State's taxpayers to have the same deductions as those who have income taxes, though we do not, and that parity has been so important.

Leader MITCH MCCONNELL has guided our party and our conference through the past 6 years. He is a gifted leader and one whom I have witnessed time and time again come up with strategies that have gotten things done in the right way.

Senator JON KYL and I have worked on immigration and death tax relief. Senator LAMAR ALEXANDER and I have championed the America Competes Act, so we would continue the priority of scientific research and that we would never fail to invest in research because it is the sequel for our economy.

I am very pleased the distinguished ranking member of the Judiciary Committee and the Finance Committee—Finance Committee now and Judiciary before—is also on the Senate floor. He has been a wonderful friend to me, helping me in my very first election when he was the rock star at my fundraisers in Texas. I thank Senator ORRIN HATCH for his long membership in this body.

I have had the wonderful, good fortune to serve with two colleagues from my home State. First, Senator Phil Gramm, who was a wonderful mentor and colleague. They broke the mold after Senator Gramm. We always enjoyed our school rivalry—he being a Texas Aggie and me being a University of Texas alum—they like to call them hopeless Tea-sips, but we are proud Longhorns.

I have had a great relationship with my other Senator, who is soon going to be the senior Senator from Texas, JOHN CORNYN. JOHN CORNYN, I am very pleased to say, is going to get the opportunity that I have had all these years when people trip up and introduce me as the senior citizen of Texas. I turn that mantle over to my colleague, Senator CORNYN.

I am very proud he is going to be the deputy Republican leader in the next Congress. I know he is going to be a steady hand at the wheel as we try to steer the ship of state in the right direction. He has proven time and again that his steady leadership is the one that rises to the top. I thank him for being on the floor as well today.

In fact, I want to praise our entire Texas congressional delegation. We call it Team Texas. It is a spirit that holds our delegation together, Republicans and Democrats. I have noted that there are those in Washington who think Texans are a little too loud, and we have a little too much fun, but I can assure everyone that Team Texas' hearts are as big as our mouths.

It has been a long and wonderful 19-plus years. We hit the ground running, and we have never stopped. When I was first elected in a special election in 1993, we had two—actually four full planeloads of people flying up for my swearing in. Because it was a special election, we filled the entire gallery. Those rowdy Texans were so happy to watch my little swearing in ceremony. It was a great day for me, as well as my wonderful and loyal friends and supporters.

I started having weekly constituent coffees that first year because there were so many visitors from Texas and I wanted to make sure at least there was one time every week that any Texan who was here who wanted to see me could come and visit and was welcome. So every Thursday morning around 9 or 9:30, the person in charge of this first effort was the wife of a three-star general who volunteered her time in our offices. I think it was as much her handling of the event as the idea itself that has led many other Senators to take up this practice and get a chance to always visit with their constituents at least once a week if they were otherwise going to committee meetings or having to do their work and were not able to see everyone. I want to thank Gert Clark for putting her stamp on our Senate hospitality.

Some of the most powerful moments that will stay with me forever were spent with our members of the military. Visiting with them where they are in harm's way across the world is one of the most moving of all experiences. I will never forget the first time, in the early 1990s, flying into Sarajevo in an undercover C–130 that was disguised as a Red Cross delivery of peas—2,000 pounds of peas that we actually had on the C–130—and I have to say my good friend, Danny Inouye, was on that trip with us, as I look over at his empty desk with the white flowers, as was Senator Ted Stevens. We flew in to see our troops in Bosnia.

Later I went back to Bosnia to spend Easter with our troops where we had the most beautiful Easter sunrise service I have ever attended or ever will. It was in an open-air hangar with our service men and women who were deployed there. For the first time it was a Texas Guard unit that was in command of the base, and it was the first time since the Korean war that we had a Guard unit in command of an operation overseas. They did a great job, which led to many Guard units from other States also to take command of bases and operations.

I flew out of Baghdad—this was in the last few years—in another C–130 when there were no lights on the plane and no lights on the runway to make sure there was no clue to the enemy that we were leaving when they were firing missiles around the airport. Or the times I had visited Afghanistan, where the first time I visited with Senator MCCAIN, our troops were sleeping on cots. There were probably 600 or 700 cots in an old Russian-built aircraft hangar, before anything had been brought in for living quarters for our troops. All of their belongings were under their cots, and that was all they had for that first mission into Afghanistan.

I have always been one who has such great respect and gratitude for our men and women in uniform. They put their lives on the line and pledge to give their all for our freedom. The power to wage war is an enormous one, and the weight of its responsibility should rest heavy on our shoulders.

I leave this Chamber proud to have worked to assure our men and women in uniform have the best training, the best equipment, and the quality of life to do the job we are asking them to do. Because of my deep respect for our Armed Forces, my first choice of committees when I came in 1993 was Armed Services, and I was honored to be the first woman in 20 years to chair a subcommittee on Armed Services. The woman before me was Margaret Chase Smith. As the only woman to chair the Senate Republican Policy Committee, I was pleased to be a part of Republican leadership for many years—again, the first since Margaret Chase Smith.

When I was first running for office I said I wanted to make things better for our sons and open for our daughters. I leave the Senate knowing that January will see the greatest number of female Senators in our Nation's history. I know the torch will be carried on by the next generation.

It is no secret that Texans have a particular sense of state pride. I am no exception. I have deep Texas roots. The Senate seat that I hold first belonged to Thomas Jefferson Rusk, my great-great-grandfather's law partner and good friend. They both signed the Texas Declaration of Independence from Mexico in 1836. That history reminds me every day that we must protect the freedom that so many of our ancestors fought to produce and retain. My colleague sitting on the Senate floor is in the Sam Houston line, and that is a proud line too. Thomas Jefferson Rusk and Sam Houston were the Commander in Chief and Secretary of War of the Texas Army when we fought for independence. It is so fitting that those two were our first two selected Senators when Texas became a State in 1845.

Each summer I take a week to tour one part of Texas on a bus. It has been so much fun. We did the first one, which was the El Camino Real de los Tejas that we had just passed a bill to designate as a national historic trail, and we went from the Louisiana border to the Mexican border. It took us a week on the bus. It was so great that we have done it every year since in a different part of Texas. It is my State staff's favorite week of the year as well.

I am one of the few to have had the opportunity and the absolute pleasure to visit all 254 counties in Texas. I have met Texans from all walks of life who have opened their homes, their businesses, and shared their stories.

I will be sad to leave, but it is time. I believe strongly that we should keep the lifeblood of Congress pumping. It is good to have new waves of legislators come in with fresh ideas and perspectives after every election. But while I believe that new generations should invigorate Congress, I also want to say a few words of praise for experience.

Knowing the history of an issue is essential to monitor progress. Knowing what an agency should be doing, knowing what was put in law and why allows for better oversight. The expertise of our longer serving Members is an essential part of good governance.

I hope some of the priorities I have championed will continue. Investment in science, technology, and higher education and encouraging more young people to study science, technology, engineering, and math, known as STEM, will make sure we are bringing forward those young minds with the creativity and the engineering background to create the economies for the future. It is so important. This has been the lifeblood of our economy, and it must continue.

Saving the manned space exploration program and ensuring the long-term future of NASA is an essential generator for our economy. Ensuring that stay-at-home moms and dads who worked so hard raising children and

contributing to the community have spousal IRAs to save for retirement, and easing the marriage penalty by doubling the standard deduction—these are a few of the things I hope will continue to be championed as I leave.

It has been such an honor to serve in the Senate. I leave with the hope that the values that built America into the greatest Nation on Earth will be protected so that future generations will have the same opportunities we have had in this great country, opportunities for which our forebears sacrificed so much.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Texas.

Mr. CORNYN. Madam President, Texans have a profound sense of history, and it is only appropriate that Senator HUTCHISON should mention the fact that we both come from long lines of Texans, starting with Thomas Jefferson Rusk, who first held her Senate seat, and Sam Houston, who held the Senate seat I hold. I will never forget Senator HUTCHISON coming to the floor of the Senate every March 2, Texas Independence Day, and regaling the Chamber with Travis' letter from the Alamo, reminding everyone about another important event in Texas history, a tradition which she carried on after Senator John Tower did for so many years when he served here.

This is a historic moment for many reasons. First, because we are paying tribute to an extraordinary woman who has made history by being the first Texas female United States Senator and someone who has spent the last two decades fighting for commonsense values in our Nation's Capitol. While it is hard to summarize Senator HUTCHINSON's great work in just a few short minutes, I am going to try. I am going to try to highlight some of her signature achievements and explain why she enjoys such outstanding support from her constituents back in our great State.

To start with, I cannot think of any Senator serving in this Chamber who works harder than KAY BAILEY HUTCHISON. Sometimes I affectionately refer to her as the Energizer Bunny of the Texas delegation. She is tireless and she is relentless in her pursuit of what she believes is in the best interests of the constituents in our State.

As she mentioned, she has been a tireless advocate for Texas military families. We take great pride in the fact that 1 out of every 10 individuals who wears the uniform of the U.S. military calls Texas home. Of course, some of the most powerful tributes to KAY's legacy are what I have heard from our men and women in uniform.

It is no exaggeration to say every military base in Texas has felt the impact of her work on various Senate committees. I know how deeply proud KAY is of the work she has done to help the troops stationed in Texas from Fort Bliss in the west to the Red River Army Depot in the east—which I dare say she pretty much singlehandedly saved from being BRACed the last time that occurred—from Sheppard Air Force Base in Wichita Falls to the Naval Air Force Base in Corpus Christi in the south. Not only has KAY worked to provide our troops with the resources they need, she has done a whole lot to help returning veterans and, of course, their families.

We always talk about supporting our troops when they are deployed overseas, but we spend less time—indeed not enough time—discussing ways to help them assimilate back into civilian life. As the son of a U.S. Air Force veteran who spent 31 years in the Air Force, I am acutely aware, as KAY is, it is not just those who wear the uniform who serve but their families as well.

Many returning vets and their families encounter a whole range of social and economic hardships that can be hard to overcome. Most notably, the unemployment rate among our returning vets from Afghanistan and Iraq is significantly higher than for the general population, something I know KAY has worked on extensively. She has also worked to get our veterans the medical assistance, the job training, and the financial support they need. Indeed, I don't know of any Senator who has done more to help America's heroes adjust to life after the military. That is just one of the reasons why she will be sorely missed.

Here is another reason KAY will be missed. She has fought time and time again to promote tax relief for hardworking Texas families. In the mid-1990s, as she alluded, she helped to create the so-called homemaker IRA to make sure stay-at-home moms and dads were able to save for their retirement on an equal basis with their counterparts who worked outside the home. I know it is one of her proudest achievements, and I am proud to join with the Senator from Maryland, Ms. BARBARA MIKULSKI, in attempting to rename this IRA the KAY BAILEY HUTCHISON spousal IRA in her honor. I hope we can join together and honor Senator HUTCHISON by getting that done before we close out our business this year.

KAY, of course, has always championed the State sales tax deduction, which may not seem like a big deal to others in this Chamber, but it is a big deal back home in Texas as a matter of fundamental fairness because we don't have a State income tax. I daresay we never will have a State income tax as long as I draw a breath. However, we do pay State sales taxes, and it is only fair that Texas enjoys the same sort of deductibility for the State sales tax that other States have enjoyed for the State income taxes.

KAY has also worked to reduce the marriage penalty tax. She has been a strong defender of taxpayer interests, and her efforts have made the Tax Code less hostile to saving and to families.

She alluded to her great work with NASA. She is one of the Senate's leading supporters of NASA and human space flight. NASA has contributed historical technological breakthroughs that have benefited all Americans. KAY appreciates the vital importance of basic scientific research, long-term American prosperity, and she appreciates the role NASA has played in fostering innovation. She has long said and advocated for support for NASA because she believes that when we support NASA, we are supporting technologies and the jobs of the future. That is why KAY has done so much to help the Johnson Space Center and our universities to promote Texas as a research State.

Her beloved University of Texas is grateful for her support over the years, which is one reason they will soon launch the KAY BAILEY HUTCHISON Center for Latin American law.

KAY has also crafted legislation that has benefited some of the most vulnerable Americans. Her work on behalf of missing and exploited children includes the national AMBER Alert Network, which she introduced back in 2003. As she said earlier, this law has helped to rescue more than 570 abducted children who would not have benefited but for her work. That is a remarkable achievement, and it is more than just a number when we count the human lives which have been so dramatically affected by her work.

A final note. As I said, Senator HUTCHISON has made history serving as a first woman to serve the great State of Texas in the Senate. KAY has always been a pioneer of sorts. As a father of two daughters, that means a lot to me. I am used to being surrounded at home by strong, intelligent women, but having served with KAY, I have also been a partner with a strong, intelligent Texas woman. KAY has been a role model for so many young women, not just in Texas but throughout the United States. I am honored to be her colleague and I am proud to be her friend.

Senator KAY BAILEY HUTCHISON leaves behind a tremendous legacy of which she, Ray, and her children can be proud. She has a legacy that will long be celebrated by Texans from El Paso to Caddo Lake and from Amarillo to Brownsville. Everyone in this Chamber will miss her, and I know I speak for all my colleagues when I wish her the very best in the next exciting chapter of her life.

I join with my colleagues in saying to the Senator, vaya con dios.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I wish to join everyone here in thanking KAY for her great service in the Senate. I have worked closely with her on a wide variety of issues. I have to say she is a fierce advocate. In fact, I have to say all our women Senators have been fierce advocates, and we have benefited from them being here.

KAY has paved the way for Senators—both male and female—to truly become

better Senators and in many cases great Senators. KAY BAILEY HUTCHISON is a great Senator. She worked her guts out the whole time she was here. She is still here, but she is going to retire at this time and she has represented Texas well.

All I can say is she has been my friend all this time. When I needed help from her, she was always there. I tried to be there for her when she needed help as well. She has not only been a delightful person to be around but a very intelligent lawyer. She fought for what she believed—most of which I believed in—in a way nobody could truly ever get mad at KAY BAILEY HUTCHISON.

She is a wonderful person, wonderful mother, and we are going to miss her terribly. This is a body where we could use a few more women Senators—maybe a lot more than a few. They are very good people who work very hard and not the least of whom is KAY BAILEY HUTCHISON.

I remember at times when I had difficulties with the BRAC system and difficulties with special NASA problems, and so forth, we always worked together. We could always count on her to come up with intelligent solutions to some of the problems that should not have existed but did.

I have personally appreciated her very much during those times and in so many other ways as we worked together on legislation to help this country and as we worked to represent our respective States. I have so much respect for Texas, the people of Texas, and what they stand for. I have great respect for these Texan Senators who are two of the best we have ever had in the Senate.

Senator HUTCHISON has been an exemplary Senator, not just for women but for all of us. She has also set some standards that I think both women and male Senators are going to have to try to emulate.

I just want say to the Senator that we love her, we appreciate her, and we wish her the very best. We are going to miss her. This is one Senator who will miss her greatly, and I want her to know that. All I can say is God be with her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased in joining my colleagues in commending and congratulating our distinguished colleague from Texas. Her service in the Senate has truly been outstanding and she has made an impact in our Committee on Appropriations. We have deliberated about the funding of all the Federal agencies and departments of the Federal Government. She has been very careful. She is very serious about her responsibilities, and I am glad to be here today to wish her well in the years ahead and compliment her on a very distinguished career in the Senate.

Mr. LEVIN. Mr. President, Michigan and Texas have much in common, despite the fact they are North vs. South, cowboy boots vs. snowshoes, mesquite vs. pine.

One of the things we have in common is water. Our States are, economically, historically, and culturally tied to great waters: Texas to the Gulf of Mexico, Michigan to the Great Lakes. And this shared interest has afforded me the pleasure of working alongside Senator KAY BAILEY HUTCHISON, a true Texas pioneer.

As the lead cosponsor of the Harbor Maintenance Act, Senator HUTCHISON has been an invaluable ally in the effort to ensure that America's harbors receive the maintenance funding they need to help our economy grow. Her efforts were instrumental in recruiting 37 cosponsors on our bill and in securing language regarding harbor maintenance for the first time in a transportation bill. Her efforts have made a significant difference in the lives of the thousands of American workers whose jobs are directly tied to well-maintained harbors, from the Port of Galveston to the scores of ports dotting Michigan's shoreline.

Senator HUTCHISON has shown important leadership on other transportation issues, such as a more equitable formula for Federal surface transportation funding, and for adequate funding for State maritime academies, including academies in Texas and Michigan, that help meet the needs of our commercial shipping industry as well as the Department of Defense.

She has been an able and dedicated advocate for our Nation's veterans. She pioneered the concept of the homemaker IRA, which helped millions of American women achieve greater retirement security. She has energetically pushed for stronger science and educational programs, including the establishment of a groundbreaking medicine, engineering, and science academy in her State.

We shouldn't be surprised at these and other successes. When she first graduated from the University of Texas Law School, she bumped up against the misguided tendencies of the law firms at the time to dismiss female candidates, no matter how talented. Undaunted, she walked into a local TV station and asked for a job as a reporter and became the State's first female television reporter. She took a detour, but her experience covering politics led to the Texas House of Representatives, the State treasurer's office, and eventually to become the first Texan woman elected to the U.S. Senate.

The Senate will miss her dedication, her quite effectiveness, her ability to seek practical, bipartisan solutions. She has made a habit of making history, and I wish her the best in whatever history-making endeavors she turns to next.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise also to congratulate and thank a terrific Senator, KAY BAILEY HUTCHISON, and to wish her much success in her further efforts. I know she will provide great leadership in whatever she is doing. It has been wonderful to watch over the years, seeing the pictures of Bailey and Houston and how they have grown, celebrating and going to baby showers. On top of all the other accolades today, Senator HUTCHISON is a devoted and wonderful mother to two beautiful children.

As everyone has said, she is the first and only woman to represent Texas in the Senate and will always have that distinction of opening doors and barriers. I know she agrees with me that once the doors open, we want to make sure more women are able to walk through that door as well.

I wish to congratulate her for all she has done. We have come together to fight for opportunities for women around the world at the Senate Women's Caucus on Burma and other efforts she has led. I am very supportive of adding her name to the spousal IRA law. I think that is a very fitting tribute, and I am hopeful we can get that done as well.

I just want to congratulate her.

I do want to have the opportunity to talk about something else, but I see my friend wanting to say a few words.

Mrs. HUTCHISON. Mr. President, if the Senator would yield for just a moment to let me say thank you to all the wonderful Senators who have spoken and said nice things. It is one of the few times Senators sort of pause and wish someone well, as they are leaving. It has truly been very touching, and I appreciate the kind words of the Senator from Michigan. It has been a distinct pleasure to have colleagues on both sides of the aisle feel we have done so much together. My hope is that as I am going out the door, the collegiality of the Senate will never change.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT—Continued

THE FARM BILL

Ms. STABENOW. Mr. President, I also wish to speak about the importance of passing a farm bill today and thank the Senator from Texas for her support as we passed a strong bipartisan farm bill in the Senate back in June when sent it over it the House of Representatives.

We have had 80 days since the farm bill expired. That is 80 days that farm families and small businesses have been holding their breath and wanting to know what is going to happen in rural America and agriculture across the country. I have not given up, nor have other colleagues here. Certainly, my partner here in the Senate, Senator ROBERTS, and our partners in the House, including Chairman LUCAS and

Ranking Member PETERSON, all stand ready if we can get a positive signal from the House Republican leadership to get this done. There is no doubt in my mind that we can do it. For everyone listening, the issue is not differences in the commodity title, which I have every confidence we can come together on and work out; the question is, as we are seeing efforts being worked on for a larger deficit reduction package, whether the House leadership will think rural America and agriculture are important enough to include. That is the question. It is whether the savings we have achieved in deficit reduction by eliminating unwarranted taxpayer subsidies and creating other efficiencies and tackling waste, fraud, and abuse, whether that is worthy of a priority in the effort that is being worked on. We have continued to point out the fact that the 16 million people across America who work because of agriculture deserve to be a priority.

I thank our leadership and the leadership across the aisle for making it a priority of this Senate back in June. I thank my colleagues on the committee in the House for making it a priority and for passing a bipartisan bill in July. For the life of me—I am appalled continually that the Republican leadership of the U.S. House of Representatives does not consider the security and the livelihood of 16 million people who live in rural America across this country to be a priority.

We are including a final list of things that need to get done. We are not giving up. We are coming back next week, and we are going to be here, and we are ready at any moment to be able to do what we need to do.

Across this aisle, colleagues have worked in good faith in the Senate, and I am very grateful. I appreciate the support of the Presiding Officer in urging that we get this done. We have colleagues on both sides of the aisle who have come together to make tough decisions. We are willing to make some more, but we are not willing to give up on 16 million people who live in rural communities—small towns such as where I grew up in Claire, MI—who are counting on us to do the right thing and to give them the ability to plan, the ability to get help for the disasters they have seen, and the ability to know they can move forward and care for their families.

We have a disaster bill right now on the floor. As chair of the Agriculture Committee, there is no way I am going to allow a disaster amendment without being able to offer an amendment that relates to agriculture disaster which we have fully paid for in the farm bill.

So we are willing to do two tracks here if we come together, which I hope we will, on a disaster package. Certainly, people in rural America—farmers, ranchers across this country—have felt the disasters other communities have felt. So I am proud to join with Senator MERKLEY and Senator MCCASKILL and others in putting forward the portions of the farm bill that deal with disaster relief as part of this package which is now moving forward. I hope we will have an opportunity to vote and come together on that, which is so important. That does not negate the need to get a farm bill done or our desire to do that or the fact that we are laser-focused until the last moment we have available on getting it done.

Let me remind my colleagues that farming is the riskiest business in the world. There are a lot of risky things we can do. There are a lot of disasters that have happened.

I was pleased to have the opportunity to join with our colleague from New Jersey, Senator MENENDEZ, last week to visit some of the coastline in New Jersey and to be a part of a group that looked at the devastation there. And there is no question, it is up to our country at times such as these, when people are wiped out, their homes are wiped out, it is our responsibility to come together and to act on behalf of citizens in those States. I strongly support doing that. It is also our responsibility to acknowledge and recognize and help others around the country who have similar disasters.

As I said before, there is no business that is riskier than farming. Thank goodness we have people who are willing to stay in farming and ranching regardless of what happens with the weather. Thank goodness we have a strong crop insurance system in place, and we strengthened that even more, which is incredibly important, in this farm bill. But we have had disasters happen that need to be addressed for those who farm for us.

In the spring we experienced late freezes in Michigan and in New York and in Pennsylvania that wiped out food crops. A lot of small family farms, farms in northern Michigan, were wiped out. In my home State, late freezes and a spring frost caused them to lose practically their entire crop right off the bat. It warmed up, the buds came out, and then they had a deep freeze that killed everything. Our growers produce 75 percent of the U.S. supply of cherries. That is around 270 million pounds. The cherry producers experienced a 98-percent loss.

In our amendment in the disaster bill and in the farm bill, we give them some help because they spent the rest of the crop year this year having to pay to maintain the orchards and the trees, eating the costs and hoping the trees will bounce back next year and produce a crop. So they have all the costs of maintaining everything but no revenue coming in.

Cherry producers were also forced to fight spreading diseases such as cherry leaf spot and bacterial canker, making the trees even more costly to maintain and at risk of loss. They didn't just lose their crop this year; they had to invest a lot of money to save their orchards without having any dollars coming in. We give them some help. It doesn't cover all the losses but some help to be able to stay in business. We do that through the farm bill.

Apple producers in most areas of Michigan and in New York and in Pennsylvania had about a 40-percent production, so they lost 60 percent. Think about a business losing 60 percent of its income for a year or, in the case of cherries, 98 percent. We have things in place to support them when that happens. That is why we have disaster assistance, and that is why we have other things as well. We have something called the farm bill when things like this happen in agriculture or disaster assistance for agriculture, as we are proposing assistance for.

Also, in the summer we saw record-breaking drought, as we know. We heard story after story about families whose crops were left withering in the fields, entire corn crops devastated in Iowa, and wildfires in Colorado killing 2 people and forcing residents to evacuate over 34,000 homes. Drought and wildfires cost the State of Oklahoma more than $400 million this year alone according to a report that has just been produced by Oklahoma State University. That includes crops and livestock, property loss from wildfires, and emergency costs.

I have heard so many times from my friend, the distinguished ranking member from Kansas, about what has happened in Kansas. We had the opportunity to be there and to hear from people directly in Kansas. My staff has walked in the field and seen that there is nothing there because of the drought and what it means.

This year represented the worst drought since 1956. That is a disaster. At the height of the drought this summer, over 80 percent of the contiguous United States experienced drought conditions—80 percent. We still have 11 States with exceptional drought conditions and 17 States with severe drought conditions. Seventeen States across the country, in the Northeast, the Midwest, the South, the Great Plains, the Southwest, and on the west coast—every region except the Pacific Northwest has suffered from long-term drought.

Sixty percent of the farms in the United States experienced drought this year, and we saw severe droughts in 57 percent of farmland acres. By the end of this last October, over half of the pastures and ranges in the United States were rated poor to very poor. And 1,692 counties in the country, spread across 36 States, were declared a primary disaster area because of the drought.

By the way, there are a whole lot of issues around weather that we need to be talking about and dealing with, and we need to be doing that in the new year.

So this is what is happening for farmers and ranchers. On May 20 only 3 percent of our corn crop was rated poor or very poor, but by the end of September over 50 percent was rated poor or very

poor. Our cattle inventories were at a 60-year low as farmers and ranchers have had to sell off their breeding stock because they don't have the hay or grazing land to feed them. Low water levels in the Mississippi are affecting grain shipments, threatening to affect shipments early next year as farmers try to plant their crops. We have seen reports that grain is piling up in elevators while farmers try to figure out alternative routes of shipping their products to market.

Hurricane Isaac left hundreds of thousands of acres underwater. Hurricane Isaac caused destruction like nothing we could have imagined. As I said, I saw the damage up close from Hurricane Sandy. Weather disasters have destroyed millions of acres of farmland and affected millions of families in every State and corner of this country.

We are considering a disaster bill today. Well, the farm bill is a disaster bill because it not only has disaster assistance but it creates 5-year certainty for our growers, who deserve it. They deserve to know what is going to be happening. They deserve to know so they can go to the banker and talk about their financing for the coming crop year and be able to plan as well as get immediate help.

I support passing a disaster bill, and agriculture should be a part of this, but it is not enough. We need to do that, and we need to have a 5-year farm bill in order to create the certainty we need.

We have spent so much time focusing on how we move forward with agriculture today and create the right kind of risk management tools for the future. I am very proud of what we have been able to do.

We—the members of the Agriculture Committees—have also been, frankly, the only committee to step up voluntarily and say: We will put money on the table for deficit reduction. We did it during deficit reduction talks. We have done it in the House and the Senate as we have written the farm bills. We are willing to be a part of the solution. We are part of the solution.

One of the things I find very frustrating is that if, in fact, it doesn't get done this year, those who don't want reform, those who want government payments even in good times may very well get another year of government payments that we can't afford and taxpayers should not be paying for. So this really is about reform.

I hear colleagues talking on the other side of the aisle all the time about the things we shouldn't be doing and the things we shouldn't be paying for. Well, I would encourage them to join us in the fight to get a farm bill done to stop an area where we have all agreed we should not be providing government payments in the area of direct payments. I know there are those in the House who want to keep that going as long as possible, but it is not right in an era when we have to make tough choices for families and every other part of the budget to allow that to happen.

We passed a reform bill. We tackled fraud and abuse in nutrition. We consolidated conservation and saved money. We tackled payments that have been given out for years that don't make sense and that the government can't afford. We listened to farmers to strengthen risk management tools, predominantly crop insurance. With all the weather disasters I have described this year, if we can strengthen crop insurance, we are going to give them a better safety net going forward for whatever comes in the coming year.

So there is a lot on the line. There is a lot on the line for 16 million people who have jobs because of agriculture and the food industry. There is a lot on the line for people who go to the grocery store and eat and want to know food prices are not going to go up, that milk prices are not going to go up. There is a lot on the line for people who just want us to come together and work together. In light of everything going on, we did that kind of a farm bill. They did that in the House in committee.

All the Speaker and the leadership have to do is say: We care about rural America. We care about 16 million people who work every day, who are folks who do their jobs, and when the job has to get done, whether it is early in the morning or late at night, they do it, and they expect us to do the same thing.

There is no excuse—none—that makes any sense not to get a 5-year farm bill done, not to make sure we have the disaster assistance that is needed for farmers and ranchers, and not to get reforms that cut back on taxpayer subsidies we should not be providing, and the deficit reduction that is critically important as we come up to this fiscal cliff.

I wish to thank everyone in this body for working with us to get a bill done of which I think we should all be very proud. We are going to continue to push as we go forward, hoping that at some moment the House Republican leadership will look around at the small towns in their districts and decide they matter and that they will pass a 5-year farm bill.

Thank you.

The PRESIDING OFFICER. The Senator from Vermont.

CHAINED CPI

Mr. SANDERS. Mr. President, as we continue to debate how to prevent this so-called fiscal cliff and how to go forward in deficit reduction, my Republican friends, apparently, want the American people to believe that making the wealthiest people in this country pay a few dollars more in taxes would amount to some kind of terrible sacrifice, and they are vigorous and unanimous in opposing the President's initial proposal to do away with all of Bush's tax breaks for people making $250,000 a year or more. I guess their new proposal coming out of the House is that only people making $1 million a year or more would see their tax rates go up.

Let me say a word about hardship and a word about sacrifice and it is not about the problems of millionaires and billionaires who are doing phenomenally well and who are being asked to pay a few dollars more to help us deal with deficit reduction, at a time when their tax rates are at a historically low rate. Let me tell you about sacrifice, and let me tell you about on whom we should not be balancing the budget.

This morning, in the Veterans' Affairs Committee, I held a press conference, which included every major veterans organization in this country, representing millions and millions of veterans, people who have put their lives on the line to defend our country and many of whom have suffered as a result.

The organizations that were there with me to say no to the so-called chained CPI—which would cut benefits for disabled veterans, which would cut benefits for widows and kids who lost their husband or their father in Iraq or Afghanistan and would see a chained CPI cut back on their limited benefits—we had at this press conference the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the Iraq and Afghanistan Veterans of America, the Paralyzed Veterans of America, the Blinded Veterans Association, the Wounded Warrior Project, the Military Order of the Purple Heart, the National Military Family Association, the Vietnam Veterans of America, the National Guard Association, the National Association of Uniform Services, the Jewish War Veterans, the Military Officers Association of America, AMVETS, the Association of the United States Army, the Commissioned Officers Association of the U.S. Public Health Service, the Naval Enlisted Reserve Association, the United Spinal Association, VetsFirst.

What all of them said—and some of them made this statement far more poignantly than I can—is when we talk about sacrifice, they are there; they have already done it. Some of them have come back from our wars without arms or legs or maybe they have lost their eyesight. They have sacrificed, and it is morally absurd to be equating on one hand the sacrifice of a multimillionaire, asking him to pay a few dollars more in taxes, with asking people who have lost their limbs defending this country to make a sacrifice. That is not equivalent sacrifice.

Let me talk about this so-called chained CPI. I know there are some folks out there—and I think we have had Wall Street CEOs worth hundreds of millions of dollars, who were bailed out by the taxpayers of this country, who have the most extravagant retirement benefits imaginable—they have come to Washington, DC, to tell Congress we should cut Social Security

benefits for disabled veterans, raise taxes on low-income workers.

Let me tell you what this—what some call a tweak—would do. In terms of the chained CPI, more than 3.2 million disabled veterans receive disability compensation from the Veterans' Administration—3.2 million veterans. They would see a reduction—a significant reduction—in their benefits. Under the chained CPI, a disabled veteran who started receiving VA disability benefits at age 30 would have their benefits cut by more than $1,400 at age 45, $2,300 at age 55, and $3,200 at age 65.

Does anybody in their right mind think the American people want to see benefits cut for men and women who sacrificed, who lost limbs defending their country? Are we going to balance the budget on their backs?

I challenge anyone who supports a chained CPI to go to Walter Reed hospital, visit with the men and women who have lost their legs, lost their arms, lost their eyesight as a result of their service in Afghanistan or Iraq. Come Veterans Day and come Memorial Day, all the politicians go out and give speeches of how much we love our veterans. It is great to give a good speech on Memorial Day or Veterans Day but what about standing up for them now?

I know the Wall Street CEOs and the big money lobbyists are descending on Washington trying to protect the wealthy and the powerful. But maybe now is the time—not just Veterans Day, not just Memorial Day—that we stand with veterans, we stand with disabled veterans. They have sacrificed, and I think it is unseemly, I think it is immoral to be balancing the budget on their backs.

We have also made a commitment to the surviving spouses and children who have lost a loved one in battle by providing them with Dependency Indemnity Compensation benefits that average less than $17,000 a year. Do my colleagues truly think we should be cutting benefits for surviving spouses who lost their husband in Iraq or Afghanistan?

Further, we have made a promise to every American; that is, that above and beyond benefits for disabled vets, what we have said is a couple things: For those who are older, we have said Social Security will be there for them in their old age, in their time of need or if they become disabled, and we have said those benefits will also keep up with inflation.

Today, over 9 million veterans receive Social Security benefits as part of the tens of millions of Americans who receive Social Security, and more than 770,000 veterans receive Social Security disability benefits.

We are talking now about the ''Greatest generation,'' the people who saved this country in World War II. I just met last week—and it chokes me up every time I meet these guys—a fellow from Winooski, VT, who was in the Battle of the Bulge, that hugely important battle at the end of World War II to stop the Nazi advance. He was also at Normandy.

Do you truly want to balance the budget on his back?

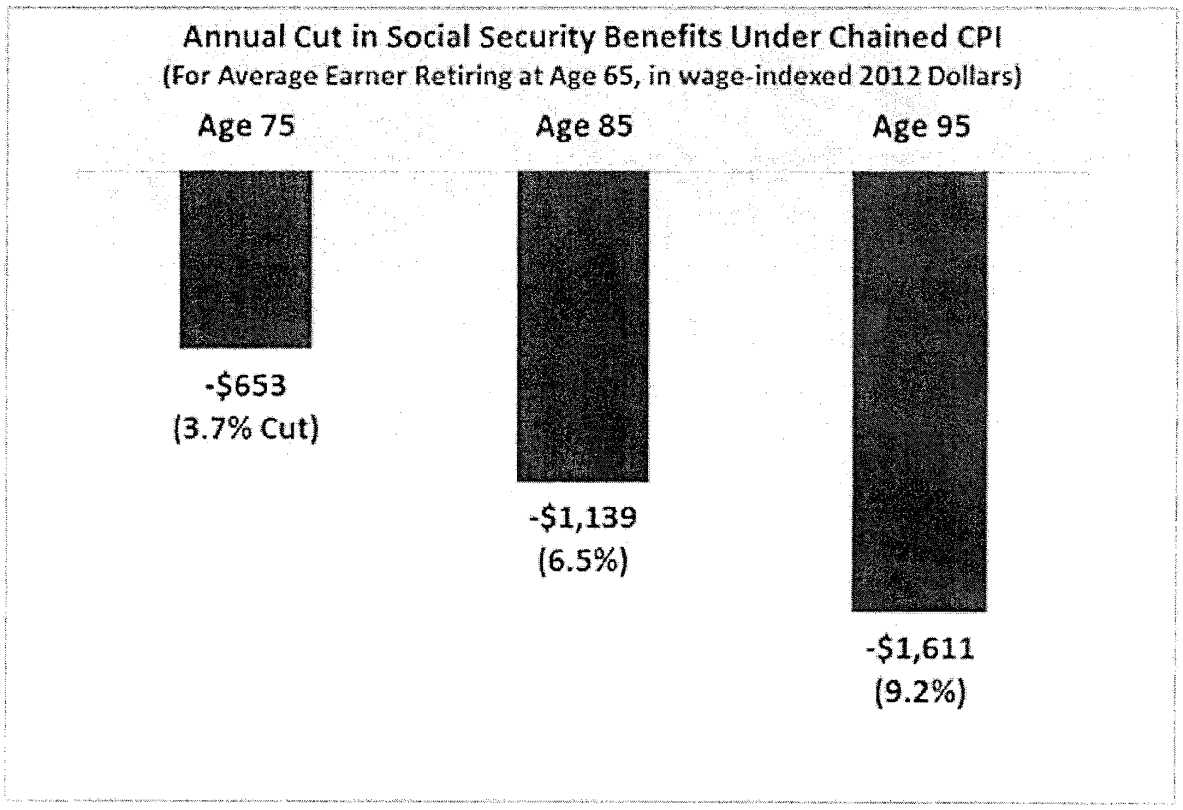
We are talking about the brave men and women who served in Korea, Vietnam, and other conflicts as well.

Let us be clear what this chained CPI would do because I think there are some people—I guess if someone is a Wall Street CEO guy and is making millions of dollars a year and has a great retirement package, when we are talking about hundreds of dollars a year, that is what they use for lunch. They do not have to worry about keeping their house warm or buying food. That is not within their world view.

Under the chained CPI—we should all understand this is no small tweak; this is not some administrative issue—under the chained CPI, average seniors who retire at age 65 would see their Social Security benefits cut by about $650 a year when they reach age 75. Again, I understand if someone is a Wall Street CEO, if one is a millionaire, hey, $650 a year is not a lot of money. But let me tell you, if you are a senior citizen living in Vermont or Minnesota and you have to worry about heating your home, you have to worry about putting gas in your car, you have to worry about prescription drugs, $650 a year is a lot of money, if you are living on $15-, $16-, $18,000 a year of income, most of that coming from Social Security. So if you retire at age 65, it is about a $650 cut when you reach age 75, and it is more than $1,000 a year when you turn 85.

I ask unanimous consent to have printed in the RECORD a chart which talks about annual cuts in Social Security benefits under the chained CPI.

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



Mr. SANDERS. What the chart shows is that at age 75 the cut would be $653, a 3.7-percent cut; at age 85 it would be $1,139, a 6.5-percent cut; and at age 95, it would be $1,1611, a 9.2-percent cut.

The rich are getting richer. We have growing wealth and income inequality in America. The wealthiest people in this country are paying the lowest effective tax rate in decades. We are going to balance the budget on the backs of seniors trying to get by on $15,000, $18,000 a year? Is that what this Congress stands for? I certainly hope not.

The fact of the matter is, the current formula for calculating COLAs is not too generous. And whenever I speak in Vermont, I say to seniors—and I speak to them quite often—there are some folks in Washington who think that your COLA—the formulation and how we reach a COLA for you—is too generous. Do you know what happens. They laugh. They invariably break out in laughter because they know that in the last 3 years, two out of those years they got zero COLA. They know this year they are going to get a 1.7-percent

COLA, which is one of the lowest COLA increases ever.

They also know the current formulation for a COLA does not fully take into account the escalating costs of prescription drugs and health care, which is where most seniors spend their money. They are not spending their money on flat-screen TVs or iPhones or iPads. They are spending their money heating their homes, buying food, paying for prescription drugs, and paying for health care. These costs are going up much faster than general inflation. I think what most economists would tell you is that the current formulation for determining COLAs with Social Security is inadequate, too low, rather than, as the advocates of the chained CPI would suggest, that they are too high.

Furthermore—this has not been widely discussed—moving to a chained CPI would also result in an across-the-board tax increase of more than $60 billion over the next 10 years that will disproportionately hurt low-income and middle-income families the most. In fact, two-thirds of the tax increase under a chained CPI would impact Americans earning less than $100,000 a year, and many would be impacted by losing the earned income tax credit and the childcare tax credit.

Maybe I am missing something, but I thought I heard from the White House and here on the floor of the Senate that we are not going to raise taxes for people earning less than $250,000 a year. Maybe I am wrong. But I thought I heard that many times. Well, if you vote for the chained CPI, in fact you are raising taxes on a whole lot of people, including low-income working families. Under the chained CPI, low-income workers would see their taxes go up by 14½ percent, mainly by cutting the earned income tax credit and the refundable childcare tax credit. So if we are going to keep faith with what we have said here, I say to my Democratic and Republican friends: No tax increases for workers making less than $250,000 a year. We better reject this chained CPI.

Furthermore, I must tell you that I am disappointed, because I thought I heard a few weeks ago my friends in the White House telling us that Social Security—telling us truthfully, correctly—has nothing to do with deficit reduction, because Social Security is funded by the payroll tax, and that Social Security should be off the table in terms of deficit reduction. I heard that many, many times. So I wonder how Social Security has suddenly gotten back on the table, including a chained CPI, with devastating cuts to seniors and disabled vets.

I think we should deal with Social Security. I think Senator DICK DURBIN made a good point: Let's deal with it. Let's deal with it separately. Let's determine how, in a fair way, we can make Social Security solvent for the next 50 or 75 years without cutting benefits.

I have ideas on that, Senator BEGICH has ideas on that, Senator HARKIN and others. And the Presiding Officer has been thinking about ways that we make Social Security solvent and strong for 75 years without cutting benefits. Let's have that discussion, but not as part of a deficit reduction bill when Social Security has had nothing to do with deficit reduction.

I do not often quote Ronald Reagan, but this is what Ronald Reagan said on October 7, 1984. He was absolutely right. Ronald Reagan:

> Social Security has nothing to do with the deficit. Social Security is totally funded by the payroll tax levied on employer and employee. If you reduce the outgo of Social Security, that money would not go into the general fund to reduce the deficit, it would go into the Social Security Trust Fund, so Social Security has nothing to do with planning the budget or erasing or lowering the deficit.

October 7, 1984. Reagan was right. I have to tell you that when Barack Obama was campaigning for President in 2008, he told the AARP on September 6, 2008, that:

> John McCain's campaign has suggested that the best answer for the growing pressures on Social Security might be to cut cost of living adjustments or raise the retirement age. Let me be clear. I will do neither.

September 6, 2008, Barack Obama. One of the astounding things about Congress and the inside-the-beltway mentality is how out of touch it is with what the American people are thinking and what the American people are believing. Yesterday there was a poll in the Washington Post. I ask unanimous consent that that poll be printed at the conclusion of my remarks.

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

(See exhibit 1).

MR. SANDERS. What that poll said—I hope my colleagues are listening—this is yesterday in the Washington Post, and this is absolutely consistent with every other poll I have seen—60 percent of the American people believe it would be unacceptable to change the way Social Security benefits are calculated so that benefits increase at a slower rate than they do now in order to strike a budget deal. Only 34 percent would find this acceptable. Sixty percent of the American people believe it would be unacceptable to raise the age of Medicare eligibility, 68 percent of the American people believe it would be unacceptable to cut spending on Medicaid. But 74 percent of the American people said in this poll that they would accept raising taxes on Americans with incomes of over $250,000 a year. This is consistent with every other poll that is out there. The American people are saying: Wait a minute. The middle class, the working class is hurting. Do not cut Social Security, Medicare, Medicaid. That is what they said yesterday in the poll.

What they also said, at a time when the rich are getting richer, yes, they should be asked to contribute more in taxes. I mentioned earlier that to the best of my knowledge, every single veterans organization has made it clear that they are strongly opposed to the so-called chained CPI, which would cut benefits for disabled vets.

The AARP and the every other seniors organization, including the groups to protect Social Security, the National Committee to Protect Social Security and Medicare, and others are saying do not cut Social Security benefits. The AFL–CIO has been very vigorous in protecting working families and saying do not cut Social Security, do not cut Medicare, do not cut Medicaid.

Here we are, the American people overwhelmingly want the wealthy to pay more in taxes and not cut Social Security and Medicare and Medicaid, organizations representing tens of millions of people are saying, ask the wealthy to pay more in taxes, not cut Social Security, Medicare, and Medicaid.

What are we talking about here? We are talking about cutting Social Security, Medicare, and Medicaid, and asking the wealthy to pay more but nowhere near as much as they should be asked to pay.

We wonder. We wonder why Congress has a 9-percent favorability rating. I will tell you that my phones today—and I do not think this is an organized effort, by the way—my phones in my office—and you might want to check your offices, but my office phones are bouncing off the hook from people in Vermont and all over this country saying: Do not cut Social Security.

So I would say to the American people, right now a deal is being hatched which would cut Social Security and benefits for disabled veterans, raising taxes on low-income workers. If you think that is a bad idea, you might want to get ahold of your Senator or Member of the House.

Let me conclude by saying, in my view, deficit reduction is a serious issue. We, as you know, have already cut $1.5 trillion in programs as a result of the agreements in 2010 and 2011, and up to this point the millionaires and billionaires have not contributed one nickel—one nickel—more in taxes. So deficit reduction is a serious issue. I look forward to playing an active role in making sure that we address that serious problem. But I will do everything in my power to make sure we do not balance the budget on the backs of veterans, the elderly, the children, the sick, and the poor, and low-income working people.

(EXHIBIT 1)

PUBLIC WANTS COMPROMISE ON FISCAL CLIFF, BUT SPECIFICS UNPOPULAR

IN THIS POLL:

With the end of the year approaching, Americans give Obama his highest approval ratings in over a year and key advantages over Republicans in the battle over the so-called 'fiscal cliff.' Still, majorities say both Obama and Republicans are not willing enough to compromise to reach a deal.

POLL QUESTIONS

Q. Do you approve or disapprove of the way Barack Obama Is handling his job as president?

APPROVE—54%

DISAPPROVE—42

Q. Do you approve or disapprove of the way Obama is handling the economy?

APPROVE—50%

DISAPPROVE—48

Q. Do you approve or disapprove of the way Obama is handling taxes?

APPROVE—48%

DISAPPROVE—45

Q. Do you approve or disapprove of the way Obama is handling Budget negotiations to avoid the so-called 'fiscal cliff'?

APPROVE—45%

DISAPPROVE—43

Q. Do you think Obama has a mandate to carry out the agenda he presented during the presidential campaign, or should he compromise on the things the Republicans strongly oppose?

OBAMA HAS MANDATE TO CARRY OUT AGENDA—34%

OBAMA SHOULD COMPROMISE—56

Q: Which comes closest to describing the way you feel about the outcome of the 2012 presidential election: enthusiastic, satisfied but not enthusiastic, dissatisfied but not angry or angry?

Enthusiastic—23%; Satisfied but not enthusiastic—31; Dissatisfied but not angry—31; No opinion—2.

Q: Do you approve or disapprove of the way The Democrats in Congress are doing their Job?

APPROVE—39%

DISAPPROVE—56

Q: Do you approve or disapprove of the way The Republicans in Congress are doing their job?

APPROVE—25%

DISAPPROVE—70

Q: Do you approve or disapprove of the way the Republican leaders of Congress are handling budget negotiations to avoid the so-called 'fiscal cliff'?

APPROVE—26%

DISAPPROVE—65

Q: Who do you trust to do a better Job Coping with the main problems the nation faces over the next few years—(Obama) or (the Republicans in Congress)?

Obama—50%; Republicans—35; (VOL) Both equally—1; (VOL) Neither—11; No opinion—3.

Q: Who do you trust to do a better job Handling the economy—(Obama) or (the Republicans in Congress)?

Obama—54%; Republicans in Congress—36; (VOL) Both equally—1; (VOL) Neither—7; No opinion—1.

Q: Who do you trust to do a better job Protecting the middle class—(Obama) or (the Republicans In Congress)?

Obama—58%; Republicans in Congress—32; (VOL) Both equally—1; (VOL) Neither—7; No opinion—3.

Q: Who do you trust to do a better job Handling taxes—(Obama) or (the Republicans in Congress)?

