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House of Representatives

The House was not in session today. Its next meeting will be held on Sunday, December 30, 2012, at 2 p.m.

Senate

FRIDAY, DECEMBER 28, 2012

The Senate met at 9 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

O mighty God before whom the generations rise and pass away, watch over America and use our Senators to keep it strong and good. Imprint upon their hearts such reverence for You that they will be ashamed and afraid to offend You. Remind them that their thoughts, words, and deeds are under divine scrutiny. Bless the many others who work faithfully on Capitol Hill and whose labors bring dignity and efficiency to the legislative process.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 28, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. DURBIN. Mr. President, following leader remarks, the Senate will begin consideration of H.R. 5949, the FISA reauthorization bill. At approximately 9:45 a.m. this morning, there will be several, up to 25, rollcall votes in order to complete action on the FISA bill and on the supplemental appropriations bill. The Senate will recess from 12:30 p.m. to 2:15 p.m. to allow for caucus meetings.

Additional votes in relation to executive nominations are possible today.

RESERVATION OF LEADER TIME

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

FISA AMENDMENTS ACT REAUTHORIZATION ACT OF 2012

The ACTING PRESIDENT pro tempore. The Senate will proceed to the consideration of H.R. 5949, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5949) to extend the FISA Amendments Act of 2008 for five years.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

AMENDMENT NO. 3439

Mr. WYDEN. I ask unanimous consent to call up my amendment which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself, Mr. UDALL of Colorado, Mr. LEE, Mr. DURBIN, Mr. MERKLEY, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. FRANKEN, Mr. WEBB, Mrs. SHAHEEN, Mr. TESTER, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. COONS, and Mr. BAUCUS proposes an amendment numbered 3439.

Mr. WYDEN. Mr. President, I ask unanimous consent the 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 require a report on the impact of the FISA Amendments Act of 2008 on the privacy of the people of the United States)

At the end, add the following:

SEC. 5. REPORT ON THE IMPACT OF THE FISA AMENDMENTS ACT OF 2008 ON THE PRIVACY OF THE PEOPLE OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

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

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(1) The central provision of the FISA Amendments of 2008 (Public Law 110–261; 122 Stat. 2436) enacted section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) which provides the government authority to collect the communications of persons reasonably believed to be citizens of foreign countries who are located outside the United States.

(2) Such section 702 contained restrictions regarding the acquisition of the communications of United States persons which were intended to protect the privacy of United States persons and prevent intelligence agencies from using the authority in such section to deliberately read or listen to the communications of specific United States persons without obtaining a warrant or emergency authorization to do so.

(3) Estimating the total number of communications to or from the United States collected under the authority in such section 702 would provide an indication of the degree to which collection carried out under such section has impacted the privacy of United States persons.

(4) Estimating the number of wholly domestic communications collected under the authority in such section 702 would provide a particularly significant indication of the degree to which collection carried out under this authority has impacted the privacy of United States persons.

(5) While Congress did not intend to provide authority in such section 702 for elements of the intelligence community to deliberately review the communications of specific United States persons without obtaining individual warrants or emergency authorizations to do so, such section 702 does not include a specific prohibition against this action, and the people of the United States have a right to know whether elements of the intelligence community have deliberately searched through communications collected under such section 702 to find the communications of specific United States persons.

(6) Despite requests from numerous Senators, the Director of National Intelligence has declined to state publicly whether—

(A) any entity has made an estimate of the number of United States communications that have been collected under such section 702;

(B) any wholly domestic communications have been collected under such section 702; or

(C) any element of the intelligence community has attempted to search through communications collected under such section 702 in a deliberate effort to review the communications of a specific United States person without obtaining a warrant or emergency authorization permitting such a search.

(7) In public remarks in July 2012, the Director of the National Security Agency stated that ''the story that we have millions or hundreds of millions of dossiers on people is absolutely false''.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the impact of the amendments made by the FISA Amendments Act of 2008 (Public Law 110–261; 122 Stat. 2436) and other surveillance authorities on the privacy of United States persons.

(2) CONTENT.—The report required by paragraph (1) shall include the following:

(A) A determination of whether any government entity has produced any estimate regarding—

(i) the total number of communications that—

(I) originated from or were directed to a location in the United States; and

(II) have been collected under the authority of section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a); or

(ii) the total number of wholly domestic communications that have been collected under such authority.

(B) If any estimate described in subparagraph (A) was produced, such estimate.

(C) An assessment of whether any wholly domestic communications have been collected under the authority of section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a).

(D) A determination of whether any element of the intelligence community has ever attempted to search through communications collected under section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) in a deliberate effort to find the communications of a specific United States person, without obtaining a warrant or emergency authorization to do so.

(E) A determination of whether the National Security Agency has collected any type of personally identifiable data pertaining to more than 1,000,000 United States persons.

(c) FORM OF REPORT.—

(1) PUBLIC AVAILABILITY OF REPORT.—The report required by subsection (b) shall be made available to the public not later than 15 days after the date such report is submitted to Congress.

(2) REDACTIONS.—If the President believes that public disclosure of information in the report required by subsection (b) could cause significant harm to national security, the President may redact such information from the report made available to the public.

(3) SUBMISSION TO CONGRESS.—If the President redacts information under paragraph (2), not later than 30 days after the date the report required by subsection (b) is made available to the public under paragraph (1), the President shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a statement explaining the specific harm to national security that the disclosure of such information could cause.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 30 minutes of debate, equally divided, prior to the vote on the Wyden amendment.

Mr. WYDEN. Mr. President, given the events of yesterday, this is the last opportunity for the next 5 years for the Congress to exercise a modest measure of real oversight over this intelligence surveillance law. Here is why. Colleagues, it is not real oversight when the Congress cannot get a yes or no answer to the question of whether an estimate currently exists as to whether law-abiding Americans have had their phone calls and e-mails swept up under the FISA law. That is the case today.

Colleagues, it is not real oversight when the Congress cannot get a yes or no answer to the question of whether wholly domestic communications between law-abiding Americans in this country have been warrantlessly intercepted under the law. That is the case today.

Colleagues, it is not real oversight when National Security Agency leadership states in a public forum that the Agency does not keep dossiers on millions of Americans and yet they will not give the Congress a yes or no answer as to whether the Agency collects any sort of data on millions of Americans. That is not the case today.

What this amendment does is it gives us the opportunity to do real oversight—real oversight—by getting yes or no answers to questions that have been asked repeatedly by members of the Intelligence Committee. The amendment, in order to ensure that national security is protected at an important time in our country's history, gives the President of the United States unfettered discretion to redact any information he believes is necessary in order to protect the country's national security. The amendment does not require any agency to do new work. We have heard cited repeatedly it would be impossible to do an estimate on projections that have been discussed in the past. So we have changed course and we have said all we are seeking is a yes or no answer to the question of whether an estimate has actually been done.

This is an important time for American security. It will always be an important time for American security. It is also an important time for American liberty, and this amendment ensures we can strike the appropriate balance between protecting our country's well-being and also protecting the individual liberties we all cherish.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the amendment. This amendment would require the Director of National Intelligence to issue a public report within 90 days, assessing the impact of the FISA Amendments Act and its surveillance authorities on the privacy of U.S. persons.

That sounds benign, but it is not. The goal of this amendment is to make information public about a very effective intelligence collection program that is currently classified. All of the information has already been made available to the Senate Intelligence and Judiciary Committees. It is available to all Members. All they have to do is read it. It is hundreds of pages of material.

Senator WYDEN has raised a number of issues that all concern the potential for surveillance conducted pursuant to authorities to result in what is called ''incidental collection.'' Section 702 authorizes the executive branch to go to the FISA Court—that is a Federal court, Federal district judges appointed by the Chief Justice of the Supreme Court—and obtain annual approval for the certifications of the Attorney General and the DNI that identify categories of foreign targets. These are what I call a program warrant, to conduct surveillance on non-U.S. persons; in other words, individuals who are not U.S. citizens or lawful permanent residents who are located outside the United States.

It is possible there can be some incidental collection of communications of

or concerning those who are U.S. persons. This potential for incidental collection does not mean the intelligence community is intentionally conducting surveillance on U.S. persons. In fact, doing so would be a violation of the law.

Here is the key point to understand about incidental collection. Although the government may, under the right circumstances, be authorized to retain the communication between—as an example—known terrorists and a presumptive U.S. person or persons, including the phone number he relayed to the terrorist, the government cannot place the U.S. number on surveillance and start collecting the calls to and from the U.S. number without first obtaining an individual court order or a warrant. To do so would be to target a U.S. person, which I will explain is reverse targeting.

Let me answer another common question: Can the government use section 702 to target a U.S. person? This is important. The answer is no. The law specifically prevents the use of section 702 to direct collection against U.S. persons. This prohibition is codified in 702(b), which states that the section may not be used to ''intentionally target any person known at the time of acquisition to be located in the United States'' or to ''intentionally target a United States person reasonably believed to be located inside the United States.''

Another frequent question: Is there a loophole or backdoor that allows the government to use 702 to target U.S. persons by searching incidental collection? Answer: No. The Department of Justice, the DNI's offices, the FBI, and NSA have all advised that limiting the ability of intelligence analysts to review and analyze information already in the government's possession under section 702 would make these agencies less able to respond quickly during a developing terrorist plot.

In sum, review of the information already collected enables the government to protect against a terrorist attack on this Nation.

Regarding the level of oversight conducted on these authorities, as of October 7, 2011, the congressional Intelligence and Judiciary Committees received over 500 pages of information from the Department of Justice that specifically relate to matters covered by the Wyden amendment. The Senate Intelligence Committee held a closed hearing in October 2011 on these issues. The senior Senator from Oregon attended. These were the issues specifically discussed. In December of 2011, the congressional Intelligence and Judiciary Committees received in excess of another 100 pages of material relating to these issues.

We held another closed hearing on February 9, 2012, which the Senator from Oregon attended, where these issues were discussed. The inspectors general for the intelligence community and NSA have both provided classified and unclassified responses to letters written by the Senator from Oregon and the Senator from Colorado, explaining why it is not feasible to estimate the number of people inside the United States who have had their communications collected or reviewed under the authorities granted by section 702. Finally, the DNI sent a letter in August on this issue.

Here is the point. If we want to talk about oversight, all of the information exists, and it is up to Intelligence Committee of the Senate to do its oversight and Members have to go in and read the material.

I believe very strongly that what this amendment aims to do is make public a program that should not be made public at this time. I urge my colleagues to oppose this amendment.

Finally, I request that a letter from General Alexander, head of the National Security Agency—which essentially explains remarks he made—be printed in the RECORD. I would also like to have the letter to the general from the Senator from Oregon printed in the RECORD.

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

DEPARTMENT OF DEFENSE,
NATIONAL SECURITY AGENCY,
Fort George G. Meade, MD, Nov. 13, 2012.

Hon. Ron Wyden,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR WYDEN: Thank you for your letter dated 10 October 2012 concerning issues related to the National Security Agency's (NSA's) handling of U.S. person communications. As you know, NSA takes great care to protect the civil liberties and privacy interests of U.S. persons in the conduct of its mission.

Your letter requested clarity and further information with respect to my extemporaneous response to a question posed by a member of the audience following my formal presentation on cybersecurity delivered on 27 July 2012, at DEFCON 20. At the conference, a member of the audience asked me: ''Does NSA really keep a file on everyone [in the United States] and, if so, can I see mine?'' I responded: ''Absolutely not. And anybody who would tell you that we're keeping files or dossiers on the American people know[s] that's not true and let me tell you why. First, under our Agency we have a responsibility. Our job is foreign intelligence.'' I then gave a short explanation of how we execute our foreign intelligence mission and the oversight provided by all three branches of government, including Congress, before reiterating that ''the story that we have millions or hundreds of millions of dossiers on people is absolutely false.'' I referred to the fact that Section 702 of the Foreign Intelligence Surveillance Act, as amended by the FISA Amendments Act of 2008 (FAA 702), permits the targeting only of communications of non-U.S. persons reasonably believed to be located outside of the United States. Finally, I highlighted the role served by minimization procedures to provide additional protection to incidentally collected communications of U.S. persons.

First, with respect to the reference to minimization procedures, my response should be understood in the context in which it was made. I noted at the outset that NSA has a foreign intelligence mission, and my subsequent reference focused on the type of circumstance in which U.S. person information may be disseminated when this foreign intelligence requirement is not met (e.g., when there is evidence of a crime). As you are aware, the statutory requirements for minimization procedures are a matter of public record:

Section 101(h)(1) of FISA requires that minimization procedures must be ''reasonably designed . . . to minimize the acquisition and retention and prohibit the dissemination, of nonpublicly available information concerning unconsenting U.S. persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information.''