Obama—46%; Republicans in Congress—42; (VOL) Both equally—1; (VOL) Neither—9; No opinion—3.

Q: Who do you trust to do a better job Handling the federal budget deficit—(Obama) or (the Republicans in Congress)?

Obama—45%; Republicans in Congress—41; (VOL) Both equally—2; (VOL) Neither—10; No opinion—3.

Q: Overall, what do you think is the best way to reduce the federal budget deficit—(by cutting federal spending), (by increasing taxes) or by a combination of both?

Cutting federal spending—29%; Increasing taxes—4; Combination of both—65; No opinion—2.

Q: If deficit reduction comes both from (cutting spending) AND from (increasing taxes), should it be more from (cutting spending), or more from (increasing taxes) or should it be half from each?

More from cutting spending—47%; More from increasing taxes—10; Half from each—41; No opinion—2.

Q: in order to strike a budget deal, would you accept Cutting spending on Medicaid, which is the government health insurance program for the poor or is this something you would find unacceptable?

ACCEPT—28%

UNACCEPTABLE—68

Q: In order to strike a budget deal that avoids the so-called 'fiscal cliff', would you accept Cutting military spending or is this something you would find unacceptable?

ACCEPT—42%

UNACCEPTABLE—55

Q: In order to strike a budget deal that avoids the so-called 'fiscal cliff', would you accept Raising taxes on Americans with incomes over 250-thousand dollars a year or is this something you would find unacceptable?

ACCEPT—74%

UNACCEPTABLE—24

Q: In order to strike a budget deal that avoids the so-called 'fiscal cliff', would you accept Raising the age for Medicare coverage from 65 to 67 or is this something you would find unacceptable?

ACCEPT—36%

UNACCEPTABLE—60

Q: In order to strike a budget deal, would you accept Changing the way Social Security benefits are calculated so that benefits increase at a slower rate than they do now or is this something you would find unacceptable?

ACCEPT—34%

UNACCEPTABLE—60

Q: In order to strike a budget deal, would you accept Capping the amount of money people can claim in tax deductions at no more than 50-thousand dollars a year or is this something you would find unacceptable?

ACCEPT—54%

UNACCEPTABLE—36

Q: How likely do you think it is that (Obama) and (Republicans in Congress) will agree on a budget plan that avoids the fiscal cliff?

Very likely—14%; Somewhat likely—38; Somewhat unlikely—26; Very unlikely—19; No opinion—2.

Q. If a budget agreement is not reached, who do you think will be mainly to blame—(the Republicans in Congress) or (Obama)?

Republicans in Congress)—47%; Obama—31; (VOL) Both—18; (VOL) Neither—*; No opinion—3.

Q: How concerned are you, if at all, about what may happen to the national economy if Obama and Congress cannot reach a budget agreement?

Very concerned—58%; Somewhat concerned—30; Not too concerned—7; Not concerned at all—3; No opinion—1.

Q: How concerned are you, if at all, about what may happen to your personal finances If Obama and Congress cannot reach a budget agreement?

Very concerned—48%; Somewhat concerned—32; Not too concerned—11; Not concerned at all—10; No opinion—1.

Q: How concerned are you, if at all, about what may happen to the government's ability to operate effectively if Obama and Congress cannot reach a budget agreement?

Very concerned—48%; Somewhat concerned—30; Not too concerned—11; Not concerned at all—9; No opinion—2.

Q: How concerned are you, if at all, about what may happen to the U.S. military if Obama and Congress cannot reach a budget agreement?

Very concerned—44%; Somewhat concerned—31; Not too concerned—14; Not concerned at all—9; No opinion—2.

Q: Has the leadership of the Republican Party been too willing or not willing enough to compromise with Obama on the budget deficit?

Too willing—14%; Not willing enough—76; About right—2; No opinion—8.

Q: Has Obama been too willing or not willing enough to compromise with the leadership of the Republican Party on the budget deficit?

Too willing—28%; Not willing enough—57; About right—5; No opinion—10.

Q: Generally speaking, do you usually think of yourself as . . .?

Democrat—31%; Republican—24; Independent—38.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COONS. Mr. President, I ask unanimous consent to speak as in morning business for a period of up to 20 minutes.

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

NEWTOWN, CONNECTICUT TRAGEDY

Mr. COONS. Mr. President, I rise today with a heavy heart. When we first heard of the horrific shooting in Newtown, CT, on Friday, it was impossible for me not to react, not just as a Senator but as a parent, as a father. And as my wife and I spent the weekend reflecting on the heartbreaking loss of 20 innocent children and 6 of their teachers and faculty, as we talked to our own 3 young children about what had happened, we thought about the grief and the anguish for a whole range of different parents deeply touched by this tragic incident.

The first, of course, are the parents who lost their precious innocent children, their 6- and 7-year-olds in the massacre at Sandy Hook Elementary School last Friday. Joel and JoAnn Bacon lost their precocious, outgoing, red-haired daughter Charlotte, just 6 years old. JoAnn had recently bought Charlotte a new holiday dress in her favorite color—pink—and a pair of white boots. Charlotte had begged and begged to wear her new outfit early, and on Friday, December 14, the last day of Charlotte's young life, her mother JoAnn agreed.

Steve and Rebecca Kowalski lost their active and athletic 7-year-old son Chase. Just 2 days before the shooting, Chase's next-door neighbor had asked him what he wanted for Christmas, and I understand he pointed to his two missing front teeth.

Any of us who have had the special blessing and joy of raising young children, especially at holiday time, can

only imagine the unbearable sorrow of these families who now and forever will have a child-sized hole in their hearts and their lives.

We offer you whatever small measure of comfort we can in knowing that you are not alone, that all across this country and around the world people pray for your healing, and we all hope that with time you and your families can come to understand and live through the grief of this moment.

We also think of other parents, parents who years before raised their young adult children to give back to their community and the next generation—young adults who chose to become teachers. In addition to the heroics of school principal Dawn Hochsprung, school psychologist Mary Sherlach, and teacher Anne Marie Murphy, a mother of four herself, three other very young teachers gave their lives to protect the students in their care: Lauren Rousseau, a 30-year-old substitute teacher; Victoria Soto, a heroic 27-year-old teacher; and Rachel Davino, a 29-year-old whose boyfriend was planning to propose on Christmas Eve. Their parents too, their families are in our prayers.

Also in our hearts today are the families of the courageous first responders who rushed toward danger as everyone else rushed away. In any emergency, Mr. President, as you know, being a former attorney general, our law enforcement officers face unknown danger with extraordinary courage. At Sandy Hook Elementary, police officers rushed to the site knowing full well that an armed gunman awaited them. What they found was unimaginable. Thank God they arrived as quickly as they did or the carnage might have been worse. But we need but reflect for a moment on what those police officers and firefighters and folks from the ME's office ultimately found—unspeakable carnage. These heroes could not react as parents, as community members. They had to choke back their own grief and horror to carry out their professional responsibilities to catalogue, investigate, and document every detail of this tragic scene so that justice could be done and lessons learned. The scars of those long hours on a crime scene like this last a lifetime, and first responders all across this country in situations such as this bear them with honor and dignity and without complaint.

This tragedy, of course, also has ripple effects far beyond Sandy Hook and far beyond Newtown, CT. All over this country there are parents whose children struggle with mental illness, with mental health challenges, who don't have the resources they need to cope. My office has had many calls from worried parents since Friday's shootings, worried for many reasons, but one that stood out for me was a dad from Newark, DE, whose own child is struggling with mental illness and who is working hard to try to find the resources to ensure appropriate care so that he won't someday be watching the television with horror as the tragic actions of his child unfold.

We think of the story also shared online of the mother in Idaho, terrified her own son has the capacity to kill someday and yet without the ability to give him the intensive medical care, treatment, and intervention she believes he needs.

Across this country, mental health care is a growing challenge for us. Between 2009 and 2011, States cut more than $2 billion from community mental health services. Two-thirds of States have significantly slashed funding in these difficult economic times, leaving parents seeking help for their mentally ill children often with nowhere to turn.

We must do better for all these parents—the parents who lost their children at Sandy Hook Elementary, the parents who lost their children who were teachers and faculty, the families of those who were first responders, and families who struggle with children with mental illness and mental health problems.

But, frankly, this week I also think about parents all over our country who have lost their children, just as precious and just as innocent as those at Sandy Hook, to gun violence, outside the media spotlight. The truth is gun violence knows no boundaries of race or class, but our national response at times seems to.

There were 41 murders in Delaware alone last year, 28 of them where guns were used as the murder weapon.

Sixteen-year-old Alexander Kamara was playing in a soccer tournament at Eden Park in my hometown of Wilmington this summer when he was shot and killed in execution style.

Dominique Helm, age 19, was standing with his teenage cousins on the steps of his Brandywine Village rowhouse last September when a gunman opened fire. He stumbled through the doorway and died in his living room as his mother Nicole ran to him.

Stories like this are tragically, appallingly, common across our country every day. Every day, 34 Americans are murdered with a gun. It happens in our streets and in our neighborhoods. It happens in movie theaters in Aurora, CO, and houses of worship at Oak Creek, WI. It happens in high schools in Littleton, CO, and at a college campus in Blacksburg, VA. It happens outside a supermarket in Tucson, AZ, where one of the six people killed was 9-year-old Christina Taylor Green—a child herself born on 9/11, imbued with a sense of hope and a call to public service, who wanted to meet her Congresswoman Gabbie Giffords in order to learn more about public service.

They say nearly 40 percent of Americans know someone directly who has been a victim of gun violence. In Christina's case, her father was my high school classmate back in Delaware. Gun violence touches families, communities, and neighborhoods all over this country.

So what do we owe these parents? What can we offer their families besides our thoughts and prayers? I believe we must fulfill our central responsibility of protecting the safety of our children and our communities, while also preserving the individual liberties guaranteed in our Constitution.

On Sunday night, we watched President Obama speak to a community reeling in shock and grief, for the fourth time in his time as President. He asked us as a Nation whether we are doing enough to protect our children, and he gave us the painfully honest answer that we did not give ourselves after Fort Hood, after Tucson, after Aurora. He said, No, we are not. We are not doing enough to protect our own children.

Horrible crimes like these have a very complex web of causes—including, of course, mental illness. This complexity presents us with a complicated challenge. But the reality is the United States has the highest rate of gun deaths in the industrialized world, nearly 20 times higher than comparable nations.

In my view, this calls out for a comprehensive approach, for a thorough and searching examination of the causes of this uniquely American crisis. I believe it requires action by this Congress and our President.

I have received calls and letters, e-mails and Facebook posts, from Delawareans around the State, Republicans and Democrats, doctors and teachers, parents and children. They have shared with me their grief and their ideas, and they have called for action.

The United States has a long and proud tradition of independence, of protecting ourselves, of exercising our right to self-determination, of hunting and of a sporting tradition that is enshrined in our second amendment. And we have to recognize the importance—the legitimacy—of the concerns of gun owners to know that in the debate that can and will and should unfold in this Chamber we will respect their right to bear arms and that we will respect and honor this most important part of America's fabric. But every constitutionally protected right has its boundaries, its limitations.

I am troubled in particular by the thread that ties together too many of these tragic mass shootings: that the perpetrator had clear mental health problems, unaddressed, untreated mental illness challenges, and used military-style weapons and clips that have no place in everyday civilian life.

Several of my colleagues have already come forward with proposals—Senators MANCHIN, LAUTENBERG, WARNER, FEINSTEIN, and others, and I will touch on a few.

I believe reinstating the ban on high-capacity magazines, focusing on ammunition and on the outrageously devastating impact of military clips and military ammunition particularly on children across all these instances—I

think we should focus on that, and reinstate the ban on high-capacity magazines in the next Congress.

In addition, Senator LIEBERMAN just the other day on the floor—and he has been joined by Senator ROCKEFELLER—has called for a study to gain a better understanding of the linked issues of mental health, mass shootings, and the desensitization of violence in our culture. President Obama has picked that up and carried it forward, and is proposing a new commission which the Vice President—Delaware's own JOE BIDEN—will be chairing. It is my hope that out of this important work we can find a path forward that marries the crying need to deal with mental health issues with cultural concerns about violence and desensitization with responsible limitations on the excessive use of military-style weapons and clips.

Last, in my view, we can and must do more to keep guns out of the hands of those with a history of violent crime or demonstrated mental illness. Our database system is broken and has to be repaired.

At Virginia Tech, 32 students and professors were murdered by a young man who got a gun he should have been prohibited from buying. A court had already ruled he was mentally ill and posed an imminent danger, but these findings simply weren't reported to the FBI's gun background check system. That is a travesty. The parents of those 32 murdered in Blacksburg, VA should be crying out for justice.

We should ensure that no gun sold in this country is sold to someone we know to be dangerous or who poses a direct threat to innocent Americans' lives. Today, an estimated 40 percent of all gun sales—some 6 million weapons a year—are sold by unlicensed dealers who aren't required to conduct any criminal background check under Federal law. This is how 12 students and 1 teacher were murdered at Columbine High School in Colorado, with guns bought from an unlicensed seller—no paperwork, no questions asked.

It is my hope, it is my prayer, that we will work to address this and many other complex but important issues in the coming weeks and months, and that we will consider all these proposals carefully and reach a balanced but effective solution.

I will apply the test of balance to find ways that we can continue to respect our traditions and protect constitutional liberties while still advancing our moral requirement to keep our kids and our communities safe.

As parents, we can't help but react with horror at the slaughter of innocent children in their classrooms. We all have to take time first to grieve with our families and our communities; but as policymakers, we also have a calling to react to the facts as we see them. And in this regard a reaction will have three stages: We need to reflect, we need to debate, and then we need to act.

The reflection and the debate have already begun. The action is still to come. I look forward to working with the Presiding Officer and my colleagues in the weeks and months ahead to ensure that this time we act. The victims of Newtown, CT, deserve nothing less.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I know we have Senators who have talked about bringing amendments to the floor. I know the distinguished majority leader is trying to get a finite list and a time to vote on them. I hope that can be done. I hope Senators who have amendments will bring them up, debate them, and vote them up or down so we can get on with this bill.

If you are a person whose home has been devastated or your children's school has been destroyed in this storm or your business is only a pile of rubble—those people really find it pretty difficult to see us, whether it is the U.S. Senate or the other body, standing around saying we may have amendments, we may not have amendments, we may have something that is not germane to what we have here but we want to make a message amendment. They are saying: We are Americans—we are Americans and we are suffering. Do something for us, just as this body always has. Whether the disaster has been in the Midwest, the West, the Northeast, the Southeast, or the South, we have come together for our fellow Americans.

Time is running out, and we should get moving. I urge Senators, bring your amendments. If you really think they have merit, if you really think they have anything to do with this disaster relief, if you really think they are going to be able to help, bring them in and let's vote them up, vote them down. But let's not just sit here thinking that maybe we can wait longer.

We get paid our salaries. I don't know of any Senator who has lost his or her home, certainly not his or her business. They are still here, and they still get paid every couple of weeks. That is not the case for hundreds of thousands of people. Let's start acting to take care of them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE FISCAL CLIFF

Mr. HATCH. Mr. President, I rise today to discuss the ongoing situation with the so-called fiscal cliff. To millions of Americans, what's happening here in Washington must be a mystery.

In less than 2 weeks, almost every single taxpaying citizen will face a massive tax hike if we don't act. For weeks now, the Speaker of the House, JOHN BOEHNER, has been trying to get this President to come up with a fair, reasonable and balanced solution so we don't go over this cliff.

The President, thinking he has some sort of mandate after his reelection, has been less than reasonable. In fact, this President has proposed more and more spending, and more and more tax hikes in his proposals to the Speaker, while the Speaker is trying to stop these tax hikes and deal with our over $16 trillion debt. The President just can't take yes for an answer. He must think that if he keeps slow-walking these proposals that Republicans will get the blame—and members of his administration have even reveled that they would be more than happy if we went over the cliff.

What kind of cruel Christmas gift is that?

After the Speaker and the President exchanged offers this week, House Republicans are looking at having votes on two competing pieces of legislation as early as tomorrow. The first is legislation that passed this body over the summer—deeply-flawed legislation that every Democrat in this body supported.

I should note that I put forward a more common-sense alternative that would have extended all the current tax policy for 1 year during which time we could undertake a comprehensive overhaul of our bloated, broken tax code. I think I characterized it as putting it over for 1 year and dedicating that year to tax reform, which we all know needs to be done.

The second piece of legislation that the House will vote on is legislation that Speaker BOEHNER has called ''Plan B''—a more limited piece of legislation that extends almost all the current tax policy as is in the law today.

I understand that this ''Plan B'' is a plan of necessity. And while I understand that the Speaker continues to negotiate with the President to try and reach an agreement, the Speaker has put this forward to force action from this intransigent White House.

What does the Speaker's plan do?

The Speaker's plan would provide seamless permanent tax relief for American taxpayers who earn less than $1 million. For taxpayers earning above $1 million, the statutory rates on ordinary and capital gain income would be set at the level President Obama and Congressional Democrats have insisted on.

My preference is clear. I have legislation that this body voted on in August that shows what I believe is the better path.

I oppose tax increases very strongly and have said over and over that we should not be touching tax rates. But I

also understand, given the reality before us, that the Speaker has to move forward with a plan to force action.

Is it perfect from my perspective? No, but we cannot let the perfect be the enemy of the good.

The Speaker, in my view, is the only person in these negotiations trying to find a resolution. I commend him—I admire him—I back him—and I know he is working hard discussing this legislation with the members of the House Republican Conference as they move towards a vote.

I hope they support this plan. However, it turns out, if I was a member of the House, I would.

But I am a Member of the Senate and this leads me to ask: after the House passes ''Plan B'' and defeats the Senate Democrats' tax bill, what is it that Senate Democrats want to do?

The House will presumably send its bill to the Senate. Senator REID and the White House have already said it is dead on arrival in the Senate. I find that very curious indeed since so many Democrats seem to have wanted exactly what the Speaker is giving them. Then they complain that the Speaker's plan isn't ''balanced,'' despite the fact that the President in a proposal was calling on more stimulus spending and for the continuation of so-called temporary stimulus tax provisions that the President now somehow wants to make permanent.

So I would say to my friends on the other side of the aisle, what is it exactly that you want to do?

What is it that Senate Democrats and the White House want?

We are all waiting.

The American people are waiting.

Enough of the games. Put your money where your mouth is, and tell us what you think is better than what Speaker BOEHNER is ultimately going to put forward.

If I were in the House, I would be supporting Speaker BOEHNER. Frankly, I do support Speaker BOEHNER.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 3367, AS MODIFIED

Mr. MERKLEY. Mr. President, I ask for the regular order with respect to my amendment, No. 3367.

The PRESIDING OFFICER. The amendment is now pending.

Mr. MERKLEY. I have a modification at the desk. I ask that my amendment be so modified.

The PRESIDING OFFICER. The amendment is so modified.

The amendment is as follows:

At the end of title I, add the following:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. (a) Section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) is amended—

(1) in subsection (c)(1), by striking ''The Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012'';

(2) in subsection (d)(2), by striking ''The Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012'';

(3) in subsection (e)(1)—

(A) by striking ''The Secretary'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary''; and

(B) by striking ''per year from the Trust Fund'' and inserting ''for fiscal year 2012'';

(4) in subsection (f)(2)(A), by striking ''the Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012''; and

(5) in subsection (i), by striking ''September 30, 2011'' and inserting ''September 30, 2012 (except in the case of subsection (b), which shall be September 30, 2011)''.

(b) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SEC. 102. (a) Section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) COVERAGES.—In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a noninsured crop disaster assistance program to provide coverages based on individual yields (other than for value-loss crops) equivalent to—

''(i) catastrophic risk protection available under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)); or

''(ii) additional coverage available under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) that does not exceed 65 percent.

''(B) ADMINISTRATION.—The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the 'Agency').''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''and'' after the semicolon at the end;

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i) the following:

''(ii) for which additional coverage under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) is not available; and''; and

(ii) in subparagraph (B)—

(I) by inserting ''(except ferns)'' after ''floricultural'';

(II) by inserting ''(except ferns)'' after ''ornamental nursery''; and

(III) by striking ''(including ornamental fish)'' and inserting ''(including ornamental fish, but excluding tropical fish)'';

(2) in subsection (d), by striking ''The Secretary'' and inserting ''Subject to subsection (l), the Secretary'';

(3) in subsection (k)(1)—

(A) in subparagraph (A), by striking ''$250'' and inserting ''$260''; and

(B) in subparagraph (B)—

(i) by striking ''$750'' and inserting ''$780''; and

(ii) by striking ''$1,875'' and inserting ''$1,950''; and

(4) by adding at the end the following:

''(l) PAYMENT EQUIVALENT TO ADDITIONAL COVERAGE.—

''(1) IN GENERAL.—The Secretary shall make available to a producer eligible for noninsured assistance under this section a payment equivalent to an indemnity for additional coverage under subsections (c) and (h) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) that does not exceed 65 percent, computed by multiplying—

''(A) the quantity that is less than 50 to 65 percent of the established yield for the crop, as determined by the Secretary, specified in increments of 5 percent;

''(B) 100 percent of the average market price for the crop, as determined by the Secretary; and

''(C) a payment rate for the type of crop, as determined by the Secretary, that reflects—

''(i) in the case of a crop that is produced with a significant and variable harvesting expense, the decreasing cost incurred in the production cycle for the crop that is, as applicable—

''(I) harvested;

''(II) planted but not harvested; or

''(III) prevented from being planted because of drought, flood, or other natural disaster, as determined by the Secretary; or

''(ii) in the case of a crop that is produced without a significant and variable harvesting expense, such rate as shall be determined by the Secretary.

''(2) PREMIUM.—To be eligible to receive a payment under this subsection, a producer shall pay—

''(A) the service fee required by subsection (k); and

''(B) a premium for the applicable crop year that is equal to—

''(i) the product obtained by multiplying—

''(I) the number of acres devoted to the eligible crop;

''(II) the yield, as determined by the Secretary under subsection (e);

''(III) the coverage level elected by the producer;

''(IV) the average market price, as determined by the Secretary; and

''(ii) 5.25-percent premium fee.

''(3) LIMITED RESOURCE, BEGINNING, AND SOCIALLY DISADVANTAGED FARMERS.—The additional coverage made available under this subsection shall be available to limited resource, beginning, and socially disadvantaged producers, as determined by the Secretary, in exchange for a premium that is 50 percent of the premium determined for a producer under paragraph (2).

''(4) ADDITIONAL AVAILABILITY.—

''(A) IN GENERAL.—As soon as practicable, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

''(i) to a 2012 annual fruit crop grown on a bush or tree; and

''(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

''(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).

(b)(1) Effective October 1, 2017, subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) are repealed.

(2) Effective October 1, 2017, section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall be applied and administered as if subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) had not been enacted.

(c) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

Mr. MERKLEY. I also ask unanimous consent to add Senator FRANKEN, Senator TIM JOHNSON, and Senator TOM UDALL as cosponsors to the amendment.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, it is my understanding that at 4 o'clock, Senator DURBIN from Illinois will be speaking. I ask unanimous consent that I be allowed to speak at the conclusion of his remarks, at or around 4:15.

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

The Senator from Arizona is recognized.

FAREWELL TO THE SENATE

Mr. KYL. Mr. President, I am deeply honored to have served for 18 years as Arizona's 10th Senator and for four terms in the House of Representatives before that. Now it is time to move on. My successor, Senator-elect JEFF FLAKE, is a good and honorable public servant who will work hard on behalf of our great State of Arizona, and my colleague JOHN MCCAIN will continue his long and dedicated public service as well. I appreciate the remarks he delivered here yesterday.

I say thank you to my colleagues for your friendship. It has been a privilege working with so many of you on both sides of the aisle. While it is true that Washington would benefit from more civility, the Senate behind the scenes is an extraordinarily collegial institution, and I will certainly miss that aspect of the job.

I also thank my staff, past and present, for working so many long hours and for spending so much time analyzing the issues that will determine America's future.

Farewell speeches offer the opportunity to reminisce about the past. I actually do not believe that would be the best use of either your time or mine. Instead, I am going to comment on some of the biggest public policy changes America faces and recommend principles to guide the way forward.

I was first elected to public office when the Reagan revolution was in full swing. Maximizing freedom guided the policies of that era, with tremendous success. My goal as a public servant has been to advance and maintain a consensus in favor of the so-called three legs of the Reagan public policy stool.

One, dynamic, growth-oriented economics; two, the social values that make limited government possible; and three, a national security commitment that emphasizes a strong and sovereign America. In each of the three areas, maximizing freedom and the positive results that flow from that is the goal.

Let's turn first to economic freedom. The Reagan years showed us that expanding economic freedom should be the North Star, the guiding light of U.S. policy because it is the best way to achieve sustained and broad-based prosperity for all. Free markets, low taxes, and limited government allow citizens to use their talents and resources in whatever way they choose and keep more of the fruits of their labor.

I encourage people to invest, work, start businesses, and hire others. In other words, free markets promote economic well-being for all. Cutting taxes at the margins; that is, reducing the rate of tax on the next $1 earned, encourages growth. Raising taxes can have the opposite effect. Nobel economist Edward Prescott of Arizona has found that higher marginal tax rates are the reason Europeans work one-third fewer hours than Americans.

When marginal rates are lower, prosperity flows to other sectors of society, allowing businesses to create jobs and new products, compete for workers, raise wages, invest their profits, which then can be lent to other entrepreneurs. Everyone gains in a free economy. As John F. Kennedy put it, a rising tide lifts all boats.

Look at what free enterprise has achieved. After President Reagan dramatically lowered tax rates and trimmed regulation, income increased in every quintile. Millions of new private sector jobs were created and the stock market soared, tripling in value over 8 years. The lower tax rates, reduced regulatory burden produced a more robust economy and a more robust economy meant more revenue for government. Similar results attended the tax rate reductions during the Presidency of George W. Bush.

In recent years, many policymakers have forgotten these lessons. Since 2008, America's score in the Index of Economic Freedom has declined significantly to the point that we are no longer considered a free economy but, rather, a mostly free economy. That is what happens when we dramatically increase government spending and regulations. Now we are on the verge of a massive tax increase which could undermine small businesses and stifle economic growth America badly needs.

Policymakers must focus on the basic laws of economic input. A faulty view has gained traction in recent years that consumption fueled by government spending actually creates economic growth. It doesn't. It just moves money around by taking from people who produced it and could productively spend or reinvest it and giving it to government to spend. Consumption is the wrong target.

People only change their spending habits when they know they will have greater consistent income over time; for example, when they receive a raise at work or get a permanent tax cut. That is why temporary stimulus tax gimmicks don't work.

If the problem with the economy is supposedly a lack of consumption, the government cannot solve that problem by spending for us. After all, it is our tax money that is being taken out of the economy and spent. When government borrows, it will eventually have to tax the people to pay back what it has borrowed. There is no free lunch. For the government to spend, taxpayers have to give up wealth they could have spent or invested. Keynesian demand-side economics assumes the government is more efficient at spending our money than we are. That assumption has proved to be incorrect time and again.

Wise policymakers will find the right balance between the need for more tax revenue and the need for more economic freedom. They will remember there is no fixed economic pie that legislators should try to divide. They will remember that labor, capital, and technology are the real factors that drive long-term economic growth, not government spending. They will stop shackling would-be entrepreneurs and job creators with ever more burdensome regulations.

Here is some more good news about growth-based free enterprise. It is the most moral economic system ever devised for three reasons. First, it is premised on the truth that success only comes by supplying something to others that they need or want. In the bargain, both sides benefit. Second, this system has produced incredible wealth around the world, lifting millions out of poverty. No economic system can come close in helping that many people. So it is the most moral economic system in providing material benefits, but that is only part of the story.

Free enterprise provides more than increased income and material prosperity. Those things help, but they are not what make humans thrive. The key determinant of lasting happiness and satisfaction is what American Enterprise Institute president Arthur Brooks has called earned success. People are happiest when they do something they are good at, when they create value in the lives of others, and genuinely earn their income regardless of how much it is.

Brooks put it very well in his book ''The Battle,'' and I quote:

Earned success gives people a sense of meaning about their lives. And meaning also

is key to human flourishing. It reassures us that what we do in life is of significance and value, for ourselves and for those around us. To truly flourish, we need to know that the ways in which we occupy our waking hours are not based on mere pursuit of pleasure or money or any other superficial goal. We need to know that our endeavors have a deeper purpose.

The earned success that comes from doing a job well explains why fabulously wealthy people often choose not to retire after they have earned their fortunes. They are motivated by the satisfaction that comes from spending the day productively by creating, innovating, and solving problems. They are creating purpose-driven value in their own lives and oftentimes tangible value in the lives of others.

The effect of earned success also explains why people who win the lottery often become depressed when they find out that free money offers hollow joy. Free enterprise promotes freedom to achieve and, therefore, more opportunities to earn success. It is the most moral economic system ever created. It is also the fairest system because it rewards merit, hard work, and achievement. This is what brought my grandparents to this country, along with millions of other immigrants. Incidentally, real free enterprise has no place for crony capitalism because it doesn't have government picking winners and losers.

The biggest economic favor policymakers can do for Americans is to follow the Reagan legacy and support free market policies that create more opportunity, more mobility and more earned success and therefore more human flourishing possible for every American. Free enterprise is the only economic system that gives us so many opportunities to pursue fundamental happiness and lasting satisfaction.

This brings us to the second leg of the Reagan stool—the question of values. President Reagan devoted his Presidency—and indeed his entire career in public life—to the expansion of economic freedom. He also understood that economic freedom depends on certain cultural underpinnings, such as marriage, family, and personal responsibility. He understood that family breakdown and social pathologies would ultimately make people more reliant on government and thus more eager for government to expand, sapping them of individual responsibility and the need to care for others in the family or community.

In short, Reagan understood that economic conservatism would not and could not survive unless social conservatism survived too.

The United States has a stronger philosophical attachment to freedom and limited government than any other Nation on Earth. Yet I also recognize that many cultural trends are working against us. For example, nearly 41 percent of all American children are now born to unmarried women, compared with fewer than 11 percent in 1970. Without stable, two-parent families, the government bears more of a burden of caring for these children. The growth in food stamps and other support programs makes the point. At some point, this makes it harder to maintain a political consensus that favors limited government, economic freedom, and programs that help people out of poverty rather than entrenching it. Why?

To quote Princeton scholar Robert P. George, limited government:

> Cannot be maintained where the marriage culture collapses and families fail to form or easily dissolve. Where these things happen, the health, education, and welfare function of the family will have to be undertaken by someone or some institution, and that will sooner or later be government.

In other words, in the absence of two-parent families, the government fills the financial role of the father, to say nothing of the critical roles fathers play. Over time, more and more Americans have come to rely on the government to provide for their most basic needs, needs that two-parent families have traditionally supported. Those Americans are now competing for increasingly scarce resources.

This is not to judge the status of these families or to suggest it is in any way inappropriate for government to provide the help. It is precisely because we do care that we provide help through government and other institutions. But that is an action to ameliorate the effects of a condition, not to change the underlying condition.

I believe we must do all we can to revive the marriage culture, increase family stability, and ensure that more children grow up in two-parent households. Strong families have always been the key to upward mobility and economic security.

If we want to remain an aspirational society, a society where children have the opportunities and the resources to pursue their dreams and create a better life, we must encourage young Americans to embrace what Ron Haskins and Isabel Sawhill of the Brookings Institution have called the success sequence. That sequence is very simple: Complete high school, get a full-time job, get married before having kids. If we follow that sequence, we are virtually guaranteed to avoid poverty.

The marriage culture is fighting an uphill battle against forces that threaten to overwhelm them. I urge everyone who believes in limited government, economic freedom, and the real self-worth and well-being of our children to do their part in rebuilding the institution of marriage. No other social cause or campaign is more vital to America's future.

When it comes to shaping our culture, we must also improve the quality of our students' civic education. I fear that many American students are graduating from high school and college with only the vaguest knowledge of our founding and our Constitution and what it means to be an American. It is hard to defend rights if we don't know what they are and where they came from.

Schools shape students' views about our priorities as a society and what principles are worth standing for. Instead of teaching history and the fundamentals of America's founding, many curriculums focus on small, politically correct topics such as gender, class, diversity, and ethnicity. The entertainment industry and many major media outlets, too, dwell on these topics and lend them outsized importance.

These topics tend to be political and emphasize what divides us. They ignore our common heritage of freedom, equality, self-reliance, human dignity, faith, and community. As William Bennett recently wrote: When we look at what students are being taught, it is easy to see why more of them prefer socialism over free market capitalism. He writes: ''Politics is downstream from the culture.''

Bennett also noted that Plato said the two most important questions in society are: Who teaches the young and what do we teach them.

I believe we need to think long and hard about these two questions. It is time to have a serious discussion about civics education. If Americans don't understand or appreciate the foundations of our republican government, those foundations will gradually erode. In that sense, political and historical literacy is critical to the preservation of our constitutional freedoms.

As President Reagan famously said:

> Freedom is never more than one generation away from extinction. We didn't pass it on to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same.

Moving to the last leg of the Reagan policy stool: national security. I have tried to follow the Reagan legacy of pursuing peace through strength. As President Reagan once said, ''Of the four wars in my lifetime, none came about because America was too strong.''

President Reagan knew that weakness tempts aggression, and he believed that deterrence meant ''making sure any adversary who thinks about attacking the United States . . . concludes the risks to him outweigh any potential gains. Once he understands that, he won't attack. We maintain the peace through our strength; weakness only invites aggression.''

American strength remains the best guarantor against major armed conflict between nation-states. While it is not our role to police the world—and we couldn't do it in any event—it is also true that we are the indispensable Nation to help safeguard liberal values around the world.

For America to continue its leadership role, however, we must have a military with both the capability and the flexibility to address a wide range of challenges. And, yes, it means adequately funding the military requirements, among other things, by avoiding the devastating sequestration of

necessary defense investments. I wish to speak to four of our challenges: nuclear modernization, missile defense, terrorist threats, and transnational law.

For the first time in the history of U.S. nuclear policy, the President has placed nuclear disarmament and nonproliferation, rather than nuclear deterrence, ''atop the U.S. nuclear agenda.''

Ironically, more treaties or unilateral actions that take us closer to nuclear disarmament will not help us reduce the dangers we face today. Such actions will only serve to make our allies who depend on U.S. nuclear guarantees more nervous, while potentially weakening the credibility of U.S. nuclear deterrence. Senate support for the 2010 New START treaty was based upon a commitment to modernize our aging nuclear complex and weapons. As that commitment starts to decay, it will become increasingly difficult to rebuild the responsive nuclear infrastructure that even the President agreed is necessary for further nuclear reductions as well as the continued credibility of the U.S. nuclear arsenal. Note that I said ''for further nuclear reductions.'' They are literally dependent upon the U.S. modernization.

The New START proceedings made it clear that the nuclear balance between the United States and Russia under New START force levels would be stable—except, of course, for the huge diversity—or disparity, I would say—in tactical nuclear weapons that Russia enjoys. But under this stability, there would be no incentives to strike first during a crisis nor would there be incentives to grow our respective nuclear arsenals in the future. We should, therefore, think very carefully before we contemplate any changes to longstanding U.S. nuclear deterrence policies or pursue further reductions in support of the President's disarmament agenda.

We absolutely cannot know for certain that fewer numbers of weapons will make us safer. In fact, Henry Kissinger and Brent Scowcroft recently reminded us ''that strategic stability is not inherent with low numbers of weapons; indeed, excessively low numbers could lead to a situation in which surprise attacks are conceivable.''

Policymakers would do well to heed the advice of Winston Churchill offered in his last address to the United States Congress. He said:

> Be careful above all things not to let go of the atomic weapon until you are sure, and more than sure, that other means of preserving peace are in your hands.

Against the backdrop of more than 100 million war casualties from conventional weapons in just the 30 years before development of the atomic weapon, Churchill's advice is sobering indeed.

The second challenge we face is with respect to missile defense. Recent events illustrate the importance of missile defense in today's security environment. Israel's Iron Dome missile defense system protected its population against rocket attacks, giving Israeli military and political authorities the time and the space necessary to avoid a devastating ground war, which is ultimately what made a truce possible.

As Secretary of Defense Panetta said at the time, ''Iron Dome does not start wars, it helps prevent wars.''

Elsewhere in the world, Turkey has requested NATO Patriot batteries to protect it against Syrian ballistic missiles potentially armed with chemical weapons. Meanwhile, Japan, South Korea, and the United States recently activated their ballistic missile defense systems in response to North Korea's long-range ballistic missile launch—yet another reminder that the threat doesn't stand still.

In response to Iran's development of nuclear weapons and longer range ballistic missiles, NATO has agreed to support the deployment of short, medium, and long-range missile defense systems to protect alliance territory and thereby avoid potential Iranian nuclear blackmail. So the benefits of defense are well appreciated, especially by those most directly affected or threatened.

We have proven that it is possible to hit a bullet with a bullet, and we have debunked the Cold War-era argument that missile defense contributes to a new arms race. In fact, since the United States withdrew from the ABM Treaty, we have reduced the number of deployed nuclear weapons from 6,000 under START to 1,700 under the Moscow Treaty to 1,550 under the New START treaty. We must continue to disabuse some of the notion that U.S. vulnerability to the Russian and Chinese nuclear arsenals is a source of stability when, in fact, the most important constitutional and moral duty of any President is to protect the American people.

We have made some progress in deploying domestic missile defenses since the United States withdrew from the ABM Treaty in 2002, though we have also squandered opportunities to do more. Here are just a few missile defense challenges for the future.

First, over the past 4 years, the Obama administration has consistently reduced funding for missile defense. Second, it has refocused funding on regional missile defenses that protect others at the expense of protecting the homeland of the United States and developing future technologies. Third, the administration has scaled back the number of ground-based interceptors protecting the homeland from 54 to only 30—numbers that do not begin to meet the standard established by the Missile Defense Act of 1999, which required a defense capable of addressing accidental and unauthorized attacks from any source. And, fourth, the administration has no plans to modernize interceptors that are more than 20 years old. That is the technology that is protecting America today, and it is, therefore, unlikely to keep up with future threats.

As I said, there is very little funding devoted to new breakthrough technologies that could provide even more effective defenses for the United States, such as lasers and space-based interceptors.

We should remember, as NORTHCOM Commander General Jacoby has explained to Congress, that ''no homeland task is more important than protecting the United States from a limited ICBM attack. . . . ''

Finally, one of the greatest challenges we face today stems from Russian attempts to limit the development and deployment of U.S. and allied missile defense systems. The United States cannot allow Russia to dictate to us limits on the capabilities of U.S. missile defenses. If they could be effective against a Russian launch, then so be it. That is what it means to protect Americans from potential threats. If the Russians argue that they pose no possible threat, then our missile defense should be irrelevant to them.

From negotiations on the New START treaty to threatening the United States and NATO in an attempt to limit our planned deployments in Europe, the Russians have never abandoned their goal of limiting the effectiveness of U.S. missile defense. The answer is not ''reset'' but recommitment to the principle that the most moral way to protect the American people from missile attacks is by missile defense.

The third national security challenge I wish to briefly discuss is the threat of political Islam. To defeat an enemy, we must first know the enemy, and that includes calling them by their name: radical Islamists who seek to impose their ideology to rule others—to govern political, social, and civic life, as well as religious life.

Intelligence is key to defeating political Islam. The Foreign Intelligence Surveillance Act, or FISA, and the PATRIOT Act are good examples of the tools we need to know what our enemies are planning and who they are before they strike. These tools cannot be allowed to expire.

The PATRIOT Act reflects a recognition that investigators charged with preventing acts of terrorism should have at least the same investigative tools as Federal agents charged with targeting mobsters or health care fraud.

The fourth and last national security challenge I will mention is the rise of transnational law, which poses a serious threat to American sovereignty. Our government was founded on the principle that laws should be made through the democratic process so that the people could hold their legislators accountable. The American people elected their own representatives and, therefore, control their own affairs. That is the theory.

Americans want the benefits of global cooperation based on widespread acceptance of useful international ''rules of the road,'' of course. But such rules, like our domestic laws, should be adopted through democratic processes that assure accountability on the part of the legislators. They should not be imposed by international bodies with zero accountability to the American people.

The rise of global governance, I believe, challenges this principle. By ''global governance'' I mean the use of multilateral treaties and other agreements to delegate power on matters such as the environment, natural resources, and individual rights to new international bodies with broad powers and little or no political accountability. Such issues have traditionally been decided by the laws of individual nations, not by international bureaucracies. Some treaties would directly implicate U.S. national security flexibility or capability.

One such treaty was defeated by the Senate in 1999—the Comprehensive Nuclear Test-Ban Treaty, which would have jeopardized America's nuclear deterrent by preventing us from ever again conducting tests of our nuclear weapons. We should never give up the right to verify that our nuclear deterrent works. It is critical that we know, that our allies who rely on these weapons know, and that our potential adversaries know, or our weapons will not have deterrent effect. I urge my colleagues to defeat this treaty again should it come up before the Senate in the President's second term.

In conclusion, in all three areas I have discussed here, we have had successes and we have had failures. I think of what Margaret Thatcher said as she was leaving public office; that there are no permanent victories in politics. What she meant was one can leave office having upheld their principles and having accomplished some of their policy goals, but that doesn't mean there will always be a consensus in favor of their preferred policies or that their accomplishments would not be reversed in the future.

As I look back on my 26 years in Congress and my 18 years in the Senate, I am deeply proud of everything we have accomplished—from tax relief and welfare reform to missile defense and nuclear policy, not to mention things of primary importance to my State. But I also understand that political victories can be ephemeral because in a democracy, a debate over these issues never really ends. It is always ongoing.

I will miss being involved in these important debates and decisions directly. From now on, my role in these matters will be as a private citizen, but I still aim to be involved.

It has been an honor—really the privilege of a lifetime—to serve, and it is difficult to say goodbye. But I will depart Capitol Hill with enormous faith in the American people, a profound appreciation for the miracle of the American Republic, and a resilient optimism about America's future.

I thank my colleagues.

The PRESIDING OFFICER (Mr. CARDIN.). The Senator from Texas.

Mr. CORNYN. Mr. President, I wish to say a few words about our colleague, Senator JON KYL. I have always appreciated his comments, his thoughtfulness, his patriotism, and his intellectual leadership in the Senate. He will be sorely missed after 18 years in the Senate. I am sorry the Senate will be losing Senator KYL's extraordinary talents, but as he retires from politics at the end of this month, I know he will remain a powerful force in the world of ideas.

Time magazine named JON one of the 10 best Senators in 2006. At the time, he said: ''You can accomplish a lot if you're not necessarily out in front on everything.'' That echoes Ronald Reagan's comment—one of his favorite slogans: ''There is no limit to what a man can do . . . if he doesn't mind who gets the credit.''

Over the last 18 years, JON KYL has accomplished a lot in this Chamber, and he has never seemed to care one bit about who got the credit. When he announced his retirement, the Wall Street Journal said JON ''has been as consequential as any Republican in Congress over the last decade and a half.'' That is quite a compliment and thoroughly deserved.

As you could tell from his comments, JON has spent a career promoting the Reagan legacy. After he leaves, many of us will be promoting the Kyl legacy.

He is a person of strong principle, a man deep in knowledge of public policy, and a person—uncharacteristic in politics—of remarkable humility. Here is how one writer described his unique skill set. Senator KYL, he wrote, ''is one of those rare breeds who seem to make no strong enemies even while holding firm to a consistent philosophy.'' As you have heard, he has been a leader on things ranging as wide as missile defense to criminal justice to tax policy.

One of the things I have admired about Senator KYL is he always seems to be among the most knowledgeable people in any room at any given time on any given topic that is under discussion. When he speaks, people listen. But he often willingly pushes others into the spotlight rather than himself. It is because he thinks tactically: How can I advance this policy or this idea, not: How can I advance myself in the public spotlight.

That certainly has been my experience with Senator KYL. But I would add something else. He has also been a courageous intellectual leader. He has consistently led on complex issues that other Senators have ignored or neglected or just have a difficulty understanding, complex topics such as nuclear modernization, missile defense, and transnational law, each of which he mentioned in his remarks just a moment ago. It is not easy to become the Senate's top authority on nuclear weapons, but JON KYL is, and it is not the best way to get your face on cable news. Not a lot of air time is given to people who want to talk about such arcane but important topics.

I have also watched Senator KYL over the past couple of years cultivate more junior Senators and help them become experts in their own right on all of his favorite issues. As a matter of fact, I attended a meeting on that just today where he was trying to bring along a number of us on the nuclear issue. Senator KYL is always thinking about the future, always thinking about the next generation of American leaders and the challenges they will face.

JON quoted Margaret Thatcher, reminding us there are no permanent victories in politics. He understands that the debate over limited government and a robust national defense will never be over, it will never be completely won and, hopefully, never completely lost. That is why he has worked so hard to educate and encourage other younger Senators who will be fighting these battles long after he leaves the Chamber.

As I mentioned earlier, JON KYL is tremendously principled. He is a proud conservative, but he is also a fair-minded and enormously effective legislator. Last February the New York Times declared that he ''may be [one of] the rare member[s] of his party who combines the trust of conservatives, policy smarts, and forcefulness that are needed to secure deals that can pass.''

It has been my great honor and privilege to work with JON KYL on such issues as immigration reform and criminal law, among others. He is a true patriot, a true intellectual in the greatest sense of that term, and a truly effective Senator for his State and for the Nation. After more than a quarter century of public service, including 18 years here in the Senate, JON KYL deserves a happy and healthy and successful retirement, but he will be sorely missed by everybody in this Chamber.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I wish to echo the comments of the distinguished Senator from Texas. I have served with JON KYL for his whole time in the U.S. Senate, and he is a lawyer's lawyer. I do not say that lightly. I do not consider many lawyers a lawyer's lawyer. JON is an excellent lawyer, one of the best I have met and certainly one of the best ever to sit in Congress.

He also does not go off the deep end. When he speaks, anybody with brains should listen. Plus, he is a tremendous example not just to some of us older guys around here but especially to the new Senators and others who have come into this body. He has been a pivotal member of the Judiciary Committee, including when I chaired it and when we did so many interesting

things. He was a pivotal member on leading to a balanced budget in the middle of the 1990s. JON has argued for that, has argued for these types of fiscal restraints and responsibilities like no one I know.

JON is one of the most honest and decent and credible people I have known in the whole time I have been in the U.S. Senate. He has been an excellent leader for our party. As assistant minority leader and assistant majority leader, he has been a great, great leader in our party. We have all trusted him because he is a person who is trustworthy. We have all listened to him because he is a person worth listening to. We have all shared the pains of this place with him as friends and brothers working together, we hope in the best interests of our country. And there is no question in anybody's mind on either side of this floor, when it comes to JON KYL, they know he is a true American patriot who has done everything he could while he has been here to keep this country strong.

I have to say I have always been impressed with JON KYL. I have watched him close up for all these years, but I do not know that I have ever been more impressed than when he led the fight with regard to nuclear weapons and with regard to START. He not only was well informed, he was the best informed, and this body should have listened to everything he said. I am sure most people did.

I do not think any of us would fail to try to serve this country to the best of our ability. All I can say, in closing, is that JON has served this country to the best of his ability, and his abilities are extraordinary.

I personally count him as a friend. When I had this very interesting reelection this last time, with what seemed like the whole world coming down on me for some reason, one of the first people to offer help was JON KYL. He came to Utah, and it meant so much to me.