Section 101(h)(2) of FISA requires that ''nonpublicly available information which is not foreign intelligence information shall not be disseminated in a manner that identifies any U.S. person, without such person's consent, unless such person's identity is necessary to understand foreign intelligence information or assess its importance.''

Section 101(h)(3) of FISA permits both retention and dissemination where there is ''evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.''

Section 101(h)(4) of FISA permits disclosure, dissemination, or use for any purpose or retention for 72 hours, or longer if a determination is made by the Attorney General, ''if the information indicates a threat of death or serious bodily harm to any person.''

Second, my response did not refer to or address whether it is possible to identify the number of U.S. person communications that may be lawfully but incidentally intercepted pursuant to foreign intelligence collection directed against non-U.S. persons located outside the United States as authorized under FAA 702.

In your letter, you asked for unclassified answers to several questions that you feel are important to allow the public to better understand my remarks delivered at the conference. While I appreciate your desire to have responses to these questions on the public record, they directly relate to operational activities and complete answers would necessarily include classified information essential to our ability to collect foreign intelligence. Indeed, as you are aware, these very questions were recently addressed in a classified letter to you from the Director of National Intelligence dated 24 August 2012.

Finally, as you are also aware, senior officials from the Administration, including the Office of the Director of National Intelligence, the Justice Department, and NSA, have testified and briefed before the relevant Congressional committees on multiple occasions over the past year. We have also conducted numerous sessions with committee staff and counsel, as well as correspondence and discussions with individual Senators and Representatives. As a result of the many briefings, hearings, and other interactions between the Intelligence Committees and the Administration, there exists a comprehensive Congressional record relating to all of NSA's foreign intelligence activities (including information relevant to the questions you pose).

Again, thank you for your ongoing interest in these issues. Regardless of differences that may exist on policy issues, I cannot overstate the importance or value of ongoing Congressional interest and oversight of NSA's operations, acting on behalf of the American people. If you have further questions, please contact me personally or have your staff contact my Associate Director for

Legislative Affairs, Ethan L. Bauman, at (301) 688–7246.

KEITH B. ALEXANDER,
General, U.S. Army Director, NSA.

U.S. SENATE,
Washington, DC, October 10, 2012.

General KEITH ALEXANDER,
Director, National Security Agency,
Fort Meade, MD.

DEAR GENERAL ALEXANDER: You spoke recently at a technology convention in Nevada, at which you were asked a question about NSA collection of information about American citizens. In your response. you focused in particular on section 702 or the FISA Amendments Act of 2008, which the Senate will debate later this year. In describing the NSA's collection of communications under the FISA Amendments Act, you discussed rules for handling the communications of US persons. Specifically, you said:

We may, incidentally, in targeting a bad guy hit on somebody from a good guy, because there's a discussion there. We have requirements from the FISA Court and the Attorney General to minimize that, which means nobody else can see it unless there's a crime that's been committed.

We believe that this statement incorrectly characterized the minimization requirements that apply to the NSA's FISA Amendments Act collection, and portrayed privacy protections for Americans' communications as being stronger than they actually are. We urge you to correct this statement, so that Congress and the public can have a debate over the renewal of this law that is informed by at least some accurate information about the impact it has had on Americans' privacy.

You also stated, in response to the same question, that ". . . the story that we have millions or hundreds of millions of dossiers on people is absolutely false". We are not entirely clear what the term "dossier" means in this context, so we would appreciate it if you would clarify this remark. Specifically, we ask that you please answer the following questions:

The intelligence community has stated repeatedly that it is not possible to provide even a rough estimate of how many American communications have been collected under the FISA Amendments Act, and has even declined to estimate the scale of this collection. Are you certain that the number of American communications collected is not "millions or hundreds of millions"? If so, then clearly you must have some ability to estimate the scale of this number, or at least some range in which you believe it falls. If this is the case, how large could this number possibly be? How small could I possibly be?

Does the NSA collect any type of data at all on "millions or hundreds of millions of Americans"?

Since you made your remarks in an unclassified forum, we would appreciate an unclassified response to these questions, so that your remarks can be properly understood by Congress and the public, and not interpreted in a misleading way. Additionally, since the Senate will debate this issue during the November/December 2012 session, please provide your response by November 13.

If you have any questions concerning this request, please have your staff contact John Dickas of Senator Wyden's staff, or Jennifer Barrett of Senator Udall's staff. We appreciate your attention to this matter and look forward to your prompt response.

Sincerely,

RON WYDEN.
MARK UDALL.

Mrs. FEINSTEIN. I thank the Chair and yield the floor to the vice chairman for the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I oppose Senator WYDEN's amendment also because it imposes an unreasonably burdensome reporting requirement on the DNI and is inconsistent with the purpose of FISA, which is to obtain foreign intelligence information. This amendment would require the diversion of scarce intelligence personnel and resources away from the identification of foreign intelligence information but, rather, to assess whether any wholly domestic communications have been inadvertently collected under FAA authorities. This is an unnecessary and pointless exercise. The collection system was designed to comply with FISA's clear prohibition against the intentional collection of wholly domestic communications.

I will read how specific this is in the law. This is directly out of section 702, which the amendment seeks to attack. There are limitations against collection of information under the following guise:

An acquisition authorized under subsection (a)—

Which is to collect information from those located outside the United States. We:

may not intentionally target any person known at the time of acquisition to be located in the United States; may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States; may not intentionally target a United States person reasonably believed to be located outside the United States.

It goes further into detail and is very specific about the fact that there is no authorization to target U.S. persons.

As the chairman said, it is our duty, as members of the Intelligence Committee, to do the oversight required to make sure these laws are complied with, and we do that. We do it in a very deliberate and direct way by not only having the individuals responsible for the collection of this information made available to the committee, but it goes all the way to the top. The individuals who collect it, as well as the leaders of the intelligence community, come in once a year—and they will come more often than that if there is a problem we need to address—and we review this information.

The Senator from Oregon, the distinguished Presiding Officer, members of the Intelligence Committee, know the type of oversight that is available to us. So if there is any question about what is done and whether section 702 is not being complied with, we have the opportunity to ask the questions.

The amendment by the distinguished Senator from Oregon actually goes further than what he said was a simple yes-or-no question and requires that the intelligence community go into great detail on any estimate or any finding where a U.S. person may have been involved. Is that the type of information we need for our intelligence community to spend their time on versus trying to find bad guys around the world? I think the answer is pretty simple.

As we said yesterday, if there is a problem and the problem is addressed by the intelligence community and the Intelligence Committees on both the House and Senate side, it is not abused. If there is a problem, we fix it. There are minimization procedures that are in place which address this issue that are used when necessary. If we do our job, there is absolutely no reason for this amendment—and we do our job.

The chairman is very diligent in making sure the annual reviews are set at specific times of the year. Every member of the committee has an obligation to be at the hearings to ask the tough and right questions. As far as I know, every member of the committee has done that. We have provided the right kind of oversight.

I encourage my colleagues to vote against this because it is simply an unnecessary amendment, and it is the last amendment we have to consider. As we said over and over yesterday, we have to get this bill on the desk of the President by December 31, which is 3 days away.

It is important we conclude this morning, that the bill be sent to the President's desk so we can sign it, and we can continue to provide the right kind of supervised collection against foreign individuals to make sure America and Americans are protected.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I rise in support of the Wyden amendment. Before I share my thoughts, I wanted to express my respect and admiration for the chairwoman and vice chairman of the Senate Intelligence Committee. They are professional, easy to work with, and have the security of our people front and center at all times.

As a member of the Senate Intelligence Committee, I have learned a great deal with respect to our post-9/11 surveillance laws and how they have been implemented. In the course of my 2 years on the committee, I have determined there are reforms which need to be made to the FISA Amendments Act before we renew this important law.

Earlier this year, Senator WYDEN and I opposed the bill reported out of the Senate Intelligence Committee extending the expiration date of the FISA Amendments Act because we believe Congress does not have an adequate understanding of the effect this law has had on the privacy of law-abiding American citizens. In our view it is important for Members of Congress and the public to have a better understanding of the foreign intelligence surveillance conducted under the FAA so Congress can consider whether the law should be modified rather than simply extended without changes.

That is the simple purpose of the amendment Senator WYDEN, other colleagues, and I have filed—to make more information available to Members of Congress and the public so they have a better understanding of the law and its imitation.

This amendment requires the Director of National Intelligence to provide information to Congress about the effects of the FISA Amendments Act on the privacy of America, which is something we all hold dear. It would require information on whether an estimation has been conducted of how many U.S. communications have been collected under the FISA Amendments Act and, if so, how many, whether any wholly domestic communications have been collected and whether officials have gone through these communications to conduct warrantless searches for the phone calls and e-mails of specific Americans.

It would not require the intelligence community to conduct any new estimates of Americans whose communications may have been collected under the statute and would give the President full discretion to redact information from the public version of the report.

I will conclude by restating my belief that the American people need a better understanding of how the FISA Amendments Act, section 702, in particular, has affected the privacy of Americans. I also believe we need new protections against potential warrantless searches for Americans' communications. I believe that without such reforms, Congress should not simply extend the law for 5 years.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. I thank my colleague from Colorado. He has been a wonderful partner in this effort to strike a balance between security and liberty. I look forward to working with him in the days ahead.

Mr. President, how much time remains on each side?

The ACTING PRESIDENT pro tempore. Proponents have 8 minutes and the opponents have 2 minutes.

Mr. WYDEN. Mr. President, I say this with the greatest respect to the distinguished chair of the committee—with whom I have worked cooperatively on so many issues—that when she said this amendment seeks to publish names, I would just like to say that is simply and factually incorrect. In no way, shape or form does this amendment seek to publish names, and I wish to tell colleagues that if anyone in connection with this program were to seek to publish names, I would vigorously oppose that effort. I simply just want to make sure the RECORD reflects that.

We have heard by the opponents of this amendment that the intelligence community has already provided the Congress with lots of information about the FISA Amendments Act. However, the reality is a lot more complicated than that. Much of that information is in highly classified documents that are difficult for most Members to review, and the reality is most Members literally have no staff who are cleared to read the documents which have been cited.

So the fact is most Members of Congress don't have staff to help them deal with these complicated issues so they are—in many particulars—in the dark about the program, and certainly the 300 million-plus Americans who expect us to strike that balance between security and liberty are also in the dark.

I have already noted that the amendment gives the executive branch unfettered authority to make redactions, and I just want to make sure every Senator hears the exact language because I think this is as broad a redaction proposal as I have seen in my service on the committee. The redaction proposal states: If the President believes that public disclosure of the report required by this section could cause significant harm to national security, the President may redact such information from the report made available to the public.

I hope colleagues who have asked about whether this would endanger our country and have heard on the floor of the Senate that somehow this amendment would seek to name names—particularly at a dangerous time—will see, No. 1, that is not the case; and No. 2, that the President, as outlined on page 6, has full and unfettered discretion to redact the report as he sees fit.

I also want to respond to this point that there would be no time for this to be considered by the other body if we add this modest measure of oversight. As I understand from the news reporting this morning, the other body will be meeting on Sunday, so they will be here this weekend. The other body is perfectly capable of passing an amended bill, getting it to the President by the end of the month. The distinguished vice chair and I both served in the other body. We know that when they are here—particularly on something that just involves a report—it would be very easy for the other body to pass this and send it to the President. In fact, the House passed the extension a few months ago with over 300 votes. So passing it Sunday when the other body is in session seems to not exactly be a difficult and arduous task.

What it comes down to is what we define robust congressional oversight in a program such as this to be. Again, I respectfully say that without basic information as to whether an estimate even exists—in response to colleagues—this is not talking about anybody going out and doing a lot of work. This is a question of either responding affirmatively or negatively to the question Senator UDALL and I have been asking lo these several years: Does an estimate exist as to whether or not law-abiding Americans have had their communications swept up under this law?

There is a reason to be concerned about this because Senator UDALL and I worked very hard to get at least a little bit of information on this, and we have been able to declassify that there has been a fourth amendment violation in the past.

I believe that without the information Senator UDALL and I have sought that is behind this amendment—those who say there ought to be robust congressional oversight of this program ought to reflect on the fact that without this information which is so essential to do our work, oversight is not robust, it is toothless—it is toothless—if we cannot get an answer to the question as to whether an estimate exists for how many Americans have had their communications swept up.

So I close with this: This is, as the distinguished chair of the committee said earlier, a critically important time for American security. Those of us who serve on the committee—and the distinguished Presiding Officer is part of these briefings—go into the room, and the doors are locked, and we certainly get significant information about the threats and the well-being of this country. So it is an important time for American security. It is also an important time for American liberty.

To paraphrase Ben Franklin, as I did yesterday, those who give up their liberty in order to have security really don't deserve either. The two are not mutually exclusive. We can do both. That is what the constitutional teeter-totter has always been about—security and well-being of our country on the one hand and protecting our liberties on the other.