All I can say is, wherever JON goes after this is over, they are going to be lucky people to have him around. And I wish him all the success in the world. He deserves it. I hope he and his wife and family—whom I like very much—will have a wonderful, glorious existence from this day onward.

We are going to miss you, JON. We are going to miss your intellectual capacity. I am personally going to miss your legal capacity. And all of these other accolades that have been given your way, I will miss all of those too. But you have a friend here, and this friendship, in my opinion, is an eternal one, and anything I can ever do for you, I will certainly try because I know you would never ask for anything that was not accurate or right. So I wish you Godspeed, and know there are a lot of us who really, really hate to see you go.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to associate myself with the remarks of Senator CORNYN and Senator HATCH. Both of them have spoken eloquently and correctly about the absolutely unique and exceptional contributions JON KYL has made to America and to the U.S. Senate.

There is no Senator I have admired more, no Senator I look to more to decide how to cast my vote, and I mean that absolutely as a fact. The words they have used I am not so eloquent as to say, but they do not overstate the value of my friend JON KYL.

His statement that we just heard is a comprehensive analysis, overview of the current situation of this great Republic of which we are a part. He meant every word of it. One of the most remarkable things about it is that on every vote, every time an issue came up, those are the values he sought to advance. And sometimes you have to take a step back to gain two steps forward, but Senator KYL always had a vision for what America should be. I believe it is the correct vision that we have inherited from our ancestors that has made this country so productive and so valuable. Everything he has done, every effort he has made has been to advance those good values—a great America, a decent America. And he has understood it.

When he talks about free enterprise, he explains why that is preferable to other forms of distribution of wealth. Would you rather have politicians distribute the wealth in this country? He can articulate that in a way that emphasizes the moral power of it, the need to have peace in the world, but how do you have it? Do you get peace through weakness or do you have peace through strength? And are the nuclear issues necessary to our posture as a strong nation in the world that is resistant and deters attack? Yes, they are. He understands those issues.

I serve on the Armed Services Committee. JON does not, but he knows more about that issue than I do. And I have found his leadership so valuable because it is a thankless task. People do not want to talk about it, but he has talked about it. He knows it is important, even though no one would give him credit politically for being engaged in those issues. But it is important for America, and he is willing to commit himself to that.

I will join with Senator HATCH and Senator CORNYN in my admiration for JON's service on the Judiciary Committee. That is an important committee, and he has been a rock-solid member of it. Even though he has been in the leadership, so therefore he did not chair the committee—which he would have been one of the great chairmen we would have ever had of that committee—but he has moved the committee and brought forth issues and advocated principles that are consistent with the great American rule of law.

Today we just got word that Robert Bork died. He had a classical view of how the Constitution should be interpreted and one I basically share for the most part. I think JON has. He understands those issues. He is able to communicate the great richness of the American heritage of law to the common people in language people can understand, but he is also capable of reading the most complex legal document and being able to spot problems with it and advocate changes in law that are sophisticated in the most technical details.

I guess I would have to say Senator HATCH is correct. This Senate, in my view, has never had a better lawyer than JON KYL. He has argued cases before the Supreme Court in his private practice days. Not many have been a part of that.

So whether we are talking about the crime victims advocacy efforts he has made over a long period of time here, recognizing that the law should be in existence to advance and protect innocent people against the wrongdoers, and that we ought not to become so obsessed with defendants' rights that we do not remember the victims who deserve vindication and remuneration for the crimes that have been put upon them.

There are other things I could say and other issues we have joined in, that we have fought on. On more than one occasion, JON has felt something was important. Sometimes those issues were not very popular, but he believed they were important and would rally people. I have joined with him. We have had some good battles. We have won a few, frankly, several I never thought we were going to win. But somehow, with his legislative skill, his determination, his feisty spirit, we stayed in there and bad things did not occur, at least from my perspective, that may have occurred otherwise.

It is a great pleasure to have served with JON. I consider him—I know the grammar is not perfect—our most invaluable Senator. So we are going to be losing someone of great national importance. I know he will be active. He has got a fabulous wife, Caryll. They have been partners for so many years. I enjoy watching them and how they interact as a family. He has the values that reflect the highest qualities of American life.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I am joining my colleagues in rising today to pay honor and respect to the service of JON KYL, a tribute to his passion for public service and his State of Arizona and his country in this Congress for 26 years. I echo all the sentiments and all the words that have been said by our colleagues. There are not enough adjectives to adequately describe the extraordinary service JON has provided to this country.

I have had the pleasure of serving alongside him in the House of Representatives, in the Senate—two times,

as some know. I served before and then was out for 12 years and then came back. In my many years of service here, it is hard to think of a person who has been more influential and been more of someone I wanted to emulate and to learn from and to look at as a wise counsel than JON KYL.

He has been described as an influential member of the Judiciary and Finance Committees. Yes, he has been an outspoken leader on issues of very significant importance to this country—significant issues including the landmark Crime Victims Rights Act, progrowth tax policies that we have been debating here, patient-centered health care reform, and antiterrorism laws, nuclear proliferation, safeguarding our nuclear stockpile. On and on it could go.

JON recently called me to his office and said, you know, there are 13 separate things here that have been the highest priority for me. Now not many Senators will tell you they have got 13 high-priority issues they not only are interested in but have drilled down in a unique, in-depth understanding of those particular issues. JON said: One thing I want to accomplish before I leave is to make sure someone will pick up the ball and take the baton and carry on those issues after I leave.

That is an extraordinary statement. First of all, the breadth and the depth of his engagement and his knowledge, which I do not think any one person here—it would take many—could begin to duplicate, but also the leadership that he has provided on issues of significant importance to the future of this country. JON was listed as one of the world's 100 most influential people—well-deserved recognition.

In Washington, he has been labeled as one of the 25 hardest working lawmakers. I cannot think of anybody who stands higher in that list than JON KYL. My mental image of JON KYL is JON striding through the Halls of Congress literally leaning into the wind. It is as if there is a 60-mile gale coming in his face, and JON is leaning into it with determination. I see his staff nodding their heads here. It has got to be hard to stay up with JON when he has his mind on something and he is determined to get something done. He is leaning in like a ship into a gale, moving forward to try to accomplish his mission.

We all say when someone leaves here, we are losing someone whom maybe we cannot replace. That may or may not be true. In my first iteration, when I gave my farewell speech, I think there were probably a lot of people who said: We can find a substitute for COATS; that will not be too hard. It is true. Finding a replacement for JON KYL is a tall task. It is going to be very hard to find someone who has the passion for this, his service, the intelligence and the knowledge of the issues he engages in, the leadership qualities he provides, the counsel he provides to all of us. JON KYL is the go-to guy. JON KYL is the person you go to to say: JON, how do we get this done? What should our strategy be? If you are on board, I think we can accomplish this. I know I am repeating a lot of what has been said already about JON and will be said by others here who will come down, but to find someone this grounded in his endeavors is hard to find.

JON is also grounded in his faith, his faith in God, his faith in America, his faith in his constituents, his faith in this institution, not a perfect institution, one which we are struggling in right now, but his faith that in the end we are here to do what is best for America. In the end, we will need to make hard decisions. JON has always been one leading that effort, always one willing to stand up to make those decisions.

I count him as a friend. Marsha and I wish you, JON, and Caryll, all the best in this next chapter of your life. I am comforted by the fact that you will not be more than a phone call away, and the fact that I am going to need wise counsel on a number of things; more than that, that we can retain a friendship which we have enjoyed in our service together on two separate occasions interrupted by 12 years. But I am looking forward to continuing to enjoy our time together. I want to wish you and Caryll not only our thanks, thanks from the people I represent and thanks from America for your service, but the very best wishes for both of you in the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. 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.

AMENDMENT NO. 3371, AS MODIFIED

Mr. COBURN. Mr. President, I ask unanimous consent to return to Coburn amendment No. 3371.

The PRESIDING OFFICER. The amendment is now pending.

Mr. COBURN. I ask unanimous consent that the amendment be modified with the changes I will now send to the desk.

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

The amendment, as modified, is as follows:

At the appropriate place insert the following:

SEC. 52007. (a) Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (in this section referred to as the ''Administrator'') shall review the public assistance per capita damage indicator and shall initiate rulemaking to update such damage indicator. Such review and rulemaking process shall ensure that the per capita indicator is fully adjusted for annual inflation for all years since 1986, by not later than January 1, 2016.

(b) Not later than 365 days after the date of enactment of this Act, the Administrator shall—

(1) submit a report to the committees of jurisdiction in Congress on the initiative to modernize the per capita damage indicator; and

(2) present recommendations for new measures to assess the capacities of States to respond and recover to disasters, including threat and hazard identification and risk assessments by States and total taxable resources available within States for disaster recovery and response.

(c) As used in this section, the term ''State'' means—

(1) a State;

(2) the District of Columbia;

(3) the Commonwealth of Puerto Rico;

(4) any other territory or possession of the United States; and

(5) any land under the jurisdiction of an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 1106. PROHIBITION ON EMERGENCY SPENDING FOR PERSONS HAVING SERIOUS DELINQUENT TAX DEBTS.

(a) DEFINITION OF SERIOUSLY DELINQUENT TAX DEBT.—In this section:

(1) IN GENERAL.—The term ''seriously delinquent tax debt'' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of that Code.

(2) EXCLUSIONS.—The term ''seriously delinquent tax debt'' does not include—

(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122 of Internal Revenue Code of 1986; and

(B) a debt with respect to which a collection due process hearing under section 6330 of that Code, or relief under subsection (a), (b), or (f) of section 6015 of that Code, is requested or pending.

(b) PROHIBITION.—Notwithstanding any other provision of this Act or an amendment made by this Act, none of the amounts appropriated by or otherwise made available under this Act may be used to make payments to an individual or entity who has a seriously delinquent tax debt during the pendency of such seriously delinquent tax debt.

SEC. 1107. PROHIBITION ON EMERGENCY SPENDING FOR DECEASED INDIVIDUALS.

None of the amounts appropriated by or otherwise made available under this Act may be used for any person who is not alive when the amounts are made available. This prohibition shall not apply to funeral costs.

SEC. 1108. PROHIBITION ON EMERGENCY SPENDING FOR FISHERIES.

None of the funds appropriated or made available in this Act may be used for any commercial fishery that is located more than 50 miles outside of the boundaries of a major disaster area, as declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), for Hurricane Sandy.

SEC. ___. RETURN OF UNUSED EMERGENCY FUNDS.

(a) RETURN OF FUNDS.—Any amount made available by this Act to carry out a program that is designated as an emergency and 2 years after the date of enactment of this Act remains available for obligation or has been obligated but not yet spent shall be rescinded and returned to the Treasury to reduce the deficit.

(b) PROGRAM TERMINATION.—Notwithstanding any other provision of this Act, any new program authorized and funded by this Act is terminated 2 years after the date of enactment of this Act.

(c) MATCH SUNSET.—The 90/10 cost share provided in this Act shall expire 2 years after the date of enactment of this Act.

SEC. 1106. (a) PROHIBITION ON USE OF FUNDS FOR FUTURE DISASTER RECOVERY CONTRACTS NOT COMPETITIVELY AWARDED.—Amounts appropriated or otherwise made available by this Act may not be obligated or expended for any contract awarded after the date of the enactment of this Act in support of disaster recovery if such contract was awarded using other than competitive procedures as otherwise required by chapter 33 of title 41, United States Code, section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) CURRENT NO-BID CONTRACTS.—

(1) REVIEW OF CONTRACTS.—Not later than 60 days after the date of the enactment of this Act, Federal agencies shall conduct a review of all contracts to support disaster recovery that were awarded before the date of the enactment of this Act using other than competitive procedures in order to determine the following:

(A) Whether opportunities exist to achieve cost savings under such contracts.

(B) Whether the requirements being met by such contracts can be met using a new or existing contract awarded through competitive procedures.

(2) COMPETITIVE AWARD OF CONTRACTS.—If a Federal agency determines pursuant to the review under paragraph (1) that either subparagraph of that paragraph applies to a contract awarded using other than competitive procedures, the agency shall take appropriate actions with respect to the contract, whether to achieve cost savings under the contract, to use a new or existing contract awarded through competitive procedures to meet applicable requirements, or otherwise to discontinue of the use of the contract.

Strike section 1003 and insert the following:

SEC. 1003. None of the funds provided in this title to the Department of Transportation or the Department of Housing and Urban Development may be used to make a grant unless the Secretary of such Department notifies the House and Senate Committees on Appropriations and posts the notification on the public website of that agency not less than 3 full business days before either Department (or a modal administration of either Department) announces the selection of any project, State or locality to receive a grant award totaling $500,000 or more.

In title IV, under the heading ''CONSTRUCTION (INCLUDING TRANSFER OF FUNDS)'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' strike ''*Provided further,* That cost sharing for implementation of any projects using these funds shall be 90 percent Federal and 10 percent non-Federal exclusive of LERRDs:'' and insert ''*Provided further*, That the Secretary shall determine the Federal and non-Federal cost share for implementing any project using these funds in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213):''.

SEC. _____. Section 406(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(b)(1)) is amended—

(1) in the paragraph heading, by striking ''MINIMUM''; and

(2) by striking ''not less than'' and inserting ''not more than 75 percent''.

On page 16, strike lines 17 through 20 and insert ''*Provided*''.

On page 24, line 21, strike the period and insert the following: ''; *Provided further*, That the amounts made available under this heading may not be used to assist a building, a mobile home, or any personal property that is located in an area that has been identified by the Administrator of the Federal Emergency Management Agency as an area having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless, on the date on which the disaster to which the assistance relates occurred, the building, mobile home, or personal property was covered by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.''.

Mr. COBURN. Mr. President, I would like to talk about per capita damage indicators and initiating a rule process update.

The State of Oklahoma, in the last 7 years, has had more declarations of disaster named than any other State in the country. The standard used to be if we had a disaster that overwhelmed the ability of the State to handle it. We have gotten away from that, and this hasn't been updated since 1986. Under the Stafford Act of 1988, the whole purpose of our emergency response was for us to step in and provide assistance when State and local capabilities were overwhelmed. It is clear in New York and New Jersey and in communities that were affected by this latest storm that State and local capabilities were overwhelmed. It is clearly an appropriate time for the Federal Government, through the Federal Emergency Management Agency, to step in and provide assistance.

Unfortunately, FEMA has been declaring an increasing number of disasters over the past two decades, including for many storms and many events where State and local capacities weren't overwhelmed. Let me make that statement again.

Many of the disasters that have been declared were declared when State and local capabilities were not overwhelmed at all. So here we are, sitting with this tremendous debt, sitting with tremendous deficits, and we are now applying a lower standard than what we should, in my mind. It is not just my opinion; the GAO has actually so decided. We have a GAO report that says this ought to be modified.

If we go back in history and look at the Reagan administration, on average they declared 28 events each year in the 1980s. Under the current administration, we are averaging 140 disaster declarations a year. My State, as I said, has had the most FEMA disaster declarations—25 in total.

So what I am offering isn't necessarily going to be beneficial for my State, but it makes great common sense for our country because if, in fact, they update the per capita effect, some of those declared disasters in Oklahoma probably would not now be declared disasters.

Let me give an example. In 2011, we felt a little tremble in Washington from an earthquake. A disaster declaration was declared for Virginia after the earthquake that was felt in the Capitol. But this wasn't a disaster that overwhelmed local capabilities. It didn't overwhelm the capabilities of the regional capital area, and it didn't overwhelm the capabilities of Virginia. Yet we transferred what were truly responsibilities of the State and local communities to the Federal Government.

So this per capita damage indicator ends up becoming very problematic for two reasons: First, it was established in 1986 and FEMA has failed to update it; and, second, simply using a per capita damage indicator is an unfair way to assess whether a disaster has occurred.

Let me explain why. Suppose you have a small populated State versus a large populated State where you have a large concentration of people in an area. You would not ever attain it if you have a large population, whereas if you have a small population, you will, with the exact same event. So my question is, Should Oklahoma benefit on a per capita basis from the same event happening in Oklahoma as happens in Los Angeles, where we get declared an emergency and Los Angeles doesn't? That is what has happened, since we have not updated this per capita damage indicator. It is unfair for the larger, more populous States that we do it this way.

So all we are saying is we should take the GAO report and follow some of the recommendations. And what are those recommendations? FEMA should review the per capita damage indicator and initiate a rulemaking to modernize it. It would require the FEMA Administrator to update the per capita damage indicator for all the years since 1996 by no later than January 1, 2016. So we are going to give them over 3 years to update it.

Second, the amendment requires the FEMA Administrator to report to Congress on better and fairer ways to assess States' preparedness and capabilities to respond to a disaster.

Finally, I would say this is a reasonable approach based on what GAO's analysis and recommendations were, which is to encourage FEMA to update its process for how it declares disasters so that we can preserve and focus more aid for disasters such as Sandy, which is in front of us right now.

It is my belief that although this may divide some in this Chamber, this is a smart thing for us to do for the country. It is a fair thing for us to do for every State—to treat them all the same instead of advantaging the smaller States, such as my State, and giving a disadvantage to the larger States.

I would be happy to work with the chairman to modify this in a way that would meet with his approval, but it is something that is sorely lacking. It is something that is causing us to intercede at times we shouldn't be and causing us to not intercede at times we should.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KERRY. Mr. President, I ask unanimous consent that the Senators from Alaska, New Hampshire, Rhode Island, and Massachusetts be permitted to proceed in a colloquy for a period of about 15 minutes, with the understanding that at the end of it we will enter into a quorum call.

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

FISHERIES

Mr. KERRY. Mr. President, I begin by saying very quickly there is an amendment that has been brought forward to try to strike from an emergency assistance bill critical aid, aid that is, frankly, less than it ought to be in order to deal with the crisis of the fisheries not of one State but of the entire New England region and of other regions of the country—the Pacific, also, and other parts of the country that have been hit.

The fact is that in Massachusetts we have 77,000 jobs, a billion-dollar industry that is a part of our culture and a part of our history. Fishing is vital to our State. We have local fishermen, we have commercial fishermen, we have a sports fishing industry, and it is a vital part of the commerce of our State and of the entire history of our Nation.

We have been hit in the last years by record levels of reduction in our fish stocks, and we have also been hit by Federal regulations that are trying desperately to hold on to those fish stocks for the long term and for the future, which have, regrettably, reduced our fishing effort in certain fisheries by 50 to 80 percent.

We have fishermen who have their boats—just like a home—mortgaged. Their homes, their families are entirely dependent on their ability to bring in revenue, but because of the regulations they are prevented from going out and doing that because of the reduction in the stock which is a God-given effect of nature—just like a drought in the Western part of our country, just like a flood which we respond to, just like a fire, just like a storm.

Our fishermen are the farmers of the ocean, and they provide an unbelievable amount of food to the people of our country. We want to preserve that. If they are not going to fish for a few years, we want to know they can come back and fish sometime in the future, and that is what they want to do.

Just as we have tide people over in the past in our country—just as in Katrina we went and helped people and small businesses that had been wiped out temporarily to be able to come back—our fishing people deserve emergency assistance to tide them over and help them through this most critical time.

I would turn to the Senator from New Hampshire and the Senator from Alaska and I ask the Senator from New Hampshire what this means to the State of New Hampshire, if she might share with us.

Mrs. SHAHEEN. My friend from Massachusetts understands the challenges we have in New Hampshire, as does Senator WHITEHOUSE from Rhode Island because, in fact, fishing is one of the oldest industries we have in New England. In New Hampshire, it dates back over 400 years. Because we have a much smaller coastline than Massachusetts and Rhode Island, we have a smaller group of people who earn their living through fishing. They have smaller boats, and therefore they are more affected by some of the fishing regulations and some of the adverse weather conditions that have affected fishing.

About 90 percent of the fishing New Hampshire's fishermen do is for cod, and cod is the species that has been most affected by declining fish stocks. It is a huge issue for our small remaining fishing industry. The fact that there is funding to help them in this bill is absolutely critical because without this funding we are going to lose that industry in New Hampshire. We have 5,000 jobs affected here, $106 million in income to the State of New Hampshire.

I think it is important to point out that this is a bipartisan effort. Last week we had a letter with 13 of our colleagues, including Senators WICKER, MURKOWSKI, COLLINS, SNOWE, and BROWN, urging the committee to include this funding in the bill. It is there now. I certainly hope we are going to see bipartisan support for keeping this funding in the bill.

Let me just turn——

Mr. KERRY. Mr. President, before my colleague does, if I could ask the Senator from New Hampshire—I ask unanimous consent that the Senator from Maryland be able to join us in this colloquy and extend it for about 10 minutes.

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

Mr. KERRY. I know the Senator from New Hampshire wanted to turn to the Senator from Alaska?

Mrs. SHAHEEN. We are from New England. Senator MIKULSKI is further south on the east coast. But this is a bicoastal problem because, as I know Senator BEGICH will tell us, it is a huge issue for people in Alaska and for those on the west coast. They have the same problem.

Mr. BEGICH. I will tell you, in Alaska it is even magnified in a lot of ways. If you think of this country, three-quarters of the coastline is Alaska. Fishermen have been fishing there commercially not just for a few hundred years but for 10,000 years of survival on our oceans.

When you think of the value in 76,000 jobs in Alaska directly and indirectly connected to the fishing industry, it is over $5 billion. It doesn't matter in a commercial fishery—if you are in McDonald's having a fish sandwich, the odds are that it comes from our fisheries. If you sit in the fanciest restaurants anywhere in the world, the odds are that some of our fish is there.

As Senator SHAHEEN said, this is a bipartisan issue. The disasters that are declared for fisheries in this bill have been declared disasters. It is not some pie in the sky, some pork, or we sit around and say: Let's get some money for every State. These are actually declared disasters by the States and our Federal Government that need to be funded.

In our situation, it is even more dire—not just the economic impact I just laid out, but an elder told me one time that in urban cities, you walk out the door and you go down the street to Safeway for your food. In rural Alaska, you open your door, and what is in front of you? The nature they see is the grocery store.

So when they have—in our case, the YK Delta, the Yukon-Kuskokwim Delta in the western part of Alaska, had a devastating king salmon fishery loss in terms of the quantity of the fish. So when that fish is not able to be harvested, to be put into the storehouses for the winter, then the limited cash that they have, in an area where fuel cost to heat their home is $8, $9, $12 a gallon, now has to go to not only heating that they have already set that cash aside for, now they have to get food shipped in. So their limited cash is now split between heating their home and putting food on the table.

Let me tell you, in Fairbanks, AK, which is urban, outside it was 40 below yesterday. So heating your home is not like just turning on your heater when you come home from work. It is a whole different ball game.

But most importantly, they live off the land. It is not some hobby they do on the weekend. It is not a sports event. They harvest the food. The Senator from Massachusetts said it best—we harvest the ocean. We are no different from any farmer in the Midwest or anywhere else. So when the YK Delta loses its king salmon, a critical piece of their food supply, it is real. It is not about: We will go fishing next year. This is about: Do we have enough food on the table?

When I hear people on the other side and others who say this is a bunch of pork and a bunch of this and that, they need to come to Alaska. I would enjoy them coming right now in the winter at 40 below and seeing what people have to do.

To me, this is such a small amount to make such an impact not only to us but to all the coastal States that are

suffering with this situation in our fishing industry.

Mr. KERRY. Mr. President, I ask the Senator from Maryland, if I can—I know the Senator from Rhode Island wants to join in here, but the Senator from Alaska made a really important point that I think the Senator from Maryland can speak to very specifically; that is, this is not some amount of money that got pulled out of the sky and was put in in the dead of night behind a closed door as some kind of backdoor deal. This has been thoroughly vetted through the Commerce Department, through the fisheries, through the committees, through all of the regulators, through the White House. The White House has signed off on this. This is a designated emergency. It has gone through the requests of the Governors. The Governors have had to submit their data. It has all been through the process.

I would ask the Senator from Maryland because she is responsible on the Appropriations Committee for making these judgments—there is not a Senator here who would not agree that she does that with rigor and with standards—I ask her what the meaning is, No. 1, to the State of Maryland, which has a fishing industry, and, No. 2, to the legitimate process of the Senate?

Ms. MIKULSKI. I thank the Senators from New England, and I am happy to answer the question and join here with my fellow coastal Senators.

First, I would like to respond in my official responsibility in the Senate, which is to chair the Subcommittee on Commerce, Justice, Science. It is in that subcommittee that the NOAA—the National Oceanic and Atmospheric Agency—is funded. It is there that the fisheries money is spent. Any fishery disaster, in order to qualify for Federal assistance, must be certified by the Secretary of Commerce. Every single fisheries disaster in this bill has been certified by the Secretary of Commerce to meet compelling human need, economic necessity, and be within the criteria established by law.

The Senator from Oklahoma, well-intentioned, is asking us to violate the law. He wants to make fisheries disasters under the Stafford Act. The Stafford Act, named after the Senator from New Hampshire—a wonderful Republican—was for FEMA. If you think you have a FEMA disaster, you go to the Governor. There has to be data collected. It has to go to the President. If you think you have a fishery disaster—which we coastal Senators experience these days all too often—it has to go through the Secretary of Commerce.

I assure those of you on the floor, all those Senators, all taxpayers listening, that every one of these fisheries disasters has been certified, has been vetted to really say that in each and every State where we respond, it meets this criterion.

As to the money in the bill, in a $60 billion bill, this is $150 million. Listen to the jobs, listen to the economy, listen to people who go out in really cold weather and put their hands in that icy water, and they all risk their lives.

Everybody wants to go see the movie ''Triple Storm.'' We can't have a triple storm here in the Senate, which is this amendment, rejection of the urgent supplemental, and the inertia of the Senate.

I say to my colleagues, your words are well-spoken in defense of your State, but you are also exactly following the law.

I urge the Senator from Oklahoma to withdraw his amendment because it would make it out of compliance.

I say to each and every one of you as a fellow coastal Senator, I know our fishing industries—you call them fishermen, we call them watermen—whether it is oysters, crab, or rockfish, it is part of our economy and it is part of our identity. They asked for help.

I will oppose the amendment of the Senator from Oklahoma. I actually would ask him to withdraw it because it is not a matter of debating policy, how to be a smarter and more frugal government, it is actually in violation of the current law.

I thank Senators for standing up for their own communities, and I hope this clarifies this bizarre situation.

Mrs. SHAHEEN. Will the Senator from Maryland yield for a minute?

Ms. MIKULSKI. I yield to the Senator from New Hampshire.

Mrs. SHAHEEN. Isn't it true that since 1994, Federal fishery failures have been declared on 29 different occasions and that nearly $827 million in Federal funding has been appropriated for fishery disaster relief?

Ms. MIKULSKI. Yes, the Senator is exactly right. And it happened under both Democratic and Republican Senates. So this has been declared under President Bill Clinton, and we worked with his Secretaries of Commerce. This was done under George Bush, and Secretary Gutierrez, himself from a coastal State of Florida—we worked very well together because the appropriators and the Governors and the economy people have to work together with Senators.

The answer is yes. Again, you cannot get fisheries disaster assistance unless it has been certified by the Secretary of Commerce in compliance with the criteria in current law.

Mr. KERRY. Mr. President, could I just take 30 seconds, if I may?

Mr. WHITEHOUSE. Sure.

Mr. KERRY. I want to make it clear to my colleagues as we engage in this colloquy—I asked at the beginning of it if one of my staff folks would go check out some figures for me, and I just got them. I hope the Senator from Oklahoma is listening to this because from just 2004 to 2011—7 years—the Federal Emergency Management Agency region 6, which includes Texas, Oklahoma, Arkansas, Louisiana, and New Mexico—that is 5 States—received 68 disaster declarations and almost $40 billion in disaster assistance. For five States, $40 billion. We have more than five States—many more here—asking for $150 million, as the Senator from Maryland has pointed out.

The distinction is so clear. I just say point-blank that this legislation is not going to pass without the inclusion of this fishery money—point-blank and period. I think the Senator from Rhode Island would agree with me.

Mr. WHITEHOUSE. I would be delighted to agree with the Senator from Massachusetts. On Rhode Island's behalf, our fisheries disaster, as the distinguished Senator from Maryland said, was declared by the Secretary of Commerce. This is not a maybe. This is not trying to sneak something in. This is a declaration of the U.S. Government. It was the New England multispecies groundfish fishery disaster that affected the State of Massachusetts. There was great leadership from Senator KERRY on all of this, as it affected the State of New Hampshire, and great leadership from Senator SHAHEEN on all of this.

Governors of Rhode Island, Massachusetts, Maine, New Hampshire, New York, and Connecticut all signed the request for that disaster declaration.

In Rhode Island's letter our congressional delegation—myself and my senior Senator, Mr. REED, Congressman CICILLINE, and Congressman LANGEVIN—wrote:

> In addition to the direct impact on groundfish catch limits, there will likely be indirect impacts on other fisheries that these same permit holders, and many other Rhode Island fisherman, also rely on.

To the point Senator BEGICH of Alaska made, economic disaster in the fishing industry cascades through the rest of our economy.

Ms. MIKULSKI. Yes.

Mr. WHITEHOUSE. It is not just the fishermen coming home with empty nets because the cod moved offshore, it is the fuel suppliers to their boats, the engine repair shops that take care of the mechanics, the net repair and construction groups. So a whole economy stands on this. It is really inconceivable that a Senator from a State that has, as one of a group of five, soaked up $40 billion of disaster assistance would now begrudge us $150 million after this disaster was declared.

This is bipartisan. Let me ask unanimous consent to have printed in the RECORD the letter Senator SHAHEEN mentioned earlier as an exhibit for the end of the colloquy.

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

(See Exhibit 1.)

Mr. WHITEHOUSE. It is signed by 35 Republicans and 9 Democrats. It could not be more bipartisan. We are trying to deal with a real problem here, and it is a recurring problem.

Our historic New England ground fiduciary is facing significant cuts in our catch limits because our populations are not rebounding the way that scientists anticipated they would. Something out there is causing this failure

to rebound and unprecedented environmental changes very related to the environmental changes that whip up giant storms like Sandy are at the heart of this.

One last quote, and then I will yield back to my colleagues who are engaged in this colloquy. Where we are is a big body of water called the Northeast Shelf Large Marine Ecosystem which is tracked by NOAA, and it extends from the Gulf of Maine all the way down to Cape Hatteras on our Atlantic coast.

Here is what NOAA reports:

During the first six months of 2012, sea surface temperatures in the Northeast Shelf Large Marine Ecosystem were the highest ever recorded . . . above-average temperatures were found in all parts of the ecosystem, from the ocean bottom to the sea surface and across the region.

There is a real physical rationale and reason for the disaster that we are seeking a remedy for in our home State industries that are being so grievously stricken.

Ms. MIKULSKI. Mr. President, may I draw the distinction between a fishery disaster and an earmark? Because there is an undercurrent here from the amendment of the Senator from Oklahoma, who has said on many occasions that he has been the defendant of the taxpayer. Well, so am I. The difference between an earmark is a congressionally designated project that meets the criteria that Senator deems appropriate to help his State. That is not what this is. When he says it has to be certified by the Stafford Act, he is implying that these are uncertified, unneeded, unwarranted, and are earmarks. Once again I will say that these are certified by the Secretary of Commerce. They meet the criteria for compelling economic and human need as required by law. This is not an earmark, it is certified disaster assistance.

Let's get rid of this phony-baloney nonsense that somehow or another that would undermine this bill of $150 million that could restore livelihoods for people who are willing to work out there and risk their lives to feed America.

Mr. KERRY. Mr. President, it is my understanding that our time is just about up.

The PRESIDING OFFICER. Correct.

Mr. KERRY. Mr. President, I ask unanimous consent for 5 minutes under the colloquy.

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

Mr. KERRY. I will take 1 minute of it. I thank the Senator from Maryland for that important distinction.

I want to say to the Senator from Oklahoma—and the other Senator from Oklahoma—that I think all of us have enormous respect for him and for his intelligence and the way in which he seeks to protect taxpayers and cut pork and get rid of earmarks. We all respect that. There are legitimate moments when it is appropriate to do that.

I think the Senator may have either not known or not been aware of all the details that have been laid out here, and I would plead with him to take a look at the legitimacy of the law, the way in which this has been set up, and hopefully withdraw his amendment.

Also, to all of our colleagues, I know we are struggling with the fiscal cliff and it is the holiday time. There are a lot of people hurting in America. In the wake of what happened in Newtown, CT—a moment that sort of stops our country cold—where we all have to stop and think about what is and is not important and what our responsibilities are, it is hard for me to grapple onto the notion that in a moment there could be a change in attitude where people could begin to perhaps find a constructive way to work together. There are so many people in so many places who are living by the law. They are dependent on this profession and want to stand up and return to it because it is part of their lifetime and will not get help on a Federal basis the way we have helped people throughout our history.

I call on our colleagues to think hard about that as we think about this amendment.

I yield to the Senator from New Hampshire.

Mr. INHOFE. Mr. President, I yield for a point of inquiry. It was my understanding that under the unanimous consent that I would get the floor. I don't mind waiting for the time that they have requested, but I want to make sure I do get recognized after the conclusion of this for such time as I shall consume under morning business.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Reserving the right to object, I think the way we operate is that we need to have a time agreement, and we also have to have an agreement that at the conclusion of the Senator's remarks, we will go back into a quorum call.

Mr. INHOFE. Yes, I certainly agree to that. Keep in mind I have already asked for unanimous consent not to proceed for more than 20 minutes.

Mr. KERRY. Not to exceed for 20 minutes with the understanding that the quorum call will go into effect at the end of the remarks.

The PRESIDING OFFICER. Hearing no objection, so ordered.

Mr. KERRY. We reserve our time, and I yield to the Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I will be brief because my friend from Massachusetts was eloquent in talking about the livelihood of people in our fishing industry who have been affected by the disaster, and as a result there have been low species and low catch numbers because of regulations in an effort to bring back those fish.

I hope if we can support these disaster funds that as the Department of Commerce is allocating this funding, that they will do it with a collaborative process that invites fishermen and fishing businesses to have a say in that process. Given that their livelihoods have been affected, I think it is important for them to be part of the process of how this funding is given out.

Mr. BEGICH. Let me conclude with my comments to say I agree especially with the latter part regarding how to engage people on what these resources will be. I want to commend the chairman of the Subcommittee on Appropriations on the eloquent description of exactly how this happened. I like earmarks as well, but this is not an earmark. This is a process that has gone through step after step to ensure that everyone in my State—Republican Governor and a Republican and Democratic delegation—has an important role here.

This takes nothing away from Superstorm Sandy. We recognize—all of us on this floor—how devastating that was, but this was also a disaster of a different making. As a matter of fact, at the request of Senator KERRY—and as the chair of the Subcommittee on Oceans and Fisheries—I listened to the fishermen there about the many species that are devastated and the quotas they are facing.

This is not only critical to be done now, it is also that the amount of money is so small and the impact is significant when we think about the thousands of jobs that will be affected by this.

In my State it is truly about food and survival for the Alaskan Native community in the winter months with temperatures that are not zero or 10 above but 40 below.

I implore my colleagues on the other side to support this bipartisan effort and reject the amendment by Senator COBURN.

Again, I thank all of my colleagues for coming down here. This just shows one of the roles that we have as a legislative body. When disasters are declared, we unify, no matter where we live, to figure out how to make sure the people of this country are taken care of.

I yield the floor.

Mr. WHITEHOUSE. I will close the colloquy by thanking Senator MIKULSKI for her leadership, support, and her key role on the Appropriations Committee. I want to thank Senator KERRY of Massachusetts for his leadership on the original disaster declarations that brought us to this point. I want to thank Senator SHAHEEN of New Hampshire for pulling this colloquy together. Thank you to Senator BEGICH for his advocacy on that other coast.

I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, December 11, 2012.

Hon. BARBARA A. MIKULSKI,
Chairwoman, Subcommittee on Commerce, Justice, Science, & Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. KAY BAILEY HUTCHISON,
Ranking Member, Subcommittee on Commerce, Justice, Science, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRWOMAN MIKULSKI AND RANKING MEMBER HUTCHISON: We are writing in support of including federal fisheries disaster funding in any emergency supplemental appropriations bill developed in response to Superstorm Sandy. Over the past year, extreme weather and other natural events have wreaked havoc on commercial and recreational fishermen in our states, leading the Secretary of Commerce to declare federal fisheries disasters. Despite these declarations and the ongoing hardship, Congress has not yet appropriated funds.

As you know, the Secretary of Commerce is authorized to declare federal fisheries disasters under Section 308(d) of the Interjurisdictional Fisheries Act and Section 315 of the Magnuson-Stevens Fishery Conservation and Management Act. These designations allow Congress to appropriate federal relief funds to alleviate the harm caused by natural disasters to fisheries and the fishing industry. The disaster assistance funds can be used to repair or restore fishing equipment and infrastructure, compensate for losses, restore fisheries habitat, support workforce education, provide low-interest loans, and conduct monitoring and cooperative research focused on improving stock assessments.

Currently, federal fisheries disasters have been declared in nine states in response to four different events:

Superstorm Sandy—On November 16, 2012, a federal fisheries disaster was declared for New Jersey and New York due to the damage caused by Superstorm Sandy. The high winds and storm surge devastated marinas, destroyed fishing vessels, and resulted in severe economic losses for both commercial and recreational fishermen.

Northeast Multispecies (Groundfish) Fishery—On September 13, 2012, a federal fisheries disaster was declared for Rhode Island, Maine, Massachusetts, New Hampshire, New York, and Connecticut. The projected reductions in the total allowable catch for certain critical groundfish stocks will have a significant impact on many of the same coastal communities that were hit by Sandy. Despite strict adherence to new and rigorous management practices by fishermen, key fish stocks have not returned. Slow recovery and declining fish stocks will continue to have a negative impact on commercial fishing, harming local communities and economies.

Alaska Chinook—On September 12, 2012, a federal fisheries disaster was declared for Alaska Chinook salmon fisheries in the Yukon River, Kuskokwim River, and Cook Inlet. Thousands of Alaskans have been impacted including commercial fishermen, sport fishermen, and subsistence-based residents. Beyond direct impacts, indirect impacts have been felt by communities through reduced tax revenue, reduced work for processor employees, and reduced income for fishery dependent businesses.

Mississippi Oyster and Blue Crab—On September 12, 2012, a federal fisheries disaster was declared for commercial oyster and blue crab fisheries in Mississippi. Historic flooding of the lower Mississippi River required opening of the Bonnet Cane Spillway on May 9, 2011. This action released substantial amounts of freshwater into the Mississippi Sound, impacting the entire ecosystem. Mississippi's oyster and blue crab fisheries were extensively damaged, resulting in severe economic hardship for commercial fishermen still recovering from the devastating impacts of Hurricane Katrina and the BP oil spill.

Fishing is an integral part of our states' economies and cultures. These disasters have devastated fishing families and coastal communities and there is an urgent need to provide federal assistance. We urge you to move swiftly to appropriate funds for these federal fisheries disaster declarations.

Sincerely,
FRANK R. LAUTENBERG,
SUSANM. COLLINS,
ROBERT MENENDEZ,
LISA MURKOWSKI,
JACK REED,
ROGER F. WICKER,
CHARLES E. SCHUMER,
JOHN F. KERRY,
MARK BEGICH,
KIRSTEN E. GILLIBRAND,
SCOTT BROWN,
JEANE SHAHEEN,
SHELDON WHITEHOUSE,
OLYMPIA J. SNOWE.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am going to expand my remarks from my original intent because of what I have been listening to on the floor. I really reserved this time to talk about two very significant things that happened.

In fact, 53 years ago in 1959—and I have to ask the question as it gets closer and closer to Christmas: Why are we here? There is always a lot of theater right before Christmastime. The things we are talking about now could well be taken care of afterward. It could be done after we have a chance to look and assess the damages of Sandy.

As far as the fiscal cliff is concerned, this is something that we have known about for a long time. Right now it seems that in this body—and the other body down the hall in the House—that they don't want to do anything until it gets close to Christmas, that somehow people are at home watching, and sitting with bated breath and wondering what wisdom we are going to extol. I don't know if that is true in other States, but I know that it is not true in Oklahoma. I told them this was going to happen. I told them before the election in October. I introduced a bill, S. 3473. I introduced that bill because I knew what was going to happen.

What we have been talking about here in the last few minutes during the colloquy that I came in and caught the last part of is this Sandy issue. This is always interesting. When a disaster occurs in America and emotions are high, everybody all of a sudden wants to pour money on it, and in this case it will be $60.4 billion. How did they come up with $60.4 billion? I don't know because I wasn't in on that.

I come from Oklahoma. We have disasters all the time. We have our tornadoes that are very serious, and of course we take care of the problems when they come up. We do get some Federal help, but nonetheless we analyze what the damages are and what was caused by the particular disaster. We don't just use that to open the door and have something in there for everybody, and that is what is happening now. They are asking for $60 billion, and there is something for everyone in it. That is what we are talking about today.

Again, we should not be talking about it right before Christmas and use this as an excuse to take this right up to Christmas. Right now we don't have time to get all the way through this and analyze the actual losses that were attributed to Sandy. It was a disaster, and I understand that. People lost their lives and their property. Nonetheless, we don't know, and we are guessing right now.

Some say: Well, how about $60.4 billion? That sounds good. It could be $70 billion, it could be $80 billion, or it could be $30 billion. The Heritage Foundation did an analysis of the damages of Sandy. We talked about the $60.4 billion, which is the amount directly attributed to Sandy. We should get the study before it is criticized. The Heritage Foundation did the study, and it is actually $12.8 billion. That represents the amount that individuals lost as a direct result of this disaster called Sandy that tragically hit our east coast.

Now what about the other $47.6 billion? As an example, they have $28 billion in there for future disasters. Oh, wait a minute. We are supposed to be addressing a disaster that just occurred. The $28 billion is for future disasters. Here is a good one. There is 3.5 for global warming. They always have to get global warming in there. That is kind of interesting because we actually had several debates and several pieces of legislation called cap-and-trade. We took it up before this body and we defeated it. I am talking about going back 12 years ago. The last one was the House bill, and that was called Waxman-Markey. It was defeated because people realized that cap-and-trade would be the largest tax increase in the history of America, somewhere between $300 and $400 billion a year. That equates to about $3,000 for each family in my State of Oklahoma who files a Federal income tax return. So people realize that is true. Yet at the same time, the Administrator, appointed by President Obama, Lisa Jackson, when asked the question, If you were to pass any bill here for cap and trade in Oklahoma, would this reduce CO_2 worldwide, said: No. That is because the problem is not here; the problem is in countries such as China, India, Mexico, and other places.

Nonetheless, how many people in this body even know what this President has done through his executive powers? He has spent $68.4 billion on global warming initiatives in the 4 years he has been President and that is without any authority from this body.

Here is another one: $150 million. I was listening to my good friend Senator BEGICH from Alaska—and I have a great deal of respect for him. He and I have worked on legislation together such as the pilots' bill of rights legislation. Nonetheless, fisheries in Alaska were significant, but they were not on the east coast. This didn't happen—the last time I looked at a map, it was on the west coast, not the east coast, so it should not be in here.

Then we go on to the fiscal cliff. We are all here talking about this fiscal cliff that is here and all of a sudden we have to do something about it. How many people realize that we knew this was coming a long time ago? I mentioned my bill, which is S. 3473, that showed we don't have to raise $1.4 trillion, we can raise $2.7 trillion without any cuts to the military, and it is all right there. Look it up: S. 3473. Now, months later, right before Christmas, we come here and say, Oh, trauma has set in; it is going to be a disaster, so we have to come up with $1.4 trillion.

How many people realize that this President—and this is not the Democrats, not the Republicans, not the House, not the Senate—it was the President of the United States, in his budget—there were four budgets he had in his 4 years. He had over $1 trillion of deficit in each budget. If we add up all of his deficits—this is what the President gave us now. Again, it was not the Democrats or Republicans, House or Senate; this was his budget that he drafted and signed, with $5.3 trillion of deficit in it—that is more deficit than all budgets of all Presidents combined since George Washington—and nobody cares. We say this and people shake their heads and they don't seem to care. He said it so it must be all right.

So now after this President has given us $5.3 trillion of deficit, now all of a sudden—he did that in 4 years, but in 10 years we can't even come up with $1.4 trillion. It is easy. We could do it. I did it in a bill introduced several months ago. We knew it was coming, but Christmas is coming too so we are all lined up to grandstand—I don't mean grandstand; that sounds demeaning. I don't mean it that way.

When we think about the money this President has spent—what about the $800 billion stimulus that didn't stimulate? How many people in America—how many Members of this body—know what that $800 billion was spent for? I suggest not very many. I do, because I made a point to look. There are things that it did not stimulate. Only 3 percent of it went to roads and highways and that type of thing. But, again, he came up with in one fell swoop $800 billion, and now we wonder—that was in the first couple of months and now in 10 years, how can we come up with this much more? So, anyway, I just wanted to say that.

While we are talking about the budget, I think it is appropriate to say something else about it, because it was in the budget that was part of disarming America. I can remember going over to Afghanistan after the President's first budget because I knew he was cutting the military and I knew if I were over there responding with the tanks going back and forth that it would get people's attention, and it did. In that first budget he did away with the only fifth-generation fighter, the F–22; he did away with our lift capacity, the C–17; did away with our future combat system, did away with the ground-based interceptor in Poland; all of these things in one budget. That is what took place.

JON KYL is retiring, and I noticed that when he made his going-away speech today he talked about the disasters we are facing right now. We are talking here about weather disasters. What about nuclear disasters? What about the fact that we had the New START Treaty, which I opposed, but nonetheless, that put levels on both Russia and ourselves. In terms of our nuclear stockpile, which was supposed to go down equally to 1,550 warheads, it is now down, and they are talking about doing away with them altogether. It is another subject for another time, but I will spend some time talking about it later.

Anyway, as we started, I mentioned two significant things happened in 1959. One was—and we are all revering now Danny Inouye. Senator Inouye is different than most other Senators. I remember when my daughter Katie was much younger and she said, My two favorite U.S. Senators—I thought I was going to be one of them—my two favorite ones are Senator Inouye and Senator Jesse Helms. They are such kind, older guys. She wanted to know if they ever got angry at anything. No, they didn't. As a conservative Republican I have gone to him many times for favors, really, to ask if we could get something done, and he never turned me down during that time. I had a long visit yesterday with his son and told him what we feel about Danny Inouye and how much we are going to miss him. So that happened in 1959. That was when he was first elected to the U.S. Senate.

The other thing that is significant that happened in 1959, 53 years ago today, is I was married. So this is my 53rd wedding anniversary, and it happened we were married in 1959. In fact, she is watching now. She hardly ever does, but I called and said watch because I can't be there for our anniversary so I have to do it this way, and so she is. Today is only the second time in 53 years that we haven't been together on our anniversary.

But I would ask the question: Who will be there today? That is who will be there today, our 20 kids and grandkids. Look at them all. Isn't that neat? Yes, they are going to be there, but I am not, but she won't be alone. Isn't that significant? All of that happened and it started with just us, right there, and there they are. A person might look and see that one little girl is a little bit different than the rest of them. That is the little girl right here. We call her Zegita Marie. There she is. We found her 12 years ago, only 2 days old. She was a cute little girl and she was just near death in an orphanage in Ethiopia and we went back there and got her nursed back to health. My daughter Molly, who had nothing but boys, adopted her.

I want to say to my wife who is listening right now, even though I won't be home, 3 days from now on the 22nd—that is Saturday—I want you to watch the ''Mike Huckabee Show'' because she is going to be interviewed and talking about adoption.