What Senator UDALL and I contend this morning is that without access to information about critical questions such as whether an estimate even exists as to how many law-abiding Americans have had their communications swept up under FISA, we can't answer the question as to whether the constitutional teeter-totter is in balance. So I hope my colleagues will vote for this amendment given the events of yesterday.

I say to my colleagues that this will be the last opportunity—the last opportunity for 5 years—to exercise some modest measure of real oversight over this program. I hope my colleagues on a bipartisan basis will support this amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, we have how many minutes?

The ACTING PRESIDENT pro tempore. There is 2½ minutes remaining.

Mrs. FEINSTEIN. I will use 1 minute.

The fact is, we do an intelligence authorization bill every year. If there is a need to change the law, we can change it there, so this isn't the last opportunity to effect any change on the FISA Amendments Act for 5 years. I believe that it is the last opportunity to see that this program continues on without interruption.

I would also point out that one of the areas in which the administration has really made an effort is to bring leaders of the Intelligence Community—whether it is the DNI or representatives from the Department of Justice—to the Hill and explain to individual Members how this program works.

With respect to the classified material, any Member has access to it; any Member can go up and read this material. The staff of the Intelligence Committee, which helps us conduct this oversight, can read this material. The Members of the Intelligence Committee can read this material. As chairman, if someone finds an irregularity, I am happy to look at it, to have a hearing on it. But to adopt this amendment that would change this program at this time has my very strong opposition. I urge a ''no'' vote.

I yield to the vice chairman.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I would echo what the chairman said—that the very well trained, dedicated staff of the Intelligence Committee is available to assist any Member in reviewing the classified information that is the subject of section 702. That is why they are there. The Senator from Oregon is right. Every Member of Congress doesn't have that highly trained, top-secret staff member, and there are reasons for that. There are reasons why the Intelligence Committee members do have those types of staffers. Those staffers are available at any time for discussion of this issue or, for that matter, any other issue relative to national security that is within the purview of the Intelligence Committee.

So I again say that this amendment is simply totally unnecessary because there are specific and direct prohibitions in the law as well as in court decisions that do not allow our respective intelligence community agencies to listen in or review e-mails or whatever on U.S. citizens unless it is under some sort of court order where probable cause must be shown.

We need to make sure we are equipping our intelligence community agents with every single tool necessary to combat terrorists around the world. This section is critical to doing that. I urge a vote against the amendment.

Mrs. FEINSTEIN. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the question is on agreeing to amendment No. 3439 offered by the Senator from Oregon, Mr. WYDEN.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—43

Akaka	Gillibrand	Paul
Baucus	Grassley	Reed
Begich	Harkin	Reid
Bennet	Heller	Sanders
Bingaman	Klobuchar	Schatz
Blumenthal	Landrieu	Shaheen
Brown (OH)	Leahy	Stabenow
Cantwell	Lee	Tester
Cardin	Levin	Toomey
Carper	Manchin	Udall (CO)
Casey	Menendez	Udall (NM)
Conrad	Merkley	Webb
Coons	Murkowski	Wyden
Durbin	Murray	
Franken	Nelson (NE)	

NAYS—52

Alexander	Hagan	Nelson (FL)
Ayotte	Hatch	Portman
Barrasso	Hoeven	Pryor
Blunt	Hutchison	Risch
Boozman	Inhofe	Roberts
Brown (MA)	Isakson	Rockefeller
Burr	Johanns	Rubio
Chambliss	Johnson (SD)	Schumer
Coats	Johnson (WI)	Sessions
Coburn	Kerry	Shelby
Cochran	Kohl	Snowe
Collins	Kyl	Thune
Corker	Lieberman	Vitter
Cornyn	Lugar	Warner
Crapo	McCain	Whitehouse
Enzi	McConnell	Wicker
Feinstein	Mikulski	
Graham	Moran	

NOT VOTING—5

Boxer	Kirk	McCaskill
DeMint	Lautenberg	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The bill (H.R. 5949) was ordered to a third reading and was read the third time.

Mr. UDALL of New Mexico. Madam President, I rise today to express my longstanding concerns about the FISA Amendments Act of 2008. We are being asked to extend the sunset provisions in the Act until 2017. Without adoption of the amendments to include additional privacy protections and oversight requirements, I cannot support an extension.

We all appreciate the dedicated work of the intelligence community. They have a big job in keeping us safe. But we also have to protect the constitutional rights of American citizens. That goes to the heart of who we are. Of what our country stands for. These aims are not contradictory. We can do both. And we must do both.

The FISA Amendments Act of 2008 gave broad powers to the intelligence community. Too broad, for some of us. I was one of the minority votes in the House against FISA. It allows a very wide net to search phone calls and emails of foreigners outside of the United States.

We knew then, and we know now, that net would also scoop up the private communications of American citizens. The challenge was clear. Go after the bad guys. But do not violate the privacy of the American people. So the Act contained specific limitations.

Now, 4 years later, we are asking a basic question. Have those limitations worked? And the answer is—we really do not know.

This uncertainty is not for lack of trying. We have tried to get answers. Numerous times. But the information is still lacking. Intelligence officials have said they are unable to tell us how many U.S. communications have been collected under FISA authority. Not an actual number. Not an exact number. Not even an estimate.

Plain and simple—we need more information. How else can we evaluate this policy? The American public has a right to know. And needs to know. How many Americans are affected by FISA? Are existing privacy protections working? Are they too weak? Do they need to be strengthened? These are vital questions. They need to be answered. And so far they have not been.

That is why the amendments that have been offered are so important. These amendments are intended to strengthen privacy protections of American citizens and to improve congressional oversight. These amendments will improve FISA. And they deserve bipartisan support.

I want to emphasize my support for Senator WYDEN's amendment that we will vote on this morning. The amendment would require the Director of National Intelligence to report to Congress on the impact of FISA. And provide specific information. In particular, how many U.S. communications have been collected under the Act? Have there been deliberate attempts to search the phone calls or emails of individual Americans? Without obtaining a warrant or emergency authorization?

The Director's report would be available to the public. And the President could withhold public disclosure of any information necessary to national security. This amendment will not compromise national security. But it will help protect the rights of American citizens.

As Senator WYDEN stated on the floor yesterday, several of us sent letters to Director Clapper requesting this information, but have not received an adequate response. The Wyden amendment would ensure that Congress has the information we need to make an informed decision about whether to extend future sunset provisions.

The war on terrorism that began after the 9/11 attacks has continued for over 10 years. During that time, Congress has passed laws, including the PATRIOT Act and FISA Amendments Act, which gave sweeping new authorities to law enforcement and the intelligence community.

I know we must protect the Nation from future attacks. But there must

also be a balance—we cannot give up our constitutional protections in the name of security. I voted against the PATRIOT Act and FISA Amendments Act because I believed they were not balanced—they unduly infringed on the guaranteed rights of our citizens.

As I said, we all value the work of our intelligence community. Their efforts are vital to our Nation's security. But, I believe these amendments are crucial. We can protect our citizens without trampling their constitutional rights.

Unfortunately, none of the amendments we voted on yesterday were adopted. But the main argument I heard against them was not on the substance of the amendments. It was that we do not have time to amend the bill and send it back to the House. The Chair and Vice-chair argued that we must pass the House bill without amendment and get it to the President before the provisions expire.

This is not how the ''world's greatest deliberative body'' should function. It is one more example of why we need to reform our rules so that we are not constantly mired in procedural gridlock. Rather than an 11th hour passage of the House bill, we should have had a real opportunity to debate and amend the Senate bill that came out of committee over 5 months ago.

The PRESIDING OFFICER. The question is on passage of the bill.

Mrs. FEINSTEIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 73, nays 23, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—73

Alexander	Enzi	Lieberman
Ayotte	Feinstein	Lugar
Barrasso	Gillibrand	Manchin
Bennet	Graham	McCain
Blumenthal	Grassley	McCaskill
Blunt	Hagan	McConnell
Boozman	Hatch	Mikulski
Brown (MA)	Heller	Moran
Burr	Hoeven	Nelson (NE)
Cardin	Hutchison	Nelson (FL)
Carper	Inhofe	Portman
Casey	Isakson	Pryor
Chambliss	Johanns	Reed
Coats	Johnson (SD)	Reid
Coburn	Johnson (WI)	Risch
Cochran	Kerry	Roberts
Collins	Klobuchar	Rockefeller
Conrad	Kohl	Rubio
Corker	Kyl	Schumer
Cornyn	Landrieu	Sessions
Crapo	Levin	Shaheen
Shelby	Toomey	Whitehouse
Snowe	Vitter	Wicker
Stabenow	Warner	
Thune	Webb	

NAYS—23

Akaka	Franken	Paul
Baucus	Harkin	Sanders
Begich	Leahy	Schatz
Bingaman	Lee	Tester
Brown (OH)	Menendez	Udall (CO)
Cantwell	Merkley	Udall (NM)
Coons	Murkowski	Wyden
Durbin	Murray	

NOT VOTING—4

Boxer	Kirk
DeMint	Lautenberg

The PRESIDING OFFICER. Under the previous order requiring 60 votes for passage of the bill, the bill (H.R. 5949) is passed.

Mrs. FEINSTEIN. Madam President, I thank my colleagues for their coming to the floor over the past 2 days for a good debate on the reauthorization of the FISA Amendments Act, which the Senate approved today by a vote of 73–23.

As I described a number of times during this debate, this electronic surveillance tool is among the most important intelligence collection measures we have for identifying and thwarting terrorist plots, as well as stopping proliferation of weapons of mass destruction, cyber attacks against the United States, and for intelligence collection to advise policy decisions. Authorizing the statute for another 5 years will put the Nation's intelligence community on strong ground.

I also would like to reiterate the offer I made during the debate to make sure that any Senator interested in getting additional, classified information on the FISA Amendments Act can get that information. In particular, I look forward to working with Senator MERKLEY to see that significant decisions of the FISA Court—or summaries of those decisions—are reviewed and made public in a way that does not compromise classified information. I also will work with Senator LEAHY, the chairman of the Judiciary Committee, to seek any additional reviews by the relevant inspectors general to complement the oversight that is already done every year on FISA programs. I will continue to work with Senators WYDEN and UDALL on the committee to help pursue their oversight requests and interests.

Lastly, but very importantly for me, I would like to thank the staff who have worked over the past four years to conduct oversight of the FISA Amendments Act and who worked to get this legislation approved. Their work includes countless hours of meetings with officials from the Office of the Director of National Intelligence, the Department of Justice, the National Security Agency, and the Federal Bureau of Investigation, and even more time reading and analyzing reports, answers, and communications from those departments and agencies.

On the staff of the Senate Select Committee on Intelligence, I would like to note first and foremost the dedicated efforts and counsel of Christine Healey, the committee's general counsel, and Eric Losick, counsel on the majority side who have been my main advisors on this legislation. I also appreciate their Republican counterparts, Jack Livingston and Kathleen Rice, with whom we have worked closely and collaboratively in this effort.

My appreciation as well goes to Mike Buchwald, my designee on the committee, for his tireless staff work; to Mike Davidson, who was the committee's general counsel during part of this past 4 year period and who set the structure of the committee's ongoing oversight; and to David Grannis, the committee's staff director.

Finally, I deeply appreciate the efforts of the majority leader's people and the floor staff—Tommy Ross, Serena Hoy, Gary Myrick, Tim Mitchell, and Tricia Engle—who got this bill to the floor before the expiration of the FISA Amendments Act and who helped guide it through to passage.

Thanks to the Senate's vote today, this critical intelligence tool will continue to be available to the Nation's intelligence community. The Senate's oversight of it will continue as well, as I intent to continue the committee's careful review of the program for the next 5 years.

Mr. REED. Madam President, major terrorist threats still exist, and it is critical that we do all we can to protect Americans, not only in terms of national security, but also in terms of civil liberties. In voting today to extend the FISA Amendments Act, FAA, for 5 years, I made a difficult judgment as there are still major outstanding concerns. In trying to address these concerns, I supported three amendments that would have made important improvements.

The first was Senator LEAHY's amendment, which sought to align the FAA sunset with the Patriot Act sunset so that both of these national security laws could be evaluated together prior to their expiration. Additionally, this amendment required a comprehensive review of FAA surveillance by the Inspector General of the intelligence community to address privacy concerns that have been raised.

I also supported Senator MERKLEY's amendment, which would have increased transparency by requiring the Attorney General, in a manner consistent with the protection of national security, to make publicly available Foreign Intelligence Surveillance Court decisions that include a significant construction or interpretation of the law.

Finally, I voted in favor of Senator WYDEN's amendment, which would have required the Director of National Intelligence to submit a report to Congress and the public on the impact of FAA on the privacy of American citizens, while preserving the President's ability to make necessary redactions.