Senator LANDRIEU and I head the adoption caucus in the U.S. Senate. There are hundreds of thousands of little kids out there and people who want to adopt little kids, and they can't do it because of the problems. This little girl wouldn't even be alive today and here she is now, 11½, almost 12 years old, reading at college level and doing wonderful things. So, Kay, be sure to tune in to Mike Huckabee and watch her being interviewed 3 days from now.

The last thing I will say is that this is bad enough not to be home during our anniversary, but it is also bad as we get closer to Christmas. If you can only see the celebration that is going on right now, all those kids. They are all there and they are participating.

I remember what happened in the year 2009. In 2009, we played the same game here: You know, we were here doing a little theater, making sure everybody knew we were working, and we didn't get out until the afternoon, just about noon, on Christmas Eve. I remember that was the worst snowstorm in the history of northern Texas and of Oklahoma. Where is global warming when you need it? It was terrible. I got to DFW and I wanted to go on to Tulsa. I was in a hurry to get there because Kay and I belong to a church in Tulsa where we were married, all of our kids were married there, and my wife was even baptized there, and every Christmas Eve they have the most beautiful setting and three of my grandkids were going to be singing in that and I never missed it in 50 years. We got to Dallas; they weren't going to take off. I pleaded with them. They took off, the only plane that took off from DFW, and went to Tulsa that day. We went through 6-foot drifts, if my colleagues can believe it, to get down there to see my little grandkids singing. Well, that is not going to happen this time, because I will be back there.

I would say this to my wife. We have had kind of a tradition for 53 years now: I always get Kay roses. She loves roses. So I am not there today, but I want to say to Kay that if you will go out in our front yard now and look under the giant oak tree that you and I planted over 50 years ago, your roses are there.

Finally, I want to say two more things. One is I want to assure Kay that I love her more today than I did 50

years ago; and secondly, I am not Bing Crosby, but I am going to say—and all the people in Oklahoma understand this—there may be 99 Senators here playing their games on Christmas, but as Bing said, I'll be home for Christmas and you can be sure of that. You can count on it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CASEY). Is there objection?

Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, Senator REED and I want to speak briefly, and unless the leader has arrived, we will return the Senate to a quorum call at the conclusion of the remarks by Senator REED and myself. And it is gratifying that the Senator from Pennsylvania is presiding.

Yesterday, I requested that the cloakroom hotline Senator CASEY's Children's Hospital Graduate Medical Education Support Reauthorization Act, S. 958, with an amendment important to Rhode Island and to the country regarding growing our mental health care pediatric workforce.

My amendment would make resources available to increase the number of residents trained in child and adolescent psychiatry. Senator CASEY's—the Presiding Officer's—bill and my amendment have the unanimous support of my caucus and I believe have very broad support in the Republican caucus as well. Unfortunately, there has been an objection to my unanimous consent request, so I am very disappointed that my colleagues on the other side of the aisle are not able to clear this particular bill. I am also disappointed that none of the Republicans who object to this measure have approached me or my staff with their concerns—none of them. If it is just one, then he or she has not. If it is more than one, none of them have.

I was prepared to come to the floor today and make a live unanimous consent request to find out exactly where the objections to this amendment lie. But, instead, I will urge my Republican colleagues to work with me and with Senator CASEY of Pennsylvania to reach consensus on this important measure.

The CHGME program should be reauthorized. Since its enactment in 1999, the program has helped address the need for more pediatric specialists. But there is a gap in the field of child and adolescent psychiatry.

The American Psychiatric Association concluded this year that ''targeted efforts must be made to encourage medical training and residency in the subspecialties of child and adolescent psychiatry. . . . ''

I gather my time is very brief, so I am going to yield to Senator REED very shortly, but I do want to thank Senator CASEY and Senator ISAKSON for their patience and their hard work.

The amendment I have proposed and Senator REED of Rhode Island has proposed is an amendment that does not add any additional spending. It stays within the existing budgetary limit. It confines the amount available for child and adolescent psychiatry to less than 1 percent of the total. I believe it is a very sensible measure, particularly in the wake of the tragedy in Newtown, CT. The idea that there is not room for further attention to child mental health and psychiatry and adolescent mental health and psychiatry seems to me to be an unfortunate outcome.

Bradley Hospital in Rhode Island would be a beneficiary of this. They are a particularly good hospital in a great number of settings.

As I said, I know time is short, so I will yield the remaining moments of our time to Senator REED.

The PRESIDING OFFICER. The senior Senator from Rhode Island.

Mr. REED. Mr. President, I want to join Senator WHITEHOUSE in commending the Presiding Officer for his underlying legislation, along with Senator ISAKSON, and commend my colleague and friend, Senator WHITEHOUSE, for his leadership on this issue, and begin where he left off, which is, in the wake of the unfathomable tragedy in Newtown, CT, the idea that we do not need more trained child psychiatrists and child counselors is difficult to understand. We do need them.

The legislation the Senator from Pennsylvania has introduced would help children's hospitals across the Nation and we are strongly behind it. But we also want to make help available to children's psychiatric hospitals, such as Bradley Hospital in Rhode Island.

One of the facts that emerged from the terrible tragedy in Newtown is that we have young people who need help, desperately need help, and their parents need help—help to recognize problems, help to not only diagnose them but treat them, and we do not have a sufficient number of trained child psychiatrists in the country to do that.

This legislation, this amendment, would allow us to do that. It adds no cost, as Senator WHITEHOUSE indicated, and I think it should be something that we would do almost automatically when it comes to the welfare of our children, but particularly in the wake of the terrible tragedy in Connecticut.

So I wanted to be here to lend my support to the underlying efforts of the Senator from Pennsylvania and to the specific efforts of my colleague, the Senator from Rhode Island.

Mr. President, I ask unanimous consent that a statement by Dr. Gregory Fritz, who is the academic director of the residency program at Bradley Hospital, be printed in the RECORD.

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

PARITY FOR KIDS' MENTAL HEALTH

Despite the passage of the federal mental-health parity bill, stigma and prejudice are still alive and well when it comes to legislation affecting children's psychiatric hospitals. The latest example of how our government continues to maintain discriminatory funding policies specifically directed against children with mental-health issues involves federal support for graduate medical education (GME).

Although this issue is far overshadowed by the federal debt issue, those who care about the mental health of children need to be aware that achieving true parity still entails overcoming significant obstacles. Getting children's psychiatric hospitals recognized as legitimate sites of medical education is one such obstacle on the road to real parity that has both symbolic and pragmatic importance.

The history of federal support for training physicians during their hospital residencies goes back to the establishment of Medicare, in 1965. Recognizing that America needs a steady supply of physicians in all the areas of medicine, and that their training carries substantial additional expense for teaching hospitals, Medicare authorization includes a per-resident reimbursement that is provided to hospitals through a complicated formula. One element for determining GME payments is the percentage of a hospital's reimbursement that comes from Medicare. That children's hospitals would thus be excluded from the program (because Medicare pays virtually zero for children's medical care) was unintentional, but it took 34 years for this oversight to be corrected.

The Children's Hospitals Graduate Medical Education Payment Program (CHGME), in 1999, established a pool to provide residency education support to children's hospitals in a system modeled after the Medicare GME system. The unintentional disincentive to train pediatric generalists and specialists was removed and pediatric training accelerated dramatically. This year, a total of $317.5 million offsets the training expenses of 5,500 residents at 46 children's hospitals, and the CHGME program is widely considered a success.

Parallel to the initial oversight in the Medicare bill, in the arcane definition of a children's hospital detailed in the CHGME regulations is language making it impossible for children's psychiatric hospitals to qualify. Only the most cynical observer would conclude that this was a deliberate attempt to exclude children's psychiatric hospitals and the child psychiatric and pediatric residents they train, especially since no medical specialty represents a greater shortage area than child and adolescent psychiatry. Yet, steady efforts since 2002 to correct this oversight have thus far been unsuccessful.

The CHGME reauthorization needed for the program to continue would seem to offer the ideal opportunity to end this de facto discrimination against children with mental-health problems. Sen. Sheldon Whitehouse and Representatives David Cicilline and James Langevin, all Rhode Island Democrats, have offered similar versions of a brief amendment to the reauthorization that would correct the language to reflect the original bill's intent.

If passed, it would admit four or five children's psychiatric hospitals that meet strict criteria into the pool of hospitals eligible for CHGME reimbursement. A larger taxpayer outlay is not requested; rather, the existing money would be spread slightly more thinly (an estimated 30 additional residents would be added to the current 5,500). One would think it a small price to pay to correct an injustice, but passage is far from guaranteed.

As a child psychiatrist working at Bradley Hospital, one of the psychiatric hospitals that would finally be included, I'm far from dispassionate about this issue. I see every

day the agony experienced by families with autism, childhood suicide, adolescent substance abuse or pediatric bipolar disorder; it's different, but no less severe, than the pain associated with juvenile diabetes or leukemia. As are all mental-health professionals, I'm troubled by the months-long waiting lists that prevent children's access to child psychiatric services.

The distinction between psychological and physiological disorders is artificial and antiquated, reflecting outdated fears and prejudices. In short, I see no valid reason to perpetuate the exclusion of children's psychiatric hospitals from the mechanism designed to support physicians' training. Neither do the thousands of members of 39 national organizations who have signed on to a letter urging support of the Whitehouse amendment. Mental-health parity is the law in principle; the CHGME reauthorization should make it be the case in practice.

Mr. REED. Mr. President, I have a comment on an additional issue but would only do so if the Senator from Rhode Island would allow.

Mr. WHITEHOUSE. Mr. President, let me yield back to my senior Senator to move to his other issue. But let me also say what a pleasure and a privilege it has been to work with him in our shared determination to see that this amendment is made—this very reasonable amendment that will add no additional spending and will expand the reach of adolescent and child psychiatry in this country. He has been terrific to work with. It is always a pleasure and privilege to have Senator REED as my senior Senator, but this has been a particularly good occasion of working together.

With that, I yield back to my senior Senator.

The PRESIDING OFFICER. The senior Senator from Rhode Island.

Mr. REED. Mr. President, I want to touch on a topic that was discussed by many of my colleagues, including Senator WHITEHOUSE; and that is the fisheries disaster in the Northeast, which was declared by the Secretary of Commerce in 2012. There is language and support in the supplemental appropriations bill to help our fishing industry in the Northeast that has been affected by this disaster in the areas of New York, Connecticut, and Rhode Island.

These fishermen have been for years under a painful regime of restricted fishing so that the stock could be replenished. Despite their efforts, some of the fishing stock has not responded, leading to a declaration of a fisheries disaster by the Secretary of Commerce.

The funding that is included in the supplemental applies to New England, but it also helps Alaska and Mississippi. I appreciate very much the fact that Senator MIKULSKI is working to include this funding in the bill. She is an extraordinary leader in our Senate, an extraordinary and compassionate leader when it comes to issues affecting the fishing industry, not just in her home area of the Chesapeake Bay and the Atlantic but as far away as Alaska and Rhode Island and Maine. I would hope we could move to help these fishermen get on with their lives with this assistance.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REMEMBERING DANNY K. INOUYE

Mr. LEVIN. When 7-year-old Danny Inouye saw the Japanese planes over his Hawaii home on December 7, 1941, his first impulse was to help. So he ran to help. He had emergency medical training. He used that training to help bind the wounds of the Americans injured in the attack on Pearl Harbor.

His second impulse, just as strong, was to defend our country. But the America of 1941 did not want his service. In fact, it considered Danny and his fellow Japanese Americans suspect and called them enemy aliens and confined more than 100,000 of them to internment camps. When Danny Inouye tried to enlist to defend his country, his country told him: You are not welcome.

That Danny Inouye did not allow anger and resentment to overcome his love of country says something remarkable about him and about our country. When in 1943 President Roosevelt allowed Japanese Americans to enlist in the fight against Nazi Germany, Inouye and thousands of young men answered the call. He burned with desire to defend the Nation that had told him and people of his background: You may not serve; a nation that still held thousands of Japanese Americans behind barbed-wire fences.

When he left Hawaii for the Army, his father told him: This country has been good to us. Whatever you do, do not dishonor this country. Danny, on more than one occasion, told stories about his Army training in Mississippi, about the racial segregation he saw. He told the story of how after he returned from World War II he stopped in California on the way home to Hawaii to stop to get a haircut and was told: We don't serve Japs here.

He stood there in full dress uniform, his chest covered in medals, a hook in place of the arm blown apart by a German rifle grenade. Even then he had to confront hatred. There is so much that is remarkable about the life of Dan Inouye, the story of his service on the battlefields of Italy is indeed remarkable, physical courage he displayed in winning the Medal of Honor is alone enough to earn the title ''hero.''

But rising above his physical courage and the guts he showed is the moral courage it took for Dan Inouye and his fellow Japanese Americans to even set foot on that battlefield. What is it that spurs some of our countrymen to offer their lives in defense of a country that shuns them? Where does that love of country come from? How can we impart some of it to those who too often take this country for granted?

It would be a wonderful tribute to Dan Inouye to seek out ways to encourage such service by future generations. Dan Inouye's work did not end when he took off his soldier's uniform. In many ways, it was just beginning. Forced by the loss of his arm to give up dreams of a medical career, he entered politics. His was one of the most remarkable careers in public service our country has ever seen. We will miss Dan Inouye so much in the Senate, his leadership, his legislative talent, yes, but also his friendship, his humor, his humility, his steadfast belief in the American people. He was the last remaining Senator who voted for the Civil Rights Act of 1964. In that vote and so many others, he served the Nation and the Senate with distinction that few have ever matched.

In Michigan we proudly claim an early connection to this noble man. Much of his recovery from the wounds he suffered in Italy took place at a veteran's hospital in Battle Creek, MI. There he met two other young men, a soldier from Kansas named Bob Dole and one from Michigan named Phil Hart. They formed a lifelong bond, one that endured all the way to the Senate.

In 2003, when we dedicated that former hospital in Battle Creek, now a Federal office facility, as the Hart-Dole-Inouye Federal Center, Senator Inouye told the audience: All of us have chapters in our lives, milestones. My most important chapter, he said, was a Battle Creek chapter. This is where I learned what democracy was all about, where I learned what America was all about.

To have imparted any lessons on America to Dan Inouye would be a remarkable honor. What we may have taught him pales in comparison to what he taught us.

A few years ago, in a speech honoring his fellow Japanese-American veterans, Danny told his audience that our greatness as a nation lies in part in our willingness to recognize the flaws in our past, including our treatment of Japanese Americans and our determination in whatever limited way we could to make amends. Dan Inouye served his country because of his dream of what we could be: a nation unbound by our all too human failings.

He believed to his core that we are able to shed old prejudices. He believed that our Nation, despite its flaws, shines with such bright promise that we could inspire remarkable service and sacrifice, even in those who suffer from our shortcomings, a nation so great that those we treat with disdain or even hatred can respond with love that knows no limit. This love was as powerful as the love that Dan Inouye showed for all Americans and for the very idea of America.

I am so grateful for the lessons that Danny taught me, so grateful for his friendship. Barb and I send our deepest condolences to Irene and all of Danny's

family, to the people of Hawaii, and to all of those touched by this remarkable man.

Mr. REID. Mr. President. Our former colleague, now Secretary of the Interior Ken Salazar has written a letter in memory of our departed colleague Dan Inouye. I ask unanimous consent that the letter be printed in the RECORD.

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

THE SECRETARY OF THE INTERIOR,
Washington, December 18, 2012.

Majority Leader HARRY REID,
Hart Senate Office Bldg.,
Washington, DC.

DEAR MAJORITY LEADER: Senator Danny Inouye was and will continue to be one of my lifetime heroes. In December 2008, when the President, you and I were in discussions about my potential service as United States Secretary of the Interior, Senator Inouye said the following to me:

''The Secretary of the Interior is the most important position in the Cabinet because you are the Custodian of America's Natural Resources and America's Heritage.''

Senator Inouye's description of the Department was a major factor in my decision to accept the President's offer to serve as Secretary of the Interior. I have adopted his description of the job of Secretary as my motto and as the best description of the Department of the Interior.

Like you, I will forever miss Senator Inouye. He has served and continues to serve as a mentor and inspiration to me in all of my days in public service. I know his life and his teachings will continue to live through each of us as he continues to inspire our journey forward.

Respectfully,

KEN SALAZAR,
U.S. Secretary of the Interior,
former U.S. Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COATS. Mr President, I have not yet filed, but I intend to shortly, an alternative amendment to the emergency supplemental which is on the Senate floor and in the process of being debated. I would like to explain what it is that I am going to file and what it does and explain the rationale behind it.

Mr. LEAHY. Would the Senator yield for a question?

Mr. COATS. I yield to the Senator.

Mr. LEAHY. It is my understanding that the Senator is not going to seek action on it now, it is simply to file it?

Mr. COATS. That is correct.

Mr. LEAHY. I thank my distinguished colleague.

We have shared this colloquy on two different occasions. I thank the Senator.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. The Senator from Vermont is correct. I don't intend to take any action on this now. I know there are events planned tonight. We are in the middle of mourning for our lost colleague as well. But I simply wanted to explain for the record what it is that we are attempting to do.

I think all of us are sensitive to the pain and the damage incurred by those in the Northeast due to the catastrophic, clearly catastrophic record proportion hurricane that hit that sector of our country just weeks ago. Clearly, that is something that falls in the category of an emergency. It goes beyond the ability of State and local jurisdictions to address with their own resources. They will participate in the recovery, and they have. It is remarkable, in this country virtually no State, no Senator, can stand and simply say, well, we haven't been touched and not understand the need for the response that comes from disasters, whether they be tornadoes like occurred in my State of Indiana just this past spring—we needed emergency help and response and received that—or whether it is flooding that has occurred throughout the Midwest and in other parts of the country that has caused a tremendous amount of damage.

There have been terrorist attacks such as 9/11, Oklahoma City. In this case, hurricanes, and we have had a number of those. Katrina stands in our mind, Irene, and on and on it goes with Sandy being the latest. This one was truly of a monumental proportion and created a lot of damage.

Therefore, a Federal response is needed and necessary if we are going to begin to have an adequate recovery, get people back to work and back in their homes, businesses up and growing again and working.

The bill that is currently on the Senate floor for us attempts to do that. Some of us were somewhat staggered by the initial number, $60.4 billion. That may not be enough; that may be too much. But in the short amount of time that we have had to try to put all the estimates together in terms of what might be needed, what we as Senate Appropriations Republicans have attempted to do is to separate that from what we believe is immediately needed—immediate being from the time of the storm through March 27—to attend to those initial responses that need to take place. There were a whole raft of things that run the gamut from debris cleanup to repairing damaged and flooded facilities, destroyed homes, public facilities, and so forth. But we need to try to go through and separate the immediate and make sure that measure of support as quickly and as expeditiously as possible is brought to the area to address the problem and distinguish them from those longer term projects and interests that have been proposed.

When our committee met, it was, I think, up to 10 Senators from the affected States testifying. We heard a number of suggestions about the number of things that ought to be incorporated into this legislation. Mitigation was one major issue. Mitigation simply is preparing for the next storm so we can mitigate or lessen the damage that occurred from the storm that we just incurred. But mitigation is a long-term project. It is not something that can be immediately entered into.

Interestingly enough, on the proposals that were presented before the committee, many were contradictory. Some thought that burying wires underground would prevent, obviously, tree limbs from taking them down and losing power on above-ground wiring. In a city like Manhattan, Boston, or a major metropolitan area or in any city, it is an enormously expensive project.

While that seemed initially to meet some success, then one of the experts who was testifying said, well, wait a minute. The flooding that occurs with this would go in and would corrode the piping and corrode a lot of the systems and the switches, and that might not be the best thing to do. I don't know whether that is better to do or not better to do, but it is certainly something that needs to be examined carefully and vetted before we commit to that type of project.

Others said we should rebuild the sand dunes and sand islands offshore to provide barriers. There was the piece, I think it was in the New York Times, that basically said this has shown some real promise in terms of protecting areas by having sand barriers off coast.

Other experts came in and said, well, yes, sometimes that works and sometimes it doesn't work, and you need to be careful how and where you build these. It is not the panacea, it is not the be-all and end-all of how you prevent this type of damage, but it clearly is something that we ought to look at, clearly something we ought to examine. But making a decision now in the weeks' aftermath of the storm, just days from adjournment, and saying this is why we need $13 billion toward mitigation projects—without vetting those projects, without examining those, having experts look at it and tell us what they think would work, how much it would cost, setting the priorities of what ought to be first, what ought to be done and what, perhaps, might not work and be postponed—all of that requires a process.

If we are going to be responsible with the taxpayers' dollars at a time of this fiscal crisis, and particularly now, it seems to me the most logical and responsible way to move forward is to identify the immediate needs and provide the immediate funding to address those needs.

Secondly, on those needs that are longer term, go through the process. That is why we have committees. That is why we have procedures in place, to identify how best to move forward and spend the taxpayer dollars in a useful way that doesn't turn out to be a waste

of money and deny us the opportunities to do the mitigation or other repairs that may be needed.

The additional funding, of course, this is a short-term proposal. It goes through March 27. It addresses those needs that fall into that category that meet the criteria of what we set out when we told our staff on the Appropriations Committee to go through and scrub the bill that was put before us and separate out that which was needed now from that which could be done later. That criteria excluded funding for projects not related to Sandy.

There is the long list of requests out there for previous disasters. Mitigation was for future disasters that may or may not come. On mitigation, we said let's set that aside for later deliberation.

On nonrelated issues, such as cleaning up the tsunami debris on the west coast, those expenditures put in this $60.4 billion proposal by the administration and brought to this Senate floor, if it is not related directly to this storm, let's set those aside for the procedures that were being dealt with before Sandy occurred or put those procedures in place to deal with it afterward. So unrelated items and unsubstantiated items, those are where all the facts weren't in, where these were estimates that had not been certified and not substantiated in a way that I think puts us in a position to make the correct decisions in terms of going forward.

So under that criteria, we came up with a proposal that is a little bit of a work in progress, but totals around $24 billion.

Mr. LEAHY addressed the Chair.

Mr. COATS. I yield to the Senator, but I would like to finish my remarks, if I could. I know we all have time commitments.

Mr. LEAHY. I am only going to make a short unanimous consent request, if I could.

Mr. COATS. I yield to the Senator.

ORDER FOR RECESS

Mr. LEAHY. Mr. President, I ask unanimous consent that upon the completion of the distinguished Senator's remarks the Senate stand in recess subject to the call of the Chair.

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

The Senator from Indiana.

Mr. COATS. Mr. President, the concept behind this, of course, is to be as careful as we can with the taxpayers' money and make sure that each dollar spent is spent on something that has been thoroughly examined, looked at, vetted, scrubbed, and determined to be necessary going forward. We have to determine the share, the cost share for the State and local communities; what that percentage ought to be that comes from the State and the local communities as opposed to the Federal Government.

We have to determine how to best go forward with the best project that can, hopefully, prevent future damage should a second storm or subsequent storm occur. We have to look at a whole number of factors and make judgments. That is what we are elected to do.

When the taxpayers send their money into the Federal Government, they don't want us to just throw up a number and throw some wish list out and throw out money at unsubstantiated and unscrubbed projects that are proposed. So I am not suggesting that everything in the proposal, the $60.4 billion, is not necessary. I am simply saying give us some time, at least these 3 months through March 27, to have our committees and have the experts look at these proposals and make sure it is substantiated.

So we remove the unsubstantiated, the mitigated, the non-Sandy related. We have removed all that from this program, and that is how we arrived at this number.

Now, I could go through a number of examples—I don't think I need to do that at this particular point in time. When we look at the various categories this falls into, sometimes we matched exactly what it was in the administration's bill, saying this is an accurate number.

Flood insurance, for instance, we require people living in flood zones to buy flood insurance. They buy the flood insurance, and they are looking for their check. If the estimate has been made, and it has been made actuarially and through the procedures of FEMA and all those evaluating the cost, and the decision is made and the number is determined and certified, then a check is written and those people can move on to their lives. That is an immediate need.

We can't tell people to pay their premiums and we will somehow find a way to get their checks to them a year from now. This is an immediate need. In that regard, we have matched their request made by the Flood Insurance Program to provide the borrowing authority so that they can cut those checks. Whether it is Christmas or the middle of the year, those people need to get their lives back together and we want to get that money to them.

So as you go through the list here and the categories, as you compare what we have provided and what was provided in the larger bill, you find congruence in a number of areas, but a number of other areas, which I have generalized in terms of mitigation, in terms of community development block grants, all these take time to come to fruition, to be put together. The plans need to be vetted and approved. They are not necessary to provide the necessary immediate need and aid that is for the people who are suffering from the consequences of this storm. If we go through all that and scrub it, we arrive at a considerably lower number.

But I want it said that this number, while higher than some would like and lower than others would like, is a carefully thought-through, reasonable number to take care of needs for now, through this Christmas season and all the way to March 27. This Congress will then revisit the matter and see what else is needed. But during that time, we will be able to also carefully work through the estimates, substantiate those estimates, certify that. Then, obviously, I think those proposing will have a much better foundation to stand on in terms of what they are requesting, and those of us who are trying to be very careful with the taxpayers' dollars will be able to assert or state why we think this may not be necessary at this time or perhaps doesn't fall in the category of being related to Sandy.

We all know when some emergency supplemental comes to the Halls of Congress, a lot of people reach in their pocket, pull out their wish list, waiting for the next train that has to be something we will move through quickly, has to be something signed by the President because it is designated as an emergency. They throw on their wish list of unresolved, unfunded projects that perhaps are legitimate, perhaps maybe just earmarks or something that needs a train to hook onto in order to get passed. That is what we want to try to avoid.

As I said, I will be filing this amendment, which hopefully will be seen as an alternative to give Members a choice in terms of how best to move forward in dealing with this legitimate supplemental emergency provision.

With that, I yield the floor.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, at 5:18 p.m., the Senate recessed subject to the call of the Chair and reassembled at 9:46 p.m., when called to order by the Presiding Officer (Mr. WHITEHOUSE).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT—Continued

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, is the substitute now pending?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3338 WITHDRAWN

Mr. LEAHY. Mr. President, I withdraw the pending substitute amendment No. 3338.

The PRESIDING OFFICER. The Senator has that right and the amendment is withdrawn.

Mr. LEAHY. Mr. President, I yield to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I express my appreciation to the manager of this

bill, Senator LEAHY. He and I have worked together on the Appropriations Committee for more than a quarter of a century.

AMENDMENT NO. 3395

(Purpose: In the nature of a substitute)

Mr. President, I have a substitute amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3395.

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

AMENDMENT NO. 3396 TO AMENDMENT NO. 3395

Mr. REID. Mr. President, I have a first-degree amendment to the substitute which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3396 to amendment No. 3395.

The amendment is as follows:

At the end, add the following new section:

Sec. ___.

This Act shall become effective 7 days after enactment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3397 TO AMENDMENT NO. 3396

Mr. REID. Mr. President, I have a second-degree amendment at the desk, and I ask for it to be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3397 to amendment No. 3396.

The amendment is as follows:

In the amendment, strike ''7 days'' and insert ''6 days''.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion to the substitute 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 substitute amendment No. 3395 to H.R. 1, an act making appropriations for the Department of Defense and other departments and agencies of the Government for the fiscal year ending September 30, 2011.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Mark Begich, Joe Manchin III, Tom Harkin, Jeff Bingaman, Mary Landrieu, Christopher A. Coons, Amy Klobuchar, Bill Nelson, Debbie Stabenow, Jack Reed, Kirsten E. Gillibrand, Tom Udall, Bernard Sanders, Sheldon Whitehouse.

AMENDMENT NO. 3398

Mr. REID. Mr. President, I have a first-degree amendment to the text of the language proposed to be stricken which is at the desk, and I ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3398 to the language proposed to be stricken by amendment No. 3395.

The amendment is as follows:

At the end, add the following new section:

Sec. XXXXXXXXX

This Act shall become effective 5 days after enactment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3399 TO AMENDMENT NO. 3398

Mr. REID. Mr. President, I have a second-degree amendment which is at the desk, and I ask for it to be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3399 to amendment No. 3398.

The amendment is as follows:

In the amendment, strike ''5 days'' and insert ''4 days''.

MOTION TO COMMIT WITH AMENDMENT NO. 3400

Mr. REID. Mr. President, I move to commit the bill, H.R. 1, to the Appropriations Committee, with instructions that are at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill, H.R. 1, to the Committee on Appropriations with instructions to report back forthwith with an amendment numbered 3400.

The amendment is as follows:

At the end, add the following new section:

Sec. _____.

This Act shall become effective 3 days after enactment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3401

Mr. REID. Mr. President, I have a first-degree amendment to the instructions at the desk, and I ask the Chair to have that reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3401 to the instructions of the motion to commit H.R. 1.

The amendment is as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3402 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, I have a second-degree amendment at the desk, and I ask for it to be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3402 to amendment No. 3401.

The amendment is as follows:

In the amendment, strike ''2 days'' and insert ''1 day''.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion to the underlying bill 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 H.R. 1, an act making appropriations for the Department of Defense and other departments and agencies of the Government for the fiscal year ending September 30, 2011.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Mark Begich, Joe Manchin III, Tom Harkin, Jeff Bingaman, Mary Landrieu, Christopher A. Coons, Amy Klobuchar, Bill Nelson, Debbie Stabenow, Jack Reed, Kirsten E. Gillibrand, Tom Udall, Bernard Sanders, Sheldon Whitehouse.

FLOOD CONTROL

Mr. LAUTENBERG. Mr. President, I rise today to engage in a colloquy with my friend Senator LEAHY, who is managing the Senate Supplemental Appropriations bill. The bill includes funding and language provisions for the U.S. Army Corps of Engineers that will help construct and improve crucial flood control projects in areas impacted by Hurricane Sandy, including along the Jersey Shore. Mitigation projects along the coast are critical to preventing future damage, and that's why I am pleased that language is included in the bill to authorize projects for construction that are currently in the study phase. This provision will expedite flood control efforts in flood-prone areas impacted by Hurricane Sandy, and I am pleased Senator LEAHY agrees this is a valuable initiative.

Mr. LEAHY. I am pleased to work with Senator LAUTENBERG on this

issue. New Jersey, New York, and other States throughout the region were devastated by Hurricane Sandy. In particular, flood-prone areas and the coastline experienced severe damage. That is why the Supplemental Appropriations bill includes funding and language to improve damaged projects, construct new projects to prevent future damage, and to authorize projects in the study phase for construction, provided that the Corps of Engineers determines doing so would cost-effectively reduce flood and storm damage risks.

Mr. LAUTENBERG. Requiring the Corps of Engineers to determine whether potential projects in affected areas can cost-effectively reduce flood and storm damage risks before receiving construction authorization is a valuable goal. However, Hurricane Sandy changed the conditions of many projects, which could increase the final cost of those projects. Also, many homes and businesses in flood-prone areas were destroyed. This could lead to a decrease in the value of property protected by proposed projects. Therefore, the combined impact of increased project costs and a reduction in the value of property that would be protected by planned flood control infrastructure could result in a calculation that shows a higher project cost with lower economic benefits. Does the Senator agree that the language regarding the cost-effectiveness of flood and storm damage efforts under consideration for construction authorization is not intended to disqualify projects that could have increased costs and decreased economic benefits as a result of Hurricane Sandy?

Mr. LEAHY. Yes. The language does not intend for the Corps of Engineers to disqualify studies under consideration for construction authorization based on increased costs and decreased economic benefits as a result of Hurricane Sandy. In addition, the term ''cost-effectiveness'' does not refer to the benefit to cost ratio typically used by the Corps of Engineers.

Mr. LAUTENBERG. I thank Senator LEAHY, along with Energy and Water Development Appropriations Subcommittee Chairman DIANNE FEINSTEIN, who has jurisdiction over the Corps, for their work on this vital bill, which would help states affected by Hurricane Sandy recover and prepare for future storms. It includes important language to allow projects in the study phase to be constructed and does not intend to disqualify projects with increased costs and decreased economic benefits as a result of Hurricane Sandy. Given that this process is different than standard practice, does the Senator agree that the Corps of Engineers should submit a report to Congress to explain the process that will be implemented?

Mr. LEAHY. Yes. The Corps is directed to submit a report to the Committee on Appropriations on its proposed process for determining cost-effectiveness, in accordance with the aforementioned intentions, no later than 45 days following enactment of this Act.

GREAT LAKES DREDGING FUNDING

Mr. LEVIN. Mr. President, I want to bring attention to a significant disaster situation in the Great Lakes region. As a result of a deadly combination of the Midwest drought and an unusually warm winter, the Great Lakes are at near record low water levels. The Army Corps of Engineers reports that Lakes Michigan and Huron are more than 2 feet below their long-term average. Lake Superior is more than 1 foot below its long-term average. Keith Kompoltowicz, chief of watershed hydrology for the Army Corps of Engineers, has said regarding the Great Lakes water levels, ''There is a good chance of setting record lows.'' The situation in the Great Lakes has resulted in freighters getting stuck in channels, ships carrying reduced loads leading to millions of dollars in losses, harbors closing or being threatened with closure, and so-called Harbors of Refuge not being able to provide shelter to boaters in distress.

Ms. STABENOW. Mr. President, I share my colleague's deep concern with the low water levels in the Great Lakes. This is, without a doubt, a disaster for the communities who rely on our harbors and waterways. The Great Lakes provide jobs for more than 800,000 Michigan residents, and low water levels in the lakes are threatening those jobs. The Great Lakes support a $7 billion fishing industry, and a $16 billion recreational boating industry. However, weather disasters this year have resulted in water levels in the Great Lakes near record lows. Normally we count on spring rains and snow melt-off to raise the level of the lakes. But this spring we saw only a 4 inch rise in Lake Michigan and Lake Huron, one-third of the normal level. And for the first time on record, there was no spring rise in levels of Lake St. Clair and Lake Erie. Due in part to the summer heat wave, at the height of which every single one of Michigan's 83 counties was declared a disaster area, 2012 was also marked by evaporation rates over 50 percent above average for the 4 largest lakes. There is no question that the shipping channels and harbors of the Great Lakes are in distress. We cannot reverse the drought, but we can support the dredging projects necessary to ensure that the 139 Federal harbors and waterways in the Great Lakes region can continue to serve our Nation's economy.

Mr. BROWN of Ohio. While the water levels are at historic lows in Lakes Michigan and Huron, Lake Erie, which my State borders, also has water levels below its long-term average. Because the Great Lakes navigational system is interconnected, with shipments often moving from Duluth to Cleveland to Buffalo, a problem in one harbor can have negative impacts across all of the 60 commercial projects in the Great Lakes system. The light-loading of ships has repercussions across our transportation system with very real impacts on jobs and our manufacturing and agricultural sectors. This year's drought across Ohio, Michigan, and other parts of the upper-Midwest has been nothing short of a natural disaster.

Mr. LEVIN. In addition to response, recovery and mitigation related to Hurricane Sandy damage, I also understand this bill provides funds to help respond to other natural disasters. I would ask the manager of the bill, Senator LEAHY, is that correct?

Mr. LEAHY. Yes, that is correct. The Supplemental Appropriations bill includes some funding related to natural disasters other than Hurricane Sandy.

Mr. LEVIN. Would the near-historic low water levels of the Great Lakes caused by drought and mild winters be considered a natural disaster?

Mr. LEAHY. The bill does not define ''natural disaster,'' but the near record water level lows in the Great Lakes caused by drought and unusually warm weather leading to increased evaporation are certainly contributing to significant drought-like consequences at Great Lakes ports and harbors.

Mr. LEVIN. I thank the Senator. I am pleased the bill includes $821 million to dredge federal navigation channels and repair damage to Corps projects nationwide related to natural disasters. Would federally-authorized Great Lakes harbors and channels be eligible for that funding?

Mr. LEAHY. Yes. The funding is tied to estimates of natural disaster damages relayed to Congress by the Corps, however, the funding is not earmarked to specific projects. The Corps utilizes this funding to restore essential project functions based on the Corps' priority of the damages. In that context, Great Lakes ports and harbors would be eligible for the funding.

Mr. LEVIN. I thank the Senator for his clarification. The Army Corps of Engineers estimates that $35 million could be utilized in operations and maintenance funding just to restore minimum operations in the Great Lakes system. I am hopeful that $35 million of the $821 million for dredging will be directed to Great Lakes projects. I thank the Senator for his work on this important legislation, and I thank my friends for their support in addressing the low water level impacts on the Great Lakes navigational system through this supplemental appropriations bill.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

ORDER OF BUSINESS

Mr. REID. Mr. President, I filed cloture on the substitute amendment and the bill itself. I have had a conversation with the Republican leader earlier this evening. I am hopeful we can get a list—a short list—of amendments and a path to complete work on this bill as soon as possible. The FISA bill is something we have to do before we leave. I have said that several times this week. I have had conversations with several interested Members. I am hopeful we can get an agreement to complete action on this matter tomorrow.

The DOD authorization conference report, they have completed that work. It has been tedious and very hard. Senator MCCAIN and Senator LEVIN have worked very hard. We are hopeful we can lock in an agreement to vote on that tomorrow. We also have to confirm three district court judges. We hope to be able to do that tomorrow. We have a lot of work to do.

The House, as we speak—how to say this in a kind way. They are trying to come up with something. They have had to work all day to come up with something. We are waiting for their ''something.''

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MERKLEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

NATIONAL DISASTERS

Mr. MERKLEY. Mr. President, tonight we are wrapping up affairs here on the floor, and what is going on right now is that the main substitute amendment that had a whole series of other amendments attached to it that has been the result of the work over the last couple of days has been withdrawn, so we are back to square one in terms of addressing a series of national disasters around the country.

Tomorrow, with the new amendment, we will start off the day with a new basic amendment and a new chance to have amendments to the replacement. I explain this simply to say that a number of Senators who had amendments over the last couple of days will come back tomorrow and will ask to have their amendments be considered. I will be one of them, and I wanted to explain why.

In my home State of Oregon, we had the worst forest fires in a century this summer, and the devastation to ranchers and farmers was enormous. There was the loss of forage on their own land, the loss of forage on BLM land, certainly the loss of livestock, and the loss of miles of fencing in these fires. Basically, whole ranching enterprises were destroyed.

The largest of these fires was larger than the Presiding Officer's State, the State of Rhode Island. That is an enormous fire. That was just one of the many fires we had sweeping our State, and this was not just something that happened in Oregon. This happened in many States this summer because it goes along with something else, which is we had the worst drought in many parts of the country. So we have farmers and ranchers across this Nation devastated this past summer by drought, devastated by fires which were larger because of drought conditions.

Normally we would have had disaster programs to assist with these disasters. These disaster programs were authorized in the farm bill. In this Chamber we had a bipartisan coming together. We passed the farm bill, and we sent it over to the House. There it has sat, month after month after month, while our farmers and our ranchers all across this Nation faced these disasters with no assistance, no assistance in a situation in which they should be able to expect assistance. It is the tradition of our Nation that when there are extraordinary disasters, we rally together, respond and rebuild those communities, whether they be urban disasters or whether they be rural disasters. But because the farm bill has not been passed, not gotten to the President, these disaster programs have not been reauthorized, and our farmers and ranchers watch us and wait. They say where is our government, our partner, when disaster occurs?

They know the tax dollars they pay go into the central government and have many times been allocated to others around this Nation facing disasters of all kinds—earthquakes, hurricanes, floods, droughts. But these individuals, now that Mother Nature has struck them, stand waiting.

We have an opportunity tomorrow to right this wrong. We have a bill that is about the enormous terrible disaster that affected our Northeastern States in the form of Hurricane Sandy.

We should be absolutely expedient in taking care of communities so dramatically affected. But at the same time, isn't it right that we take care of the other communities around this country that have faced disasters this last year that are waiting on us?

I invite my colleagues to come to the floor and explain to me if they feel it is not right to take care of the other disasters we have had this last year. I would like to be able to go to the ranchers and farmers in my State and explain to them the arguments that others might bring about why their disaster, the destruction of their livelihood that the great hand of Mother Nature struck, why we shouldn't address and assist them when we are assisting others so dramatically affected around this Nation. Quite frankly, I have no answer. I have no answer. I can't think of an answer.

Will any of my 99 colleagues come to me and explain why we shouldn't pass this amendment tomorrow, the amendment that I will propose? I will tell you that a number of us came together to propose this amendment. Senator STABENOW, Senator MCCASKILL, Senator BAUCUS, Senator WYDEN, Senator TIM JOHNSON, Senator FRANKEN, Senator TOM UDALL, representing all kinds of parts of our Nation, who understand the impact that drought has had, understand the impact the fires have had. They have come together from different parts of the Nation to say we are in this together. Let's not leave stranded our ranchers and farmers when we gather to debate tomorrow. Let's let this amendment be brought forward, and let's get it passed as part of this very appropriate response to this very terrible disaster called Hurricane Sandy.

LIMITED SERVICE EXCLUSION

Mr. PRYOR. Mr. President, I rise today to address an issue that has arisen between companies within the moving industry. Recently, a group of full-service moving companies has attempted to change rules established by law, regulations, and court findings. These full-service moving companies are aiming to undermine the clear intent of Congress by avoiding the formal rulemaking or legislative process. The changes sought would benefit their companies and damage their competitors within the sector.

In recent years, full-service moving companies have faced new competition from a growing number of companies that allow consumers a ''do it yourself'' alternative to more expensive, traditional movers. Some general freight motor carriers have been offering ''do it yourself'' consumers an option for moving: a non-household goods motor carrier drops off empty containers or trailers at the consumer's doorstep for the consumer to load, the consumer loads the trailer—individually, with help from neighbors, or by hiring a third party. After loading, the consumer calls the container company or freight carrier to pick up the container or trailer, the container company then arranges for an authorized general freight or flatbed carrier to pick up and haul the loaded container, dropping it off on the requested delivery date for the consumer to unload; and the carrier returns to pick up the empty container or trailer when unloaded. The customer is able to purchase the level of service he or she wants and manage the process themselves from start to finish.

Mr. President, that is precisely the type of service alternative Congress intended to encourage when it included the so-called ''Limited Service Exclusion'' in the ''Household Goods Mover Oversight Enforcement and Reform Act

of 2005,'' enacted as §§ 4201–16 of Pub. L. No. 109–59, 119 Stat. 1144 (2005), now known as ''SAFETEA-LU.'' This Limited Service Exclusion, codified at 49 U.S.C. § 13102 (12)(c), expressly states that:

The term [household goods motor carrier] does not include a motor carrier when the motor carrier provides transportation of household goods in containers or trailers that are entirely loaded and unloaded by an individual (other than an employee or agent of the motor carrier).

I sponsored this provision and worked with others in Congress to incorporate this Limited Service Exclusion into law and want to be clear of the intent of the law. The ''Limited Service Exclusion'' was intended for the non-household goods motor carrier that drops off empty containers or trailers, which are loaded by the consumer or a third party, and then delivered or stored by the container company or freight carrier. The exclusion's intent was to keep portable container supply companies and general freight carriers from the regulations required for household good movers.

The written guidance that has been requested by the full-service moving companies are pushing would ignore the Limited Service Exclusion's intent by blocking portable container supply companies and general freight carriers from relying on this statutory exclusion to work together and with the do it yourself consumer to move the consumer's belongings to his new home. That requested interpretation would reverse decades of legal precedent and rule that if the container supplier or general freight carrier refers the consumer to a third party who provides the labor to load or unload the containers and trailers, and the consumer elects to use those services, this third party automatically becomes the ''agent'' of that container company or trucking company. This attempted change of the statute with its anticompetitive effects is exactly the opposite of what I and my colleagues in the Senate and the House who voted for SAFETEA-LU intended.

The traditional moving companies urge the FMCSA to adopt a definition of ''agent''—as such term is used in the Limited Service Exclusion. This would result in greater costs to consumers and will prevent container and general freight carriers from using the Limited Service Exclusion as Congress intended. The FMCSA already has embedded in its regulations the ideal basis for arriving at a definition of ''agent'' that is consistent with our intent. The FMCSA's own regulation, 49 CFR § 375.103, requires it to apply the ''ordinary practical meaning'' to the term ''agent.'' The ''ordinary practical meaning'' of the term agent is well settled as a matter of black letter law and there is no cause for a federal agency to attempt to further interpret such a well-established term. Simply put, the definition compels a finding that: as long as the container or freight carrier does not control the third party who the consumer engages to load and unload the container or trailer, the carrier does not authorize the third party to act for and on behalf of this carrier, and the third party does not agree to act on behalf of the carrier, then the third party is not the agent of the carrier. Facilitating the consumer to contract with a third party that provides loading and unloading services does not create an agency relationship as we intended that term in the Limited Service Exclusion. Moreover, on a related issue, the Limited Service Exclusion should remain intact even if the carrier receives compensation for facilitating the consumer to contract with packing and loading providers, provided that the carrier does not have an agency relationship with the packing and loading providers.

Mr. RUBIO. Mr. President, as Senator PRYOR points out, the clear intent of Congress in adopting the Limited Service Exclusion section of SAFETEA-LU was to ensure cost-conscious, budget-driven consumers will continue to have the option to choose low-cost moving services for their goods. Although I was not a member of Congress when SAFETEA-LU was passed, you can plainly see that Congress made it clear in another section of SAFETEA-LU that it was codifying and preserving decades of law developed and perpetuated at the FMCSA, its predecessor the Interstate Commerce Commission, and the courts that authorize general commodity motor carriers lacking household goods authority to transport household goods as long as they do not perform specialized household goods related services such as loading and unloading. Here is what Congress added to SAFETEA-LU, now codified at 49 U.S.C. § 13102(12)(B):

The term [''household goods motor carrier''] includes any person that is considered to be a household goods motor carrier under regulations, determinations, and decisions of the Federal Motor Carrier Safety Administration that are in effect on the date of enactment of the Household Goods Mover Oversight Enforcement and Reform Act of 2005.

The definition of ''household goods motor carrier'' that Congress sought to preserve and perpetuate focuses on the nature of the services performed, not on the commodity itself. If the motor carrier provides specialized household goods related services—packing, loading, unloading, etc.—for the consumer, the carrier must be deemed a ''household goods motor carrier'' with respect to the goods it transports under a long line of court, FMCSA and ICC decisions and implementing regulations. Conversely, if the carrier (or its agent) does not perform those specialized services in conjunction with those household goods, it may transport them without being registered and regulated as a ''household goods carrier.'' This emphasis on the nature of the carrier services performed and not the nature of the commodity itself is also at the very heart of and reflected in the appropriately named ''Limited Service Exclusion.'' The interpretation that the traditional movers advocate would overturn, not preserve, agency precedent and arrive at a definition of ''household goods motor carrier'' that unlawfully contravenes the service-based exclusion codified in 49 U.S.C. § 13102(12)(c).

Mr. PRYOR. Along with the growth of general freight motor carriers and container-supply companies catering to the needs of do-it-yourself consumers, we have seen some of these same companies become regulated property brokers and step forward in this capacity to assist these consumers. For a negotiated fee, they offer to arrange with portable container companies and general freight carriers to place the containers and trailers for loading and to have them transported to their destinations when loaded. To counteract this middleman-service, the full-service traditional moving companies are now urging the FMCSA to require do it yourself consumers desiring broker assistance to engage only brokers registered with and regulated by the FMCSA as ''household goods brokers'' to make these arrangements on their behalf and to require them to use only registered, full-service ''household goods motor carriers'' to perform the underlying transportation.