I am disappointed that these amendments, which all call for greater accountability and transparency, were unsuccessful.

In 2008, I largely objected to the FAA because I had serious concerns about granting retroactive immunity to telecommunications companies for actions they may or may not have taken in response to administration requests that may or may not have been legal. Because these immunity provisions are not subject to a sunset, they are not at issue with today's vote.

I ultimately decided to vote in favor of extending FAA for 5 years because, as I noted earlier, major threats still exist. However, I did so reluctantly. We should have considered an FAA extension months ago without the threat of FAA expiration in mere days. Protecting Americans means that we must balance ensuring our national security with preserving our civil liberties, and I will continue to work with my colleagues to ensure that this balance is struck.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1, which the clerk will now report by title.

The assistant bill 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:

Reid amendment No. 3395, in the nature of a substitute.

Coats/Alexander amendment No. 3391 (to amendment No. 3395), in the nature of a substitute.

Cardin/Landrieu amendment No. 3393 (to amendment No. 3395), of a perfecting nature.

Tester amendment No. 3350 (to amendment No. 3395), to provide additional funds for wild land fire management.

Landrieu amendment No. 3415 (to amendment No. 3395), to clarify the provision relating to emergency protective measures.

Coburn amendment No. 3369 (to amendment No. 3395), to reduce the amount that triggers the requirement to notify Congress of the recipients of certain grants and to require publication of the notice.

Coburn/McCain amendment No. 3371 (to amendment No. 3395), to ensure that Federal disaster assistance is available for the most severe disasters.

Coburn amendment No. 3382 (to amendment No. 3395), to require merit-based and competitive awards of disaster recovery contracts.

Coburn amendment No. 3383 (to amendment No. 3395), to strike a provision relating to certain studies of the Corps of Engineers.

Coburn/McCain amendment No. 3368 (to amendment No. 3395), to clarify cost-sharing requirements for certain Corps of Engineers activities.

Division I of Coburn/McCain modified amendment No. 3370 (to amendment No. 3395), to ensure funding for victims of Hurricane Sandy is not spent on tax cheats, deceased individuals, or fisheries outside of the affected area.

Division II of Coburn/McCain modified amendment No. 3370 (to amendment No. 3395), to ensure funding for victims of Hurricane Sandy is not spent on tax cheats, deceased individuals, or fisheries outside of the affected area.

Merkley further modified amendment No. 3367 (to amendment No. 3395), to extend certain supplemental agricultural disaster assistance programs.

Mikulski (for Leahy) amendment No. 3403 (to amendment No. 3395), to provide authority to transfer previously appropriated funds to increase security at U.S. Embassies and other overseas posts.

Mikulski (for Harkin) amendment No. 3426 (to amendment No. 3395), of a perfecting nature.

AMENDMENT NO. 3393

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3393, offered by the Senator from Maryland, Mr. CARDIN.

The Senator from Maryland.

AMENDMENTS NOS. 3348 AND 3421, AS MODIFIED, EN BLOC

Ms. MIKULSKI. Madam President, it is my understanding that we will be able to adopt a number of amendments by voice vote. In order to do that, I will call up a few more amendments now en bloc before a voice vote on the amendments.

I ask unanimous consent to call up the following amendments en bloc: Grassley No. 3348 and Feinstein No. 3421, as amended.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will report the amendments by number.

The assistant bill clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes amendments numbered 3348 and 3421, as modified, en bloc.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the reading be dispensed with.

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

The amendments are as follows:

(Purpose: To shift vehicles used for non-operational purposes by the Department of Justice and Department of Homeland Security in the District of Columbia to replace vehicles of those agencies damaged by Hurricane Sandy)

At the appropriate place, insert the following:

SEC. ___. VEHICLES USE IN THE WAKE OF HURRICANE SANDY.

(a) REPORT.—Not later than 7 days after the date of enactment of this Act, the Department of Justice and Department of Homeland Security shall identify and relocate any vehicles currently based at the Washington, D. C., headquarters of such agencies used for non-operational purposes to replace vehicles of those agencies damaged by Hurricane Sandy. The Department of Justice and Department of Homeland Security shall provide copies of a report summarizing the actions taken to carry out this subsection to the House and Senate Committees on Appropriations and Judiciary.

(b) FUNDING LIMITATION.—No funds provided by this Act shall be used to purchase, repair, or replace any Department of Justice or Department of Homeland security vehicle until after the report required by subsection (a) has been provided to Congress.

AMENDMENT NO. 3421, AS MODIFIED

On Page 16, strike lines 17 through 20, and insert in lieu thereof:

''*Provided further*, That these funds may be used to construct any project that is currently under study by the Corps for reducing flooding and storm damage risks in areas along the Atlantic coast within the North Atlantic or the Gulf Coast within the Mississippi Valley Divisions of the U.S. Army Corps of Engineers that suffered direct surge inundation impacts and significant monetary damages from Hurricanes Isaac or sandy if the study demonstrates that the project will cost-effectively reduce those risks and is environmentally acceptable and technically feasible: *Provided*''.

AMENDMENTS NOS. 3393, 3348, 3421, AS MODIFIED, 3426, 3415, 3403, 3369, AND DIVISION I OF 3370 EN BLOC

Ms. MIKULSKI. Madam President, I ask unanimous consent that we proceed to vote on the following amendments en bloc: Cardin No. 3393; Grassley No. 3348; Feinstein No. 3421, as modified; Harkin No. 3426; Landrieu No. 3415; Leahy No. 3403; Coburn No. 3369; and division I of Coburn No. 3370.

Mr. COCHRAN. Madam President, these amendments have been cleared by the managers on this side. I know of no objections to their adoption.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments will be considered en bloc.

Mr. GRASSLEY. Madam President, amendment No. 3348 is about smart government. It is about ensuring that taxpayer dollars are spent wisely, while at the same time guaranteeing that Federal law enforcement agencies that face challenges following Hurricane Sandy have the resources they need to get the job done.

Instead of simply providing funding, my amendment requires that within 7 days, the Department of Justice and Department of Homeland Security identify and relocate vehicles based at the Washington, D.C. headquarters of DOJ and DHS that are used for non-operational purposes.

The vehicles identified will then be used to replace those damaged by Hurricane Sandy that are used by the FBI, DEA, ATF, ICE, and Secret Service.

This is a good government amendment and one that actually achieves the goal of replacing operational vehicles used by Federal law enforcement faster than the underlying bill.

If this is an emergency, as we have been told, these agencies can spare some of the hundreds of vehicles they have sitting at their headquarters that they currently have for non-operational purposes.

I urge my colleagues to support my commonsense, good government amendment.

If there is no further debate, the question is on agreeing to the amendments en bloc.

The amendments were agreed to.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, it is my understanding the Senator from

Arizona, Mr. MCCAIN, no longer wishes to offer amendment No. 3384. Senator BINGAMAN of New Mexico is in line to offer the next amendment in order under the agreement, and I see he is here now to call up his amendment.

Now we will proceed to debating amendments where there was more extensive time asked. But I ask Members not to leave the Chamber. These are 4 minutes of debate, 10 minutes of debate. If we all stick together, for a change, we can all move this bill in a way we can be proud of.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 3344

Mr. BINGAMAN. Madam President, I thank the managers of the bill, the chairman of the Appropriations Committee, and I call up amendment No. 3344.

The PRESIDING OFFICER. Without objection, the clerk will report.

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. Madam President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. 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)).

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 3344 offered by the Senator from New Mexico, Mr. BINGAMAN.

Mr. BINGAMAN. Madam President, as Hurricane Sandy was bearing down on our own east coast, causing tremendous damage, a supertyphoon named Bopha was also striking the small Asian Pacific nation of Palau. The U.S. Embassy in Palau issued a declaration on December 5.

In response to this emergency, Palau has asked that the assistance agreement signed by the United States in 2010 be approved so the funds already agreed to can become available for disaster recovery.

Palau is a strategic ally of ours in the western Pacific near Guam, the Philippines, and Indonesia. Last year, our own Defense Department wrote:

Failure to follow through on our commitments to Palau, as reflected in the proposed (Agreement), would jeopardize our defense posture in the Western Pacific.

It is important the United States demonstrate its reliability as a strategic partner in the Pacific by approving the 2010 agreement with Palau and meeting our commitments.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. BINGAMAN. Madam President, I am happy to see the matter dealt with, with a voice vote.

Ms. MIKULSKI. I urge the amendment be adopted by voice vote.

Ms. LANDRIEU. Seconded.

Mr. COCHRAN. Madam President, I object.

Mr. SESSIONS. Madam President, I object to the voice vote and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SESSIONS. Madam President, I ask for time to speak on this point.

The PRESIDING OFFICER. There is 30 seconds remaining in opposition.

Mr. SESSIONS. Madam President, this is the result of a compact that, to my knowledge, has not been brought before the Foreign Relations Committee. It commits us to direct spending permanently for entitlement-type spending that I do believe needs more careful review.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment. The yeas and nays were previously ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—52

Akaka	Heller	Nelson (FL)
Baucus	Johanns	Pryor
Begich	Johnson (SD)	Reed
Bennet	Kerry	Reid
Bingaman	Klobuchar	Rockefeller
Blumenthal	Kohl	Sanders
Brown (OH)	Landrieu	Schatz
Cantwell	Leahy	Schumer
Cardin	Levin	Shaheen
Carper	Lieberman	Stabenow
Casey	McCain	Tester
Conrad	McCaskill	Udall (CO)
Coons	Menendez	Udall (NM)
Durbin	Merkley	Webb
Feinstein	Mikulski	Whitehouse
Franken	Murkowski	Wyden
Gillibrand	Murray	
Harkin	Nelson (NE)	

NAYS—43

Alexander	Enzi	Moran
Ayotte	Graham	Paul
Barrasso	Grassley	Portman
Blunt	Hagan	Risch
Boozman	Hatch	Roberts
Brown (MA)	Hoeven	Rubio
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coats	Isakson	Snowe
Coburn	Johnson (WI)	Thune
Cochran	Kyl	Toomey
Collins	Lee	Vitter
Corker	Lugar	Wicker
Cornyn	Manchin	
Crapo	McConnell	

NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Under the previous order, there will be 4 minutes of debate equally divided prior to a vote in relation to amendment No. 3368.

The Senator from Maryland.

Ms. MIKULSKI. Madam President, the Senator from Oklahoma, Mr. COBURN, has asked that he have a chance to get his own paperwork together because he has extensive remarks. I am going to ask unanimous consent that the Coburn amendments be temporarily laid aside until he is able to return to the floor, and we will move to TESTER and then return to COBURN. I believe the minority concurs, before I make my request?

Mr. COCHRAN. Madam President, we have no objection to the request of the Senator.

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

Ms. MIKULSKI. Madam President, I ask unanimous consent that Coburn amendments Nos. 3368, 3370, 3371, and 3382 be temporarily laid aside and that the Senate proceed to Tester amendment No. 3350.

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

Ms. MIKULSKI. I thank the Chair.

AMENDMENT NO. 3350

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided.

The Senator from Montana.

Mr. TESTER. Madam President, this amendment, No. 3350, is to provide additional funds for wildland fire management. The summer of 2012 was a bad fire year, the third worst on record—9.2 million acres were burned. The drought has continued to persist. Projections for 2013 as a fire season will be even worse. The Forest Service budget—when there are bad fire years, they have to rob from other accounts. That was the case this year, with a shortfall of $653 million. This amendment closes that gap and gives the Forest Service the resources for the upcoming fire season, which is due to be a bad one.

The amendment also requires the GAO to recommend alternative new models to better reflect the costs associated with wild land fires because they have been underfunded so much in the past. This will establish a better model and reduce the need for supplemental funding in this account in the future.

Here is the scoop, folks: The damage done by fires, particularly in the West, was extensive and is an emergency. The Forest Service can continue to rob money from other accounts to fight these fires which ends up in poor forest management and even bigger fires.

I encourage everyone's concurrence in this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate Senator TESTER's energy on this issue and desire to move forward with it. We do have a process for this kind of funding to occur. He would add $653 million in prospective wildlife mitigation spending and declare that as an emergency. This spending is better if handled through the regular appropriations process. It is actually moving forward faster. He is trying to make sure this money is set aside. This is not the time to do it, but I appreciate his interest.

I raise a budget point of order pursuant to section 314(e)(1) of the Congressional Budget Act. I raise a point of order against the emergency designation provisions contained in amendment No. 3350 to amendment No. 3395, the substitute amendment to H.R. 1, the vehicle for the Supplemental Appropriations Act.

I appreciate the Senator's efforts but do not believe this is the appropriate process at this time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending measure.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. COONS). Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from South Carolina (Mr. DEMINT).