Their principal argument relies upon a false negative inference they want the FMCSA to draw from the absence of a similar ''Limited Service Exclusion'' from the ''household goods broker'' definition for brokers that arrange household goods moves for do-it-yourself consumers. This effort at changing the meaning of the statute further obstructs the intent behind the Household Goods Mover Oversight Enforcement and Reform Act of 2005. We want the consumers to have access to low-cost transportation services as an alternative to the traditional full-service moving companies when motor carriers, lacking specific household goods authority and not providing specialized household goods related services, perform the underlying transportation in reliance upon the Limited Service Exclusion codified at 49 U.S.C. §13102(12)(c). No broker-specific Limited Service Exclusion is required: if the underlying motor carrier service does not provide packing and loading services, then the motor carrier need not hold household goods authority from the FMCSA. In turn, the broker engaged by the consumer to arrange the transportation (without any packing and loading services) likewise need not hold household goods broker authority and need not use a household goods motor carrier. Accordingly, a motor carrier authorized to haul property (excluding household goods) can perform the move.

Mr. RUBIO. Mr. President, as Senator PRYOR has articulated, the FMCSA should not suppress competition in the moving industry, and my fear is that this would happen if the

agency eliminates an important moving option for do-it-yourself consumers. This would economically hurt the principal users of portable storage companies, namely the middle class, military, students and other price conscious consumers. For these reasons and the others mentioned by my colleague, it is my sincere hope that the FMCSA preserves the rights of consumers, as intended by Congress, to ready and unfettered access to lower cost options with respect to moving their household goods.

TRIBUTES TO DEPARTING SENATORS

DAN AKAKA

Mr. LEVIN. Mr. President, for the last 22 years, DANIEL AKAKA has represented the people of Hawaii in this body. They have been the better for his service, and I have greatly appreciated the wisdom, humility, and passion with which he has served here.

One issue on which we have been able to work closely as fellow members of the Homeland Security and Governmental Affairs Committee is oversight of the Federal workforce, a key issue for his State and for taxpayers everywhere. Senator AKAKA's passion for Federal workforce issues comes from his passion for public service and for effective government. Just in this Congress, I was an original cosponsor of his Federal Whistleblower Protection Act, to strengthen the law protecting Federal employees who bring to light fraud, waste, and abuse in Federal programs. That Akaka bill is expected to be signed into law before the end of the year. Also this Congress, I was proud to cosponsor his Hatch Act Modernization Act to allow hard-working employees of State and local governments, who are covered by the Hatch Act, to serve as elected officials in their communities.

In addition to his focus on Federal workforce issues, Senator AKAKA has long been a valued member of the Armed Services Committee. We have worked together on legislation to reform Defense Department business and financial management systems; strengthen oversight and accountability of wartime contracting; and strengthen the Defense Department's management of the substantial funds it spends to acquire property and services.

Senator AKAKA joined in 2002 with Senator INHOFE to form the Senate Army Caucus, and through this bipartisan group they have focused welcome attention on the programs and needs of our Army. Senator AKAKA, himself an Army veteran, has been an important source of insight into the challenges facing our soldiers and their families.

Of course, as the former chairman of the Veterans' Affairs Committee, Senator AKAKA has long demonstrated an intense dedication to those who have helped defend our Nation. His steadfast advocacy for veterans health programs, education benefits, and other important programs has made a significant and lasting impact on the lives of veterans and their families.

When people describe DANIEL AKAKA, one of the first words used to describe him is ''humble.'' He is indeed that. He has been a dedicated and principled servant of the people of Hawaii and our Nation, an unfailing ally of our veterans and their families, and a valued colleague and friend. I will miss him, and I will always remember how he taught us that gentleness and effectiveness are not mutually exclusive characteristics.

HERB KOHL

Mr. President, in his four terms representing the State of Wisconsin in this body, Senator HERB KOHL's focus has been precisely where it should be: the welfare of the people of his State and of our Nation. Whether in supporting American manufacturers and the jobs they provide, in fighting for protection from crime and for adequate nutrition for our children, in protecting senior citizens from elder abuse, or in preserving the Great Lakes that our two States share, Senator KOHL has accomplished much on behalf of American families.

I have been fortunate to work closely with Senator KOHL on issues of vital importance to our States. He has long been a strong supporter of the Manufacturing Extension Partnership, which helps U.S. manufacturers with technical support and services that make them more efficient and competitive in the global marketplace. His support for adequate MEP funding has made a significant difference for American companies and workers.

Now, we in Michigan bow to no one in our love for the Great Lakes, but even I would admit that Wisconsin, second only to Michigan in its length of Great Lakes coastline, is a close competitor. As a member of the Great Lakes Task Force, which I cochair, he has supported cleanup of toxic hot spots, the fight against invasive species, protecting Great Lakes water quality, and sufficient funding for the Great Lakes Restoration Initiative.

We have also shared an interest in consumer protection. Senator KOHL chairs the Judiciary Committee's Subcommittee on Antitrust, Competition Policy and Consumer Rights, and from that platform, he has battled those who would prey on American consumers, whether they are abusive credit card companies or oil-exporting cartel nations.

But where Senator KOHL has left what may be his most lasting impression is in his hard work on behalf of our Nation's most vulnerable citizens: children and seniors. He has long advocated solutions to help make college more affordable. He has helped expand the availability of nutritious breakfasts for school-age children and programs to help parents afford food on the table for their families. He has worked to strengthen afterschool programs. And in 2007 and again in 2008, he introduced the Patient Safety and Abuse Protection Act, which allowed employers to perform background checks on nursing home employees to help prevent elder abuse. When this legislation was included in the Affordable Care Act in 2009, it was a major step forward for patient safety.

I will miss working with HERB KOHL on these and many other issues. I will miss the opportunity to give him a hard time whenever our Detroit Pistons beat his Milwaukee Bucks. I hope we can continue the important work he has helped move forward: protecting good jobs, our Great Lakes, our students, and our seniors.

DANIEL K. INOUYE

Mr. WHITEHOUSE. Mr. President, today the State of Hawai'i, the Senate, and the United States mourn the loss of Senator Daniel Inouye.

Observers of the Senate today know Chairman Inouye as a poised, soft-spoken statesman: courteous and collegiate; shunning of the spotlight; above the petty churn of the partisan fray. But historians will remember him as a great patriot, a fierce warrior, a brave pioneer, and a great leader.

Chairman Inouye's unflinching commitment to his country withstood both the moral threat of having his family deemed ''enemy aliens'' and the direct physical threat of Nazi firepower. His famed ''Go For Broke'' 442nd Regimental Combat Team was made up of Japanese-American volunteers, but even among this exceptionally decorated group of men, Second Lieutenant Inouye exemplified exceptional bravery and sacrifice in what Winston Churchill described as the war ''to confront not only military but moral aggression.''

The fight to see the American values of freedom, justice, and equality fulfilled would continue beyond the war years and throughout Chairman Inouye's lifetime of service to his home state and his country. The new State of Hawai'i sent him to Washington as part of its very first delegation. The first Japanese American elected to Congress, he has been a champion of civil rights for women, Asian Americans, Native Hawaiians, and African Americans. Indeed, Chairman Inouye was the last surviving member of the Senate to have voted for the Civil Rights Act of 1964. He also ferreted out corruption at the highest level of government, serving on the Senate's select committee on the Watergate scandal, and chairing the investigation of the Iran-Contra arms affair.

But Dan Inouye was first and foremost a servant of the people of Hawai'i. Ever grateful for the faith they entrusted in him year after year, he worked to make sure they had every opportunity to achieve the full potential of the American Dream. I was honored that he joined me as an original member of the Senate Oceans Caucus,

and as a cosponsor of my bill to establish a National Endowment for the Oceans to protect the environment and economies that are so vital to both his home State and my own.

As his colleague and compatriot Senator DANIEL AKAKA said on the Senate floor in those first hours after we received the terrible news of Chairman Inouye's passing, ''He fulfilled his dream of creating a better Hawai'i.'' His wife Irene, his son Ken, his daughter-in-law Jessica, his stepdaughter Jennifer, and his granddaughter Maggie can all be proud of that legacy. My thoughts are with them in this, their time of loss.

As the old hymn tells us:

Now the laborer's task is o'er;
Now the battle day is past;
Now upon the farther shore
Lands the voyager at last.

Aloha, Dan Inouye.

ADDITIONAL STATEMENTS

TRIBUTE TO MIKE BURKE

• Mr. CARDIN. Mr. President, today I wish to thank and to honor an invaluable member of my Senate team, Michael Burke. As my Maryland projects director, Mike has been the key liaison between the Federal legislative process and the critical institutions of my home State of Maryland. As my top environmental adviser, Mike has been vital to each of my environmental priorities, from climate change to the Chesapeake Bay. Mike is a substantive expert, a keen strategist, a wise counselor, and an attentive mentor and friend to my entire team. He is a diligent public servant who leads quietly, by example, with the strength of his knowledge and skill. As he retires after an exemplary career of service, I am pleased to pay public tribute to this remarkable man.

Mike has devoted much of his career to protecting the natural splendor of Maryland and the Mid-Atlantic, particularly our iconic Chesapeake Bay. Before joining my team, Mike was associate director of the Environmental Protection Agency's Chesapeake Bay program. There, he dedicated himself to implementing solutions for the bay, which is the world's largest estuary, one of the most important water bodies in the Nation, and a natural resource that all Marylanders treasure. Shortly after I was sworn into the Senate, Mike joined my office as an EPA fellow. He demonstrated an incredible knowledge and understanding of the wide range of issues affecting Maryland, and I knew I needed to hire him as a permanent member of my staff. He brought his passion for the environment to his work in the Senate, skillfully leading efforts on environmental issues from Chesapeake Bay health to clean air, and from climate change to wildlife conservation. I will continue to fight hard for the issues and programs that Mike helped initiate.

Mike knows the ecological importance of the Chesapeake Bay and the impediments harming the bay's ecology because he has seen it all and experienced it firsthand. From Poplar Neck to Elk Neck, from Catoctin Mountain to Calvert Cliffs, from the Nanticoke to the Pocomoke, from Rocky Gorge to Sandy Point, Mike has experienced the natural wonder of our great State. It is his deep appreciation for the importance of protecting our State's natural resources that has made him such a valuable member of my staff.

In addition to his critical environmental work, Mike led my team in charge of instate projects. The key institutions of Maryland's public life our universities, our hospitals, our local governments, and community organizations have benefitted from Mike's expertise in navigating the legislative process and his commitment to fighting on behalf of the people of Maryland.

Mike's substantive knowledge and political acumen extend well beyond the bay and Maryland. His policy expertise led Senator BARBARA BOXER, the chairman of the Environment and Public Works Committee, to ask me if I would ''lend'' Mike to her committee during the committee's arduous work on both the 2010 climate bill and the 2012 Transportation bill. While his full-time service to my office was missed during those periods, I was pleased to see how much my colleague from California valued Mike's input and skill, and I was happy to see him brought in to help the chairman with these important committee initiatives.

In addition to his wealth of knowledge and strategic skill, Mike will be missed most of all for the warmth, integrity, and generosity of spirit that he brings to every encounter. When he first joined my office, he would occasionally send Maryland trivia questions around to the staff. His enthusiasm helped to broaden my team's—and even my own—knowledge of the great State of Maryland, and endeared him to everyone in the office. No matter how tough the circumstance and here in the Senate, we often face tough days—Mike is quick to declare with a smile that he has ''never had a bad day.'' He has committed himself to mentorship, voluntarily and enthusiastically spending hours working with more junior colleagues, guiding and advising them with a selflessness that is remarkable for being all too rare.

During the years, I am proud to say that I have come to value Mike not just as a staff member, but as a friend. He and his wife Pat have become favorites within the Cardin team, and I am pleased to have this opportunity to acknowledge Pat publicly as well. Her strong commitment to Maryland is evident not only in her own work in children's health care, but in her support of Mike's efforts here in these Halls, and I thank her for her contribution to the people of Maryland.

Mike's knowledge of the environmental issues of the day does not just stem from his professional experience, but also from his personal interest as an avid naturalist, bird watcher, kayaker, and overall lover of the outdoors. Mike is most at home among the natural spaces he treasures, either on the water in a sea kayak or walking along a nature trail. For several years, Mike has shared that passion with the community by writing a column featuring different species of Mid-Atlantic native and migratory birds in the ''Chesapeake Bay Journal.'' As with everything he does, Mike's columns always manage to include some of the quiet wisdom that is uniquely his. In a column about the common song sparrow, a local bird that is often overlooked in favor of those with brighter colors and flashier songs, Mike urges his readers to look beyond the bird's plain exterior to appreciate its unique contribution to the natural community. His words manage to capture something about his own steady, unassuming service to those around him. Mike writes, ''We lead quiet lives until some rare person decides to listen with abiding patience, waiting for us to finally step out from behind protective cover and softly announce our presence. And then anonymity gives way to the individuality that has been there all along.'' For me, for my team, Mike has always been both the quiet presence and the patient listener, working with steady determination for the people of Maryland. As he looks forward to a retirement filled with relaxation and the outdoor recreation that he loves, I am humbly grateful for his service. He will be missed.•

MESSAGES FROM THE HOUSE

At 9:46 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 285. An act for the relief of Sopuruchi Chukwueke.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6014. An act to authorize the Attorney General to award grants for States to implement DNA arrestee collection processes.

H.R. 6671. An act to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet.

At 12:27 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 bills, without amendment:

S. 3642. An act to clarify the scope of the Economic Espionage Act of 1996.

S. 3687. An act to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, to designate certain Federal buildings, and for other purposes.

The message also announced that the House passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 6504. An act to amend the Small Business Investment Act of 1958 to provide for increased limitations on leverage for multiple licenses under common control, and for other purposes.

H.R. 6621. An act to correct and improve certain provisions of the Leahy-Smith America Invests Act and title 35, United States Code.

H.J. Res. 122. Joint resolution establishing the date for the counting of the electoral votes for President and Vice President cast by the electors in December 2012.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3783) to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.

ENROLLED BILLS SIGNED

At 2:52 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 285. An act for the relief of Sopuruchi Chukwueke

H.R. 3783. An act to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other Purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

At 2:09 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 63. Concurrent resolution correcting the enrollment of S. 2367.

S. Con. Res. 64. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Daniel K. Inouye.

The message also announced that the Clerk of the House be directed to return to the Senate the bill (S. 2367) to strike the word ''lunatic'' from Federal law, and for other purposes, in compliance with a request of the Senate for the return thereof.

At 3:40 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the house passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6672. An act to reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

The message further announced that the House passed the following bill with amendments, in which it requests the concurrence of the Senate:

S. 1440. An act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

At 6:33 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6655. An act to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

MEASURES REFERRED

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

H.R. 6655. An act to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Health, Education, Labor, and Pensions.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 19, 2012, she had presented to the President of the United States the following enrolled bill:

S. 3193. An act to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8583. A communication from the Director of Program Development and Regulatory Analysis, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Expansion of 911 Access Loans and Loan Guarantees'' (RIN0572–AC24) received in the Office of the President of the Senate on December 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8584. A communication from the Manager of the BioPreferred Program, Office of Procurement and Property Management, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Designation of Product Categories for Federal Procurement, Round 9'' (RIN0599–AA15) received in the Office of the President of the Senate on December 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8585. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus subtilis Strain QST 713 Variant Soil; Amendment to an Exemption from the Requirement of a Tolerance for Bacillus subtilis Strain QST 713 to Include Residues of Bacillus subtilis Strain QST 713 Variant Soil'' (FRL No. 9369–3) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8586. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Extension of Tolerances for Emergency Exemptions (Multiple Chemicals)'' (FRL No. 9372–1) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8587. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Flubendiamide; Pesticide Tolerances'' (FRL No. 9373–3) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8588. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyriproxyfen; Pesticide Tolerances'' (FRL No. 9365–6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8589. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Picoxystrobin; Pesticide Tolerances'' (FRL No. 9370–8) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8590. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dodine; Pesticide Tolerances'' (FRL No. 9364–7) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8591. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clodinafop-propargyl; Pesticide Tolerance'' (FRL No. 9371–6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8592. A communication from the Acting Principal Deputy Assistant Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Purl K. Keen, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–8593. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Fiscal Year 2010 Report on the Department of Defense (DoD) Operation and Financial Support for Military Museums; to the Committee on Armed Services.

EC–8594. A communication from the Associate General Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Native American Housing Assistance and Self-Determination Reauthorization Act of 2008: Amendments to Program Regulations'' (RIN2577–AC80) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8595. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2012–0003)) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8596. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant

to law, the report of a rule entitled ''Groundfish Fisheries of the Exclusive Economic Zone Off Alaska and Pacific Halibut Fisheries; Observer Program'' (RIN0648–BB42) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8597. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gray Triggerfish Management Measures'' (RIN0648–BB90) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8598. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Black Sea Bass Fishery; Recreational Quota Harvested'' (RIN0648–XC303) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8599. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Electric Quarterly Report Filing Process'' (RIN1902–AD52) received in the Office of the President of the Senate on December 11, 2012; to the Committee on Energy and Natural Resources.

EC–8600. A communication from the Acting Administrator, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the Corporation's annual financial audit and management report for the fiscal year ending September 30, 2012; to the Committee on Environment and Public Works.

EC–8601. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a semiannual report relative to the status of the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–8602. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality Implementation Plans; California; South Coast Air Quality Management District; Prevention of Significant Deterioration; Greenhouse Gases'' (FRL No. 9749–6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8603. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; State of Wyoming; Regional Haze Rule Requirements for Mandatory Class I Areas under 40 CFR 51.309'' (FRL No. 9756–9) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8604. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone; Listing of Substitutes for Ozone Depleting Substances—Fire Suppression and Explosion Protection'' (FRL No. 9757–5) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8605. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Determination for Renewable Fuels Produced Under the Final RFS2 Program From Grain Sorghum'' (FRL No. 9760–2) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8606. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; South Bend/Elkhart, Indiana Ozone Maintenance Plan Revision to Approved Motor Vehicle Emissions Budgets'' (FRL No. 9761–1) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8607. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Fredericksburg 8-Hour Ozone Maintenance Area Revision to Approved Motor Vehicle Emissions Budgets'' (FRL No. 9760–9) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8608. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality Implementation Plans; California; San Joaquin Valley; Attainment Plan for the 1997 8-Hour Ozone Standards; Technical Amendments'' (FRL No. 9762–4) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8609. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; The 2002 Base Year Emissions Inventory for the Pittsburgh-Beaver Valley Nonattainment Area for 1997 Fine Particulate Matter National Ambient Air Quality Standard'' (FRL No. 9760–8) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8610. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District'' (FRL No. 9750–4) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8611. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Stormwater Regulations to Clarify that an NPDES Permit is not Required for Stormwater Discharges from Logging Roads'' (FRL No. 9758–9) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8612. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Outer Continental Shelf Air Regulations Consistency Update for California'' (FRL No. 9750–6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8613. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality Implementation Plans; California; Eastern Kern, Imperial, Placer, and Yolo-Solano; Prevention of Significant Deterioration'' (FRL No. 9739–5) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8614. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; State of Washington; Regional Haze State Implementation Plan'' (FRL No. 9722–9) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8615. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District'' (FRL No. 9736–6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8616. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval, Disapproval and Promulgation of State Implementation Plans; State of Utah; Regional Haze Rule Requirements for Mandatory Class I Areas under 40 CFR 51.309'' (FRL No. 9751–6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8617. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New York, New Jersey, and Connecticut; Determination of Attainment of the 2006 Fine Particle Standard'' (FRL No. 9763–6) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC–8618. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' (FRL No. 9372–8) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC–8619. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rule on Certain Chemical Substances; Withdrawal of Significant New Use Rules'' (FRL No. 9373–8) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC–8620. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; Infrastructure SIP Requirements for the 2006 PM2.5 NAAQS; Revisions to FIPs To Reduce

Interstate Transport of PM2.5 and Ozone; Correction'' (FRL No. 9763–3) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC–8621. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Permits for Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas and Permits for Major Stationary Sources Locating in Nonattainment Areas or the Ozone Transport Region'' (FRL No. 9763–4) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC–8622. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12–143, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KOHL, from the Special Committee on Aging:

Special Report entitled ''Alzheimer's Disease and Dementia: A Comparison of International Approaches'' (Rept. No. 112–254).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 1980, a bill to prevent, deter, and eliminate illegal, unreported, and unregulated fishing through port State measures (Rept. No. 112–255).

Report to accompany S. 2388, a bill to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes (Rept. No. 112–256).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1910. A bill to provide benefits to domestic partners of Federal employees (Rept. No. 112–257).

S. 241. A bill to expand whistleblower protections to non-Federal employees whose disclosures involve misuse of Federal funds.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 1100. A bill to amend title 41, United States Code, to prohibit inserting politics into the Federal acquisition process by prohibiting the submission of political contribution information as a condition of receiving a Federal contract.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 2234. A bill to prevent human trafficking in government contracting.

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. TOOMEY:

S. 3690. A bill to require the Government Accountability Office to include in its annual report to Congress a list of the most common grounds for sustaining protests relating to bids for contracts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself, Mrs. GILLIBRAND, and Mr. LAUTENBERG):

S. 3691. A bill to minimize the economic and social costs resulting from losses of life, property, well-being, business activity, and economic growth associated with extreme weather events by ensuring that the United States is more resilient to the impacts of extreme weather events in the short- and long-term, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 3692. A bill to amend title 32, United States Code, to authorize National Guard support for State and local efforts to keep schools safe from violence, and for other purposes; to the Committee on Armed Services.

By Mrs. BOXER:

S. 3693. A bill to enhance the safety of America's schools; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 3694. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance existing programs providing mitigation assistance by encouraging States to adopt and actively enforce State building codes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN (for himself, Ms. AYOTTE, Mr. ALEXANDER, Mr. BLUNT, Mr. MORAN, Mr. PAUL, and Mr. RUBIO):

S. 3695. A bill to amend section 5000A of the Internal Revenue Code of 1986 to provide an additional religious exemption from the individual health coverage mandate; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. DURBIN, Mrs. MURRAY, and Mrs. BOXER):

S. 3696. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WHITEHOUSE (for himself, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, and Mr. MERKLEY):

S. 3697. A bill to amend the Toxic Substances Control Act relating to certain mercury compounds, products, and processes; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself, Mr. LEAHY, Mr. AKAKA, and Mr. BROWN of Massachusetts):

S. 3698. A bill to amend title 40, United States Code, to improve veterans service organizations access to Federal surplus personal property; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. Res. 625. A resolution recognizing the January 12, 2013, opening of the United States Freedom Pavilion: The Boeing Center at the National World War II Museum in New Orleans, Louisiana, and supporting plans for other educational pavilions and initiatives; considered and agreed to.

By Mr. WARNER (for himself, Mr. WEBB, and Mr. MCCAIN):

S. Con. Res. 65. A concurrent resolution congratulating the Navy and the current and former officers and crew of the U.S.S. Enterprise (CVN 65) on completion of the 25th and final deployment of the vessel; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 32

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 32, a bill to prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes.

S. 35

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 35, a bill to establish background check procedures for gun shows.

S. 998

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1709

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1709, a bill to temporarily reduce interest rates for certain small business disaster loans, and for other purposes.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care and recognition of military working dogs, and for other purposes.

S. 3280

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

S. 3518

At the request of Mr. WYDEN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3518, a bill to make it a principal negotiating objective of the United States in trade negotiations to eliminate government fisheries subsidies, and for other purposes.

S. 3623

At the request of Mr. REED, the name of the Senator from West Virginia (Mr.

MANCHIN) was added as a cosponsor of S. 3623, a bill to extend the authorizations of appropriations for certain national heritage areas, and for other purposes.

S. 3635

At the request of Mr. COONS, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3635, a bill to provide incentives for States to invest in practices and technology that are designed to expedite voting at the polls and to simplify voter registration.

S. CON. RES. 62

At the request of Mr. BLUMENTHAL, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. Con. Res. 62, a concurrent resolution expressing the sense of the Congress that our current tax incentives for retirement savings provide important benefits to Americans to help plan for a financially secure retirement.

S. RES. 613

At the request of Mr. LIEBERMAN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Nevada (Mr. HELLER), the Senator from Michigan (Mr. LEVIN), the Senator from Rhode Island (Mr. REED) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 613, a resolution urging the governments of Europe and the European Union to designate Hizballah as a terrorist organization and impose sanctions, and urging the President to provide information about Hizballah to the European allies of the United States and to support to the Government of Bulgaria in investigating the July 18, 2012, terrorist attack in Burgas.

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Res. 613, supra.

S. RES. 618

At the request of Mr. LEVIN, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Arizona (Mr. MCCAIN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. Res. 618, a resolution observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy.

AMENDMENT NO. 3344

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 3344 proposed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

AMENDMENT NO. 3349

At the request of Mr. WHITEHOUSE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3349 intended to be proposed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

AMENDMENT NO. 3367

At the request of Mr. MERKLEY, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 3367 proposed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

AMENDMENT NO. 3381

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 3381 intended to be proposed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mrs. GILLIBRAND and Mr. LAUTENBERG):

S. 3691. A bill to minimize the economic and social costs resulting from losses of life, property, well-being, business activity, and economic growth associated with extreme weather events by ensuring that the United States is more resilient to the impacts of extreme weather events in the short- and long-term, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, today I am introducing the STRONG Act of 2012, or the Strengthening The Resilience of Our National on the Ground Act. This legislation will build upon existing extreme weather resiliency efforts to provide State and local actors with the tools and information they need to help prepare, plan for, and more quickly recover from extreme weather events. Hurricane Sandy has shown us that extreme weather remains a major challenge for our Nation.

Recently, extreme weather events have battered the nation, resulting in record-high losses for 2011 and more broken records in 2012. In the past 30 years, there have been more than 130 extreme weather events in the United States that generated at least $1 billion in devastating damages. Most recently, Hurricane Sandy resulted in more than 100 deaths, the evacuation of hundreds of thousands of people, power outages affecting more than 8.5 million homes, massive flooding, gasoline shortages, and a crippled regional energy and transportation infrastructure. Extreme weather ravaged every region of the United States this year, with drought conditions in more than 60 percent of the contiguous United States; deadly floods; destructive wildfires on more than nine million acres across 37 States; and deadly heat waves.

By building stronger communities, we can reduce the serious economic and human costs of extreme weather over the short and long term. For every $1 spent now on disaster preparedness and resilience-building, we could avoid at least $4 in future losses. We need to make our Nation stronger and more resilient against extreme weather or face an increasingly more expensive and deadly future.

The STRONG Act of 2012 will use existing Federal resources to help reduce future losses of life, property, and well-being. It will also help limit declines in regional economic growth due to disasters. Specifically, it directs the Federal Government to create a more comprehensive approach to planning for and supporting resiliency efforts due to extreme weather. The bill directs the White House Office of Science and Technology Policy to chair a high-level interagency working group to assess Federal agencies' activities related to extreme weather resilience across key sectors, such as agriculture, water management, infrastructure, public health, and national security. It develops a plan to better support State, local, and private and public sector resiliency efforts in the short and long-term, including establishing a public clearinghouse of information. The bill emphasizes State, local, and private sector involvement; a Federal advisory group composed of private and public representatives will play a key consultative role throughout the process, as will an advisory group composed of State, local, and tribal representatives. It also complements and builds upon recent activities by my colleagues and the White House in the Federal response to the devastation of Hurricane Sandy.

I believe that by better understanding and planning, we can reduce the serious economic and human costs of extreme weather on our communities. The events of 2012 and years past have clearly demonstrated the need for better and more efficient governance before disaster strikes again.

A number of organizations are supportive of this bill, including the U.S. Conference of Mayors, the National Association of Counties, the National Emergency Management Association, the National Weather Association, and the American Planning Association.

I am pleased that Senators GILLIBRAND and LAUTENBERG are original cosponsors of this legislation. I look forward to building upon a strong foundation and improving our extreme weather resiliency efforts. It is our responsibility to protect our citizens and help minimize future loss and damage. I ask all Senators to support this legislation.

By Mr. LIEBERMAN (for himself, Mr. DURBIN, Mrs. MURRAY, and Mrs. BOXER):

S. 3696. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise to introduce the New Columbia Admissions Act that will create a 51st State from the populated portions of Washington, D.C., giving these more than 600,000 disenfranchised Americans the voice they deserve in our national government. The United States is the only democracy in the world that denies voting representation to the people who live in its capital city. It is long past time to end this unjust and embarrassing distinction.

I am not the only Senator who feels this way—Senators DURBIN, BOXER, and MURRAY join me in cosponsoring this bill today. My friend Senator Inouye had planned to cosponsor this bill as he was a strong supporter of the District's right to have congressional representation.

Under this bill, there would still be Federal district called Washington, D.C., which would be under the control of Congress as the Constitution mandates. But it would be a smaller area encompassing the White House, the Capitol, the Supreme Court and the National Mall, where few people actually live. The rest of the current District of Columbia—diverse business districts and residential neighborhoods that are home to more than half a million U.S. citizens—would become a new State.

This is completely in accord with the principles and mandates of the Constitution and our Founding Fathers. Indeed, I think it is worth remembering why our Founding Fathers created a Federal district in the first place.

After the Revolutionary War, Philadelphia, PA, was the capital of the government formed by the Articles of Confederation. That Congress met in what we now know as Independence Hall in Philadephia.

In 1783, a mob of Revolutionary War veterans besieged Independence Hall, demanding promised payments for their service during the war. Congress asked the governor of Pennsylvania, John Dickinson, to call out the militia to defend the capital, but he sided with the veterans and refused.

Congress had to flee to Princeton, NJ.

This failure of a state government to protect the national government became a major concern of the Constitutional Convention in 1787 and it was decided the Constitution must create a Federal district that could be controlled and protected by the new Federal government.

But Article One, Section Eight of the Constitution, which created the Federal district, did not order a particular location. It only said only that it may not exceed ''10 miles square''—or 100 square miles.

The Residence Act of 1790 gave President Washington authority to pick the final site of the capital, and the site of the current Washington D.C. was chosen as a result of a compromise between Thomas Jefferson and Alexander Hamilton.

When John Adams moved into the White House in 1800, Washington, D.C. had a population of just 3,210 people—in a Nation of roughly 5 million. Even then the founders were concerned about voting rights for residents of the new capital. In the early days before the capital was fully established, its residents were allowed to vote in Maryland or Virginia. There were proposals to guarantee their suffrage going forward but unfortunately they did not get enacted amid the press to establish the new government. Certainly, though, it would have been unimaginable to the founders that a population of more than half a million in our capital city should be disenfranchised in the national legislature.

Yet that is the current reality. Now we are a Nation of more than 300 million and Washington, D.C. is a thriving community of 618,000 people. That's more people than Wyoming has and about the same as Vermont and North Dakota have, which, of course, have full representation in Congress. Acccording to the U.S. Census, Washington, D.C. is growing faster than all 50 States. Demographers expect it will only get bigger in the years to come because much of that growth has been with young people who want to raise families in the District.

The District of Columbia already functions as a state in many respects—indeed the Federal Government treats it as a State for purposes of most Federal programs.

More important, the residents of the District of Columbia have all the responsibilities of U.S. citizenship. They pay more Federal income tax per capita than residents of any state; D.C. residents and businesses send on average $20 billion to the Federal treasury each year. D.C. residents must serve on Federal juries and male residents must register for Selective Service. More than 190,000 D.C. residents have served in the military in wartime and about 1,700 have died for our country in the wars of the last century alone. All this occurred while the District's residents were denied voting representation in Congress.

The current inequity has even been noted by international bodies, including the United Nations Human Rights Commission, as a possible violation of international human rights accords.

It is long past time to give these American citizens who have chosen Washington as their home full participation in our democracy. People who live in D.C. are, of course, as American as people who live throughout our country—teachers, firefighters, doctors, janitors, parents, children, veterans, retirees. Why do their contributions to our democracy—financial and otherwise—merit rights and representation any less than those of their fellow citizens in the 50 states?

In sum, nothing in the Constitution prevents Congress from ceding this territory to a new State. There will still be a Federal district under Congressional control and protected by Federal authorities.

The voters of this new state will have the same rights we give voters in every other State, including those seven small states with populations under 1 million. If the idea seems strange, remember that many also once could not imagine full voting rights for women or racial minorities. It is the nature of civil rights that the disenfranchised must fight to gain acceptance of rights that, in retrospect, seem morally compelled and beyond question. We must right this injustice toward the residents of the District just as Congress historically has righted other voting injustices that stretched back to the very founding of the Nation.

I will soon leave Congress after having had the great privilege of serving here for 24 years. Securing full voting rights for the 600,000 Americans who live in the District of Columbia is unfinished business, not just for me, but for the United States of America.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 625—RECOGNIZING THE JANUARY 12, 2013, OPENING OF THE UNITED STATES FREEDOM PAVILION: THE BOEING CENTER AT THE NATIONAL WORLD WAR II MUSEUM IN NEW ORLEANS, LOUISIANA, AND SUPPORTING PLANS FOR OTHER EDUCATIONAL PAVILIONS AND INITIATIVES

Ms. LANDRIEU (for herself and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 625

Whereas historians Stephen E. Ambrose and Gordon H. ''Nick'' Mueller, among others, founded the National D-Day Museum on June 6, 2000;

Whereas section 8134(c) of the Department of Defense Appropriations Act of 2004 (Public Law 108-87; 117 Stat. 1105) designated the National D-Day Museum as ''America's National World War II Museum'';

Whereas the National World War II Museum advances the mission of educating the public about the experience of the United States in World War II, covering all branches of the Armed Forces and the Merchant Marine, and documenting and highlighting activities on both the battlefront and home front;

Whereas the exhibits and programs of the National World War II Museum portray why the War occurred, how the War was won, and what the War means today, and celebrate the spirit of the United States and enduring values displayed during the War;

Whereas the National World War II Museum emphasizes the diverse nature of the war effort of the United States, reflecting the contributions of women, African-Americans, Japanese-Americans, Hispanic Americans, Native Americans, and other groups that have been neglected in many accounts of World War II;

Whereas the 12,000 landing craft designed and built by Higgins Industries in New Orleans made amphibious invasions possible and

carried United States soldiers ashore in every theatre and campaign during the War;

Whereas President Dwight D. Eisenhower, the former Supreme Commander of the Allied Expeditionary Forces in Europe, credited Andrew Jackson Higgins, the chief executive officer of Higgins Industries, as the ''man who won the war for us,'' in a 1960s conversation with the preeminent historian Stephen E. Ambrose, leading Ambrose to initiate plans for the National World War II Museum;

Whereas the National D-Day Museum, now known as the ''National World War II Museum'', has made great strides in the development of the facilities, exhibits, and programs at the Museum;

Whereas the National World War II Museum, since the grand opening on June 6, 2000, which was the 56th anniversary of the D-Day invasion of Normandy, France, has attracted more than 3,000,000 visitors from across the United States and around the world, and has reached millions more through Internet-based and other distance learning programs;

Whereas World War II veterans and home front supporters, recognized as the ''greatest generation'' because of the sacrifices of the veterans and home front supporters at a pivotal time in United States history, are passing away at a rapid rate, creating an urgent need to preserve the stories, and to pay tribute to the service of the veterans and home front supporters;

Whereas Congress recognizes the need to preserve forever the knowledge and history of the most decisive achievement of the United States during the 20th century and to portray that history to citizens, scholars, visitors, and school children for generations to come;

Whereas Congress appropriated funds in 1992 to authorize the design and construction of the National D-Day Museum to commemorate the epic 1944 Normandy invasion, and appropriated additional funds in 1998, 2000, 2001, 2002, 2003, and 2009 to help expand the Museum to cover the entire experience of the United States in World War II, and the transformational impact on the United States and the world;

Whereas the World War II Memorial on the National Mall in Washington, DC, will always be the symbolic memorial where people come to remember the sacrifices made during World War II;

Whereas the National World War II Museum in New Orleans will always be the educational institution where people come to learn about the monumental struggle by the United States against would-be oppressors, so that future generations can understand the role the United States played in the preservation and advancement of freedom in the middle of the 20th century;

Whereas the State of Louisiana and thousands of donors, including foundations, companies, and Museum members in every State, have contributed millions of dollars and other support to help build and advance the National World War II Museum, and hundreds of volunteers, many from the World War II era, have provided invaluable assistance to the Museum;

Whereas the Board of Trustees of the National World War II Museum, national in scope, and the Presidential Counselors advisory group, featuring leading historians and museum professionals, provide effective guidance and oversight for the National World War II Museum;

Whereas the National World War II Museum continues to add to and maintain 1 of the largest personal history collections in the United States, representing the experiences of the men and women who fought in World War II and served on the home front, with more than 7,000 videotaped, oral, and written accounts in the collection, and plans to digitize the collection to vastly improve public access;

Whereas the National World War II Museum is an official affiliate of the Smithsonian Institution, with a formal agreement to borrow Smithsonian artifacts for exhibits;

Whereas the National World War II Museum collaborates with other museums and memorials in the United States and around the world;

Whereas the National World War II Museum has added major facilities in recent years through donor support, including the Solomon Victory Theater complex, which features a 4-D theater, the Stage Door Canteen, a United Service Organization-styled entertainment venue, and the Kushner Restoration Pavilion, home to a major patrol torpedo boat restoration project;

Whereas the National World War II Museum will open the United States Freedom Pavilion: The Boeing Center in January 2013;

Whereas the Pavilion will feature aircraft such as the B-17 bomber and the P-51 fighter, the latter flown by the Tuskegee Airmen, and a submarine experience and exhibits honoring Medal of Honor recipients, government leaders who served in World War II, and industries that became known as the ''Arsenal of Democracy''; and

Whereas other major pavilions and interactive exhibits are planned or under development as the Museum anticipates the completion of the campus by 2016, including the Campaigns of Courage: European and Pacific Theaters Pavilion, the Liberation Pavilion, and a Union Station train experience in the original Louisiana Memorial Pavilion: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and applauds the planned January 12, 2013, opening of the United States Freedom Pavilion: The Boeing Center, an iconic pavilion funded in part by the Federal Government and a major feature of the institution designated by section 8134(c) of the Department of Defense Appropriations Act of 2004 (Public Law 108-87; 117 Stat. 1105) as ''America's National World War II Museum'';

(2) recognizes the generous assistance from private individuals, corporations, foundations, the Federal Government, the State of Louisiana, and other public entities committed to offering a lasting tribute to the achievements of the United States in World War II; and

(3) expresses support for the mission of the National World War II Museum as vital to the preservation of democratic values, to the understanding of United States history and founding principles, and to the education of future generations about the relevance of the War experience to the past and future greatness of the United States.

SENATE CONCURRENT RESOLUTION 65—CONGRATULATING THE NAVY AND THE CURRENT AND FORMER OFFICERS AND CREW OF THE U.S.S. ENTERPRISE (CVN 65) ON COMPLETION OF THE 25TH AND FINAL DEPLOYMENT OF THE VESSEL

Mr. WARNER (for himself, Mr. WEBB, and Mr. MCCAIN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 65

Whereas on November 4, 2012, the U.S.S. Enterprise returned to her homeport of Norfolk, Virginia, after completing the 25th and final deployment of the vessel;

Whereas the U.S.S. Enterprise, the first nuclear powered aircraft carrier to serve the United States, is scheduled for inactivation in December 2012 after more than 51 years in active service to the Navy and the Nation;

Whereas the U.S.S. Enterprise is the 8th vessel to bear that name and justly and rightfully maintained the honor and tradition of those vessels that previously bore the name;

Whereas the U.S.S. Enterprise participated in the embargo of the island of Cuba ordered by President John Kennedy in the fall of 1962, helping to prevent an escalation of that crisis;

Whereas the U.S.S. Enterprise conducted multiple deployments in support of combat operations during the Vietnam War;

Whereas the U.S.S. Enterprise, upon receiving the news of the September 11, 2001, attacks on the United States while returning home from a six-month deployment, immediately reversed course and was deployed in the Arabian Sea;

Whereas the U.S.S. Enterprise launched hundreds of air strikes into Afghanistan in support of Operation Enduring Freedom throughout October 2001 to destroy Taliban and al Qaeda targets;

Whereas the U.S.S. Enterprise deployed six times over the last 11 years to conduct combat operations in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

Whereas the U.S.S. Enterprise and the 10 Nimitz-class aircraft carriers of the Navy have proven the wisdom and value of nuclear powered aircraft carriers, which have played crucial roles across the range of military operations, from humanitarian assistance to combat operations, including operations in Iraq and Afghanistan since the beginnings of hostilities, providing, from the sea, unparalleled precision strike, close air support, and surveillance in support of ground combat operations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the Navy and the many crews of the U.S.S. Enterprise (CVN 65) on having provided the United States an incalculable service in international relations and engagement and in the prevention and winning of armed conflicts over the 51-year period of the service of the U.S.S. Enterprise;

(2) honors the service and memory of the 121 Sailors who made the ultimate sacrifice for their country while serving onboard U.S.S. Enterprise, including the 30 that were killed in action during the Vietnam War;

(3) honors the service of the 20 U.S.S. Enterprise Sailors who were held as Prisoners of War during the Vietnam War, the 3 who died in captivity, and the 5 that are still listed as missing-in-action; and

(4) congratulates the nearly 100,000 current and former Sailors who have served on the U.S.S. Enterprise and thanks them for the selfless sacrifice they made in service to the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3382. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

SA 3383. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3384. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3385. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3386. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3387. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3388. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3389. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3390. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3391. Mr. COATS (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3392. Mr. CARDIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3393. Mr. CARDIN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3394. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3395. Mr. REID proposed an amendment to the bill H.R. 1, supra.

SA 3396. Mr. REID proposed an amendment to amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3397. Mr. REID proposed an amendment to amendment SA 3396 proposed by Mr. REID to the amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3398. Mr. REID proposed an amendment to the bill H.R. 1, supra.

SA 3399. Mr. REID proposed an amendment to amendment SA 3398 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3400. Mr. REID proposed an amendment to the bill H.R. 1, supra.

SA 3401. Mr. REID proposed an amendment to amendment SA 3400 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3402. Mr. REID proposed an amendment to amendment SA 3401 proposed by Mr. REID to the amendment SA 3400 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3403. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3404. Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3405. Mr. MERKLEY (for Mrs. MURRAY) proposed an amendment to the bill H.R. 4057, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes.

SA 3406. Mr. MERKLEY (for Mr. KOHL (for himself and Mr. LEE)) proposed an amendment to the bill H.R. 6029, to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

SA 3407. Mr. MERKLEY (for Mrs. MURRAY) proposed an amendment to the bill S. 3202, to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes.

TEXT OF AMENDMENTS

SA 3382. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

After section 1105, insert the following:

SEC. 1106. (a) PROHIBITION ON USE OF FUNDS FOR FUTURE DISASTER RECOVERY CONTRACTS NOT COMPETITIVELY AWARDED.—Amounts appropriated or otherwise made available by this Act may not be obligated or expended for any contract awarded after the date of the enactment of this Act in support of disaster recovery if such contract was awarded using other than competitive procedures as otherwise required by chapter 33 of title 41, United States Code, section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) CURRENT NO-BID CONTRACTS.—

(1) REVIEW OF CONTRACTS.—Not later than 60 days after the date of the enactment of this Act, Federal agencies shall conduct a review of all contracts to support disaster recovery that were awarded before the date of the enactment of this Act using other than competitive procedures in order to determine the following:

(A) Whether opportunities exist to achieve cost savings under such contracts.

(B) Whether the requirements being met by such contracts can be met using a new or existing contract awarded through competitive procedures.

(2) COMPETITIVE AWARD OF CONTRACTS.—If a Federal agency determines pursuant to the review under paragraph (1) that either subparagraph of that paragraph applies to a contract awarded using other than competitive procedures, the agency shall take appropriate actions with respect to the contract, whether to achieve cost savings under the contract, to use a new or existing contract awarded through competitive procedures to meet applicable requirements, or otherwise to discontinue of the use of the contract.

SA 3383. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, strike lines 17 through 20 and insert ''*Provided*''.

SA 3384. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, lines 21 and 22, strike ''to remain available until expended: *Provided*,'' and insert ''to remain available until the earlier of the date on which such funds are expended or the date that is 2 years after the date of the enactment of this Act: *Provided*, That any funding provided under this heading that remains available for obligation or has been obligated but not yet spent as of the date that is 2 years after the date of the enactment of this Act shall be rescinded and returned to the Treasury for deficit reduction: *Provided further*, That none of the funds provided under this heading may be distributed until the National Railroad Passenger Corporation submits a detailed plan to Congress pertaining to each project or program that describes how such funds will be expended: *Provided further*, That none of the funds provided under this heading may be used for capital improvements or other expenses that are not directly associated with Hurricane Sandy or Tropical Storm Sandy: *Provided further*,''.

SA 3385. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 21, strike the period and insert the following: '': *Provided further*, That the amounts made available under this heading may not be used to assist a building, a mobile home, or any personal property that is located in an area that has been identified by the Administrator of the Federal Emergency Management Agency as an area having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless, on the date on which the disaster to which the assistance relates occurred, the building, mobile home, or personal property was covered by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.''.

SA 3386. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, strike line 19 and all that follows through page 33, line 16, and insert the following:

SEC. 605. In administering the funds made available to address any major disaster declared during the period beginning on August 27, 2011 and ending on December 5, 2012, the Administrator of the Federal Emergency Management Agency shall establish a pilot program for the relocation of State facilities under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), under which the Administrator may waive, or specify alternative requirements for, any regulation the Administrator administers to provide assistance,

consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for the permanent relocation of State facilities, including administrative office buildings, medical facilities, laboratories, and related operating infrastructure (including heat, sewage, mechanical, electrical, and plumbing), that were significantly damaged as a result of the major disaster, are subject to flood risk, and are otherwise eligible for repair, restoration, reconstruction, or replacement under section 406 of that Act, if the Administrator determines that such relocation is practicable, and will be cost effective or more appropriate than repairing, restoring, reconstructing, or replacing the facility in its pre-disaster location, and if such relocation will effectively mitigate the flood risk to the facility.

SA 3387. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, strike lines 17 through 20 and insert ''*Provided further*, That any project that is under study by the Corps for reducing flooding and storm damage risks within the boundaries of the North Atlantic Division of the Corps that was affected by Hurricane Sandy and for which the study demonstrates that the project will cost-effectively reduce those risks and is environmentally acceptable and technically feasible is hereby authorized: *Provided*''.

SA 3388. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, strike lines 9 through 14 and insert the following:

''(f) WAIVER AUTHORITY.—Until such time as the Administrator promulgates regulations to implement this section, the Administrator may—

''(1) waive notice and comment rulemaking requirements under title 5, United States Code, if the Administrator determines that such action is necessary to expeditiously implement this section; and

''(2) carry out the alternative procedures under this section as a pilot program.''.

SA 3389. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, strike lines 3 through 10 and insert the following:

''(d) EXPEDITED PROCEDURES.—

''(1) IN GENERAL.—For the purpose of providing assistance under this section, the President shall ensure that—

''(A) adequate resources are devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act and historic preservation reviews under the National Historic Preservation Act are completed on an expeditious basis; and

''(B) the shortest existing applicable process under the National Environmental Policy Act and the National Historic Preservation Act shall be utilized.

''(2) AUTHORITY FOR OTHER EXPEDITED PROCEDURES.—The President may utilize expedited procedures in addition to those required under paragraph (1) for the purpose of providing assistance under this section, such as those under the Prototype Programmatic Agreement of the Federal Emergency Management Agency, for the consideration of multiple structures as a group and for an analysis of the cost-effectiveness and fulfillment of cost-share requirements for proposed hazard mitigation measures.''.

SA 3390. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 5, insert '', consistent with applicable law'' after ''process''.

On page 49, line 10, insert before the first period '', consistent with applicable law''.

SA 3391. Mr. COATS (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

That the following sums are hereby appropriated out of any money in the Treasury not otherwise appropriated, for fiscal year 2013, and for other purposes, namely:

SUPPLEMENTAL APPROPRIATIONS FOR DISASTER ASSISTANCE

TITLE I

DEPARTMENT OF AGRICULTURE

DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

COMMODITY ASSISTANCE PROGRAM

For an additional amount for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), $6,000,000: *Provided*, That notwithstanding any other provisions of the Emergency Food Assistance Act of 1983 (the ''Act''), the Secretary may allocate additional foods and funds for administrative expenses from resources specifically appropriated, transferred, or reprogrammed to restore to states resources used to assist families and individuals displaced by Hurricane Sandy among the states without regard to sections 204 and 214 of the Act: *Provided further*, That such amount is designated by the 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.

TITLE II

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $32,000,000 to remain available until September 30, 2014, as follows—

(1) $6,200,000 to repair and replace ocean observing and coastal monitoring assets damaged by Hurricane Sandy;

(2) $5,000,000 to repair and improve weather forecasting capabilities and infrastructure;

(3) $20,800,000 for mapping, charting, damage assessment, and marine debris coordination and re-mediation: *Provided*, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the 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.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', $9,000,000, to remain available until September 30, 2015, to repair National Oceanic and Atmospheric Administration (NOAA) facilities damaged by Hurricane Sandy: *Provided*, That NOAA shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the 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.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for ''Construction and Environmental Compliance and Restoration'' for repair at National Aeronautics and Space Administration facilities damaged by Hurricane Sandy, $4,000,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the 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.

TITLE III

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $5,370,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the 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.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $40,015,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the 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.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $8,500,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the 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.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $3,165,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the 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.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $5,775,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the 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.

PROCUREMENT

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $1,310,000, to remain available until September 30, 2015, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the 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.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $24,200,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the 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.

TITLE IV

DEPARTMENT OF DEFENSE CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'', $483,000,000, to remain available until September 30, 2014, to repair U.S. Army Corps of Engineers projects and dredge Federal navigation channels damaged by the impacts of Hurricane Sandy: *Provided,* That such amount is designated by the 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: *Provided further,* That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', $340,000,000, to remain available until September 30, 2014, to support emergency operations, repairs and other activities in response Hurricane Sandy as authorized by law: *Provided,* That the amounts in this paragraph are designated by the 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: *Provided further,* That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

TITLE V

INDEPENDENT AGENCIES

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $20,000,000, to remain available until September 30, 2014, for grants to or cooperative agreements with organizations to provide technical assistance related to disaster recovery, response, and long-term resiliency to small businesses that are recovering from Hurricane Sandy: *Provided,* That such amounts are designated by the 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.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'' for necessary expenses related to the consequences of Hurricane Sandy and other disasters, $2,000,000, to remain available until expended: *Provided,* That such amount is designated by the 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.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Disaster Loans Program Account'' for the cost of direct loans authorized by section 7(b) of the Small Business Act, for necessary expenses related to Hurricane Sandy and other disasters, $500,000,000, to remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That in addition, for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act in response to Hurricane Sandy and other disasters, $100,000,000, to remain available until expended, of which $90,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which $10,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses: Provided further, That such amounts are designated by the 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.

GENERAL PROVISIONS—THIS TITLE

SEC. 501. Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking ''$2,000,000'' and inserting ''$5,000,000''.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $1,347,000: *Provided,* That such amount is designated by the 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: *Provided further,* That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Acquisition, Construction, and Improvements'' for necessary expenses related to the consequences of Hurricane Sandy, $143,899,000, to remain available until September 30, 2014: *Provided,* That such amount is designated by the 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: *Provided further,* That notwithstanding the transfer limitation contained in section 503 of division D of Public Law 112–74, such funding may be transferred to other Coast Guard appropriations after notification as required in accordance with such section: *Provided further,* That a description all facilities and property to be reconstructed and restored, with associated costs and time lines, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF FUND

For an additional amount for the ''Disaster Relief Fund'' for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $5,379,000,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE AND TECHNOLOGY RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for ''Research, Development, Acquisition, and Operations'' for necessary expenses related to the consequences of Hurricane Sandy, $3,249,000, to remain available until September 30, 2014: *Provided,* That such amount is designated by the 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.

GENERAL PROVISION—THIS TITLE

Sec. 601. (a) Subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended—

(1) by inserting ''(1)'' after the subsection designation; and (2) by adding at the end the following new paragraph:

''(2) Notwithstanding paragraph (1)—

''(A) clause (2) of the first sentence of such paragraph shall be applied, through September 30, 2017, by substituting '$25,725,000,000' for '$1,500,000,000'; and

''(B) effective upon the submission by the Administrator to the Congress of a plan for specific actions to be taken in connection with the flood insurance program under this title that will provide for the repayment of any amounts borrowed pursuant to this paragraph before the expiration of the 10–year period that begins upon the date of the enactment of this paragraph, a schedule for implementation of such actions, a schedule required under subsection (c) for such repayment, and a certification by the Administrator that the Administrator will adhere to such schedules, clause (2) of the first sentence of paragraph (1) shall be applied, through September 30, 2017, by substituting '$30,425,000,000' for 11,500,000,000'.''.

(b) The amount provided by this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

TITLE VII

DEPARTMENT OF THE INTERIOR

FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, $64,000,000, to remain available until September 30, 2014: *Provided,* That such amount is designated by the 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.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, including the full scope of repairs to the Statue of Liberty and Ellis Island, $190,000,000, to remain available until September 30, 2014: Provided, That such amount is designated by the 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.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OIL SPILL RESEARCH

For an additional amount for ''Oil Spill Research'' for necessary expenses related to the consequences of Hurricane Sandy, $3,000,000, to remain available until September 30, 2014: PROVIDED, That such amount is designated by the 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.

ENVIRONMENTAL PROTECTION AGENCY

LEAKING UNDERGROUND STORAGE TANK FUND

For an additional amount for ''Leaking Underground Storage Tank Fund'' for necessary expenses related to the consequences of Hurricane Sandy, $5,000,000, to remain available until September 30, 2014: *Provided,* That such amount is designated by the 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.

TITLE VIII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for ''Employment and Training Administration Training and Employment Services'', $50,000,000 for the dislocated workers assistance national reserve, which shall be available from the date of enactment of this Act though September 30, 2013: *Provided,* That such amount is designated by the 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, as amended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINSITRATION FOR CHILDREN AND FAMILIES

SOCIAL SERVICES BLOCK GRANT

For an additional amount for ''Social Services Block Grant'', $350,000,000, for necessary expenses resulting from Hurricane Sandy in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, notwithstanding section 2003 and paragraphs (1) and (4) of section 2005(a) of the Social Security Act: *Provided,* That, notwithstanding section 2002 of the SSA, the distribution of such amount shall be limited to the States of New York and New Jersey: *Provided further,* That funds appropriated in this paragraph are in addition to the entitlement grants authorized by section 2002(a)(1) of the Social Security Act and shall not be available for such entitlement grants: *Provided further,* That the Secretary of Health and Human Services shall distribute such amount to the States of New York and New Jersey based on the number of registrants for Individual Assistance provided by the Federal Emergency Management Agency within the counties that received a Presidential major disaster declaration for the Federal Emergency Management Agency Individual Assistance related to Hurricane Sandy as of the date of enactment of this Act: *Provided further,* That in addition to other uses permitted by title XX of the SSA, funds appropriated in this paragraph may be used for health services (including mental health services), and costs of renovating, repairing, or rebuilding health care facilities (including mental health facilities), child care facilities, or other social services facilities: *Provided further,* That funds appropriated in this paragraph are also available for costs incurred up to 3 days prior to Hurricane Sandy's October 29, 2012 landfall subject to Federal review of documentation of the cost of services provided: *Provided further,* That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or by insurance: *Provided further,* That, with respect to the Federal interest in real property acquired or on which construction or major renovation of facilities (as such terms are defined in 45 CFR 1309.3) is undertaken with these funds, procedures equivalent to those specified in subpart C of 45 CFR part 1309 shall apply: *Provided further,* That such amount is designated by the 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, as amended.

CHILDREN AND FAMILY SERVICES PROGRAMS

For an additional amount for ''Children and Families Services Programs'', $85,000,000, for making payments under the Head Start Act in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of Hurricane Sandy: *Provided,* That funds appropriated in this paragraph are not subject to the allocation requirements of section 640(a) of the Head Start Act: *Provided further,* That funds appropriated in this paragraph shall be available through September 30, 2014 for costs of renovating, repairing, or rebuilding those Head Start facilities damaged as a result of Hurricane Sandy: *Provided further,* That none of the funds appropriated in this paragraph shall be included in the calculation of the ''base grant'' in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of the Head Start Act: *Provided further,* That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or by insurance: *Provided further,* That such amount is designated by the 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, as amended.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'' for disaster response and recovery expenses related to Hurricane Sandy, $122,000,000, of which $100,000,000 is to remain available through September 30, 2014: *Provided,* That these funds may be transferred by the Secretary to accounts within the Department of Health and Human Services, and shall be available only for the purposes provided in this paragraph: *Provided further,* That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act: *Provided further,* That obligations incurred for response activities for Hurricane Sandy prior to enactment of this Act may be charged to this apropriation: *Provided further,* That funds appropriated in this paragraph may be used for renovating, repairing, or rebuilding non-Federal research facilities damaged as a result of Hurricane Sandy: *Provided further,* That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or by insurance: *Provided further,* That such amount is designated by the 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, as amended.

RELATED AGENCIES

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for ''Limitation on Administrative Expenses'', $2,000,000, for necessary expenses resulting from Hurricane Sandy: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) (i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE IX

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for ''Military Construction, Army National Guard'', $20,457,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further,* That such amount is designated by the 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.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for ''Medical Services'', $21,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the 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.

MEDICAL FACILITIES

For an additional amount for ''Medical Facilities'', $6,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the 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.

DEPARTMENTAL ADMINISTRATION

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $500,000, for necessary

expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the 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.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for ''Construction, Major Projects'', $207,000,000 to remain available until September 30, 2017, for renovations and repairs to the Department of Veterans Affairs Medical Center in Manhattan, New York, as a consequence of damage caused by Hurricane Sandy: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That such amount is designated by the 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.

TITLE X

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $444,300,000, to remain available until expended: *Provided*, That such amount is designated by the 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.

FEDERAL RAILROAD ADMINISTRATION

OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for the Secretary to make grants to the National Railroad Passenger Corporation for costs and losses incurred as a result of Hurricane Sandy, $32,000,000, to remain available until expended: *Provided*, That such amount is designated by the 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.

FEDERAL TRANSIT ADMINISTRATION

PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

For the Public Transportation Emergency Relief Program as authorized under section 5324 of title 49, United States Code, $3,400,000,000, to remain available until expended, for recovery and relief efforts in the areas most affected by Hurricane Sandy: *Provided*, That up to three-quarters of 1 percent of the funds retained for public transportation emergency relief shall be available for the purposes of administrative expenses and ongoing program management oversight as authorized under 49 U.S.C. 5334 and 5338(i)(2) and shall be in addition to any other appropriations for such purposes: *Provided further*, That, of the funds made available under this heading, $6,000,000 shall be transferred to the Office of Inspector General to support the oversight of activities funded under this heading: *Provided further*, That such amounts are designated by the 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.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the ''Community Development Fund'' for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), due to Hurricane Sandy, for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), $2,000,000,000, to remain available until expended: *Provided*, That the Secretary shall establish a minimum allocation for each eligible State declared a major disaster due to Hurricane Sandy: *Provided further*, That funds shall be awarded directly to the State or unit of general local government as a grantee at the discretion of the Secretary: *Provided further*, That the Secretary shall allocate to grantees not less than 33 percent of the funds provided under this heading within 60 days after the enactment of this Act based on the best available data: *Provided farther*, That prior to the obligation of funds, a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas: *Provided further*, That the Secretary shall by notice specify the criteria for approval of such plans within 45 days of enactment of this Act: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That the final paragraph under the heading Community Development Block Grants in title II of Public Law 105–276 (42 U.S.C. 5305 note) shall not apply to funds provided under this heading: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to 42 U.S.C. 5306: *Provided further*, That a grantee may use up to 5 percent of its allocation for administrative costs:. *Provided further*, That the Secretary shall require that grantees have established procedures to ensure timely expenditure of funds and prevent any duplication of benefits as defined by 42 U.S.C. 5155 and prevent fraud and abuse of funds: *Provided further*, That the Secretary shall provide grantees with technical assistance on contracting and procurement processes and shall require grantees, in contracting or procuring for management and administration of these funds, to incorporate performance requirements and penalties into any such contracts or agreements and to maintain information with respect to performance on the use of any funds for management and administrative purposes: *Provided further*, That in administering the funds under this heading, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), pursuant to a determination by the Secretary that good cause exists for the waiver or alternative requirement and that such action is not inconsistent with the overall purposes of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.): *Provided further*, That notwithstanding the previous proviso, recipients of funds provided under this heading that use such funds to match or supplement Federal assistance provided under sections 402, 403, 406, 407, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval, or permit: *Provided further*, That, notwithstanding 42 U.S.C. 5304(g)(2), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the project is categorically excluded from further review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That a waiver granted by the Secretary may not reduce the percentage of funds which must be used for activities that benefit persons of low and moderate income to less than 50 percent, unless the Secretary specifically finds that there is a compelling need to further reduce or eliminate the percentage requirement: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That funds provided under this heading to for-profit enterprises may only assist such enterprises that meet the definition of small business as defined by the Small Business Administration under 13 OFR part 121: *Provided further*, That notwithstanding the previous proviso, funds may be provided to a for-profit enterprise, that does not meet such definition of small business, but which provides a public benefit, is publicly regulated, and is otherwise eligible for assistance under 42 U.S.C. 5301 et seq., and the implementing regulations at 24 CFR Part 570.201(1): *Provided further*, That of the funds made available under this heading, up to $10,000,000 may be transferred to ''Program Office Salaries and Expenses, Community Planning and Development'' for technical assistance and administrative costs (including information technology costs), related solely to administering funds available, under this heading or funds made available under prior appropriations to the ''Community Development Fund'' for disaster relief, long-term recovery, or emergency expenses: *Provided further*, That, of the funds made available under this heading, $10,000,000 shall be transferred to ''Office of Inspector General'': *Provided further*, That the amounts provided under this heading are designated by the 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.

GENERAL PROVISIONS—THIS TITLE

SEC. 1001. For fiscal year 2013, upon request by a public housing agency and supported by documentation as required by the Secretary of Housing and Urban Development that demonstrates that the need for the adjustment is due to the disaster, the Secretary may make temporary adjustments to the Section 8 housing choice voucher annual renewal funding allocations and administrative fee eligibility determinations for public housing agencies in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), to avoid significant adverse funding impacts that would otherwise result from the disaster.

SEC. 1002. The Departments of Transportation and Housing and Urban Development

shall submit to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of the enactment of this Act a plan for implementing the provisions in this chapter, and updates to such plan on a biannual basis thereafter.

SEC. 1003. None of the funds provided in this chapter to the Department of Transportation or the Department of Housing and Urban Development may be used to make a grant unless the Secretary of such Department notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State or locality is selected to receive a grant award totaling $1,000,000 or more is announced by either Department or a modal administration.

TITLE XI

GENERAL PROVISIONS—THIS ACT

SEC. 1101. Each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1102. Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 1103. (a) Not later than March 31, 2013, in accordance with criteria to be established by the Office of Management and Budget (OMB), Federal agencies shall submit to OMB and to the Committee on Appropriations of the House of Representatives and of the Senate internal control plans for funds provided by this Act.

(b) All programs and activities receiving funds under this Act shall be deemed to be ''susceptible to significant improper payments'' for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) (IPIA), notwithstanding section 2(a) of IPIA.

(c) In accordance with guidance to be issued by the Director of OMB, agencies shall identify those grants for which the funds provided by this Act should be expended by the grantees within the 24-month period following the agency's obligation of funds for the grant. In the case of such grants, the agency shall include a term in the grant that:

(1) requires the grantee to return to the agency any funds not expended within the 24-month period; and

(2) provides that the head of the agency may, after consultation with the Director of OMB, subsequently issue a waiver of this requirement based on a determination by the head of the agency that exceptional circumstances exist that justify an extension of the period in which the funds must be expended.

SEC. 1104. (a) In carrying out activities funded by this Act, Federal agencies, in partnership with States, local communities and tribes, shall inform plans for response, recovery, and rebuilding to reduce vulnerabilities from and build long-term resiliency to future extreme weather events, sea level rise, and coastal flooding. In carrying out activities funded by this Act that involve repairing, rebuilding, or restoring infrastructure and restoring land, project sponsors shall consider, where appropriate, the increased risks and vulnerabilities associated with future extreme weather events, sea level rise and coastal flooding.

(b) Funds made available in this Act shall be available to develop, in partnership with State, local and tribal officials, regional projections and assessments of future risks and vulnerabilities to extreme weather events, sea level rise and coastal flooding that may be used for the planning referred to in subsection (a), and to encourage coordination and facilitate long-term community resiliency.

SEC. 1105. Recipients of Federal funds dedicated to reconstruction efforts under this Act shall, to the greatest extent practicable, ensure that such reconstruction efforts maximize the utilization of technologies designed to mitigate future power outages, continue delivery of vital services and maintain the flow of power to facilities critical to public health, safety and welfare. The Secretary of Housing and Urban Development as chair of the Hurricane Sandy Rebuilding Task Force shall issue appropriate guidelines to implement this requirement.

This Act may be cited as the ''Disaster Relief Appropriations Act, 2013''.

SA 3392. Mr. CARDIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, lines 8 and 9, strike ''$810,000,000, to remain available until expended,'' and insert ''$820,000,000, to remain available until expended, of which $10,000,000 shall be made available to the Administrator of the Environmental Protection Agency to provide State grants for wetland restoration in areas affected by Hurricane Sandy, with the grants funds to be used to support flood mitigation and adaptation to changing hydrological conditions,''.

SA 3393. Mr. CARDIN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 501.

SA 3394. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) As used in this section—

(1) the term ''applicant'' means an entity that is eligible to apply for assistance under a State public assistance grant under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the rules issued under that Act, as a result of the major disaster declaration of June 17, 2011 (44032 Federal Register (July 22, 2011)); and

(2) the terms ''FEMA'' and ''Administrator'' mean the Federal Emergency Management Agency and the Administrator thereof, respectively.

(b) FEMA shall obligate such Federal funds as are necessary, not later than 30 days after the date of submission of one or more Project Worksheets by an applicant, for engineering services related to the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the applicant on or after April 3, 2011.

(c) FEMA shall make final payment of the Federal share of projects submitted on Project Worksheets by applicants, other than the Worksheets identified in subsection (b), as soon as practicable after the date of enactment of this Act.

(d) Nothing in this section circumvents requirements to determine eligibility for funding under Part 206 of title 44, Code of Federal Regulations, as in effect on the date of enactment of this Act.

SA 3395. Mr. REID proposed an amendment to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

Strike all after the enacting clause, and insert in lieu thereof:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2013, and for other purposes, namely:

SUPPLEMENTAL APPROPRIATIONS FOR DISASTER ASSISTANCE

TITLE I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL PROGRAMS

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For necessary expenses for the ''Emergency Conservation Program'', $25,090,000, to remain available until expended, of which $15,000,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): *Provided*, That such amount is designated by the 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.

EMERGENCY FOREST RESTORATION PROGRAM

For necessary expenses for the ''Emergency Forest Restoration Program'', $58,855,000, to remain available until expended, of which $49,010,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): *Provided*, That such amount is designated by the 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.

CONSERVATION PROGRAMS

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For necessary expenses for the ''Emergency Watershed Protection Program'', $125,055,000, to remain available until expended, of which $77,085,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): *Provided*, That unobligated balances for the ''Emergency Watershed Protection Program'' provided in Public Law 108–199, Public Law 109–234, and Public Law 110–28 shall be available for the purposes of such program for disasters, and shall remain available until expended: *Provided further*, That such amounts are designated by the

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.

DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

COMMODITY ASSISTANCE PROGRAM

For an additional amount for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), $15,000,000, to remain available through September 30, 2014: *Provided*, That notwithstanding any other provisions of the Emergency Food Assistance Act of 1983 (the ''Act''), the Secretary may allocate additional foods and funds for administrative expenses from resources specifically appropriated, transferred, or reprogrammed to restore to states resources used to assist families and individuals displaced by Hurricane Sandy among the states without regard to sections 204 and 214 of the Act: *Provided further*, That such amount is designated by the 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.

TITLE II

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $373,000,000 to remain available until September 30, 2014, as follows—

(1) $6,200,000 to repair and replace ocean observing and coastal monitoring assets damaged by Hurricane Sandy;

(2) $10,000,000 to repair and improve weather forecasting capabilities and infrastructure;

(3) $150,000,000 to evaluate, stabilize and restore coastal ecosystems affected by Hurricane Sandy;

(4) $56,800,000 for mapping, charting, damage assessment, and marine debris coordination and remediation; and

(5) $150,000,000, for necessary expenses related to fishery disasters as declared by the Secretary of Commerce in calendar year 2012: *Provided*, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the 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.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', $109,000,000, to remain available until September 30, 2015, as follows—

(1) $47,000,000 for the Coastal and Estuarine Land Conservation Program to support State and local restoration in areas affected by Hurricane Sandy;

(2) $9,000,000 to repair National Oceanic and Atmospheric Administration (NOAA) facilities damaged by Hurricane Sandy;

(3) $44,500,000 for repairs and upgrades to NOAA hurricane reconnaissance aircraft; and

(4) $8,500,000 for improvements to weather forecasting equipment and supercomputer infrastructure:

Provided, That NOAA shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the 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.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''General Administration, Office of Inspector General'' for necessary expenses related to the consequences of Hurricane Sandy, $20,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the 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.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Federal Bureau of Investigation, Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $4,000,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the 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.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Drug Enforcement Administration, Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $1,000,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the 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.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $230,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the 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.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

For an additional amount for ''Federal Prison System, Buildings and Facilities'' for necessary expenses related to the consequences of Hurricane Sandy, $10,000,000, to remain available until expended: *Provided*, That such amount is designated by the 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.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for ''Construction and Environmental Compliance and Restoration'' for repair at National Aeronautics and Space Administration facilities damaged by Hurricane Sandy, $15,000,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the 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.

RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for ''Legal Services Corporation, Payment to the Legal Services Corporation'' to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricane Sandy, $1,000,000, to remain available until September 30, 2013: *Provided*, That the amount made available under this heading shall be used only to provide the mobile resources, technology, and disaster coordinators necessary to provide storm-related services to the Legal Services Corporation client population and only in the areas significantly affected by Hurricane Sandy: *Provided further*, That such amount is designated by the 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: *Provided further*, That none of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2012 and 2013, respectively, and except that sections 501 and 503 of Public Law 104–134 (referenced by Public Law 105–119) shall not apply to the amount made available under this heading.

TITLE III

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $5,370,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the 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.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $40,015,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the 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.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $8,500,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the 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.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'',

$3,165,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the 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.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $5,775,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the 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.

PROCUREMENT

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $1,310,000, to remain available until September 30, 2015, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the 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.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $24,200,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the 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.

TITLE IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for ''Investigations'' to expedite studies of flood and storm damage reduction related natural disasters, $50,000,000 at full Federal expense, to remain available until expended: *Provided*, That using $34,500,000 of the funds provided herein, the Secretary shall expedite and complete ongoing flood and storm damage reduction studies in areas that were impacted by Hurricanes Sandy and Isaac in the North Atlantic and Mississippi Valley Divisions of the U.S. Army Corps of Engineers: *Provided further*, That using up to $15,000,000 of the funds provided herein, the Secretary shall support an interagency planning process in conjunction with State, local and Tribal officials to develop plans to address the flood risks of vulnerable coastal populations, including innovative approaches to promote the long-term sustainability of the coastal ecosystems and communities to reduce the economic costs and risks associated with large-scale flood and storm events: *Provided further*, That using $500,000 of the funds provided herein, the Secretary shall conduct an evaluation of the performance of existing projects constructed by the U.S. Army Corps of Engineers and impacted by Hurricane Sandy for the purposes of determining their effectiveness and making recommendations for improvements thereto: *Provided further*, That as a part of the study, the Secretary shall identify institutional and other barriers to providing comprehensive protection to affected coastal areas and shall provide this report to the Committees on Appropriations of the House of Representatives and the Senate within 120 days of enactment of this Act: *Provided further*, That the amounts in this paragraph are designated by the 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: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Construction'' to rehabilitate, repair and construct U.S. Army Corps of Engineers projects related to the consequences of natural disasters, $3,461,000,000, to remain available until expended: *Provided,* That $2,902,000,000 of the funds provided under this heading shall be used to reduce future flood risk in ways that will support the long-term sustainability of the coastal ecosystem and communities and reduce the economic costs and risks associated with large-scale flood and storm events that occurred in 2012 along the Gulf Coast and Atlantic Coast within the boundaries of the North Atlantic and Mississippi Valley Divisions of the Corps that were affected by Hurricanes Sandy and Isaac: *Provided further,* That efforts using these funds shall incorporate current science and engineering standards in constructing previously authorized Corps projects designed to reduce flood and storm damage risks and modifying existing Corps projects that do not meet these standards, with such modifications as the Secretary determines are necessary to incorporate these standards or to meet the goal of providing sustainable reduction to flooding and storm damage risks: *Provided further,* That any project that is under study by the Corps for reducing flooding and storm damage risks and that the Corps studies demonstrate will cost-effectively reduce those risks is hereby authorized: *Provided further,* That local interests shall provide all lands, easements, rights-of-way, relocations and disposal areas (LERRDs) necessary for projects using these funds at no cost to the Government: *Provided further,* That cost sharing for implementation of any projects using these funds shall be 90 percent Federal and 10 percent non-Federal exclusive of LERRDs: *Provided further,* That the non-Federal cash contribution for projects using these funds shall be financed in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years from the date of completion of the project or separable element: *Provided further,* That for these projects, the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to these funds: *Provided further,* That the Secretary may transfer up to $499,000,000 of the funds provided under this heading to other U.S. Army Corps of Engineers Accounts to address damages from previous natural disasters following normal policies and cost sharing: *Provided further,* That the Committees on Appropriations of the House of Representatives and the Senate shall be notified at least 15 days in advance of any such transfer: *Provided further,* That up to $51,000,000 of the funds provided under this heading shall be used to expedite continuing authorities projects along the coastal areas in States impacted by Hurricane Sandy within the boundaries of the North Atlantic Division: *Provided further,* That $9,000,000 of the funds provided under this heading shall be used for repairs to projects that were under construction and damaged by the impacts of Hurricane Sandy: *Provided further,* That any projects using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further,* That the amounts in this paragraph are designated by the 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: *Provided further,* That the Assistant Secretary of the Army for Civil Works shall submit to the Committees on Appropriations of the House of Representatives and the Senate a monthly report detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of the enactment of this Act.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'', $821,000,000, to remain available until expended to dredge Federal navigation channels and repair damage to Corps projects nationwide related to natural disasters: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', $1,008,000,000, to remain available until expended to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs and other activities in response to flood, hurricanes or other natural disasters as authorized by law: *Provided*, That $430,000,000 of the funds provided herein shall be utilized by the Corps to restore projects impacted by Hurricane Sandy in the North Atlantic Division of the U.S. Army Corps of Engineers to design profiles of the authorized projects: *Provided further*, That the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to funds provided under this heading: *Provided further*, That the amounts in this paragraph are designated by the 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: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

EXPENSES

For an additional amount for ''Expenses'' for increased efforts to oversee emergency response and recovery activities related to natural disasters, $10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act

of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

TITLE V

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount to be deposited in the ''Federal Buildings Fund'', $7,000,000, to remain available until expended, notwithstanding 40 U.S.C. 3307, for necessary expenses related to the consequences of Hurricane Sandy, including repair and alteration of buildings under the custody and control of the Administrator of General Services, and real property management and related activities not otherwise provided for: *Provided*, That such amount is designated by the 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.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $40,000,000, to remain available until September 30, 2014, of which $20,000,000 is for grants to or cooperative agreements with organizations to provide technical assistance related to disaster recovery, response, and long-term resiliency to small businesses that are recovering from Hurricane Sandy; and of which $20,000,000 is for grants or cooperative agreements for public-private partnerships to provide long-term economic development assistance to industries and/or regions affected by Hurricane Sandy through economic development initiatives, including innovation clusters, industry accelerators, supply-chain support, commercialization, and workforce development: *Provided*, That the Small Business Administration (SBA) shall expedite the delivery of assistance in disaster-affected areas by awarding grants or cooperative agreements for technical assistance only to current recipients of SBA grants or cooperative agreements using a streamlined application process that relies, to the maximum extent practicable, upon previously submitted documentation: *Provided further*, That the Administrator of the Small Business Administration shall waive the matching requirements under section 21(a)(4)(A) and 29(c) of the Small Business Act for any grant made using funds made available under this heading: *Provided further*, That in designing appropriate economic development initiatives and identifying those regions and industries most affected by Hurricane Sandy, the SBA shall work with other Federal agencies, State and local economic development entities, institutions of higher learning, and private sector partners: *Provided further*, That grants or cooperative agreements for public-private partnerships may be awarded to public or private nonprofit organizations, or any combination thereof: *Provided further*, That no later than 30 days after the date of enactment of this Act, or no less than 7 days prior to obligation of funds, whichever occurs earlier, the SBA shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such amounts are designated by the 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.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'' for necessary expenses related to the consequences of Hurricane Sandy and other disasters, $5,000,000, to remain available until expended: *Provided*, That such amount is designated by the 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.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Disaster Loans Program Account'' for the cost of direct loans authorized by section 7(b) of the Small Business Act, for necessary expenses related to Hurricane Sandy and other disasters, $500,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That in addition, for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act in response to Hurricane Sandy and other disasters, $260,000,000, to remain available until expended, of which $250,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which $10,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses: *Provided further*, That such amounts are designated by the 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.

GENERAL PROVISIONS—THIS TITLE

SEC. 501. Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking ''$2,000,000'' and inserting ''$5,000,000''.

SEC. 502. Section 7(d)(6) of the Small Business Act (15 U.S.C. 636(d)(6)) is amended by inserting after ''which are made under paragraph (1) of subsection (b)'' the following: '': *Provided further*, That the Administrator, in obtaining the best available collateral for a loan of not more than $200,000 under paragraph (1) or (2) of subsection (b) relating to damage to or destruction of the property of, or economic injury to, a small business concern, shall not require the owner of the small business concern to use the primary residence of the owner as collateral if the Administrator determines that the owner has other assets with a value equal to or greater than the amount of the loan that could be used as collateral for the loan: *Provided further*, That nothing in the preceding proviso may be construed to reduce the amount of collateral required by the Administrator in connection with a loan described in the preceding proviso or to modify the standards used to evaluate the quality (rather than the type) of such collateral''.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $1,667,000: *Provided*, That such amount is designated by the 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: *Provided further*, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $855,000: *Provided*, That such amount is designated by the 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: *Provided further*, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Acquisition, Construction, and Improvements'' for necessary expenses related to the consequences of Hurricane Sandy, $274,233,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the 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: *Provided further*, That notwithstanding the transfer limitation contained in section 503 of division D of Public Law 112–74, such funding may be transferred to other Coast Guard appropriations after notification as required in accordance with such section: *Provided further*, That a description all facilities and property to be reconstructed and restored, with associated costs and time lines, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $300,000: *Provided*, That such amount is designated by the 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: *Provided further*, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Disaster Relief Fund'' in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $11,487,735,000, to remain available until expended: *Provided*, That of the total amount provided, $5,379,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That the amount in the previous proviso is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the total amount provided, $6,108,735,000 is designated by the 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 which shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That of the total amount provided, $3,000,000 shall be transferred to the Department of Homeland Security ''Office of Inspector General'' for audits and investigations related to disasters.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, $300,000,000, to remain available until expended, as authorized by section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), of which up to $4,000,000 is for administrative expenses to carry out the direct loan program: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $400,000,000: *Provided further*, That these amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for ''Research, Development, Acquisition, and Operations'' for necessary expenses related to the consequences of Hurricane Sandy, $3,249,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the 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.

DOMESTIC NUCLEAR DETECTION OFFICE

SYSTEMS ACQUISITION

For an additional amount for ''Systems Acquisition'' for necessary expenses related to the consequences of Hurricane Sandy for replacing or repairing U.S. Customs and Border Protection equipment, $3,869,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the 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.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. (a) Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking ''$20,725,000,000'' and inserting ''$30,425,000,000''.

(b) The amount provided by this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall be considered to have taken effect on December 12, 2012.

SEC. 602. The Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State, tribal, and local governments may give greater weight to the factors considered under section 206.48(b)(3) of title 44, Code of Federal Regulations, to accurately measure the acute needs of a population following a disaster in order to expedite a declaration of Individual Assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 603. For determinations regarding compliance with codes and standards under the Federal Emergency Management Agency Public Assistance program (42 U.S.C. 5172), the Administrator of the Federal Emergency Management Agency, for major disasters declared on or after August 27, 2011, shall consider eligible the costs required to comply with a State's Stream Alteration General Permit process, including any design standards required to be met as a condition of permit issuance.

SEC. 604. Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management may recommend to the President an increase in the Federal cost share of the eligible cost of permanent work under section 406 and of emergency work under section 403 and section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) for damages resulting from Hurricane Sandy without delay.

SEC. 605. In administering the funds made available to address any major disaster declared during the period beginning on August 27, 2011 and ending on December 5, 2012, the Administrator of the Federal Emergency Management Agency shall establish a pilot program for the relocation of State facilities under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), under which the Administrator may waive, or specify alternative requirements for, any regulation the Administrator administers to provide assistance, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for the permanent relocation of State facilities, including administrative office buildings, medical facilities, laboratories, and related operating infrastructure (including heat, sewage, mechanical, electrical, and plumbing), that were significantly damaged as a result of the major disaster, are subject to flood risk, and are otherwise eligible for repair, restoration, reconstruction, or replacement under section 406 of that Act, if the Administrator determines that such relocation is practicable, and will be cost effective or more appropriate than repairing, restoring, reconstructing, or replacing the facility in its pre-disaster location, and if such relocation will effectively mitigate the flood risk to the facility.

LEVEES

SEC. 606. (a) DEFINITIONS.—In this section—

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

(2) the term ''covered hazard mitigation land'' means land—

(A) acquired and deed restricted under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)) before, on, or after the date of enactment of this Act; and

(B) that is located—

(i) in a West North Central State; and

(ii) in a community that—

(I) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and

(II) certifies to the Administrator and the Chief of Engineers that the community will continue to participate in the National Flood Insurance Program.

(b) AUTHORITY.—Notwithstanding clause (i) or (ii) of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)), the Administrator shall approve the construction of a permanent flood risk reduction levee by a State, local, or tribal government on covered hazard mitigation land if the Administrator and the Chief of Engineers determine, through a process established by the Administrator and Chief of Engineers and funded entirely by the State, local, or tribal government seeking to construct the proposed levee, that—

(1) construction of the proposed permanent flood risk reduction levee would more effectively mitigate against flooding risk than an open floodplain or other flood risk reduction measures;

(2) the proposed permanent flood risk reduction levee complies with Federal, State, and local requirements, including mitigation of adverse impacts and implementation of floodplain management requirements, which shall include an evaluation of whether the construction, operation, and maintenance of the proposed levee would continue to meet best available industry standards and practices and would be the most cost-effective measure to protect against the assessed flood risk and minimizes future costs to the Federal Government;

(3) the State, local, or tribal government seeking to construct the proposed levee has provided an adequate maintenance plan that documents the procedures the State, local, or tribal government will use to ensure that the stability, height, and overall integrity of the proposed levee and the structure and systems of the proposed levee are maintained, including—

(A) specifying the maintenance activities to be performed;

(B) specifying the frequency with which maintenance activities will be performed;

(C) specifying the person responsible for performing each maintenance activity (by name or title);

(D) detailing the plan for financing the maintenance of the levee; and

(E) documenting the ability of the State, local, or tribal government to finance the maintenance of the levee.

(c) MAINTENANCE CERTIFICATION.—

(1) IN GENERAL.—A State, local, or tribal government that constructs a permanent flood risk reduction levee under subsection (b) shall submit to the Administrator and the Chief of Engineers an annual certification indicating whether the State, local, or tribal government is in compliance with the maintenance plan provided under subsection (b)(3).

(2) REVIEW.—The Chief of Engineers shall review a certification submitted under paragraph (1) and determine whether the State, local, or tribal government has complied with the maintenance plan.

SEC. 607. The Administrator of the Federal Emergency Management Agency shall cancel the liquidated balances of all remaining uncancelled or partially cancelled loans disbursed under the Community Disaster Loan Act of 2005 (Public Law 109–88) and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234), as amended by section 4502 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) to the extent that revenues of the local government during the period following the major disaster are insufficient to meet the budget of the local government, including additional disaster-related expenses of a municipal character. In calculating a community's revenues while determining cancellation, the Administrator shall exclude revenues for special districts and any other revenues that are required by law to be disbursed to other units of local government or used for specific purposes more limited than the scope allowed by the General Fund. In calculating a community's expenses, the Administrator shall include

disaster-related capital expenses for which the community has not been reimbursed by Federal or insurance proceeds, debt service expenses, and accrued but unpaid uncompensated absences (vacation and sick pay). In calculating the operating deficit of the local government, the Administrator shall also consider all interfund transfers. When considering the period following the disaster, the Administrator may consider a period of 3, 5, or 7 full fiscal years after the disaster, beginning on the date of the declaration, in determining eligibility for cancellation. The criteria for cancellation do not apply to those loans already cancelled in full. Applicants shall submit supplemental documentation in support of their applications for cancellation on or before April 30, 2014, and the Administrator shall issue determinations and resolve any appeals on or before April 30, 2015. Loans not cancelled in full shall be repaid not later than September 30, 2035. The Administrator may use funds provided under Public Law 109–88 to reimburse those communities that have repaid all or a portion of loans, including interest, provided as Special Community Disaster Loans under Public Law 109–88 or Public Law 109–234, as amended by section 4502 of Public Law 110–28. Further, the Administrator may use funds provided under Public Law 109–88 for necessary expenses to carry out this provision: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 608. The Inspector General shall review the applications for public assistance provided through the Disaster Relief Fund with a project cost that exceeds $10,000,000 and the resulting decisions issued by the Federal Emergency Management Agency for category A debris removal for DR–1786 upon receipt of a request from an applicant made no earlier than 90 days after filing an appeal with the Federal Emergency Management Agency without regard to whether the Administrator of the Federal Emergency Management Agency has issued a final agency determination on the application for assistance: *Provided*, That not later than 180 days after the date of such request, the Inspector General shall determine whether the Federal Emergency Management Agency correctly applied its rules and regulations to determine eligibility of the applicant's claim: *Provided further*, That if the Inspector General finds that the Federal Emergency Management Agency determinations related to eligibility and cost involved a misapplication of its rules and regulations, the applicant may submit the dispute to the arbitration process established under the authority granted under section 601 of Public Law 111–5 not later than 15 days after the date of issuance of the Inspector General's finding in the previous proviso: *Provided further*, That if the Inspector General finds that the Federal Emergency Management Agency provided unauthorized funding, that the Federal Emergency Management Agency shall take corrective action.

DISASTER RECOVERY

SEC. 609. (a) SHORT TITLE.—This section may be cited as the ''Disaster Recovery Act of 2012''.

(b) HAZARD MITIGATION.—

(1) IN GENERAL.—Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

(d) EXPEDITED PROCEDURES.—

''(1) IN GENERAL.—For the purpose of providing assistance under this section, the President shall ensure that—

''(A) adequate resources are devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act and historic preservation reviews under the National Historic Preservation Act are completed on an expeditious basis; and

''(B) the shortest existing applicable process under the National Environmental Policy Act and the National Historic Preservation Act shall be utilized.

''(2) AUTHORITY FOR OTHER EXPEDITED PROCEDURES.—The President may utilize expedited procedures in addition to those required under paragraph (1) for the purpose of providing assistance under this section, such as those under the Prototype Programmatic Agreement of the Federal Emergency Management Agency, for the consideration of multiple structures as a group and for an analysis of the cost-effectiveness and fulfillment of cost-share requirements for proposed hazard mitigation measures.

''(e) ADVANCE ASSISTANCE.—The President may provide not more than 25 percent of the amount of the estimated cost of hazard mitigation measures to a State grantee eligible for a grant under this section before eligible costs are incurred.''.

(2) ESTABLISHMENT OF CRITERIA RELATING TO ADMINISTRATION OF HAZARD MITIGATION ASSISTANCE BY STATES.—Section 404(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(c)(2)) is amended by inserting ''Until such time as the Administrator promulgates regulations to implement this paragraph, the Administrator may waive notice and comment rulemaking if the Administrator determines doing so is necessary to expeditiously implement this section and may carry out the alternative procedures under this section as a pilot program'' after ''applications submitted under paragraph (1).''.

(3) APPLICABILITY.—The authority under the amendments made by this subsection shall apply for—

(A) any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on or after the date of enactment of this Act; and

(B) a major disaster or emergency declared before the date of enactment of this Act for which the period for processing requests for assistance has not ended on the date of enactment of this Act.

(c) PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PROCEDURES.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended—

(1) by redesignating section 425 (42 U.S.C. 5189e) relating to essential service providers, as added by section 607 of the SAFE Port Act (Public Law 109–347; 120 Stat. 1941) as section 427; and

(2) by adding at the end the following:

''SEC. 428. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PROCEDURES.

''(a) IN GENERAL.—The Administrator of the Federal Emergency Management Agency may approve projects under the alternative procedures adopted under this section for—

''(1) any major disaster or emergency declared on or after the date of enactment of this section; and

''(2) any project relating to a major disaster or emergency declared before the date of enactment of this section for which construction has not begun on the date of enactment of this section.

''(b) ADOPTION.—The Administrator, in coordination with States, tribal, and local governments, and owners or operators of private nonprofit facilities, may adopt alternative procedures to administer assistance provided under sections 403(a)(3)(A), 406, 407, and 502(a)(5).

''(c) GOALS.—Any procedures adopted under subsection (b) shall further the goals of—

''(1) reducing the costs to the Federal Government of providing such assistance;

''(2) increasing flexibility in the administration of such assistance;

''(3) expediting the provision of such assistance to States, tribal, and local governments and to owners or operators of private nonprofit facilities; and

''(4) providing financial incentives and disincentives for the State, tribal, or local government, or owner or operator of a private nonprofit facility for the timely and cost-effective completion of projects with such assistance.

''(d) VOLUNTARY PARTICIPATION.—Participation in alternative procedures adopted under this section shall be at the election of a State, tribal, or local government, or owner or operator of a private nonprofit facility consistent with procedures determined by the Administrator.

''(e) REQUIREMENTS FOR PROCEDURES.—The alternative procedures adopted under subsection (b) shall include—

''(1) for repair, restoration, and replacement of damaged facilities under section 406—

''(A) making grants on the basis of fixed estimates, if the State, tribal, or local government, or owner or operator of the private nonprofit facility agrees to be responsible for any actual costs that exceed the estimate;

''(B) providing an option for a State, tribal, or local government, or owner or operator of a private nonprofit facility to elect to receive an in-lieu contribution, without reduction, on the basis of estimates of—

''(i) the cost of repair, restoration, reconstruction, or replacement of a public facility owned or controlled by the State, tribal, or local government or the owner or operator of a private nonprofit facility; and

''(ii) management expenses;

''(C) consolidating, to the extent determined appropriate by the Administrator, the facilities of a State, tribal, or local government, or owner or operator of a private nonprofit facility as a single project based upon the estimates adopted under the procedures;

''(D) if the actual costs of a project completed under the procedures are less than the estimated costs thereof, the Administrator may permit a grantee or subgrantee to use all or part of the excess funds for purposes of—

''(i) cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster; and

''(ii) other activities to improve future Public Assistance operations or planning;

''(E) in determining eligible cost under section 406, the Administrator shall make available, at an applicant's request and where the Federal Emergency Management Agency or the certified cost estimate prepared by the applicant's professionally licensed engineers has estimated an eligible Federal share for a project of not less than $5,000,000, an independent expert panel to validate the estimated eligible cost consistent with applicable regulations and policies implementing this section;

''(F) in determining eligible cost under section 406, the Administrator shall, at the applicant's request, consider properly conducted and certified cost estimates prepared by professionally licensed engineers (mutually agreed upon by the Administrator and the applicant), to the extent that such estimates comply with applicable regulation, policy, and guidance; and

''(2) for debris removal under sections 403(a)(3)(A), 407, and 502(a)(5)—

''(A) making grants on the basis of fixed estimates to provide financial incentives and

disincentives for the timely or cost effective completion if the State, tribal, or local government, or owner or operator of the private nonprofit facility agrees to be responsible to pay for any actual costs that exceed the estimate;

''(B) using a sliding scale for the Federal share for removal of debris and wreckage based on the time it takes to complete debris and wreckage removal;

''(C) allowing use of program income from recycled debris without offset to the grant amount;

''(D) reimbursing base and overtime wages for employees and extra hires of a State, tribal, or local government, or owner or operator of a private nonprofit facility performing or administering debris and wreckage removal;

''(E) providing incentives to State, tribal, and local governments to have a debris management plan approved by the Federal Emergency Management Agency and have prequalified one or more debris and wreckage removal contractors before the date of declaration of the major disaster; and

''(F) if the actual costs of projects under subparagraph (A) are less than the estimated costs of the project, the Administrator may permit a grantee or subgrantee to use all or part of the excess funds for—

''(i) debris management planning;

''(ii) acquisition of debris management equipment for current or future use; and

''(iii) other activities to improve future debris removal operations, as determined by the Administrator.

''(f) WAIVER AUTHORITY.—Until such time as the Administrator promulgates regulations to implement this section, the Administrator may waive notice and comment rulemaking, if the Administrator determines the waiver is necessary to expeditiously implement this section, and may carry out the alternative procedures under this section as a pilot program.

''(g) REIMBURSEMENT.—The guidelines for reimbursement for costs under subsection (e)(2)(D) shall assure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).''.

(d) SIMPLIFIED PROCEDURES.—Section 422 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189) is amended—

(1) by striking ''If the Federal estimate'' and inserting the following:

''(a) IN GENERAL.—If the Federal estimate'';

(2) by inserting ''or, if the Administrator has established a threshold under subsection (b), the amount established under subsection (b)'' after ''$35,000'' the first place it appears;

(3) by inserting ''or, if applicable, the amount established under subsection (b),'' after ''$35,000 amount''; and

(4) by adding at the end the following:

''(b) THRESHOLD.—

''(1) REPORT.—Not later than 1 year after the date of enactment of the Disaster Recovery Act of 2012, the President, acting through the Administrator of the Federal Emergency Management Agency (in this section referred to as the 'Administrator'), shall—

''(A) complete an analysis to determine whether an increase in the threshold for eligibility under subsection (a) is appropriate, which shall include consideration of cost-effectiveness, speed of recovery, capacity of grantees, past performance, and accountability measures; and

''(B) submit to the appropriate committees of the Congress (as defined in section 602 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701)) a report regarding the analysis conducted under subparagraph (A).