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

The yeas and nays resulted—yeas 51, nays 44, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—51

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

NAYS—44

Alexander	Enzi	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Boozman	Hoeven	Risch
Brown (MA)	Hutchison	Roberts
Burr	Inhofe	Rubio
Carper	Isakson	Sessions
Chambliss	Johanns	Shelby
Coats	Johnson (WI)	Snowe
Coburn	Kyl	Thune
Cochran	Lee	Toomey
Corker	Lugar	Vitter
Cornyn	McCain	Wicker
Crapo	McConnell	

NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the emergency designation is removed.

The Senator from Montana.

AMENDMENT NO. 3350 WITHDRAWN

Mr. TESTER. Mr. President, it is unfortunate that we couldn't sustain this budget point of order because it truly is an emergency situation, particularly in the West. We have seen the number of fires we have had. Without the emergency designation, it does some bad things to our budget next year.

With that, I ask unanimous consent to withdraw this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment No. 3350 is withdrawn.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak for 1 minute on the Tester amendment withdrawal.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I thank the Senator from Montana for withdrawing his amendment.

We are mindful of the issue of fires facing western Senators. We look forward to working with Senator TESTER and other colleagues affected to really deal with this problem in a sensible way that meets the needs of local communities and our serious budgetary constraints.

Mr. President, I also urge a return to regular order and ask that we move our amendments as expeditiously as we can and stick to 15-minute votes so we can get as much done as we can before we adjourn for lunch and visits to the White House. I wish to thank the minority for their excellent cooperation in doing what we have done already.

AMENDMENT NO. 3368

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes of debate equally divided prior to a vote in relation to amendment No. 3368, offered by the Senator from Oklahoma.

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, the Sandy supplemental appropriations bill provides $3.5 billion in funding for new construction projects through the Corps of Engineers. Part of that $3 billion is toward reducing future flood risk—not repairing present but reducing future.

I talked to CRS this morning after listening to my colleague from New York. Over the last 25 years, the average participation rate was 35 percent–65 percent. No exceptions for future mitigation risks were made during Katrina. It was not 100 percent. It was not 90 percent.

All this does is restore it back to what we have had traditionally. We know projects that shouldn't get funded won't get funded when we have this kind of ratio.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from New York.

Mr. SCHUMER. Mr. President, this amendment, if passed, would not allow the Sandy States or future States to protect themselves against future disasters. Now, my colleague draws a very clear line between present rebuilding and protection for the future. If a dune is wiped out in Long Beach and they think it ought to be rebuilt at 7 feet rather than at 5 feet because 5 feet wouldn't be good enough, we come to the irrational conclusion that we will pay for the 5 feet and not the 7 feet. It makes no sense.

Most of the cost of rebuilding is to restore, but if there is an extra amount needed to prevent damage from a future hurricane and it is the same type of project, fine.

We have a couple of piers that actually protected the houses in the Rockaways, but they didn't build enough of them—not piers, jetties. Now, under my colleague's proposal, we could rebuild those jetties because some of them were destroyed, but we couldn't build new ones to protect the other land there except at this 65-percent level.

I can tell my colleagues that most of New York and New Jersey are dotted with little localities, and the cost of these projects is so expensive, if we say 35 percent, they won't get built, period. We will have no protection, and we will be back here sure enough when another storm occurs.

Furthermore, it is not true—Katrina Army Corps projects were funded at 100 percent. They did not call them. We didn't draw this new line between mitigation or rebuilding to protect and building for the old. They were lumped together. But the overwhelming majority of Army Corps projects for Katrina, as both of my colleagues from Louisiana can tell us, were 100 percent.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Oklahoma.

Mr. COBURN. It doesn't mean they won't get rebuilt; it means that portion of the increase will be a contribution rate of 35 percent. We are going to do a complete restoration of what was there. The differential is and what we know from history, when this was put in, is it keeps projects that don't benefit from being built. The claim of the Senator from New York that they won't get built is just untrue. Everything is going to be restored, but new mitigation projects should have a cost share so we don't do frivolous mitigation projects.

So I would insist on the yeas and nays on this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—44

Alexander	Blunt	Burr
Ayotte	Boozman	Chambliss
Barrasso	Brown (MA)	Coats
Coburn	Hutchison	Paul
Cochran	Inhofe	Portman
Collins	Isakson	Risch
Corker	Johanns	Roberts
Cornyn	Johnson (WI)	Rubio
Crapo	Kyl	Sessions
Enzi	Lee	Shelby
Graham	Lugar	Snowe
Grassley	McCain	Thune
Hatch	McConnell	Toomey
Heller	Moran	Wicker
Hoeven	Murkowski	

NAYS—51

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

NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 3370

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes of debate, equally divided, prior to a vote in relation to amendment No. 3370, division II, offered by the Senator from Oklahoma.

Mr. COBURN. Mr. President, I have no doubt there was significant damage in the past of fisheries both on the west coast, Alaska, and on the east coast. But a large portion of this money in this bill is not for fisheries but for research. This should not be, in fact, in an emergency supplemental bill.

So all this amendment does is say that fisheries reparations inside 50 miles of Sandy qualifies for this money, outside of 50 miles does not. The regular process of going through the appropriations process, making appropriate judgments about priorities is what we need to be doing, just like the point of order that was made on firefighting.

I would suggest we eliminate this portion of it or at least limit it to Sandy and not other areas. With that, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first, I would like to bring something to the attention of the Senator from Oklahoma. First, the Senator got a decimal point wrong. I feel amused correcting the Senator from Oklahoma on numbers. But if we read his amendment, it is .50, which makes it half a mile rather than 50 miles. So that is 49.5 off. But before the Senator asks consent to correct that, whether it is half a mile or 50 miles, I oppose the Senator's amendment because this amendment tries to steer fisheries disaster funding for communities only affected by citing the Stafford Act.

Limiting it to half a mile or 50 miles, fish swim big distances, as do crabs, as do lobsters, and particularly those big king crabs. Under the Senator's amendment, by talking about the Stafford Act, it actually has no bearing on fisheries.

Fisheries disasters are declared by the Secretary of Commerce according to the Federal fisheries and commerce laws at the request of Governors. Fisheries disasters are unanticipated. Under this amendment, all federally declared disaster areas would miss out on much needed financial help. I urge a ''no'' vote on the Coburn amendment.

The PRESIDING OFFICER. The majority leader.

Mr. REID. For the information of all Senators, we are going to have two votes before we break for our caucuses—the Republicans have a caucus, we have one. So we have two votes before lunch. Then at 2 o'clock we will have another vote. If the meetings run over a little bit, that will give people 15 minutes to get here to vote.

Then Senator MCCONNELL and I are both going to be indisposed from 3 o'clock to 4 o'clock. So we will have a little brief time there. Then we will finish the bill, we hope, after that.

The order says we are coming back at 2:15. I ask unanimous consent that it be modified so we come back at 2 o'clock.

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

Ms. MIKULSKI. If I might discuss with the leader and get the consent of the minority, the Senator from Oklahoma has a series of amendments. I wonder if we could debate the next amendment now, which is the Feinstein amendment, and then have two stacked votes or if the Senator just wants to follow regular order.

Mr. COBURN. I have no objection.

Ms. MIKULSKI. I ask unanimous consent that the vote on Coburn No. 3372 be laid aside, that the Senator be allowed to speak on amendment No. 3371, and then following that, we dispose of the Senator's amendment and we have two votes at the same time.

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

Mr. REID. So the Senator from Oklahoma is going to debate the second amendment and then we will have two stacked votes.

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes of debate on amendment No. 3371.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, before we go to the second amendment—I ask unanimous consent—I am looking at my transcription of this amendment. It says 50 miles. So if, in fact, what is at the desk does not say 50 miles, I ask unanimous consent to amend the amendment so it would read 50 miles.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. I object.

Mr. COBURN. All right. Amendment No. 3371.

Ms. MIKULSKI. Mr. President, I just want to say to the Senator from Oklahoma, there does seem to be a dispute

in the printing. But whatever it is, we are going to get it straight. We are going to work with the Senator and function with maximum courtesy here. If we could know whether we are taking about half a mile or 50 miles—

Mr. President, I ask the clerk to clarify, is it half a mile or 50 miles?

The PRESIDING OFFICER. The Chair advises it is 50 miles.

Ms. MIKULSKI. To the Senator from Oklahoma, I apologize. I am sorry for the delay. We will move forward to further debate on the second amendment.

Ms. COLLINS. Mr. President, fishing is more than just a profession in New England. Fishing is a culture and a way of life. In recent years, Maine's fishermen and fishing communities have been struggling to survive among Federal regulations that have limited fishing opportunities.

On September 13, 2012, the acting Secretary of Commerce declared a Federal fisheries disaster for Maine, Rhode Island, Massachusetts, New Hampshire, New York, and Connecticut because of the significant projected reductions in the total allowable catch for critical groundfish stocks.

The expected and considerable catch limit reductions have been triggered by recently updated stock assessments that show that several key groundfish populations are significantly below the levels necessary to meet the rebuilding deadlines that are mandated by Federal law.

The projected reductions, which may be as high as 73 percent, will come despite strict adherence to new and rigorous management practices by fishermen.

There are approximately 45 Maine-based vessels actively fishing with Federal groundfish permits. Last year, more than 5 million pounds of groundfish, with a dockside value approaching $5.8 million, were landed in Maine.

Given the magnitude of the projected cuts, the effect on these Maine vessels and vessels of all sizes and gear types throughout the region will be profound. It will add to the already considerable economic burdens that fishing communities are facing. Federal assistance is necessary to support these fishermen and the fishing related businesses in our coastal communities.

The requested funding will be used to provide both immediate economic relief to the region's struggling groundfish industry, and to make targeted investments that will allow the fleet to survive and become more sustainable in the years ahead.

These funds could also be productively used to fully cover the costs of at-sea monitoring and to address long term overcapacity in the fishing industry. This is critical to rebuilding fish stocks and preserving a thriving fishing industry well into the future.

Slow recovery and declining fish stocks will continue to have a negative impact on commercial fishing, harming local communities and economies. Federal disaster assistance is vital to the long term success and short term survival of fishing communities throughout the region.

It is important to note that the funding provided in the bill is to respond to fishery disasters declared by the acting Commerce Secretary in 2012 under the authority provided by the Magnuson-Stevens Fisheries Conservation and Management Act and the Interjurisdictional Fisheries Act. This is authorized funding in response to declared disasters.

AMENDMENT NO. 3371

Mr. COBURN. Mr. President, amendment No. 3371 is a good government house cleaning for FEMA. FEMA determines disasters based on a declaration process that is based on a per capita income—or per capita damage indicator. It has not been revised to account for the effects of inflation. Because we have not revised it, the smaller States actually get more benefit from FEMA than the larger States.

Oklahoma has had 25 disaster declarations in the last 6 years, more than any other State. So what I am actually proposing will not help my State; it will actually hurt my State. But it is improper for us to continue to use an outmoded number when, in fact, a small State has the same amount of damage as a large State, but the per capita indicator would say it does not meet the requirements.

All I am requesting is that FEMA, over the next 4 years, update this. It does not have any application until 2016. It gives them time to update it. Then, through good government, we have a better reflection of when we declare a disaster and when we do not as far as the per capita indicator would tell us.

I yield back.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise in opposition to this amendment. But I wish to say the Senator from Oklahoma raises a very good point. But this comes under the jurisdiction of the committee that he is actually the ranking member on, with the new chairman, Senator TOM CARPER, to be done in an authorizing action, not on this particular bill.

It does need some updating. But the other point that needs to be looked at—I think the Senator from Oklahoma will agree with me because the Federal Government cannot do everything—is what role the States should play in helping counties, particularly rural counties such as what happened in Joplin, MO, such as what has happened in Oklahoma, such as what has happened in Tennessee. What should States do to help these more rural counties that get hurt?

I agree with the Senator in the need for an update. This is not the time to do it, however. I urge a ''no'' vote on his amendment and turn it over to the authorizing committee, of which he is a member, to provide for appropriate oversight in that venue.

Mr. COBURN. I ask unanimous consent to recapture 15 seconds of my time.

The PRESIDING OFFICER. The Senator has 40 seconds remaining.

Mr. COBURN. Mr. President, this bill is full of authorizations—I mean, literally, full of authorizations. This is something I have studied and looked at. I have been looking at FEMA for 8 years. We should not wait to do this. Let's do it now. It is common sense. It does not harm anybody. It actually makes us better at what we are trying to do with Federal emergency management.

Ms. LANDRIEU. The Senator is correct that this bill is full of reforms that he and I and others have worked on. But every one of these reforms has been agreed to on both sides of the aisle; this has not. The Senator could continue to work with us and find a way forward.

I would urge a ''no'' vote on this now. I promise we will give him its full attention and get this taken care of but at a later date.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 3370, division II.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 35, nays 60, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—35

Alexander	Enzi	McCain
Ayotte	Grassley	McCaskill
Barrasso	Heller	McConnell
Blunt	Hoeven	Paul
Boozman	Hutchison	Portman
Burr	Inhofe	Risch
Carper	Isakson	Roberts
Chambliss	Johanns	Rubio
Coburn	Johnson (WI)	Sessions
Corker	Kyl	Thune
Cornyn	Lee	Toomey
Crapo	Lugar	

NAYS—60

Akaka	Coons	Levin
Baucus	Durbin	Lieberman
Begich	Feinstein	Manchin
Bennet	Franken	Menendez
Bingaman	Gillibrand	Merkley
Blumenthal	Graham	Mikulski
Brown (MA)	Hagan	Moran
Brown (OH)	Harkin	Murkowski
Cantwell	Hatch	Murray
Cardin	Johnson (SD)	Nelson (NE)
Casey	Kerry	Nelson (FL)
Coats	Klobuchar	Pryor
Cochran	Kohl	Reed
Collins	Landrieu	Reid
Conrad	Leahy	Rockefeller

Sanders	Snowe	Vitter
Schatz	Stabenow	Webb
Schumer	Tester	Whitehouse
Shaheen	Udall (CO)	Wicker
Shelby	Udall (NM)	Wyden

NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. Under the previous order requiring 60 votes on adoption of this amendment, the amendment is rejected.

VOTE ON AMENDMENT NO. 3371

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Coburn and McCain amendment No. 3371.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 40, nays 55, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—40

Alexander	Enzi	McCaskill
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hutchison	Risch
Burr	Inhofe	Rubio
Carper	Isakson	Sessions
Chambliss	Johanns	Shelby
Coats	Johnson (WI)	Thune
Coburn	Klobuchar	Toomey
Cochran	Kohl	Vitter
Coons	Kyl	Webb
Corker	Lee	Wicker
Cornyn	Lugar	
Crapo	McCain	

NAYS—55

Akaka	Harkin	Nelson (FL)
Ayotte	Hatch	Pryor
Baucus	Heller	Reed
Begich	Hoeven	Reid
Bennet	Johnson (SD)	Roberts
Bingaman	Kerry	Rockefeller
Blumenthal	Landrieu	Sanders
Brown (MA)	Leahy	Schatz
Brown (OH)	Levin	Schumer
Cantwell	Lieberman	Shaheen
Cardin	Manchin	Snowe
Casey	McConnell	Stabenow
Collins	Menendez	Tester
Conrad	Merkley	Udall (CO)
Durbin	Mikulski	Udall (NM)
Feinstein	Moran	Whitehouse
Franken	Murkowski	Wyden
Gillibrand	Murray	
Hagan	Nelson (NE)	

NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that when the Senate reconvenes at 2 p.m., we debate the next two Coburn amendments in order and that upon the use or yielding back of time on those amendments, the Senate proceed to vote in relation to the Coburn amendments, with all provisions of the previous order remaining in effect.

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

Ms. MIKULSKI. Mr. President, simply what this means is this—and I am really asking for Senators to pay attention because they are very keenly interested in the schedule. I thank the distinguished Senator from Mississippi, Mr. COCHRAN, for working on the expeditious disposition of our amendments.

Senators should be aware that after 2 p.m., they should be in the Chamber to vote on these amendments. These are 10-minute votes, and we do not intend to hold the votes beyond the time. The leadership on both sides of the aisle will be going to the White House to discuss the really critical, crucial matters before the Nation. They must go to the White House, but they will want to exercise their vote. So let's cooperate with the leadership.

At 2 o'clock, Senator COBURN will make his debate. We will have an orderly, crisp rebuttal. Then we will go right to those votes, and then the leadership will be able to leave for the White House. Remember, we have to have that first vote done in a timely way so that both Senator REID and Senator MCCONNELL can leave to have the designated meeting with President Obama.

Mr. COCHRAN. Mr. President, let me join with the Senator from Maryland in commending all Senators for the expeditious way we have been able to move this bill but in particular the chairwoman herself, who has provided strong leadership, capable leadership, and fairness, a sense of fairness for all Senators. I thank her for the honor of serving with her on this committee.

RECESS

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

Thereupon, the Senate, at 12:42 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. MANCHIN).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT—Continued

The PRESIDING OFFICER. Under the previous order, there will now be up to 8 minutes of debate equally divided prior to the votes in relation to amendments Nos. 3382 and 3383 offered by the Senator from Oklahoma, Mr. COBURN.

AMENDMENT NO. 3382

Mr. COBURN. Mr. President, amendment No. 3382 would require the use of competition for all Federal contracts awarded after the date of the enactment of this act for disaster assistance. It would also require the Federal agencies to review and recompete no-bid contracts that had been awarded prior to it. There is no penalty if it is a no-bid contract, but as that goes forward, additional payments on that would have to come in to review. All this is, is about good government and getting value for the dollars we are going to spend.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from New York.

Mr. SCHUMER. Mr. President, I rise in opposition to the amendment. I guess I have 2 minutes for that since it is 4 minutes equally divided between the amendments. I know my colleague from Maryland will debate the other amendment.

I urge a strong ''no'' vote on this amendment. This would require a huge amount of time and bureaucratic redtape at a time of emergency between disaster victims and the Federal assistance they deserve.

Competitive bidding is generally a good thing. It can save on costs as well as provide transparency and fraud prevention. It is important that Federal disaster assistance not be used as a slush fund for crony contracts.

Folks, we are dealing with an emergency. In most States, it takes 90 days or more. It can take 3 to 6 months. We have people who desperately need help, and we would slow the process down to a fare-thee-well if we had to invoke the same competitive bidding practice we invoke for other contracts that are not under emergency.

In fact, this is sort of catch-22. Many of our Republican colleagues say the money is spent out too slowly, and then they want to put more levels of redtape and bureaucracy slowdown. What if the contract is challenged in court? Businesses would lay fallow, homes will not be built, and it would leave shorelines unprotected and naked.

Generally, I have been a supporter of competitive bidding, but as the Scripture says: There is a time and a place for everything. When we are dealing with many aspects of an emergency, that should not happen.

My colleague on the other side, for whom I have great respect, is a true gentleman. He does what he believes and says what he believes. He votes against interests that might affect his own State when he does it. In this case, he has not made any exceptions, and that makes no sense. This will hurt people and hurt them badly. In many instances, this will end up costing us more.

Many competitively bid contracts—we have all been through this—end up in court and take years. Years during an emergency? I don't believe we should start that as a new precedent. I

would be happy to work with my colleague and refine the competitive bidding law to where it could be used appropriately, but this is a broad brush.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, there is no reason to take additional time. The fact is right now with FEMA, they have prebid contracts. In New Jersey, they didn't take the lowest competitive bid contract on the debris removal. We are going to spend about 20 percent, 25 percent more because the Federal Government is paying for it.

The vast majority of the money in this bill is not going to be contracted out initially. As a matter of fact, only $9 billion is going to go out right way and that is in terms of flood insurance. The rest of it is coming from the FEMA funds and the DRF funds. None of those are competitive bid contracts, and it will not have any impact on housing, home flood insurance or any of those other areas. Doing it right and getting value for our money is important, especially now that we face the difficult fiscal times that are in front of us.

I urge a ''yes'' vote and yield back the remainder of my time.

I ask for the yeas and nays.

Mr. President, I ask unanimous consent to move to the next amendment.

Ms. MIKULSKI. Mr. President, let's go with the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered on amendment No. 3382.

AMENDMENT NO. 3383

Mr. COBURN. Mr. President, I understand that amendment No. 3383 is now in order.

The PRESIDING OFFICER. The Senator is correct.

Mr. COBURN. Mr. President, I ask unanimous consent to speak for 2 minutes.

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

Mr. COBURN. There is a lot of work in this bill for the Corps of Engineers, and they are going to have a lot of work to do in the remediation and mitigation that is associated with Hurricane Sandy. However, in this bill is a provision which says that whatever the Corps decides to approve, they give a blanket authorization. This means if, in fact, the Corps doesn't do what is in the best interests for New Jersey or New York, they get to make the decision. The appropriators and authorizing committee don't get to decide; the Corps makes the decision.

The one organization that has a problem with priorities in this country today is the Corps of Engineers. For us to blanket whatever they say as a priority versus having government, committee, and appropriator oversight by giving this blanket waiver is to take away our powers to correct them. All this does is say it is not automatically authorized and we will have plenty of time. All these are mitigation projects. They should all be authorized and approved by the committee of jurisdiction as they go forward. Rather than a blanket approval, all they have to do is come to Congress and say: Give us approval.

We are setting a terrible precedent. What this says is, in the future, we are going to let the Corps decide what is important rather than the Governors, the State legislators or the Congress.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I oppose Coburn amendment No. 3383 striking the provisions in the underlying bill.

We did a voice vote this morning on Feinstein amendment No. 4421 that fixes the problem. I understand the concerns the Senator has.

I yield time to the Senator from California to explain how she fixed the amendment and why we should defeat the Coburn amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, one of the things I have learned from the Energy and Water Subcommittee, which is the committee that handles appropriations for the Army Corps of Engineers, is how difficult it is to get projects started, funded, and constructed. I am one—particularly in view of storms, earthquakes, floods, and damages—who believes we also need to do the mitigation, because if it happens once, there is a heavy likelihood it could happen again. So I rise in opposition to this amendment.

The provision the Senator from Oklahoma proposes would essentially take a Corps project that has been authorized and a study is being done. Once the study has concluded and it is cost-effective, the Corps proceeds to construction. With respect to mitigation, what this amendment does is—as I understand it—remove that authorization.

I can understand how the language before was overly broad. What Senator BOXER and I did in an earlier amendment was narrow that language, and we have addressed the shortcoming of the provision by striking it with an earlier amendment. We took amendment No. 3421 and replaced it with new text. This new text no longer authorizes an undefined set of projects; rather, it directs funding to be utilized to construct projects in areas that suffered direct inundation impact from Hurricanes Sandy and Isaac. It provides a defined scope for the work the Corps can construct with the funds provided. It requires the projects to be undertaken must be cost-effective, technically feasible, and environmentally acceptable.

I hope my friend would agree that should be the goal of all Corps projects we fund. Voting for his amendment, as I understand it, would undo the defined requirements and scope for the projects we previously voted for.

I urge my colleagues to vote against the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 3383 WITHDRAWN

Mr. COBURN. Mr. President, I think the Senator from California has a great solution to the problem. I was not aware of that being accepted.

I ask unanimous consent to withdraw my amendment.

Mrs. FEINSTEIN. I thank the Senator.

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

VOTE ON AMENDMENT NO. 3382

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3382.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from South Carolina (Mr. DEMINT).

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

The result was announced—yeas 48, nays 47, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—48

Alexander	Grassley	McConnell
Ayotte	Hatch	Moran
Barrasso	Heller	Paul
Baucus	Hutchison	Portman
Bennet	Inhofe	Risch
Boozman	Isakson	Roberts
Brown (MA)	Johanns	Sessions
Burr	Johnson (WI)	Shelby
Chambliss	Klobuchar	Snowe
Coats	Kohl	Tester
Coburn	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Lugar	Udall (CO)
Crapo	Manchin	Vitter
Enzi	McCain	Webb
Graham	McCaskill	Wicker

NAYS—47

Akaka	Franken	Nelson (NE)
Begich	Gillibrand	Nelson (FL)
Bingaman	Hagan	Pryor
Blumenthal	Harkin	Reed
Blunt	Hoeven	Reid
Brown (OH)	Johnson (SD)	Rockefeller
Cantwell	Kerry	Rubio
Cardin	Landrieu	Sanders
Carper	Leahy	Schatz
Casey	Levin	Schumer
Cochran	Lieberman	Shaheen
Collins	Menendez	Stabenow
Conrad	Merkley	Udall (NM)
Coons	Mikulski	Whitehouse
Durbin	Murkowski	Wyden
Feinstein	Murray	

NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, this will give Senators an idea about the

order for the next hour or so. I ask unanimous consent that the debate time on the Rand Paul, John McCain, and Lee amendments occur between now and 3:30 p.m.; that at 4 p.m., the Senate resume votes in relation to the amendments as listed in the previous order; that there be 2 minutes equally divided prior to each vote; and all other provisions of the previous order remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, with this agreement, we will be ready to resume our stacked series of votes on this bill at 4 p.m. I just want to alert my colleagues, with the concurrence on the other side of the aisle, there will only be 2 minutes equally divided prior to each vote, so Senators need to remain in and around the Chamber so we can complete action on this legislation.

If we can keep the amendments to the time agreement that is usual and customary, we will be able to conclude—our time this evening could be spent because the votes go on too long—so if we can follow regular order, the way we have been doing, I think we will be able to move all our amendments.