''(2) AMOUNT.—After the Administrator submits the report required under paragraph (1), the President shall direct the Administrator to—

''(A) immediately establish a threshold for eligibility under this section in an appropriate amount, without regard to chapter 5 of title 5, United States Code; and

''(B) adjust the threshold annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

''(3) REVIEW.—Not later than 3 years after the date on which the Administrator establishes a threshold under paragraph (2), and every 3 years thereafter, the President, acting through the Administrator, shall review the threshold for eligibility under this section.''.

(e) ESSENTIAL ASSISTANCE.—Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) is amended by adding at the end the following:

''(d) SALARIES AND BENEFITS.—

''(1) IN GENERAL.—The President may reimburse a State, tribal, or local government for costs relating to pay and benefits (including overtime and hazardous duty pay) for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section, provided such work is not typically performed by such employees and the type of work may otherwise be carried out by contract or agreement with private organizations, firms, or individuals.

''(2) OVERTIME.—The guidelines for reimbursement for costs under paragraph (1) shall assure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).''.

(f) UNIFIED FEDERAL REVIEW.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by subsection (c), is amended by adding at the end the following:

''SEC. 429. UNIFIED FEDERAL REVIEW.

''(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Disaster Recovery Act of 2012, and in consultation with the Council on Environmental Quality and the Advisory Council on Historic Preservation, the President shall establish an expedited and unified interagency review process to ensure compliance with environmental and historic requirements under Federal law relating to disaster recovery projects, in order to expedite the recovery process, consistent with applicable law.

''(b) CONTENTS.—The review process established under this section shall include mechanisms to expeditiously address delays that may occur during the recovery from a major disaster, and shall be updated as appropriate, consistent with applicable law.''.

(g) DISPUTE RESOLUTION PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

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

(B) the term ''eligible assistance'' means assistance—

(i) under section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173);

(ii) for which the legitimate amount in dispute is not less than $1,000,000, which the Administrator shall adjust annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor; and

(iii) for which the applicant has a non-Federal share.

(2) PROCEDURES.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in order to facilitate an efficient recovery from major disasters, the Administrator shall establish procedures under which an applicant may request the use of alternative dispute resolution, including arbitration by an independent review panel, to resolve disputes relating to eligible assistance.

(B) BINDING EFFECT.—A decision by an independent review panel under this subsection shall be binding upon the parties to the dispute.

(C) CONSIDERATIONS.—The procedures established under this subsection shall—

(i) allow a party of a dispute relating to eligible assistance to request an independent review panel for the review;

(ii) require a party requesting an independent review panel as described in clause (i) to agree to forego rights to any further appeal of the dispute relating to any eligible assistance;

(iii) require that the sponsor of an independent review panel for any alternative dispute resolution under this subsection shall be—

(I) an individual or entity unaffiliated with the dispute (which may include a Federal agency, an administrative law judge, or a reemployed annuitant who was an employee of the Federal Government) selected by the Administrator; and

(II) responsible for identifying and maintaining an adequate number of independent experts qualified to review and resolve disputes under this subsection;

(iv) require an independent review panel to—

(I) resolve any remaining disputed issue in accordance with all applicable laws, regulations, and Federal Emergency Management Agency interpretations of those laws through its published policies and guidance;

(II) consider only evidence contained in the administrative record, as it existed at the time at which the Federal Emergency Management Agency made its initial decision;

(III) only set aside a decision of the Federal Emergency Management Agency found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; and

(IV) in the case of a finding of material fact adverse to the claimant made on first appeal, only set aside or reverse such finding if the finding is clearly erroneous;

(v) require an independent review panel to expeditiously issue a written decision for any alternative dispute resolution under this subsection; and

(vi) direct that if an independent review panel for any alternative dispute resolution under this subsection determines that the basis upon which a party submits a request for alternative dispute resolution is frivolous, the independent review panel shall direct the party to pay the reasonable costs of the Federal Emergency Management Agency relating to the review by the independent review panel.

(D) FUNDS RECEIVED.—Any funds received by the Federal Emergency Management Agency under the authority under this subsection shall be deposited to the credit of the appropriation or appropriations available for the eligible assistance in dispute on the date on which the funds are received.

(3) SUNSET.—A request for review by an independent review panel under this subsection may not be made after December 31, 2015.

(4) REPORT.—

(A) IN GENERAL.—Not later than 270 days after the termination of authority under this subsection pursuant to paragraph (3), the Comptroller General of the United States

shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report analyzing the effectiveness of the program under this subsection.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include—

(i) a determination of the availability of data required to complete the report;

(ii) an assessment of the effectiveness of the program under this subsection, including an assessment of whether the program expedited or delayed the disaster recovery process;

(iii) an assessment of whether the program increased or decreased costs to administer section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

(iv) an assessment of the procedures and safeguards that the independent review panels established to ensure objectivity and accuracy, and the extent to which they followed those procedures and safeguards;

(v) a recommendation as to whether any aspect of the program under this subsection should be made a permanent authority; and

(vi) recommendations for any modifications to the authority or the administration of the authority under this subsection in order to improve the disaster recovery process.

(h) INDIVIDUAL ASSISTANCE FACTORS.—In order to provide more objective criteria for evaluating the need for assistance to individuals and to speed a declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State, tribal, and local emergency management agencies, shall review, update, and revise through rulemaking the factors considered under section 206.48 of title 44, Code of Federal Regulations (including section 206.48(b)(2) of such title relating to trauma and the specific conditions or losses that contribute to trauma), to measure the severity, magnitude, and impact of a disaster.

(i) CHILD CARE.—Section 408(e)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(e)(1)) is amended—

(1) in the paragraph heading, by inserting ''CHILD CARE,'' after ''DENTAL,''; and

(2) by inserting ''child care,'' after ''dental,''.

(j) TEMPORARY HOUSING.—Section 408(c)(1)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(B)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(2) by inserting after clause (i) the following:

''(ii) LEASE AND REPAIR OF RENTAL UNITS FOR TEMPORARY HOUSING.—

''(I) IN GENERAL.—The President, to the extent it would be a cost effective alternative to other temporary housing options, may—

''(aa) enter into lease agreements with owners of multifamily rental property located in areas covered by a major disaster declaration to house individuals and households eligible for assistance under this section; and

''(bb) make repairs or improvement to properties under such lease agreements, to the extent necessary to serve as safe and adequate temporary housing.

''(II) IMPROVEMENTS OR REPAIRS.—Under the terms of any lease agreement for property entered into under this subsection, the value of the improvements or repairs shall be deducted from the value of the lease agreement; and may not exceed the value of the lease agreement.

''(III) PERIOD OF ASSISTANCE.—The President may not provide direct assistance under this clause with respect to a major disaster after the end of the 18-month period beginning on the date of declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.''; and

(3) in clause (iv), as so redesignated, by striking ''clause (ii)'' and inserting ''clause (iii)''.

(k) TRIBAL REQUESTS FOR A MAJOR DISASTER OR EMERGENCY DECLARATION UNDER THE STAFFORD ACT.—

(1) MAJOR DISASTER REQUESTS.—Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) is amended—

(A) by striking ''All requests for a declaration'' and inserting ''(a) IN GENERAL.—All requests for a declaration''; and

(B) by adding at the end the following:

''(b) INDIAN TRIBAL GOVERNMENT REQUESTS.—

''(1) IN GENERAL.—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that a major disaster exists consistent with the requirements of subsection (a).

''(2) REFERENCES.—In implementing assistance authorized by the President under this Act in response to a request of the Chief Executive of an affected Indian tribal government for a major disaster declaration, any reference in this Act, except sections 310 and 326, to a State or the Governor of a State is deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

''(3) SAVINGS PROVISION.—Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this Act through a declaration made by the President at the request of a State under subsection (a) if the President does not make a declaration under this subsection for the same incident.

''(c) COST SHARE ADJUSTMENTS FOR INDIAN TRIBAL GOVERNMENTS.—

''(1) IN GENERAL.—In providing assistance to an Indian tribal government under this Act, the President may waive or adjust any payment of a non-Federal contribution with respect to the assistance if—

''(A) the President has the authority to waive or adjust the payment under another provision of this Act; and

''(B) the President determines that the waiver or adjustment is necessary and appropriate.

''(2) CRITERIA FOR MAKING DETERMINATIONS.—The President shall establish criteria for making determinations under paragraph (1)(B).''.

(2) EMERGENCY REQUESTS.—Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191) is amended by adding at the end the following:

''(c) INDIAN TRIBAL GOVERNMENT REQUESTS.—

''(1) IN GENERAL.—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that an emergency exists consistent with the requirements of subsection (a).

''(2) REFERENCES.—In implementing assistance authorized by the President under this Act in response to a request of the Chief Executive of an affected Indian tribal government for an emergency declaration, any reference in this Act, except sections 310 and 326, to a State or the Governor of a State is deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

''(3) SAVINGS PROVISION.—Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this Act through a declaration made by the President at the request of a State under subsection (a) if the President does not make a declaration under this subsection for the same incident.''.

(3) DEFINITIONS.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(A) in paragraph (7)(B) by striking ''; and'' and inserting '', that is not an Indian tribal government as defined in paragraph (6); and'';

(B) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(C) by inserting after paragraph (5) the following:

''(6) INDIAN TRIBAL GOVERNMENT.—The term 'Indian tribal government' means the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a et seq.).''; and

(D) by adding at the end the following:

''(12) CHIEF EXECUTIVE.—The term 'Chief Executive' means the person who is the Chief, Chairman, Governor, President, or similar executive official of an Indian tribal government.''.

(4) REFERENCES.—Title I of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended by adding after section 102 the following:

''SEC. 103. REFERENCES.

''Except as otherwise specifically provided, any reference in this Act to 'State and local', 'State or local', 'State, and local', 'State, or local', or 'State, local' (including the plural form of such terms) with respect to governments or officials and any reference to a 'local government' in sections 406(d)(3) and 417 shall be deemed to refer also to Indian tribal governments and officials, as appropriate.''.

(5) REGULATIONS.—

(A) ISSUANCE.—The President shall issue regulations to carry out the amendments made by this subsection.

(B) FACTORS.—In issuing regulations under this paragraph, the President shall consider the unique conditions that affect the general welfare of Indian tribal governments.

(l) REPORT.—Not later than 90 days after the date of enactment of this Act, the Chair of the Hurricane Sandy Rebuilding Task Force established by the President, in consultation with the Administrator of the Federal Emergency Management Agency, the Secretary of the Treasury, and others whom the Chair determines to be appropriate, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes a discussion of—

(1) the impacts of Hurricane Sandy on local government budgets in States where a major disaster has been declared, including revenues from taxes, fees, and other sources, and expenses related to operations, debt obligations, and unreimbursed disaster-related costs;

(2) the availability of loans from private sources to address such impacts, including

information on interest rates, repayment terms, securitization requirements, and the ability of affected local governments to qualify for such loans;

(3) the availability of Federal resources to address the budgetary impacts of Hurricane Sandy upon local governments;

(4) the ability of the Community Disaster Loan program authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to effectively and expeditiously address budgetary impacts of Hurricane Sandy and other disasters upon local governments, including—

(A) an assessment of the current statutory limits on loan amounts;

(B) the regulations, policies, and procedures governing program mobilization to communities in need and expeditious processing of loan applications;

(C) information on interest rates, repayment terms, securitization requirements, and ability of affected local governments to qualify for such loans;

(D) criteria governing the cancellation of such loans, including appropriate classification of available revenues and eligible expenses, and the consistency of program rules with customary local government budgetary practices and State or local laws that affect the specific budgetary practices of local governments affected by Hurricane Sandy and other disasters;

(E) repayment terms and timeframes on loans that do not qualify for cancellation;

(F) options for Congressional consideration related to legislative modifications of this program, and any other applicable provisions of Federal law, in order to address the budgetary impacts of Hurricane Sandy and other disasters upon local governments; and

(G) recommendations on steps the Federal Emergency Management Agency may take in order to improve program administration, effectiveness, communications, and speed; and

(5) potential consequences of Federal action or inaction to address the budgetary impacts of Hurricane Sandy upon local governments.

(m) APPLICABILITY.—Unless otherwise specified, this section and the amendments made by this section shall apply for—

(1) any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on or after the date of enactment of this Act; and

(2) a major disaster or emergency declared before the date of enactment of this Act for which the period for processing requests for assistance has not ended on the date of enactment of this Act.

TITLE VII

DEPARTMENT OF THE INTERIOR

FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, $78,000,000, to remain available until expended: *Provided*, That such amount is designated by the 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.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the ''Historic Preservation Fund'' for necessary expenses related to the consequences of Hurricane Sandy, $50,000,000, to remain available until September 30, 2015, including costs to states necessary to complete compliance activities required by section 106 of the National Historic Preservation Act and costs needed to administer the program: *Provided*, That grants shall only be available for areas that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That such amount is designated by the 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.

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, $348,000,000, to remain available until expended: *Provided*, That such amount is designated by the 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.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OIL SPILL RESEARCH

For an additional amount for ''Oil Spill Research'' for necessary expenses related to the consequences of Hurricane Sandy, $3,000,000, to remain available until expended: *Provided*, That such amount is designated by the 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.

DEPARTMENTAL OPERATIONS

OFFICE OF THE SECRETARY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Departmental Operations'' and any Department of the Interior component bureau or office for necessary expenses related to the consequences of Hurricane Sandy and for other activities related to storms and natural disasters, $150,000,000, to remain available until expended: *Provided*, That funds appropriated herein shall be used to restore and rebuild parks, refuges, and other public assets; increase the resiliency and capacity of coastal habitat and infrastructure to withstand future storms and reduce the amount of damage caused by such storms; protect natural and cultural values; and assist State, tribal and local governments: *Provided further*, That the Secretary may transfer these funds to any other account in the Department and may expend such funds by direct expenditure, grants, or cooperative agreements, including grants to or cooperative agreements with States, Tribes, and municipalities, to carry out the purposes provided herein: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spending plan for the amounts provided herein within 60 days of enactment of this Act: *Provided further*, That such amount is designated by the 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.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for ''Environmental Programs and Management'' for necessary expenses related to the consequences of Hurricane Sandy, $725,000, to remain available until expended: *Provided*, That such amount is designated by the 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.

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for ''Hazardous Substance Superfund'' for necessary expenses related to the consequences of Hurricane Sandy, $2,000,000, to remain available until expended: *Provided*, That such amount is designated by the 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.

LEAKING UNDERGROUND STORAGE TANK FUND

For an additional amount for ''Leaking Underground Storage Tank Fund'' for necessary expenses related to the consequences of Hurricane Sandy, $5,000,000, to remain available until expended: *Provided*, That such amount is designated by the 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.

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for ''State and Tribal Assistance Grants'', $810,000,000, to remain available until expended, of which $700,000,000 shall be for capitalization grants for the Clean Water State Revolving Funds under Title VI of the Federal Water Pollution Control Act, and of which $110,000,000 shall be for capitalization grants under section 1452 of the Safe Drinking Water Act: *Provided*, That notwithstanding section 604(a) of the Federal Water Pollution Control Act and section 1452(a)(1)(D) of the Safe Drinking Water Act, funds appropriated herein shall be provided to States that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for Hurricane Sandy: *Provided further*, That no eligible state shall receive less than two percent of such funds: *Provided further*, That funds appropriated herein shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3) or 202 of the Federal Water Pollution Control Act nor the matching requirements of section 1452(e) of the Safe Drinking Water Act: *Provided further*, That notwithstanding the requirements of section 603(d) of the Federal Water Pollution Control Act, for the funds appropriated herein, each State shall use not less than 50 percent of the amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these: *Provided further*, That the funds appropriated herein shall only be used for eligible projects whose purpose is to reduce flood damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or a natural disaster at treatment works as defined by section 212 of the Federal Water Pollution Control Act or any eligible facilities under section 1452 of the Safe Drinking Water Act, and for other eligible tasks at such treatment works or facilities necessary to further such purposes: *Provided further*, That notwithstanding the definition of treatment works in section 212 of the Federal Water Pollution Control Act, and subject to the purposes described herein, the funds appropriated herein shall be available for the purchase of land and easements necessary for the siting of eligible treatment works projects: *Provided further*, That the Administrator may retain up to $1,000,000 of the funds appropriated herein for management and oversight of the requirements of this section: *Provided further*, That such amounts are designated by the 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.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for ''Capital Improvement and Maintenance'' for necessary expenses related to the consequences of Hurricane Sandy, $4,400,000, to remain available until expended: *Provided*, That such amount is designated by the 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.

OTHER RELATED AGENCY

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $2,000,000, to remain available until expended: *Provided*, That such amount is designated by the 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.

TITLE VIII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Training and Employment Services'', $50,000,000, for the dislocated workers assistance national reserve for necessary expenses resulting from Hurricane Sandy, which shall be available from the date of enactment of this Act through September 30, 2013: *Provided*, That the Secretary of Labor may transfer up to $3,500,000 of such funds to any other Department of Labor account for other Hurricane Sandy reconstruction and recovery needs, including worker protection activities: *Provided further*, That such amounts are designated by the 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.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

SOCIAL SERVICES BLOCK GRANT

For an additional amount for ''Social Services Block Grant'', $500,000,000, for necessary expenses resulting from Hurricane Sandy in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, notwithstanding section 2003 and paragraphs (1) and (4) of section 2005(a) of the Social Security Act: *Provided*, That, notwithstanding section 2002 of the Social Security Act, the distribution of such amount shall be limited to States directly affected by these events: *Provided further*, That section 2002(c) of the Social Security Act shall be applied to funds appropriated in this paragraph by substituting succeeding 2 fiscal years for succeeding fiscal year: *Provided further*, That funds appropriated in this paragraph are in addition to the entitlement grants authorized by section 2002(a)(1) of the Social Security Act and shall not be available for such entitlement grants: *Provided further*, That in addition to other uses permitted by title XX of the Social Security Act, funds appropriated in this paragraph may be used for health services (including mental health services), and for costs of renovating, repairing, or rebuilding health care facilities (including mental health facilities), child care facilities, or other social services facilities: *Provided further*, That notwithstanding paragraphs (2) and (8) of section 2005(a) of the Social Security Act, a State may use up to 10 percent of its allotment of funds appropriated in this paragraph to supplement any other funds available for the following costs, subject to guidelines established by the Secretary, for health care providers (as defined by the Secretary): (a) payments to compensate employees of health care providers for wages lost as a direct result of Hurricane Sandy, and (b) payments to support the viability of health care providers with facilities that were substantially damaged as a direct result of Hurricane Sandy: *Provided further*, That funds appropriated in this paragraph are also available for costs incurred up to 3 days prior to Hurricane Sandy's October 29, 2012, landfall, subject to Federal review of documentation of the cost of services provided: *Provided further*, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or insurance: *Provided further*, That, with respect to the Federal interest in real property acquired or on which construction or major renovation of facilities (as such terms are defined in 45 CFR 1309.3) is undertaken with these funds, procedures equivalent to those specified in Subpart C of 45 CFR Part 1309 shall apply: *Provided further*, That such amount is designated by the 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.

CHILDREN AND FAMILY SERVICES PROGRAMS

For an additional amount for ''Children and Families Services Programs'', $100,000,000, for making payments under the Head Start Act in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of Hurricane Sandy: *Provided*, That funds appropriated in this paragraph are not subject to the allocation requirements of section 640(a) or the matching requirements of section 640(b) of the Head Start Act: *Provided further*, That funds appropriated in this paragraph shall be available through September 30, 2014 for activities to assist affected Head Start agencies, including technical assistance, costs of Head Start services (including supportive services for children and families, and provision of mental health services for children affected by Hurricane Sandy), and costs of renovating, repairing, or rebuilding those Head Start facilities damaged as a result of Hurricane Sandy: *Provided further*, That none of the funds appropriated in this paragraph shall be included in the calculation of the ''base grant'' in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of the Head Start Act: *Provided further*, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or by insurance: *Provided further*, That such amounts are designated by the 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.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'' for disaster response and recovery, and other expenses related to Hurricane Sandy, and for other disaster-response activities, $200,000,000, to remain available until expended: *Provided*, That these funds may be transferred by the Secretary to accounts within the Department of Health and Human Services, and shall be available only for the purposes provided in this paragraph: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act: *Provided further*, That obligations incurred for response activities for Hurricane Sandy prior to the enactment of this Act may be charged to this appropriation: *Provided further*, That funds appropriated in this paragraph may be used for renovating, repairing, or rebuilding non-Federal research facilities damaged as a result of Hurricane Sandy: *Provided further*, That funds appropriated under this paragraph shall not be available for costs that are eligible for reimbursement by the Federal Emergency Management Agency or are covered by insurance: *Provided further*, That such amount is designated by the 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.

RELATED AGENCY

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for ''Limitation on Administrative Expenses'', $2,000,000, for necessary expenses resulting from Hurricane Sandy: *Provided*, That such amount is designated by the 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.

TITLE IX

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for ''Military Construction, Army National Guard'', $24,200,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the 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.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for ''Medical Services'', $21,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the 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.

MEDICAL FACILITIES

For an additional amount for ''Medical Facilities'', $6,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the 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.

NATIONAL CEMETERY ADMINISTRATION

For an additional amount for ''National Cemetery Administration'', $1,100,000, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the 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.

DEPARTMENTAL ADMINISTRATION

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $500,000, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the 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.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for ''Construction, Major Projects'', $207,000,000 to remain available until expended, for renovations and repairs to the Department of Veterans Affairs Medical Center in Manhattan, New York, as a consequence of damage caused by Hurricane Sandy: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That such amount is designated by the 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.

TITLE X

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for ''Facilities and equipment'', $30,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the 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.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $921,000,000, to remain available until expended: *Provided*, That such amount is designated by the 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.

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for the Secretary to make grants to the National Railroad Passenger Corporation for costs and losses incurred as a result of Hurricane Sandy and to advance capital projects that address Northeast Corridor infrastructure recovery, mitigation and resiliency in the affected areas, $336,000,000, to remain available until expended: *Provided*, That the Administrator of the Federal Railroad Administration may retain up to one-half of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading: *Provided further*, That such amount is designated by the 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.

FEDERAL TRANSIT ADMINISTRATION

PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

For the Public Transportation Emergency Relief Program as authorized under section 5324 of title 49, United States Code, $10,783,000,000, to remain available until expended, for recovery and relief efforts in the areas most affected by Hurricane Sandy: *Provided*, That, of the funds provided under this heading, the Secretary may transfer up to $5,383,000,000 to the appropriate agencies to fund programs authorized under titles 23 and 49, United States Code, in order to carry out mitigation projects related to reducing risk of damage from future disasters in areas impacted by Hurricane Sandy: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified at least 15 days in advance of any such transfer: *Provided further*, That notwithstanding any other provision of law, the Federal share for all projects funded under this heading for repairs, reconstruction or mitigation of transportation infrastructure in areas impacted by Hurricane Sandy shall be 90 percent: *Provided further*, That up to three-quarters of 1 percent of the funds retained for public transportation emergency relief shall be available for the purposes of administrative expenses and ongoing program management oversight as authorized under 49 U.S.C. 5334 and 5338(i)(2) and shall be in addition to any other appropriations for such purposes: *Provided further*, That, of the funds made available under this heading, $6,000,000 shall be transferred to the Office of Inspector General to support the oversight of activities funded under this heading: *Provided further*, That such amounts are designated by the 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.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the ''Community Development Fund'' for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), due to Hurricane Sandy, for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), $17,000,000,000, to remain available until expended, of which at least $2,000,000,000 shall be used for mitigation projects to reduce future risk and vulnerabilities: *Provided*, That the Secretary shall establish a minimum allocation for each eligible State declared a major disaster due to Hurricane Sandy: *Provided further*, That, of the amount provided under this heading, $500,000,000 shall be used to address the unmet needs of impacted areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief Act (42 U.S.C. 5121 et seq.) or for small, economically distressed areas with a disaster declared in 2011 or 2012: *Provided further*, That funds shall be awarded directly to the State or unit of general local government as a grantee at the discretion of the Secretary: *Provided further*, That the Secretary shall allocate to grantees not less than 33 percent of the funds provided under this heading within 60 days after the enactment of this Act based on the best available data: *Provided further*, That prior to the obligation of funds, a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas: *Provided further*, That the Secretary shall by notice specify the criteria for approval of such plans within 45 days of enactment of this Act: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That the final paragraph under the heading Community Development Block Grants in title II of Public Law 105–276 (42 U.S.C. 5305 note) shall not apply to funds provided under this heading: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to 42 U.S.C. 5306: *Provided further*, That a grantee may use up to 5 percent of its allocation for administrative costs: *Provided further*, That the Secretary shall require that grantees have established procedures to ensure timely expenditure of funds and prevent any duplication of benefits as defined by 42 U.S.C. 5155 and prevent fraud and abuse of funds: *Provided further*, That the Secretary shall provide grantees with technical assistance on contracting and procurement processes and shall require grantees, in contracting or procuring for management and administration of these funds, to incorporate performance requirements and penalties into any such contracts or agreements and to maintain information with respect to performance on the use of any funds for management and administrative purposes: *Provided further*, That in administering the funds under this heading, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), pursuant to a determination by the Secretary that good cause exists for the waiver or alternative requirement and that such action is not inconsistent with the overall purposes of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.): *Provided further*, That notwithstanding the previous proviso, recipients of funds provided under this heading that use such funds to match or supplement Federal assistance provided under sections 402, 403, 406, 407, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval, or permit: *Provided further*, That, notwithstanding 42 U.S.C. 5304(g)(2), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the project is categorically excluded from further review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That a waiver granted by the Secretary may not reduce the percentage of funds which must be used for activities that benefit persons of low and moderate income to less than 50 percent, unless the Secretary specifically finds that

there is a compelling need to further reduce or eliminate the percentage requirement: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That funds provided under this heading to for-profit enterprises may only assist such enterprises that meet the definition of small business as defined by the Small Business Administration under 13 CFR part 121: *Provided further*, That notwithstanding the previous proviso, funds may be provided to a for-profit enterprise, that does not meet such definition of small business, but which provides a public benefit, is publicly regulated, and is otherwise eligible for assistance under 42 U.S.C. 5301 et seq., and the implementing regulations at 24 CFR Part 570.201(l): *Provided further*, That of the funds made available under this heading, up to $10,000,000 may be transferred to ''Program Office Salaries and Expenses, Community Planning and Development'' for technical assistance and administrative costs (including information technology costs), related solely to administering funds available under this heading or funds made available under prior appropriations to the ''Community Development Fund'' for disaster relief, long-term recovery, or emergency expenses: *Provided further*, That, of the funds made available under this heading, $10,000,000 shall be transferred to ''Office of Inspector General'': *Provided further*, That the amounts provided under this heading are designated by the 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.

GENERAL PROVISIONS—THIS TITLE

SEC. 1001. For fiscal year 2013, upon request by a public housing agency and supported by documentation as required by the Secretary of Housing and Urban Development that demonstrates that the need for the adjustment is due to the disaster, the Secretary may make temporary adjustments to the Section 8 housing choice voucher annual renewal funding allocations and administrative fee eligibility determinations for public housing agencies in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), to avoid significant adverse funding impacts that would otherwise result from the disaster.

SEC. 1002. The Departments of Transportation and Housing and Urban Development shall submit to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of the enactment of this Act a plan for implementing the provisions in this title, and updates to such plan on a biannual basis thereafter.

SEC. 1003. None of the funds provided in this title to the Department of Transportation or the Department of Housing and Urban Development may be used to make a grant unless the Secretary of such Department notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State or locality is selected to receive a grant award totaling $1,000,000 or more is announced by either Department or a modal administration.

TITLE XI

GENERAL PROVISIONS—THIS ACT

SEC. 1101. Each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1102. Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 1103. (a) Not later than March 31, 2013, in accordance with criteria to be established by the Office of Management and Budget (OMB), Federal agencies shall submit to OMB and to the Committee on Appropriations of the House of Representatives and of the Senate internal control plans for funds provided by this Act.

(b) All programs and activities receiving funds under this Act shall be deemed to be ''susceptible to significant improper payments'' for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) (IPIA), notwithstanding section 2(a) of IPIA.

(c) In accordance with guidance to be issued by the Director of OMB, agencies shall identify those grants for which the funds provided by this Act should be expended by the grantees within the 24-month period following the agency's obligation of funds for the grant. In the case of such grants, the agency shall include a term in the grant that:

(1) requires the grantee to return to the agency any funds not expended within the 24-month period; and

(2) provides that the head of the agency may, after consultation with the Director of OMB, subsequently issue a waiver of this requirement based on a determination by the head of the agency that exceptional circumstances exist that justify an extension of the period in which the funds must be expended.

SEC. 1104. (a) In carrying out activities funded by this Act, Federal agencies, in partnership with States, local communities and tribes, shall inform plans for response, recovery, and rebuilding to reduce vulnerabilities from and build long-term resiliency to future extreme weather events, sea level rise, and coastal flooding. In carrying out activities funded by this title that involve repairing, rebuilding, or restoring infrastructure and restoring land, project sponsors shall consider, where appropriate, the increased risks and vulnerabilities associated with future extreme weather events, sea level rise and coastal flooding.

(b) Funds made available in this Act shall be available to develop, in partnership with State, local and tribal officials, regional projections and assessments of future risks and vulnerabilities to extreme weather events, sea level rise and coastal flooding that may be used for the planning referred to in subsection (a), and to encourage coordination and facilitate long-term community resiliency.

SEC. 1105. Recipients of Federal funds dedicated to reconstruction efforts under this Act shall, to the greatest extent practicable, ensure that such reconstruction efforts maximize the utilization of technologies designed to mitigate future power outages, continue delivery of vital services and maintain the flow of power to facilities critical to public health, safety and welfare. The Secretary of Housing and Urban Development as chair of the Hurricane Sandy Rebuilding Task Force shall issue appropriate guidelines to implement this requirement.

This Act may be cited as the ''Disaster Relief Appropriations Act, 2013''.

SA 3396. Mr. REID proposed an amendment to amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

At the end, add the following new section:

Sec. _____

This Act shall become effective 7 days after enactment.

SA 3397. Mr. REID proposed an amendment to amendment SA 3396 proposed by Mr. REID to the amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

In the amendment, strike ''7 days'' and insert ''6 days''.

SA 3398. Mr. REID proposed an amendment to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

At the end, add the following new section:

Sec. _____

This Act shall become effective 5 days after enactment.

SA 3399. Mr. REID proposed an amendment to amendment SA 3398 proposed by Mr. REID to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

In the amendment, strike ''5 days'' and insert ''4 days''.

SA 3400. Mr. REID proposed an amendment to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

At the end, add the following new section:

Sec. _____

This Act shall become effective 3 days after enactment.

SA 3401. Mr. REID proposed an amendment to amendment SA 3400 proposed by Mr. REID to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

SA 3402. Mr. REID proposed an amendment to amendment SA 3401 proposed by Mr. REID to the amendment SA 3400 proposed by Mr. REID to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

In the amendment, strike ''2 days'' and insert ''1 day''.

SA 3403. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. _____. Increased Embassy Security

Funds appropriated under the heading ''Administration of Foreign Affairs'' under Title VIII of Division I of Public Law 112–74 and as carried forward under Public Law 112–175, may be transferred to, and merged with, any such other funds appropriated under such title and heading: *Provided,* That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations.

SA 3404. Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. (a) Section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) is amended—

(1) in subsection (c)(1), by striking ''The Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012'';

(2) in subsection (d)(2), by striking ''The Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012'';

(3) in subsection (e)(1)—

(A) by striking ''The Secretary'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary''; and

(B) by striking ''per year from the Trust Fund'' and inserting ''for fiscal year 2012'';

(4) in subsection (f)(2)(A), by striking ''the Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012''; and

(5) in subsection (i), by striking ''September 30, 2011'' and inserting ''September 30, 2012 (except in the case of subsection (b), which shall be September 30, 2011)''.

(b) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SEC. 102. (a) Section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) COVERAGES.—In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a noninsured crop disaster assistance program to provide coverages based on individual yields (other than for value-loss crops) equivalent to—

''(i) catastrophic risk protection available under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)); or

''(ii) additional coverage available under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) that does not exceed 65 percent.

''(B) ADMINISTRATION.—The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the 'Agency').''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''and'' after the semicolon at the end;

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i) the following:

''(ii) for which additional coverage under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) is not available; and''; and

(ii) in subparagraph (B)—

(I) by inserting ''(except ferns)'' after ''floricultural'';

(II) by inserting ''(except ferns)'' after ''ornamental nursery''; and

(III) by striking ''(including ornamental fish)'' and inserting ''(including ornamental fish, but excluding tropical fish)'';

(2) in subsection (d), by striking ''The Secretary'' and inserting ''Subject to subsection (l), the Secretary'';

(3) in subsection (k)(1)—

(A) in subparagraph (A), by striking ''$250'' and inserting ''$260''; and

(B) in subparagraph (B)—

(i) by striking ''$750'' and inserting ''$780''; and

(ii) by striking ''$1,875'' and inserting ''$1,950''; and

(4) by adding at the end the following:

''(l) PAYMENT EQUIVALENT TO ADDITIONAL COVERAGE.—

''(1) IN GENERAL.—The Secretary shall make available to a producer eligible for noninsured assistance under this section a payment equivalent to an indemnity for additional coverage under subsections (c) and (h) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) that does not exceed 65 percent, computed by multiplying—

''(A) the quantity that is less than 50 to 65 percent of the established yield for the crop, as determined by the Secretary, specified in increments of 5 percent;

''(B) 100 percent of the average market price for the crop, as determined by the Secretary; and

''(C) a payment rate for the type of crop, as determined by the Secretary, that reflects—

''(i) in the case of a crop that is produced with a significant and variable harvesting expense, the decreasing cost incurred in the production cycle for the crop that is, as applicable—

''(I) harvested;

''(II) planted but not harvested; or

''(III) prevented from being planted because of drought, flood, or other natural disaster, as determined by the Secretary; or

''(ii) in the case of a crop that is produced without a significant and variable harvesting expense, such rate as shall be determined by the Secretary.

''(2) PREMIUM.—To be eligible to receive a payment under this subsection, a producer shall pay—

''(A) the service fee required by subsection (k); and

''(B) a premium for the applicable crop year that is equal to—

''(i) the product obtained by multiplying—

''(I) the number of acres devoted to the eligible crop;

''(II) the yield, as determined by the Secretary under subsection (e);

''(III) the coverage level elected by the producer;

''(IV) the average market price, as determined by the Secretary; and

''(ii) 5.25-percent premium fee.

''(3) LIMITED RESOURCE, BEGINNING, AND SOCIALLY DISADVANTAGED FARMERS.—The additional coverage made available under this subsection shall be available to limited resource, beginning, and socially disadvantaged producers, as determined by the Secretary, in exchange for a premium that is 50 percent of the premium determined for a producer under paragraph (2).

''(4) ADDITIONAL AVAILABILITY.—

''(A) IN GENERAL.—As soon as practicable, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

''(i) to a 2012 annual fruit crop grown on a bush or tree; and

''(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

''(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).

(b)(1) Effective October 1, 2017, subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) are repealed.

(2) Effective October 1, 2017, section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall be applied and administered as if subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) had not been enacted.

(c) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SA 3405. Mr. MERKLEY (for Mrs. MURRAY) proposed an amendment to the bill H.R. 4057, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. COMPREHENSIVE POLICY ON PROVIDING EDUCATION INFORMATION TO VETERANS.

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 3698. Comprehensive policy on providing education information to veterans

''(a) COMPREHENSIVE POLICY REQUIRED.—The Secretary shall develop a comprehensive

policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning.

''(b) SCOPE.—In developing the policy required by subsection (a), the Secretary shall include each of the following elements:

''(1) Effective and efficient methods to inform individuals of the educational and vocational counseling provided under section 3697A of this title.

''(2) A centralized mechanism for tracking and publishing feedback from students and State approving agencies regarding the quality of instruction, recruiting practices, and post-graduation employment placement of institutions of higher learning that—

''(A) allows institutions of higher learning to verify feedback and address issues regarding feedback before the feedback is published;

''(B) protects the privacy of students, including by not publishing the names of students; and

''(C) publishes only feedback that conforms with criteria for relevancy that the Secretary shall determine.

''(3) The merit of and the manner in which a State approving agency shares with an accrediting agency or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099b) information regarding the State approving agency's evaluation of an institution of higher learning.

''(4) Description of the information provided to individuals participating in the Transition Assistance Program under section 1144 of title 10 relating to institutions of higher learning.

''(5) Effective and efficient methods to provide veterans and members of the Armed Forces with information regarding postsecondary education and training opportunities available to the veteran or member.

''(c) POSTSECONDARY EDUCATION INFORMATION.—(1) The Secretary shall ensure that the information provided pursuant to subsection (b)(5) includes—

''(A) an explanation of the different types of accreditation available to educational institutions and programs of education;

''(B) a description of Federal student aid programs; and

''(C) for each institution of higher learning, for the most recent academic year for which information is available—

''(i) whether the institution is public, private nonprofit, or proprietary for-profit;

''(ii) the name of the national or regional accrediting agency that accredits the institution, including the contact information used by the agency to receive complaints from students;

''(iii) information on the State approving agency, including the contact information used by the agency to receive complaints from students;

''(iv) whether the institution participates in any programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

''(v) the tuition and fees;

''(vi) the median amount of debt from Federal student loans under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) held by individuals upon completion of programs of education at the institution of higher learning (as determined from information collected by the Secretary of Education);

''(vii) the cohort default rate, as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), of the institution;

''(viii) the total enrollment, graduation rate, and retention rate, as determined from information collected by the Integrated Postsecondary Education Data System of the Secretary of Education;

''(ix) whether the institution provides students with technical support, academic support, and other support services, including career counseling and job placement; and

''(x) the information regarding the institution's policies related to transfer of credit from other institutions, as required under section 485(h)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(h)(1)) and provided to the Secretary of Education under section 132(i)(1)(V)(iv) of such Act (20 U.S.C. 1015a(i)(1)(V)(iv)).

''(2) To the extent practicable, the Secretary shall provide the information described in paragraph (1) by including hyperlinks on the Internet website of the Department to other Internet websites that contain such information, including the Internet website of the Department of Education, in a form that is comprehensive and easily understood by veterans, members of the Armed Forces, and other individuals.

''(3)(A) If the Secretary of Veterans Affairs requires, for purposes of providing information pursuant to subsection (b)(5), information that has been reported, or information that is similar to information that has been reported, by an institution of higher learning to the Secretary of Education, the Secretary of Defense, the Secretary of Labor, or the heads of other Federal agencies under a provision of law other than under this section, the Secretary of Veterans Affairs shall obtain the information the Secretary of Veterans Affairs requires from the Secretary or head with the information rather than the institution of higher learning.

''(B) If the Secretary of Veterans Affairs requires, for purposes of providing information pursuant to subsection (b)(5), information from an institution of higher learning that has not been reported to another Federal agency, the Secretary shall, to the degree practicable, obtain such information through the Secretary of Education.

''(d) CONSISTENCY WITH EXISTING EDUCATION POLICY.—In carrying out this section, the Secretary shall ensure that—

''(1) the comprehensive policy is consistent with any requirements and initiatives resulting from Executive Order No. 13607; and

''(2) the efforts of the Secretary to implement the comprehensive policy do not duplicate the efforts being taken by any Federal agencies.

''(e) COMMUNICATION WITH INSTITUTIONS OF HIGHER LEARNING.—To the extent practicable, if the Secretary considers it necessary to communicate with an institution of higher learning to carry out the comprehensive policy required by subsection (a), the Secretary shall carry out such communication through the use of a communication system of the Department of Education.

''(f) DEFINITIONS.—In this section:

''(1) The term 'institution of higher learning' has the meaning given that term in section 3452(f) of this title.

''(2) The term 'postsecondary education and training opportunities' means any postsecondary program of education, including apprenticeships and on-job training, for which the Secretary of Veterans Affairs provides assistance to a veteran or member of the Armed Forces.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 3697A the following new item:

''3698. Comprehensive policy on providing education information to veterans.''.

(b) SURVEY.—In developing the policy required by section 3698(a) of title 38, United States Code, as added by subsection (a), the Secretary of Veterans Affairs shall conduct a market survey to determine the availability of the following:

(1) A commercially available off-the-shelf online tool that allows a veteran or member of the Armed Forces to assess whether the veteran or member is academically ready to engage in postsecondary education and training opportunities and whether the veteran or member would need any remedial preparation before beginning such opportunities.

(2) A commercially available off-the-shelf online tool that provides a veteran or member of the Armed Forces with a list of providers of postsecondary education and training opportunities based on criteria selected by the veteran or member.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report that includes—

(1) a description of the policy developed by the Secretary under section 3698(a) of title 38, United States Code, as added by subsection (a);

(2) a plan of the Secretary to implement such policy; and

(3) the results of the survey conducted under subsection (b), including whether the Secretary plans to implement the tools described in such subsection.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives.

(2) COMMERCIALLY AVAILABLE OFF-THE-SHELF.—The term ''commercially available off-the-shelf'' has the meaning given that term in section 104 of title 41, United States Code.

(3) POSTSECONDARY EDUCATION AND TRAINING OPPORTUNITIES.—The term ''postsecondary education and training opportunities'' means any postsecondary program of education, including apprenticeships and on-job training, for which the Secretary of Veterans Affairs provides assistance to a veteran or member of the Armed Forces.

SEC. 2. PROHIBITION ON CERTAIN USES OF INDUCEMENTS BY EDUCATIONAL INSTITUTIONS.

Section 3696 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary shall not approve under this chapter any course offered by an educational institution if the educational institution provides any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance.

''(2) To the degree practicable, the Secretary shall carry out paragraph (1) in a manner that is consistent with the Secretary of Education's enforcement of section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)).''.

SEC. 3. DEDICATED POINTS OF CONTACT FOR SCHOOL CERTIFYING OFFICIALS.

Section 3684 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d) Not later than 90 days after the date of the enactment of this subsection, the Secretary shall ensure that the Department provides personnel of educational institutions who are charged with submitting reports or

certifications to the Secretary under this section with assistance in preparing and submitting such reports or certifications.''.

SEC. 4. LIMITATION ON AWARDS AND BONUSES TO EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

For fiscal year 2013, the Secretary of Veterans Affairs may not pay more than $395,000,000 in awards or bonuses under chapter 45 or 53 of title 5, United States Code, or any other awards or bonuses authorized under such title.

SA 3406. Mr. MERKLEY (for Mr. KOHL (for himself and Mr. LEE)) proposed an amendment to the bill H.R. 6029, to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, 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 ''Foreign and Economic Espionage Penalty Enhancement Act of 2012''.

SEC. 2. PROTECTING U.S. BUSINESSES FROM FOREIGN ESPIONAGE.

(a) FOR OFFENSES COMMITTED BY INDIVIDUALS.—Section 1831(a) of title 18, United States Code, is amended, in the matter after paragraph (5), by striking ''not more than $500,000'' and inserting ''not more than $5,000,000''.

(b) FOR OFFENSES COMMITTED BY ORGANIZATIONS.—Section 1831(b) of such title is amended by striking ''not more than $10,000,000'' and inserting ''not more than the greater of $10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided''.

SEC. 3. REVIEW BY THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses relating to the transmission or attempted transmission of a stolen trade secret outside of the United States or economic espionage, in order to reflect the intent of Congress that penalties for such offenses under the Federal sentencing guidelines and policy statements appropriately, reflect the seriousness of these offenses, account for the potential and actual harm caused by these offenses, and provide adequate deterrence against such offenses.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) consider the extent to which the Federal sentencing guidelines and policy statements appropriately account for the simple misappropriation of a trade secret, including the sufficiency of the existing enhancement for these offenses to address the seriousness of this conduct;

(2) consider whether additional enhancements in the Federal sentencing guidelines and policy statements are appropriate to account for—

(A) the transmission or attempted transmission of a stolen trade secret outside of the United States; and

(B) the transmission or attempted transmission of a stolen trade secret outside of the United States that is committed or attempted to be committed for the benefit of a foreign government, foreign instrumentality, or foreign agent;

(3) ensure the Federal sentencing guidelines and policy statements reflect the seriousness of these offenses and the need to deter such conduct;

(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements, and related Federal statutes;

(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and

(6) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) CONSULTATION.—In carrying out the review required under this section, the Commission shall consult with individuals or groups representing law enforcement, owners of trade secrets, victims of economic espionage offenses, the United States Department of Justice, the United States Department of Homeland Security, the United States Department of State and the Office of the United States Trade Representative.

(d) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Commission shall complete its consideration and review under this section.

SA 3407. Mr. MERKLEY (for Mrs. MURRAY) proposed an amendment to the bill S. 3202, to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes, as follows.

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Dignified Burial and Other Veterans' Benefits Improvement Act of 2012''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Scoring of budgetary effects.

TITLE I—CEMETERY MATTERS

Sec. 101. Furnishing caskets and urns for deceased veterans with no known next of kin.
Sec. 102. Veterans freedom of conscience protection.
Sec. 103. Improved communication between Department of Veterans Affairs and medical examiners and funeral directors.
Sec. 104. Identification and burial of unclaimed or abandoned human remains.
Sec. 105. Exclusion of persons convicted of committing certain sex offenses from interment or memorialization in national cemeteries, Arlington National Cemetery, and certain State veterans' cemeteries and from receiving certain funeral honors.
Sec. 106. Restoration, operation, and maintenance of Clark Veterans Cemetery by American Battle Monuments Commission.
Sec. 107. Report on compliance of Department of Veterans Affairs with industry standards for caskets and urns.

TITLE II—HEALTH CARE

Sec. 201. Establishment of open burn pit registry.
Sec. 202. Transportation of beneficiaries to and from facilities of Department of Veterans Affairs.
Sec. 203. Extension of reduced pension for certain veterans covered by medicaid plans for services furnished by nursing facilities.
Sec. 204. Extension of report requirement for Special Committee on Post-Traumatic-Stress Disorder.

TITLE III—OTHER MATTERS

Sec. 301. Off-base transition training for veterans and their spouses.
Sec. 302. Requirement that judges on United States Court of Appeals for Veterans Claims reside within 50 miles of District of Columbia.
Sec. 303. Designation of Trinka Davis Veterans Village.
Sec. 304. Designation of William ''Bill'' Kling Department of Veterans Affairs Outpatient Clinic.
Sec. 305. Designation of Mann-Grandstaff Department of Veterans Affairs Medical Center.
Sec. 306. Designation of David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic.

SEC. 2. SCORING OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—CEMETERY MATTERS

SEC. 101. FURNISHING CASKETS AND URNS FOR DECEASED VETERANS WITH NO KNOWN NEXT OF KIN.

(a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) by inserting after subsection (e) the following new subsection (f):

''(f) The Secretary may furnish a casket or urn, of such quality as the Secretary considers appropriate for a dignified burial, for burial in a national cemetery of a deceased veteran in any case in which the Secretary—

''(1) is unable to identify the veteran's next of kin, if any; and

''(2) determines that sufficient resources for the furnishing of a casket or urn for the burial of the veteran in a national cemetery are not otherwise available.''; and

(3) in subsection (h), as redesignated by paragraph (1), by adding at the end the following new paragraph:

''(4) A casket or urn may not be furnished under subsection (f) for burial of a person described in section 2411(b) of this title.''.

(b) EFFECTIVE DATE.—Subsections (f) and (h)(4) of section 2306 of title 38, United States Code, as added by subsection (a), shall take effect on the date that is one year after the date of the enactment of this Act and shall apply with respect to deaths occurring on or after the date that is one year after the date of the enactment of this Act.