I want to thank Senators PAUL, MCCAIN, and LEE, who are ready to offer their amendments now.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we wish to thank the distinguished manager of the bill for her courtesies and for her skill in managing this bill, and her sensitivity to the need for improvements in sustaining the disaster assistance capabilities of our great country.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENTS NOS. 3376 AND 3410 EN BLOC TO AMENDMENT NO. 3395

Mr. PAUL. Mr. President, I ask unanimous consent to call up amendments Nos. 3376 and 3410 en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes amendments numbered 3376 and 3410 en bloc to amendment No. 3395.

The amendments en bloc are as follows:

AMENDMENT NO. 3376

(Purpose: To provide for the nonapplication of the Davis-Bacon Act in the case of projects funded under this Act)

At the appropriate place, insert the following:

SEC. ___. NONAPPLICATION OF DAVIS-BACON.

None of the funds made available under this Act (or an amendment made by this Act) may be used to administer or enforce the wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the ''Davis-Bacon Act'') with respect to any project or program funded, in whole or in part, under this Act (or amendment).

AMENDMENT NO. 3410

(Purpose: To offset the cost of the bll and to put the spending on budget as regular spending and not emergency)

At the appropriate place, insert the following:

SEC. ___. BUDGET OFFSET.

(a) IN GENERAL.—

(1) FINDING.—Congress finds that the Congressional Budget Office estimates that—

(A) this Act, the Disaster Relief Appropriations Act, 2013, will spend only 15 percent of the budget authority provided in this Act in fiscal year 2013; and

(B) total outlays flowing from this Act will equal $8,974,000,000 for fiscal year 2013.

(2) BUDGET AUTHORITY LIMIT.—The total amount provided to chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of this Act shall be provided based on the Congressional Budget Office's cost estimate findings, such that—

(A) total budget authority for the Act shall not exceed $8,974,000,000;

(B) total budget authority provided for Chapter 1 shall not exceed $81,000,000;

(C) total budget authority provided for Chapter 2 shall not exceed $192,000,000;

(D) total budget authority provided for Chapter 3 shall not exceed $42,000,000;

(E) total budget authority provided for Chapter 4 shall not exceed $673,000,000;

(F) total budget authority provided for Chapter 5 shall not exceed $437,000,000;

(G) total budget authority provided for Chapter 6 shall not exceed $6,681,000,000;

(H) total budget authority provided for Chapter 7 shall not exceed $147,000,000;

(I) total budget authority provided for Chapter 8 shall not exceed $85,000,000;

(J) total budget authority provided for Chapter 9 shall not exceed $23,000,000; and

(K) total budget authority provided for Chapter 10 shall not exceed $613,000,000.

(3) APPLICATION OF BUDGET AUTHORITY REDUCTION.—Of the total amount reduced in this Act as subject to paragraph (2), the allocation of such reductions among the accounts and programs shall be determined by the Director of Office of Management and Budget.

(b) OFFSETTING AMOUNTS.—

(1) IN GENERAL.—There is rescinded for fiscal year 2013 any unobligated balances in an amount equal to $8,974,000,000 of the budget authority provided for fiscal year 2013 of any discretionary account in title II – United States Agency for International Development, title III – Bilateral economic assistance, and title IV – International security assistance accounts and programs as provided by the continuing appropriations resolution of 2013 for the Department of State, Foreign Operations and Related Appropriations Act, 2012 (Public Law 112-175).

(2) LIMIT.—Of the accounts and programs included in paragraph (1), the rescission amounts shall not reduce the combined aggregate budget authority of those accounts and programs below $5,000,000,000 for all of fiscal year 2013.

(3) EXCESS RECOVERED.—The amount of rescission of budget authority in paragraphs (1) and (2) that exceeds the level of unobligated balances in those paragraphs shall be rescinded, on a pro rata basis, from the budget authority provided for fiscal year 2013 from any remaining discretionary accounts in any fiscal year 2013 appropriations Act (except the accounts and programs as provided by the continuing appropriations resolution of 2013 for the Military Construction and Veterans Affairs and Related Appropriations Act, 2012).

(c) APPLICATION OF RESCISSIONS.—Of the total amount rescinded subject to subsection (b), including paragraph (2) the allocation of such rescissions among the accounts or programs as specified in subsection (b)(1), shall be determined by the Director of the Office of Management and Budget.

(d) REGULAR NOT EMERGENCY SPENDING.—Notwithstanding any other provision of this Act, none of the funding provided by this Act shall be considered to be emergency spending for purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. PAUL. Mr. President, when Hurricane Sandy struck the Northeast, hundreds of thousands, if not millions, of people were without power. We all saw the video footage. We saw the terrible trauma, and people are still trying to dig out from underneath the debris of Hurricane Sandy.

During that period of time, hundreds of workers drove up from the South wanting to help. These workers were nonunionized, and they were turned away. This was a sad day for our country that nonunion workers were not allowed to participate in the cleanup and were asked to join a union before they would be accepted as workers.

I think it is a mistake to politicize things such as this, particularly in a time of an emergency. So what I have asked for and what my amendment would do is allow an exemption to Davis-Bacon.

Davis-Bacon is a Federal law that requires that we not have competitive bidding on Federal projects. What happens is on Federal projects the wages are fixed at a union scale wage and there is not a competitive bidding for wages.

So what I have asked is that we suspend that and say, in order to get better use of the money, in order to advance the money by billions of dollars and do more with the money—and this is an enormous amount of money, running into the billions of dollars—in order to get better use of our money, to suspend Davis-Bacon, and we would basically be allowing competitive bidding on wages.

This has been done before. President Nixon and both President Bushes did this. During Katrina, we suspended Davis-Bacon because it was an emergency. We wanted to make the best use of our Nation's dollars.

This amendment would suspend Davis-Bacon for this emergency. It is estimated it might save as much as 22 percent of the cost.

We are talking about billions of dollars. Mr. President, $60 billion is being requested for this cleanup. Where is the money going to come from? You have heard we have an enormous debt—$16 trillion—in our country. We have over $1 trillion in debt this year. We print up the money, but that simply steals from your savings and steals from your current currency. We can tax you or borrow more. But we owe $16 trillion already.

What I am asking is why don't we try to make good use of the money that is going toward this disaster, allow money to go further? That is simply by allowing competitive bidding on wages.

Currently, there is no competitive bidding on wages. My amendment would allow for this. I urge my colleagues to stand with taxpayers—to stand with taxpayers against special interests, against political and partisan purposes—and for the sake of an emergency to say: We are going to be frugal with the dollars spent. We are not going to be extravagant. We are not going to reward certain special interests that are very involved in the political process.

We are going to say we are going to use the money wisely, we are going to allow competitive bidding on wages. So I urge my colleagues to support this temporary and specific suspension of Davis-Bacon for emergency funds.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I guess we have 5 minutes?

The PRESIDING OFFICER. Yes.

Mr. HARKIN. Mr. President, I rise in strong opposition to the amendment offered by my friend from Kentucky. As we work to rebuild these communities in the east coast from Superstorm Sandy, we need policies in place that make these communities stronger. Davis-Bacon is a critical part of that effort because it ensures that the people who are doing the work to rebuild our roads, schools, and bridges in these cities and towns are paid a fair wage. Again, the Davis-Bacon Act ensures that workers on taxpayer-funded projects are paid locally prevailing wages—locally prevailing wages. These protections ensure that the substantial influx of Federal dollars for reconstruction work after a disaster will help prevent a race to the bottom for workers and not contribute to the problem.

After a disaster such as this, people are disrupted, and people are out of work. So we have a lot of fly-by-night operators who flock to these areas and abuse the workers. For example, we saw this after Hurricane Katrina. According to a 2006 study, 47 percent of workers in New Orleans reported not receiving all of the pay they were entitled to under law. The same report indicated that 55 percent of workers did not receive overtime pay for working more than 40 hours a week.

Now, again, my friend from Kentucky says this could save up to 22 percent of the money we are going to put out in Federal taxpayer dollars to help recovery efforts. Well, how can that possibly be? Labor costs are typically only 25 to 30 percent of the total cost of public works projects. So there's no way we could save 22% by repealing Davis-Bacon, we'd have to pay people next to nothing. That just doesn't make sense.

So, again, Davis-Bacon has been in law a long time to help prevent the kinds of abuses we saw after Katrina from happening again because it ensures that workers will be paid locally prevailing wages—not necessarily union-type wages but locally prevailing wages. It helps ensure that responsible contractors—responsible contractors, contractors who abide by wage and hour and safety and health laws—will win the bids to perform federally funded work. We do not want this race to the bottom where you get some fly-by-night operator who does shoddy work. Oh, but it is cheap. When we buy into that philosophy we might save money now, but we lose a lot of money later on.

We keep hearing from our friends on the other side that this is going to save money. That is just not true. Numerous studies confirm that prevailing wage laws—Davis-Bacon—do not raise construction costs and actually lower the taxpayer bill on these projects. A study of nine States found that prevailing wages led to costs of building construction that were on average $6 dollars to $35 per square foot less than without prevailing wages. Similarly, a 2004 study analyzing Federal highway wage data found that better wages led to an average savings of $30,000 to $34,000 per mile of highway construction. Better wages also led to higher productivity. Higher wage States require 32 to 35 percent fewer labor hours to complete the same work than lower wage States. Why is that? Because, as one contractor I know in Iowa says, he always hires people to do work under Davis-Bacon because he knows he gets quality work, he gets high productivity, the work is done right the first time and it does not have to be done over. So these are the responsible contractors we want to do this kind of work because in the long run, it saves us all a lot of money and we get better work done.

I might also add parenthetically that Davis-Bacon—Senator Davis and Representative Bacon, the authors of this law, were both Republicans. They wanted to ensure that large Federal contractors would not drive down the price of labor, so they passed a law saying that workers on Federal Government projects should earn at least the typical local wages. That is what it is—typical local wages. That is all the Davis-Bacon Act does. It is not a giveaway to unions or the workers they represent; it is just a commonsense policy that helps workers and communities recover and makes sure taxpayers get the best bang for their buck.

The workers affected by Hurricane Sandy are not just rebuilding businesses, houses, schools, and roads, they are rebuilding entire communities and neighborhoods. The foundation for communities is good jobs with fair wages. The Davis-Bacon Act is a critical part in helping communities across the east coast recover.

I urge my colleagues to oppose the Paul amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, I rise in support of amendment No. 3410, which would take the spending for Sandy relief and spend only 1 year at a time and would offset that spending with spending cuts. Now, you ask, why would we want to do that? Well, if you have been watching Congress in recent years, you might understand that we are not very good with money up here. Each year we are spending $1 trillion that we do not have. To me, there is absolutely no objective evidence that we are very good with money up here, so you do not want to give Congress 3 years' worth of spending authority on Hurricane Sandy. Why don't we do it 1 year at a time and make sure there is correct oversight and make sure the money is not being wasted, make sure the money is not being abused.

I will give a couple of examples of what is in the current bill. We have money for Alaskan fisheries in the Hurricane Sandy bill. They tried earlier today to stuff money in here for a country by the name of Palau in the western part of the Pacific. Now, I thought this was about emergency relief for Hurricane Sandy, which hit the northeast coast. What does that have to do with sending money to the far reaches of the Earth, including sending money to work on Alaskan fisheries? If you want to give money to Alaskan fisheries, have a bill on the floor about Alaskan fisheries, but do not pretend that we are going to stuff it in some emergency bill for the Northeast.

So what I have asked is, let's just spend what you are going to spend next year. CBO says there is going to be $9 billion spent next year. That is what I allocate. I take the $9 billion from places where we are wasting it. I think we are wasting it by sending it overseas. I am not particularly happy about sending money to countries that are burning our flag and chanting ''death to America.'' I think it is an outrage.

The President has said: Well, we need to quit doing nation building overseas and start doing it at home. But where are the actions that support his words? I agree completely—we need to quit doing nation building overseas when we are running a trillion-dollar deficit here, but we can't just say we are going to continue to print the money or borrow the money or simply raise taxes. There is not enough for all of this spending. What you need to do so is say: Some of the spending is wasteful, and we should not do it.

I personally think we should not be sending billions of dollars to dictators who oppress their people, who burn our flag, who will not protect our embassies. I think it is an absolute mistake. You can go through a list of 30 or 40 years of foreign aid and see dictators who have personally profited and stolen our money. We have bridges and roads crumbling in our country. We have infrastructure that was damaged by Hurricane Sandy. They simply want to print more money and borrow it.

People will stand and say: Oh, we have never offset emergency funding. Well, maybe that is why we have a $16 trillion deficit—because no one wants

to cut any spending around here. If you want to help those affected by Hurricane Sandy, do it, but do it by taking the money from someplace where we are wasting it.

What my bill says is that we will spend next year's $9 billion, which is what they have asked for for the next year, and we will offset it by taking $9 billion out of the foreign aid fund.