SEC. 102. VETERANS FREEDOM OF CONSCIENCE PROTECTION.

(a) IN GENERAL.—Section 2404 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(h)(1) With respect to the interment or funeral, memorial service, or ceremony of a deceased veteran at a national cemetery, the Secretary shall ensure that—

''(A) the expressed wishes of the next of kin or other agent of the deceased veteran are respected and given appropriate deference when evaluating whether the proposed interment or funeral, memorial service, or ceremony affects the safety and security of the national cemetery and visitors to the cemetery;

''(B) to the extent possible, all appropriate public areas of the cemetery, including committal shelters, chapels, and benches, may be

used by the family of the deceased veteran for contemplation, prayer, mourning, or reflection; and

''(C) during such interment or funeral, memorial service, or ceremony, the family of the deceased veteran may display any religious or other symbols chosen by the family.

''(2) Subject to regulations prescribed by the Secretary under paragraph (4), including such regulations ensuring the security of a national cemetery, the Secretary shall, to the maximum extent practicable, provide to any military or volunteer veterans honor guard, including such guards belonging to a veterans service organization or other nongovernmental group that provides services to veterans, access to public areas of a national cemetery if such access is requested by the next of kin or other agent of a deceased veteran whose interment or funeral, memorial service, or ceremony is being held in such cemetery.

''(3) With respect to the interment or funeral, memorial service, or ceremony of a deceased veteran at a national cemetery, the Secretary shall notify the next of kin or other agent of the deceased veteran of funeral honors available to the deceased veteran, including such honors provided by any military or volunteer veterans honor guard described in paragraph (2).

''(4) The Secretary shall prescribe regulations to carry out this subsection.''.

(b) INTERIM IMPLEMENTATION.—The Secretary may carry out paragraphs (1) through (3) of section 2404(h) of such title, as added by subsection (a), before the Secretary prescribes regulations pursuant to paragraph (4) of such section, as so added.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of section 2404(h) of such title, as added by subsection (a). Such report shall include a certification of whether the Secretary is in compliance with all of the provisions of such section.

SEC. 103. IMPROVED COMMUNICATION BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND MEDICAL EXAMINERS AND FUNERAL DIRECTORS.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 2414. Communication between Department of Veterans Affairs and medical examiners and funeral directors

''(a) REQUIRED INFORMATION.—With respect to each deceased veteran described in subsection (b) who is transported to a national cemetery for burial, the Secretary shall ensure that the local medical examiner, funeral director, county service group, or other entity responsible for the body of the deceased veteran before such transportation submits to the Secretary the following information:

''(1) Whether the deceased veteran was cremated.

''(2) The steps taken to ensure that the deceased veteran has no next of kin.

''(b) DECEASED VETERAN DESCRIBED.—A deceased veteran described in this subsection is a deceased veteran—

''(1) with respect to whom the Secretary determines that there is no next of kin or other person claiming the body of the deceased veteran; and

''(2) who does not have sufficient resources for the furnishing of a casket or urn for the burial of the deceased veteran in a national cemetery, as determined by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2413 the following new item:

''2414. Communication between Department of Veterans Affairs and medical examiners and funeral directors.''.

(c) EFFECTIVE DATE.—Section 2414 of title 38, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply with respect to deaths occurring on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 104. IDENTIFICATION AND BURIAL OF UNCLAIMED OR ABANDONED HUMAN REMAINS.

(a) IDENTIFICATION OF UNCLAIMED OR ABANDONED HUMAN REMAINS.—The Secretary of Veterans Affairs shall cooperate with veterans service organizations to assist entities in possession of unclaimed or abandoned human remains in determining if any such remains are the remains of veterans or other individuals eligible for burial in a national cemetery under the jurisdiction of the Secretary.

(b) BURIAL OF UNCLAIMED OR ABANDONED HUMAN REMAINS.—

(1) FUNERAL EXPENSES.—Section 2302(a)(2) of title 38, United States Code, is amended by striking ''who was a veteran of any war or was discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, whose body is held by a State (or a political subdivision of a State), and''.

(2) TRANSPORTATION COSTS.—Section 2308 of such title is amended—

(A) by striking ''Where a veteran'' and all that follows through ''compensation, the'' and inserting ''(a) IN GENERAL.—The'';

(B) in subsection (a), as designated by subparagraph (A), by inserting ''described in subsection (b)'' after ''of the deceased veteran''; and

(C) by adding at the end the following new subsection:

''(b) DECEASED VETERAN DESCRIBED.—A deceased veteran described in this subsection is any of the following veterans:

''(1) A veteran who dies as the result of a service-connected disability.

''(2) A veteran who dies while in receipt of disability compensation (or who but for the receipt of retirement pay or pension under this title, would have been entitled to compensation).

''(3) A veteran whom the Secretary determines is eligible for funeral expenses under section 2302 of this title by virtue of the Secretary determining that the veteran has no next of kin or other person claiming the body of such veteran pursuant to subsection (a)(2)(A) of such section.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is one year after the date of the enactment of this Act and shall apply with respect to burials and funerals occurring on or after the date that is one year after the date of the enactment of this Act.

SEC. 105. EXCLUSION OF PERSONS CONVICTED OF COMMITTING CERTAIN SEX OFFENSES FROM INTERMENT OR MEMORIALIZATION IN NATIONAL CEMETERIES, ARLINGTON NATIONAL CEMETERY, AND CERTAIN STATE VETERANS' CEMETERIES AND FROM RECEIVING CERTAIN FUNERAL HONORS.

(a) PROHIBITION AGAINST.—Section 2411(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(4) A person—

''(A) who has been convicted of a Federal or State crime causing the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.);

''(B) who, for such crime, is sentenced to a minimum of life imprisonment; and

''(C) whose conviction is final (other than a person whose sentence was commuted by the President or Governor of a State, as the case may be).''.

(b) CONFORMING AMENDMENTS.—Section 2411(a)(2) of such title is amended—

(1) by striking ''or (b)(2)'' each place it appears and inserting '', (b)(2), or (b)(4)''; and

(2) by striking ''capital'' each place it appears.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to interments and memorializations that occur on or after the date of the enactment of this Act.

SEC. 106. RESTORATION, OPERATION, AND MAINTENANCE OF CLARK VETERANS CEMETERY BY AMERICAN BATTLE MONUMENTS COMMISSION.

(a) IN GENERAL.—After an agreement is made between the Government of the Republic of the Philippines and the United States Government, Clark Veterans Cemetery in the Republic of the Philippines shall be treated, for purposes of section 2104 of title 36, United States Code, as a cemetery for which it was decided under such section that the cemetery will become a permanent cemetery and the American Battle Monuments Commission shall restore, operate, and maintain Clark Veterans Cemetery (to the degree the Commission considers appropriate) under such section in cooperation with the Government of the Republic of the Philippines.

(b) LIMITATION ON FUTURE BURIALS.—Burials at the cemetery described in subsection (a) after the date of the agreement described in such subsection shall be limited to eligible veterans, as determined by the Commission, whose burial does not incur any cost to the Commission.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission—

(1) $5,000,000 for site preparation, design, planning, construction, and associated administrative costs for the restoration of the cemetery described in subsection (a); and

(2) amounts necessary to operate and maintain the cemetery described in subsection (a).

SEC. 107. REPORT ON COMPLIANCE OF DEPARTMENT OF VETERANS AFFAIRS WITH INDUSTRY STANDARDS FOR CASKETS AND URNS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the compliance of the Department of Veterans Affairs with industry standards for caskets and urns.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of industry standards for caskets and urns.

(2) An assessment of compliance with such standards at national cemeteries administered by the Department with respect to caskets and urns used for the interment of those eligible for burial at such cemeteries.

TITLE II—HEALTH CARE

SEC. 201. ESTABLISHMENT OF OPEN BURN PIT REGISTRY.

(a) ESTABLISHMENT OF REGISTRY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) establish and maintain an open burn pit registry for eligible individuals who may

have been exposed to toxic airborne chemicals and fumes caused by open burn pits;

(B) include any information in such registry that the Secretary of Veterans Affairs determines necessary to ascertain and monitor the health effects of the exposure of members of the Armed Forces to toxic airborne chemicals and fumes caused by open burn pits;

(C) develop a public information campaign to inform eligible individuals about the open burn pit registry, including how to register and the benefits of registering; and

(D) periodically notify eligible individuals of significant developments in the study and treatment of conditions associated with exposure to toxic airborne chemicals and fumes caused by open burn pits.

(2) COORDINATION.—The Secretary of Veterans Affairs shall coordinate with the Secretary of Defense in carrying out paragraph (1).

(b) REPORT TO CONGRESS.—

(1) REPORTS BY INDEPENDENT SCIENTIFIC ORGANIZATION.—The Secretary of Veterans Affairs shall enter into an agreement with an independent scientific organization to prepare reports as follows:

(A) Not later than two years after the date on which the registry under subsection (a) is established, an initial report containing the following:

(i) An assessment of the effectiveness of actions taken by the Secretaries to collect and maintain information on the health effects of exposure to toxic airborne chemicals and fumes caused by open burn pits.

(ii) Recommendations to improve the collection and maintenance of such information.

(iii) Using established and previously published epidemiological studies, recommendations regarding the most effective and prudent means of addressing the medical needs of eligible individuals with respect to conditions that are likely to result from exposure to open burn pits.

(B) Not later than five years after completing the initial report described in subparagraph (A), a follow-up report containing the following:

(i) An update to the initial report described in subparagraph (A).

(ii) An assessment of whether and to what degree the content of the registry established under subsection (a) is current and scientifically up-to-date.

(2) SUBMITTAL TO CONGRESS.—

(A) INITIAL REPORT.—Not later than two years after the date on which the registry under subsection (a) is established, the Secretary of Veterans Affairs shall submit to Congress the initial report prepared under paragraph (1)(A).

(B) FOLLOW-UP REPORT.—Not later than five years after submitting the report under subparagraph (A), the Secretary of Veterans Affairs shall submit to Congress the follow-up report prepared under paragraph (1)(B).

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means any individual who, on or after September 11, 2001—

(A) was deployed in support of a contingency operation while serving in the Armed Forces; and

(B) during such deployment, was based or stationed at a location where an open burn pit was used.

(2) OPEN BURN PIT.—The term ''open burn pit'' means an area of land located in Afghanistan or Iraq that—

(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

SEC. 202. TRANSPORTATION OF BENEFICIARIES TO AND FROM FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 111 the following new section:

''§ 111A. Transportation of individuals to and from Department facilities

''(a) TRANSPORTATION BY SECRETARY.—(1) The Secretary may transport any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purpose of examination, treatment, or care.

''(2) The authority granted by paragraph (1) shall expire on the date that is one year after the date of the enactment of this section.''.

(b) CONFORMING AMENDMENT.—Subsection (h) of section 111 of such title is—

(1) transferred to section 111A of such title, as added by subsection (a);

(2) redesignated as subsection (b);

(3) inserted after subsection (a) of such section; and

(4) amended by inserting ''TRANSPORTATION BY THIRD-PARTIES.—'' before ''The Secretary''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 111 the following new item:

''111A. Transportation of individuals to and from Department facilities.''.

SEC. 203. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking ''September 30, 2016'' and inserting ''November 30, 2016''.

SEC. 204. EXTENSION OF REPORT REQUIREMENT FOR SPECIAL COMMITTEE ON POST-TRAUMATIC-STRESS DISORDER.

Section 110(e)(2) of the Veterans' Health Care Act of 1984 (Public Law 98–528; 38 U.S.C. 1712A note) is amended by striking ''through 2012'' and inserting ''through 2016''.

TITLE III—OTHER MATTERS

SEC. 301. OFF-BASE TRANSITION TRAINING FOR VETERANS AND THEIR SPOUSES.

(a) PROVISION OF OFF-BASE TRANSITION TRAINING.—During the two-year period beginning on the date of the enactment of this Act, the Secretary of Labor shall provide the Transition Assistance Program under section 1144 of title 10, United States Code, to eligible individuals at locations other than military installations to assess the feasibility and advisability of providing such program to eligible individuals at locations other than military installations.

(b) ELIGIBLE INDIVIDUALS.—For purposes of this section, an eligible individual is a veteran or the spouse of a veteran.

(c) LOCATIONS.—

(1) NUMBER OF STATES.—The Secretary shall carry out the training under subsection (a) in not less than three and not more than five States selected by the Secretary for purposes of this section.

(2) SELECTION OF STATES WITH HIGH UNEMPLOYMENT.—Of the States selected by the Secretary under paragraph (1), at least two shall be States with high rates of unemployment among veterans.

(3) NUMBER OF LOCATIONS IN EACH STATE.—The Secretary shall provide training under subsection (a) to eligible individuals at a sufficient number of locations within each State selected under this subsection to meet the needs of eligible individuals in such State.

(4) SELECTION OF LOCATIONS.—The Secretary shall select locations for the provision of training under subsection (a) to facilitate access by participants and may not select any location on a military installation other than a National Guard or reserve facility that is not located on an active duty military installation.

(d) INCLUSION OF INFORMATION ABOUT VETERANS BENEFITS.—The Secretary shall ensure that the training provided under subsection (a) generally follows the content of the Transition Assistance Program under section 1144 of title 10, United States Code.

(e) ANNUAL REPORT.—Not later than March 1 of any year during which the Secretary provides training under subsection (a), the Secretary shall submit to Congress a report on the provision of such training.

(f) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the termination of the one-year period described in subsection (a), the Comptroller General of the United States shall submit to Congress a report on the training provided under such subsection. The report shall include the evaluation of the Comptroller General regarding the feasibility and advisability of carrying out off-base transition training at locations nationwide.

SEC. 302. REQUIREMENT THAT JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS RESIDE WITHIN 50 MILES OF DISTRICT OF COLUMBIA.

(a) RESIDENCY REQUIREMENT.—

(1) IN GENERAL.—Section 7255 is amended to read as follows:

''§ 7255. Offices, duty stations, and residences

''(a) PRINCIPAL OFFICE.—The principal office of the Court of Appeals for Veterans Claims shall be in the Washington, D.C., metropolitan area, but the Court may sit at any place within the United States.

''(b) OFFICIAL DUTY STATIONS.—(1) Except as provided in paragraph (2), the official duty station of each judge while in active service shall be the principal office of the Court of Appeals for Veterans Claims.

''(2) The place where a recall-eligible retired judge maintains the actual abode in which such judge customarily lives shall be considered the recall-eligible retired judge's official duty station.

''(c) RESIDENCES.—(1) Except as provided in paragraph (2), after appointment and while in active service, each judge of the Court of Appeals for Veterans Claims shall reside within 50 miles of the Washington, D.C., metropolitan area.

''(2) Paragraph (1) shall not apply to recall-eligible retired judges of the Court of Appeals for Veterans Claims.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by striking the item relating to section 7255 and inserting the following new item:

''7255. Offices, duty stations, and residences.''.

(b) REMOVAL.—Section 7253(f)(1) is amended by striking ''or engaging in the practice of law'' and inserting ''engaging in the practice of law, or violating section 7255(c) of this title''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (c) of section 7255, as added by subsection (a), and the amendment made by subsection (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) APPLICABILITY.—The amendment made by subsection (b) shall apply with respect to judges confirmed on or after January 1, 2012.

SEC. 303. DESIGNATION OF TRINKA DAVIS VETERANS VILLAGE.

(a) DESIGNATION.—The facility of the Department of Veterans Affairs located at 180

Martin Drive in Carrollton, Georgia, shall after the date of the enactment of this Act be known and designated as the ''Trinka Davis Veterans Village''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Trinka Davis Veterans Village''.

SEC. 304. DESIGNATION OF WILLIAM ''BILL'' KLING DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.

(a) DESIGNATION.—The facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, shall after the date of the enactment of this Act be known and designated as the ''William 'Bill' Kling Department of Veterans Affairs Outpatient Clinic''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''William 'Bill' Kling Department of Veterans Affairs Outpatient Clinic''.

SEC. 305. DESIGNATION OF MANN-GRANDSTAFF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) DESIGNATION.—The Department of Veterans Affairs medical center in Spokane, Washington, shall after the date of the enactment of this Act be known and designated as the ''Mann-Grandstaff Department of Veterans Affairs Medical Center''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Department of Veterans Affairs medical center referred to in subsection (a) shall be deemed to be a reference to the ''Mann-Grandstaff Department of Veterans Affairs Medical Center''.

SEC. 306. DESIGNATION OF DAVID F. WINDER DEPARTMENT OF VETERANS AFFAIRS COMMUNITY BASED OUTPATIENT CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs community based outpatient clinic located in Mansfield, Ohio, shall after the date of the enactment of this Act be known and designated as the ''David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Department of Veterans Affairs community based outpatient clinic referred to in subsection (a) shall be deemed to be a reference to the ''David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 19, 2012.

The PRESIDING OFFICER. With objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 19, 2012.

The PRESIDING OFFICER. With objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 19, 2012, at 8:30 a.m., to hold a briefing entitled, ''Accountability Review Board''.

The PRESIDING OFFICER. With objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 19, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The State of the Right to Vote After the 2012 Election.''

The PRESIDING OFFICER. With objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on December 19, 2012.

The PRESIDING OFFICER. With objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS ON CONSUMER PROTECTION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on December 19, 2012, at 10 a.m., to conduct a hearing entitled ''Making Sense of Consumer Credit Reports.''

The PRESIDING OFFICER. With objection, it is so ordered.

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

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

IMPROVING TRANSPARENCY OF EDUCATION OPPORTUNITIES FOR VETERANS ACT OF 2012

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 4057 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4057) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. I ask unanimous consent that the Murray substitute amendment which is at the desk be agreed to; the bill, as amended, be read three times and passed; 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 amendment (No. 3405) was agreed to.

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

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

The bill (H.R. 4057), as amended, was read the third time and passed.

FOREIGN AND ECONOMIC ESPIONAGE PENALTY ENHANCEMENT ACT OF 2012

Mr. MERKLEY. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 493, H.R. 6029.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6029) to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. I ask unanimous consent that a Kohl-Lee substitute amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table with no intervening action or debate; and that any statements related to the bill be printed in the RECORD.

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

The amendment (No. 3406) was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Foreign and Economic Espionage Penalty Enhancement Act of 2012''.

SEC. 2. PROTECTING U.S. BUSINESSES FROM FOREIGN ESPIONAGE.

(a) FOR OFFENSES COMMITTED BY INDIVIDUALS.—Section 1831(a) of title 18, United States Code, is amended, in the matter after paragraph (5), by striking ''not more than $500,000'' and inserting ''not more than $5,000,000''.

(b) FOR OFFENSES COMMITTED BY ORGANIZATIONS.—Section 1831(b) of such title is amended by striking ''not more than $10,000,000'' and inserting ''not more than the greater of $10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided''.

SEC. 3. REVIEW BY THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses relating to the transmission or

attempted transmission of a stolen trade secret outside of the United States or economic espionage, in order to reflect the intent of Congress that penalties for such offenses under the Federal sentencing guidelines and policy statements appropriately, reflect the seriousness of these offenses, account for the potential and actual harm caused by these offenses, and provide adequate deterrence against such offenses.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) consider the extent to which the Federal sentencing guidelines and policy statements appropriately account for the simple misappropriation of a trade secret, including the sufficiency of the existing enhancement for these offenses to address the seriousness of this conduct;

(2) consider whether additional enhancements in the Federal sentencing guidelines and policy statements are appropriate to account for—

(A) the transmission or attempted transmission of a stolen trade secret outside of the United States; and

(B) the transmission or attempted transmission of a stolen trade secret outside of the United States that is committed or attempted to be committed for the benefit of a foreign government, foreign instrumentality, or foreign agent;

(3) ensure the Federal sentencing guidelines and policy statements reflect the seriousness of these offenses and the need to deter such conduct;

(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements, and related Federal statutes;

(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and

(6) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) CONSULTATION.—In carrying out the review required under this section, the Commission shall consult with individuals or groups representing law enforcement, owners of trade secrets, victims of economic espionage offenses, the United States Department of Justice, the United States Department of Homeland Security, the United States Department of State and the Office of the United States Trade Representative.

(d) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Commission shall complete its consideration and review under this section.

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

The bill (H.R. 6029), as amended, was read the third time and passed.

MEASURES DISCHARGED

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from the following postal naming bills en bloc and that the Senate proceed to their consideration en bloc: H.R. 3477, H.R. 3870, H.R. 3912, H.R. 5738, H.R. 5837, H.R. 5954, S. 3630, and S. 3662.

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

Mr. MERKLEY. I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc, 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 bills (H.R. 3477, H.R. 3870, H.R. 3912, H.R. 5738, H.R. 5837, and H.R. 5954) were ordered to a third reading, were read the third time and passed.

The bills (S. 3630 and S. 3662) were ordered to be engrossed for a third reading, were read the time and passed, as follows:

S. 3630

(To designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the ''Captain Rhett W. Schiller Post Office'')

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CAPTAIN RHETT W. SCHILLER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, shall be known and designated as the ''Captain Rhett W. Schiller Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Captain Rhett W. Schiller Post Office''.

S. 3662

(To designate the facility of the United States Postal Service located at 6 Nichols Street in Westminster, Massachusetts, as the ''Lieutenant Ryan Patrick Jones Post Office Building'')

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lieutenant Ryan Patrick Jones Post Office Designation Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) First Lieutenant Ryan Patrick Jones volunteered to serve the United States in the Army.

(2) Lieutenant Jones earned his rank, the Army Achievement Medal, the Purple Heart, the Bronze Star, the Iraqi Freedom Medal, the Combat Action Badge, and the War on Terrorism Badge through his dedication to the highest ideals of the United States.

(3) Lieutenant Jones chose from a young age to generously volunteer his talents to his community, and was recognized with academic, social, and athletic leadership positions throughout his life.

(4) Lieutenant Jones committed himself to excellence in all aspects of his life, including earning a Bachelor of Science degree, with honors, in civil and environmental engineering.

(5) While earning his engineering degree at Worcester Polytechnic Institute, Lieutenant Jones was awarded a Reserve Officers' Training Corps scholarship.

(6) Lieutenant Jones faithfully and expertly led his fellow soldiers as a platoon leader in the Army's First Infantry Division while deployed to Iraq in 2007.

(7) Lieutenant Jones made the ultimate sacrifice for the United States on May 2, 2007, when he was killed in action by an improvised explosive device set by the enemy.

(8) Lieutenant Jones' life of service, courage, and honor was made possible by his dedicated parents, Mr. Kevin Jones and Mrs. Elaine Jones, who reside in Westminster, Massachusetts.

(9) Mr. and Mrs. Jones organized the shipment of supplies to soldiers serving alongside their son, thereby supporting the morale of the members of the Armed Forces.

(10) Before entering combat, Lieutenant Jones made arrangements to ensure that his life insurance policy proceeds would become a scholarship fund to benefit others, a request that Mr. and Mrs. Jones fulfilled.

(11) Lieutenant Jones is remembered by his family, his friends, and the people of the United States as a role model for his fellow citizens to emulate.

(12) Lieutenant Jones' spirit of generosity has been commemorated by organizations ranging from the Commonwealth of Massachusetts to the Boston Celtics.

(13) It is fitting that the life of Lieutenant Jones should be further memorialized for future generations by naming the post office in Westminster, Massachusetts, in his honor.

SEC. 3. LIEUTENANT RYAN PATRICK JONES POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6 Nichols Street in Westminster, Massachusetts, shall be known and designated as the ''Lieutenant Ryan Patrick Jones Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Lieutenant Ryan Patrick Jones Post Office Building''.

DEPARTMENT OF STATE REWARDS PROGRAM UPDATE AND TECHNICAL CORRECTIONS ACT OF 2012

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 537, S. 2318.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2318) to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes.

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 ''Department of State Rewards Program Update and Technical Corrections Act of 2012''.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of State's existing rewards programs permit the payment of reward for information leading to the arrest or conviction of—

(A) individuals who have committed, or attempted or conspired to commit, certain acts of international terrorism;

(B) individuals who have committed, or attempted or conspired to commit, certain narcotics-related offenses; and

(C) individuals who have been indicted by certain international criminal tribunals.

(2) The Department of State considers the rewards program to be ''one of the most valuable assets the U.S. Government has in the fight

against international terrorism''. Since the program's inception in 1984, the United States Government has rewarded over 60 people who provided actionable information that, according to the Department of State, prevented international terrorist attacks or helped convict individuals involved in terrorist attacks.

(3) The program has been credited with providing information in several high-profile cases, including the arrest of Ramzi Yousef, who was convicted in the 1993 bombing of the World Trade Center, the deaths of Uday and Qusay Hussein, who United States military forces located and killed in Iraq after receiving information about their locations, and the arrests or deaths of several members of the Abu Sayyaf group, believed to be responsible for the kidnappings and deaths of United States citizens and Filipinos in the Philippines.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the rewards program of the Department of State should be expanded in order to—

(1) address the growing threat to important United States interests from transnational criminal activity, such as intellectual property rights piracy, money laundering, trafficking in persons, arms trafficking, and cybercrime; and

(2) target other individuals indicted by international, hybrid, or mixed tribunals for genocide, war crimes, or crimes against humanity.

SEC. 3. ENHANCED REWARDS AUTHORITY.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (a)(2), by inserting ''serious violations of international humanitarian law, transnational organized crime,'' after ''international narcotics trafficking,'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''Attorney General'' and inserting ''heads of other relevant departments or agencies'';

(B) in paragraphs (4) and (5), by striking ''paragraph (1), (2), or (3)'' both places it appears and inserting ''paragraph (1), (2), (3), (8), or (9)'';

(C) in paragraph (6)—

(i) by inserting ''or transnational organized crime group'' after ''terrorist organization''; and

(ii) by striking ''or'' at the end;

(D) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking '', including the use by the organization of illicit narcotics production or international narcotics trafficking'' and inserting ''or transnational organized crime group, including the use by such organization or group of illicit narcotics production or international narcotics trafficking'';

(ii) in subparagraph (A), by inserting ''or transnational organized crime'' after ''international terrorism''; and

(iii) in subparagraph (B)—

(I) by inserting ''or transnational organized crime group'' after ''terrorist organization''; and

(II) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following new paragraphs:

''(8) the arrest or conviction in any country of any individual for participating in, primarily outside the United States, transnational organized crime;

''(9) the arrest or conviction in any country of any individual conspiring to participate in or attempting to participate in transnational organized crime; or

''(10) the arrest or conviction in any country, or the transfer to or conviction by an international criminal tribunal (including a hybrid or mixed tribunal), of any foreign national accused of war crimes, crimes against humanity, or genocide, as defined under the statute of such tribunal.'';

(3) in subsection (g), by adding at the end the following new paragraph:

''(3) ADVANCE NOTIFICATION FOR INTERNATIONAL CRIMINAL TRIBUNAL REWARDS.—Not less than 15 days before publicly announcing that a reward may be offered for a particular foreign national accused of war crimes, crimes against humanity, or genocide, the Secretary of State shall submit to the appropriate congressional committees a report, which may be submitted in classified form if necessary, setting forth the reasons why the arrest or conviction of such foreign national is in the national interests of the United States.''; and

(4) in subsection (k)—

(A) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively; and

(B) by inserting after paragraph (4) the following new paragraphs:

''(5) TRANSNATIONAL ORGANIZED CRIME.—The term 'transnational organized crime' means—

''(A) racketeering activity (as such term is defined in section 1961 of title 18, United States Code) that involves at least one jurisdiction outside the United States; or

''(B) any other criminal offense punishable by a term of imprisonment of at least four years under Federal, State, or local law that involves at least one jurisdiction outside the United States and that is intended to obtain, directly or indirectly, a financial or other material benefit.

''(6) TRANSNATIONAL ORGANIZED CRIME GROUP.—The term 'transnational organized crime group' means a group of persons that includes one or more citizens of a foreign country, exists for a period of time, and acts in concert with the aim of engaging in transnational organized crime.''.

SEC. 4. TECHNICAL CORRECTION.

Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended by striking ''The Secretary shall authorize a reward of $50,000,000 for the capture or death or information leading to the capture or death of Osama bin Laden.''.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed as authorizing the use of activity precluded under the American Servicemembers' Protection Act of 2002 (title II of Public Law 107–206; 22 U.S.C. 7421 et seq.).

SEC. 6. FUNDING.

The Secretary of State shall use amounts appropriated or otherwise made available to the Emergencies in the Diplomatic and Consular Services account of the Department of State to pay rewards authorized pursuant to this Act and to carry out other activities related to such rewards authorized under section 36 of the State Department Basic Authorities Act (22 U.S.C. 2708).

Mr. MERKLEY. I further ask the committee-reported substitute amendment be agreed to, the bill as amended be read a third time, and the Senate immediately proceed to a voice vote on passage of the bill as amended.

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

The committee amendment in the nature of a substitute was agreed to.

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

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the bill as amended.

The bill (S. 2318), as amended, was passed.

Mr. MERKLEY. I further ask the motion to reconsider be made and laid upon the table, without any intervening action or debate and any statement be printed in the RECORD.

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

DIGNIFIED BURIAL OF VETERANS ACT OF 2012

Mr. MERKLEY. Mr. President, I ask unanimous consent the Veterans' Affairs Committee be discharged from further consideration of S. 3202, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3202) to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. I ask unanimous consent the Murray substitute amendment at the desk be agreed to, the bill, as amended, be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The amendment (No. 3407) was agreed to.

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

The bill (S. 3202), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

IMPROVING VETERANS ACCESS TO FEDERAL SURPLUS PERSONAL PROPERTY

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. 3698, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3698) to amend title 40, United States Code, to improve veterans service organizations access to federal surplus personal property.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 3698) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Formerly Owned Resources for Veterans to Express Thanks for Service Act of 2012'' or the ''FOR VETS Act of 2012''.

SEC. 2. VETERANS ACCESS TO FEDERAL EXCESS AND SURPLUS PERSONAL PROPERTY.

Section 549(c)(3) of title 40, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B)—

(A) in clause (viii), by adding ''or'' at the end; and

(B) by striking clause (x); and

(3) by adding at the end the following:

''(C) for purposes of providing services to veterans (as defined in section 101 of title 38), to an organization whose—

''(i) membership comprises substantially veterans; and

''(ii) representatives are recognized by the Secretary of Veterans Affairs under section 5902 of title 38.''.

OBSERVING THE 100TH BIRTHDAY OF ROSA PARKS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 618 and the Senate proceed to its immediate 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. 618) observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, over a half century ago, Rosa Parks sparked a revolution in American race relations when she decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people but the entire world. Her stand on that December day in 1955 was not an isolated incident but part of a lifetime of struggle for equality and justice. Twelve years earlier, in 1943, Rosa Parks had been arrested for violating another one of the city's bus related segregation laws requiring blacks to pay their fares at the front of the bus then get off of the bus and re-board from the rear of the bus. The driver of that bus was the same driver with whom she would have her confrontation years later.

Rosa Parks, by her quiet courage, symbolizes all that is vital about nonviolent protest, as she endured threats of death and persisted as an advocate for the simple, basic lessons she taught the Nation and from which the Nation has benefitted immeasurably. The bus boycott which Rosa Parks began was the beginning of an American revolution that elevated the status of African Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King, Jr.

February 4, 2013, marks the 100th Anniversary of the birth of Rosa Parks. In recognition of this occasion, I am immensely proud to be joined by 56 bipartisan cosponsors of S. Res. 618, which was just adopted unanimously by the Senate, observing the 100th birthday of Rosa Parks and commemorating her legacy. I am especially pleased to have had the input of Senators STABENOW, SESSIONS, and ALEXANDER in the crafting of this resolution, which is befitting one who so significantly contributed to the breaking down the barriers of legal discrimination against African Americans, and equality for us all.

Although Rosa Parks will be forever associated with one day in Montgomery, AL, she lived most of her life in my home state of Michigan, and we proudly claim her as our own. She continued to dedicate her life to advancing equal opportunity and to educating our youth about the past struggles for freedom, from slavery up to the civil rights movement of the 1960s.

In 1987, Rosa Parks and Elaine Steele co-founded the Rosa and Raymond Parks Institute for Self-Development. Its primary focus has been working with young people from across the country and the world as part of the ''Pathways to Freedom'' program. With the work of the Institute, we can truly say that in addition to having played a major role in shaping America's past and present, Rosa Parks is continuing to help shape America's future.

In the spirit of the enormous contributions of Rosa Parks to this Nation, the Henry Ford Museum of Dearborn, MI will commemorate the 100th birthday of Rosa Parks by calling for a national day of courage; and sponsoring a program that highlights her contributions to the civil rights movement. The activities will include a daylong celebration, with both virtual and on-site activities featuring nationally-recognized speakers, musical and dramatic interpretative performances, a panel presentation of ''Rosa's Story'' and a reading of the tale ''Quiet Strength,'' and will feature the actual bus on which Rosa Parks sat as the centerpiece in commemorating Rosa Parks' extraordinary life and accomplishments, and affording everyone the opportunity to board the bus and sit in the seat that Rosa Parks refused to give up.

Mr. President, in November of 2005, upon her passing, Rosa Parks became the first woman in the history of the United States to lie in honor in the Capitol Rotunda. And, a few years earlier on June 15, 1999, Rosa Parks was presented with the highest honor of Congress, the Congressional Gold Medal, of which I was pleased to coauthor. I was also pleased to be a part of the effort in directing the Architect of the Capitol to commission a statue of Rosa Parks, which will soon be placed in the U.S. Capitol, making her the second African American woman to receive such an honor.

Mr. President, the cosponsors of the resolution are: Senators STABENOW, SESSIONS, ALEXANDER, LANDRIEU, COCHRAN, HARKIN, SHELBY, CORNYN, BOXER, MURRAY, COBURN, KERRY, HUTCHISON, GILLIBRAND, Mr. LEAHY, SANDERS, REID, MIKULSKI, DURBIN, PRYOR, NELSON of Florida, BROWN of Ohio, LIEBERMAN, Mr. CONRAD, LAUTENBERG, KOHL, CANTWELL, MCCASKILL, WYDEN, COONS, BAUCUS, WHITEHOUSE, MANCHIN, BENNET, CARDIN, HAGAN, CASEY, BEGICH, MENENDEZ, WARNER, UDALL of New Mexico, KLOBUCHAR, INOUYE, CORKER, JOHNSON of South Dakota, FRANKEN, ROCKEFELLER, UDALL of Colorado, BLUMENTHAL, AKAKA, REED, SHAHEEN, WEBB, MCCAIN, LUGAR, and GRASSLEY.

Mr. LEAHY. Mr. President, I am pleased the Senate will agree to S. Res. 618, a resolution observing the 100th birthday of civil rights icon Rosa Parks, and commemorating her legacy. It is hard to believe that 57 years have passed since Rosa Parks refused to give up her seat on a public bus, a heroic act for a young woman from Tuskegee, AL, who joined so many in the fight for civil rights. I am proud of the progress this country has made toward equality for all, in large part thanks to the work and inspiration of leaders like Rosa Parks, although we as a Nation have more work to do.

Rosa's brave act of defiance inspired a city-wide boycott and national movement, and she remains an important symbol of the civil rights movement to this day. Her legacy reminds Vermonters and Americans all over the country that one brave voice or action can shine a light on injustice and challenge society to accept nothing less than freedom and equality for all mankind.

In 2006 I was proud to work to reauthorize one of the most important civil rights laws in our history and to have that voting rights legislation bare Rosa Parks' name. Unfortunately, some are trying to overturn that protective and important law despite the continuing threat to the right to vote. As we commemorate her birth 100 years ago, I hope we can all agree that threats to civil rights are not a relic of the past. To honor Rosa Parks' memory, we must continue to fight to ensure that all Americans can vote and have their vote counted. I thank Senator LEVIN for submitting this resolution and am proud to join him in commemorating the legacy of Rosa Parks.

Mr. MERKLEY. Mr. 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 any statements be placed in the RECORD.

The resolution (S. Res. 618) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 618

Whereas Rosa Louise McCauley Parks was born on February 4, 1913, in Tuskegee, Alabama, the first child of James and Leona (Edwards) McCauley;

Whereas Rosa Parks dedicated her life to the cause of universal human rights and truly embodied the love of humanity and freedom;

Whereas Rosa Parks was arrested on December 1, 1955, in Montgomery, Alabama, for

refusing to give up her seat on a bus to a White man, and her stand for equal rights became legendary;

Whereas news of the arrest of Rosa Parks resulted in approximately 42,000 African-Americans boycotting Montgomery buses for 381 days, beginning on December 5, 1955, until the bus segregation law was changed on December 21, 1956;

Whereas the United States Supreme Court ruled on November 13, 1956, that the Montgomery segregation law was unconstitutional, and on December 20, 1956, Montgomery officials were ordered to desegregate buses;

Whereas the civil rights movement led to the Civil Rights Act of 1964 (Public Law 88–352; 78 Stat. 241), which broke down the barrier of legal discrimination against African-Americans and made equality before the law a reality for all people of the United States;

Whereas Rosa Parks has been honored as the ''first lady of civil rights'' and the ''mother of the freedom movement'', and her quiet dignity ignited the most significant social movement in the history of the United States;

Whereas, in 1987, Rosa Parks and her close associate Elaine Steele cofounded the Rosa and Raymond Parks Institute for Self Development to motivate and direct youth to achieve their highest potential through Rosa Parks' philosophy of ''quiet strength'' and cross-cultural exposure for nurturing a global and inclusive perspective;

Whereas Rosa Parks was the recipient of many awards and accolades for her efforts on behalf of racial harmony, including the Congressional Gold Medal, the Spingarn Award, which is the highest honor of the National Association for the Advancement of Colored People for civil rights contributions, and the Presidential Medal of Freedom, which is the highest civilian honor in the United States, and was named one of the 20 most influential and iconic figures of the 20th century;

Whereas Rosa Parks sparked one of the largest movements in the United States against racial segregation, and by her quiet courage symbolizes all that is vital about nonviolent protest because of the way she endured threats of death and persisted as an advocate for the basic lessons she taught the people of the United States;

Whereas Rosa Parks and her husband Raymond Parks relocated to Michigan in 1957, and remained in Michigan until the death of Rosa Parks on October 24, 2005;

Whereas, on Tuesday, October 26, 2005 the United States Senate adopted a Resolution expressing its condolences on the passing of Rosa Parks, and honored her life and accomplishments;

Whereas, in recognition of the historic contributions of Rosa Parks, her remains were placed in the rotunda of the Capitol from October 30 to October 31, 2005, so that the people of the United States could pay their last respects to this great American;

Whereas, in November 2005, Congress authorized the Joint Committee on the Library to procure a statue of Rosa Parks to be placed in the Capitol;

Whereas the United States Postal Service will issue a stamp in February 2013 to honor Rosa Parks and her courage to act at a pivotal moment in the civil rights movement;

Whereas, the bus on which Rosa Parks sparked a new era in the American quest for freedom and equality is one of the most significant artifacts of the American civil rights movement and is on permanent display in the Henry Ford Museum in Dearborn, Michigan;

Whereas, on February 4, 2013, the Henry Ford Museum, will commemorate the 100th birthday of Rosa Parks by calling for a National Day of Courage and sponsoring a program that highlights her contributions to the civil rights movement, including a daylong celebration, with both virtual and onsite activities featuring nationally recognized speakers, musical and dramatic interpretative performances, a panel presentation of ''Rosa's Story'' and a reading of the tale ''Quiet Strength'', featuring the actual bus on which Rosa Parks sat as the centerpiece in commemorating Rosa Parks' extraordinary life and accomplishments, and affording everyone the opportunity to board the bus and sit in the seat that Rosa Parks refused to give up; and

Whereas the Rosa Parks Museum at Troy University and the Mobile Studio will commemorate the birthday of Rosa Parks with the 100th Birthday Wishes Project, culminating on February 4, 2013, with a 100th birthday celebration at the Davis Theatre for the Performing Arts in Montgomery, Alabama, where 2,000 birthday wishes submitted by individuals throughout the United States will be transformed into 200 graphic messages: Now, therefore, be it

Resolved, That the Senate—

(1) observes the 100th birthday of civil rights icon Rosa Parks; and

(2) commemorates the legacy of Rosa Parks to inspire all people of the United States to stand up for freedom and the principles of the Constitution.

Mr. MERKLEY. Mr. President, I ask that Senator WEBB be added as a cosponsor.

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

OPENING OF THE UNITED STATES FREEDOM PAVILION

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 625 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 625) recognizing the January 12, 2013, opening of the United States Freedom Pavilion: The Boeing Center at the National World War II Museum in New Orleans, Louisiana, and supporting plans for other educational pavilions and initiatives.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MERKLEY. Mr. 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 any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 625) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 625

Whereas historians Stephen E. Ambrose and Gordon H. ''Nick'' Mueller, among others, founded the National D-Day Museum on June 6, 2000;

Whereas section 8134(c) of the Department of Defense Appropriations Act of 2004 (Public Law 108-87; 117 Stat. 1105) designated the National D-Day Museum as ''America's National World War II Museum'';

Whereas the National World War II Museum advances the mission of educating the public about the experience of the United States in World War II, covering all branches of the Armed Forces and the Merchant Marine, and documenting and highlighting activities on both the battlefront and home front;

Whereas the exhibits and programs of the National World War II Museum portray why the War occurred, how the War was won, and what the War means today, and celebrate the spirit of the United States and enduring values displayed during the War;

Whereas the National World War II Museum emphasizes the diverse nature of the war effort of the United States, reflecting the contributions of women, African-Americans, Japanese-Americans, Hispanic Americans, Native Americans, and other groups that have been neglected in many accounts of World War II;

Whereas the 12,000 landing craft designed and built by Higgins Industries in New Orleans made amphibious invasions possible and carried United States soldiers ashore in every theatre and campaign during the War;

Whereas President Dwight D. Eisenhower, the former Supreme Commander of the Allied Expeditionary Forces in Europe, credited Andrew Jackson Higgins, the chief executive officer of Higgins Industries, as the ''man who won the war for us,'' in a 1960s conversation with the preeminent historian Stephen E. Ambrose, leading Ambrose to initiate plans for the National World War II Museum;

Whereas the National D-Day Museum, now known as the ''National World War II Museum'', has made great strides in the development of the facilities, exhibits, and programs at the Museum;

Whereas the National World War II Museum, since the grand opening on June 6, 2000, which was the 56th anniversary of the D-Day invasion of Normandy, France, has attracted more than 3,000,000 visitors from across the United States and around the world, and has reached millions more through Internet-based and other distance learning programs;

Whereas World War II veterans and home front supporters, recognized as the ''greatest generation'' because of the sacrifices of the veterans and home front supporters at a pivotal time in United States history, are passing away at a rapid rate, creating an urgent need to preserve the stories, and to pay tribute to the service of the veterans and home front supporters;

Whereas Congress recognizes the need to preserve forever the knowledge and history of the most decisive achievement of the United States during the 20th century and to portray that history to citizens, scholars, visitors, and school children for generations to come;

Whereas Congress appropriated funds in 1992 to authorize the design and construction of the National D-Day Museum to commemorate the epic 1944 Normandy invasion, and appropriated additional funds in 1998, 2000, 2001, 2002, 2003, and 2009 to help expand the Museum to cover the entire experience of the United States in World War II, and the transformational impact on the United States and the world;

Whereas the World War II Memorial on the National Mall in Washington, DC, will always be the symbolic memorial where people come to remember the sacrifices made during World War II;

Whereas the National World War II Museum in New Orleans will always be the educational institution where people come to learn about the monumental struggle by the United States against would-be oppressors, so that future generations can understand

the role the United States played in the preservation and advancement of freedom in the middle of the 20th century;

Whereas the State of Louisiana and thousands of donors, including foundations, companies, and Museum members in every State, have contributed millions of dollars and other support to help build and advance the National World War II Museum, and hundreds of volunteers, many from the World War II era, have provided invaluable assistance to the Museum;

Whereas the Board of Trustees of the National World War II Museum, national in scope, and the Presidential Counselors advisory group, featuring leading historians and museum professionals, provide effective guidance and oversight for the National World War II Museum;

Whereas the National World War II Museum continues to add to and maintain 1 of the largest personal history collections in the United States, representing the experiences of the men and women who fought in World War II and served on the home front, with more than 7,000 videotaped, oral, and written accounts in the collection, and plans to digitize the collection to vastly improve public access;

Whereas the National World War II Museum is an official affiliate of the Smithsonian Institution, with a formal agreement to borrow Smithsonian artifacts for exhibits;

Whereas the National World War II Museum collaborates with other museums and memorials in the United States and around the world;

Whereas the National World War II Museum has added major facilities in recent years through donor support, including the Solomon Victory Theater complex, which features a 4-D theater, the Stage Door Canteen, a United Service Organization-styled entertainment venue, and the Kushner Restoration Pavilion, home to a major patrol torpedo boat restoration project;

Whereas the National World War II Museum will open the United States Freedom Pavilion: The Boeing Center in January 2013;

Whereas the Pavilion will feature aircraft such as the B-17 bomber and the P-51 fighter, the latter flown by the Tuskegee Airmen, and a submarine experience and exhibits honoring Medal of Honor recipients, government leaders who served in World War II, and industries that became known as the ''Arsenal of Democracy''; and

Whereas other major pavilions and interactive exhibits are planned or under development as the Museum anticipates the completion of the campus by 2016, including the Campaigns of Courage: European and Pacific Theaters Pavilion, the Liberation Pavilion, and a Union Station train experience in the original Louisiana Memorial Pavilion: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and applauds the planned January 12, 2013, opening of the United States Freedom Pavilion: The Boeing Center, an iconic pavilion funded in part by the Federal Government and a major feature of the institution designated by section 8134(c) of the Department of Defense Appropriations Act of 2004 (Public Law 108-87; 117 Stat. 1105) as ''America's National World War II Museum'';

(2) recognizes the generous assistance from private individuals, corporations, foundations, the Federal Government, the State of Louisiana, and other public entities committed to offering a lasting tribute to the achievements of the United States in World War II; and

(3) expresses support for the mission of the National World War II Museum as vital to the preservation of democratic values, to the understanding of United States history and founding principles, and to the education of future generations about the relevance of the War experience to the past and future greatness of the United States.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, and upon the recommendation of the Republican leader, in consultation with the Ranking Members of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individuals to the United States-China Economic Security Review Commission: Robin Cleveland of Virginia for a term expiring December 31, 2014, Dennis C. Shea of Virginia for a term expiring December 31, 2014, and James M. Talent of Missouri, for a term expiring December 31, 2013.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, and upon the recommendation of the Majority Leader, in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individual to the United States-China Economic Security Review Commission: Katherine Tobin of Virginia for a term beginning January 1, 2013 and expiring December 31, 2014.

ORDERS FOR THURSDAY, DECEMBER 20, 2012

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. on Thursday, December 20, 2012; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of H.R. 1, the legislative vehicle for the emergency supplemental appropriations bill.

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

PROGRAM

Mr. MERKLEY. Tonight the majority leader filed cloture on the substitute amendment and the emergency supplemental bill. We will work on an agreement for amendments to the bill. The filing deadline for all first-degree amendments is 1 p.m. tomorrow.

Senator INOUYE will lie in state in the Capitol Rotunda tomorrow. Senators will gather in the Senate Chamber at 9:35 a.m. tomorrow morning to proceed to the viewing together.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MERKLEY. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 10:21 p.m., adjourned until Thursday, December 20, 2012, at 11 a.m.