Now, usually when we bring this up here, someone will trod on down and say: Oh, but this will affect Israel. This has nothing to do with Israel, will not affect any money given to Israel. There will be money left in the foreign aid fund. It has always been my purpose that we start by taking the money from countries that hate us, countries that are burning our flag. I have not seen anyone in Israel burning the American flag, but I have seen it happening in about 10 other countries that receive money, that actually receive more than Israel. So what I would say is let's not trot out canards about Israel; let's make it about what it is. The Mubarak family in Egypt got $60 billion. The country got $60 billion while the Mubarak family themselves stole probably half of it. They are one of the richest families in the world. The kids are some of the richest people in the world because they stole your money. This has happened repeatedly. It has happened throughout the African Continent. It has happened around the world, that your money is sent overseas. Just in Iraq and Afghanistan during the wars, we built $6 billion worth of roads. Meanwhile, we have problems here. I have two bridges in my State that I do not have the money to repair because we are too busy repairing some other country's roads.

There are people in this body—the majority of them here—who think: Oh, let's keep spending this money. And the majority of the American people do not think it is a good idea. I hope they will wake up and call their Senators and their Congressmen and say: This is absurd. It must end.

So this is a very simple amendment. Spend 1 year on the emergency fund, $9 billion, and offset it by cutting foreign aid overseas. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I would like to respond and to inform my colleagues about what would happen if this amendment were adopted by the body. No. 1, the foreign aid budget is less than 1 percent of the total Federal budget. It is about $52 to $53 billion. It has been reduced. A lot of things Senator PAUL said about money being wasted were very much true in the past.

President Bush looked at foreign assistance in a different way to come up with the Millennium Challenge Corporation. We are now trying to make sure our dollars go to make us safer, to help people who are truly in need, and to make sure we have a presence in the world for which I think there would be no substitute. It cuts 67 percent of the foreign aid budget in three titles: USAID—those of you who have been to Afghanistan and other places, USAID projects are designed to make sure that once the military is withdrawn from that area, that we can hold.

Those of you who are tired of war, like all of us, I just want to go back to ''Charlie Wilson's War.'' The last scene in the movie was Mr. Wilson wanted $1 million to build some schoolhouses in Afghanistan, and the reply was: Man, I have got broken schools in my State and my district. And that is true in South Carolina, that is true in Kentucky, and it is true in West Virginia. But we had no soldiers in Afghanistan and no aid to Afghanistan during the Taliban reign. That model did not work.

If you think you can withdraw from the world and if you think America has no leadership role, then this is a good amendment. If you think the best thing America can do is invest in aid programs that help us as a Nation to be safer, then I would vote no for this amendment.

President Bush—one of his great legacies is that he invested in AIDS and malaria programs in Africa that saved a whole generation of African children. The Chinese are all over Africa trying to buy up the continent, and radical Islam is moving forward. What a time for America to tell the African people: No longer will we help you—because if this amendment is passed, it will devastate the account we have in Africa. We have almost no troops. The only thing we have to combat radical Islam and Chinese influence is our aid programs that will create a lot of jobs here in America.

Jordan—there are 250,000 Syrian refugees flooding into Jordan. The refugee account is being overwhelmed. If you care at all about the King of Jordan and stability in Jordan, for God's sake, vote against this amendment because it will devastate the money we set aside to deal with the refugee problem from the war in Syria.

As to Israel, the third title that is affected is the counternarcotics military assistance program, foreign military financing. We have contacted the Department of State and the Department of Defense. They told us: If you cut this account by 67 percent, it is going to put pressure on defense accounts. They are already under the threat of sequestration. It will affect the ability of our Nation to help Israel with the F–35 aircraft, armored vehicles, and protective systems for other vehicles.

If you think, as I do, that the world is a very dangerous place and it is better for America to lead than to come home and play like the world is not a dangerous place, vote against this amendment. It is $9 billion. It is 67 percent of the three accounts I have just described. Ask yourself, as a Member of the Senate, is now the time to tell the King of Jordan and the people of Jordan: We cannot help you with refugees overflowing into your country.

Because if the King goes, what happens next? Is now the time to send to the people of Israel a signal that we are going to reduce military assistance to their struggling nation, surrounded by a lot of adversaries? Is now the time to tell the people of Africa: America will be leaving; enjoy the Chinese presence.

Every time America tries to play the game that what happens in other places doesn't affect us, we pay a heavy price.

This meant 9/11 was the result of a place called Afghanistan falling into the hands of the most vicious people on the planet, and we sat on the sidelines. It wasn't long before the Taliban invited bin Laden in as their honored guest, and the rest is history.

There are at least six countries I can name in Africa today that, if we abandon Africa, are going to become the next places that attack us. I can tell you right now that if we abandon the King of Jordan, he will fall. You will wake up one day, and you will say, was that $9 billion worth all of what I have just described?

I wish we could come home. I wish we never had to send a dollar outside the State of South Carolina. But I promise you this: If we stop leading this world and we stop having a presence where others show up, we will pay a heavy price.

This amendment guts to their core three essential accounts that are very important to our national security and to who we are as Americans.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. Don't create one disaster in trying to solve another. Please vote no.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, is there any time remaining in opposition to the Paul amendment?

The PRESIDING OFFICER. No time remains for debate on the Paul amendment.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak for 1 minute.

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

Ms. MIKULSKI. I would like to thank the Senator from South Carolina for his remarks. He summarizes what we on both sides of the aisle would say about this compelling national security interest.

I also wish to bring to my colleagues' attention—the Senator from Kentucky reduces the bill from $60 billion to $9 billion. Not only is it a disaster for our foreign aid, but it is a disaster for America. Remember, disaster assistance is aid to American people. So cutting out $51 billion and then poking in the eye of treasured allies that you are reducing by $50 billion—that is aid to America.

Hey, I am for aid to America, and that is why spending and working with

treasured allies, their security, and also stamping out things such as malaria and blindness are the things for which we are well known.

Mr. President, I yield the floor.

Mr. President, what is the regular order here?

The PRESIDING OFFICER (Mr. CARDIN). The regular order is the Paul amendment on the debate time, amendment No. 3410.

Ms. MIKULSKI. Is there any time remaining for the Paul amendment?

The PRESIDING OFFICER. No time remains for debate on the Paul amendment.

Ms. MIKULSKI. So we have concluded Paul amendment No. 3410.

Mr. President, what is the parliamentary situation in time on Paul amendment No. 3376, Davis-Bacon?

The PRESIDING OFFICER. All time has expired on that amendment.

Ms. MIKULSKI. Mr. President, with all time having expired, I believe the order requires that these amendments then be set aside to be part of a set of stacked votes at 4 o'clock; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. Don't we now proceed to the McCain amendment under the consent agreement, for debate? It was to be Senator MCCAIN or Senator LEE?

The PRESIDING OFFICER. Either Senator MCCAIN or Senator LEE may be recognized.

Ms. MIKULSKI. Mr. President, I note the prompt appearance of Senator LEE.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

AMENDMENT NO. 3373, AS MODIFIED

Mr. LEE. Mr. President, I ask unanimous consent that we call up amendment No. 3373, as modified.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows.

The Senator from UTAH [Mr. LEE] proposes an amendment numbered 3373, as modified.

Mr. LEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment, as modified, is as follows:

After section 1105, insert the following:

SEC. ___. SPECIAL RULES FOR USE OF RETIREMENT FUNDS IN CONNECTION WITH FEDERALLY DECLARED DISASTERS.

(a) TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.—

(1) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(H) DISTRIBUTIONS FROM RETIREMENT PLANS IN CONNECTION WITH FEDERALLY DECLARED DISASTERS.—Any qualified disaster recovery distribution.''.

(2) QUALIFIED DISASTER RECOVERY DISTRIBUTION.—Section 72(t) of such Code is amended by adding at the end the following new paragraph:

''(11) QUALIFIED DISASTER RECOVERY DISTRIBUTION.—For purposes of paragraph (2)(H)—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'qualified disaster recovery distribution' means, with respect to any federally declared disaster, any distribution from an eligible retirement plan made on or after the applicable disaster date and before the date that is 1 year after such date, to an individual whose principal place of abode on the applicable disaster date, is located in the disaster area and who has sustained an economic loss by reason of such federally declared disaster.

''(B) AGGREGATE DOLLAR LIMITATION.—

''(i) IN GENERAL.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified disaster recovery distributions for any taxable year shall not exceed the excess (if any) of—

''(I) $100,000, over

''(II) the sum of aggregate amounts treated as qualified disaster recovery distributions received by such individual for all prior taxable years, the aggregate amounts treated as qualified hurricane distributions under section 1400Q(a), and the aggregate amounts treated as qualified Disaster Recovery Assistance distributions under section 701(d)(10) of the Heartland Disaster Tax Relief Act of 2008.

''(ii) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to clause (i)) be a qualified disaster recovery distribution, a plan shall not be treated as violating any requirement of this title merely because the plan treats such distribution as a qualified disaster recovery distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

''(iii) CONTROLLED GROUP.—For purposes of clause (ii), the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

''(iv) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2012, each of the $100,000 amounts under clauses (i) and (ii) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the next highest multiple of $10,000.

''(C) AMOUNT DISTRIBUTED MAY BE REPAID.—

''(i) IN GENERAL.—Any individual who receives a qualified disaster recovery distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

''(ii) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to clause (i) with respect to a qualified disaster recovery distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified disaster recovery distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

''(iii) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to clause (i) with respect to a qualified disaster recovery distribution from an individual retirement plan (as defined by section 7701(a)(37)), then, to the extent of the amount of the contribution, the qualified disaster recovery distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

''(D) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.—

''(i) IN GENERAL.—In the case of any qualified disaster recovery distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

''(ii) SPECIAL RULE.—For purposes of clause (i), rules similar to the rules of subparagraph (E) of section 408A(d)(3) shall apply.

''(E) OTHER DEFINITIONS.—

''(i) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms 'federally declared disaster' and 'disaster area' have the meanings given such terms under section 165(h)(3)(C).

''(ii) APPLICABLE DISASTER DATE.—The term 'applicable disaster date' means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.

''(iii) ELIGIBLE RETIREMENT PLAN.—The term 'eligible retirement plan' shall have the meaning given such term by section 402(c)(8)(B).

''(F) SPECIAL RULES.—

''(i) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405, qualified disaster recovery distributions shall not be treated as eligible rollover distributions.

''(ii) QUALIFIED DISASTER RECOVERY DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes this title, a qualified disaster recovery distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions with respect to disaster declared after December 31, 2011.

(b) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

(1) INDIVIDUAL RETIREMENT PLANS.—Paragraph (8) of section 72(t) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(F) RECONTRIBUTIONS.—

''(i) GENERAL RULE.—

''(I) IN GENERAL.—Any individual who received a qualified distribution may, during the applicable period, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

''(II) TREATMENT OF REPAYMENTS.—Rules similar to the rules of clauses (ii) and (iii) of paragraph (11)(C) shall apply for purposes of this subsection.

''(ii) QUALIFIED DISTRIBUTION.—For purposes of this subparagraph, the term 'qualified distribution' means, with respect to any federally declared disaster, any distribution—

''(I) which is a qualified first-time homebuyer distribution,

''(II) received on or after the date which is 6 months before the applicable disaster date and before the date which is the day after the applicable disaster date, and

''(III) which was to be used to purchase or construct a principal residence in the disaster area, but which was not so purchased or constructed on account of the federally declared disaster.

''(iii) APPLICABLE PERIOD.—For purposes of this subparagraph, the term 'applicable period' means the period beginning on the applicable disaster date and ending on the date which is 1 year after the applicable disaster date.

''(iv) OTHER DEFINITIONS.—For purposes of this subparagraph—

''(I) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms 'federally declared disaster' and 'disaster area' have the meanings given such terms under section 165(h)(3)(C).

''(II) APPLICABLE DISASTER DATE.—The term 'applicable disaster date' means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.''.

(2) QUALIFIED PLANS.—Subsection (c) of section 402 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(12) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

''(A) GENERAL RULE.—

''(i) IN GENERAL.—Any individual who received a qualified distribution may, during the applicable period, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in paragraph (8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under subsection (c) or section 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

''(ii) TREATMENT OF REPAYMENTS.—Rules similar to the rules of clauses (ii) and (iii) of section 72(t)(11)(C) shall apply for purposes of this subsection.

''(B) QUALIFIED DISTRIBUTION.—For purposes of this paragraph, the term 'qualified distribution' means, with respect to any federally declared disaster, any distribution—

''(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), or 403(b)(11)(B),

''(ii) received—

''(I) on or after the date which is 6 months before the applicable disaster date, and

''(II) before the date which is the day after the applicable disaster date, and

''(iii) which was to be used to purchase or construct a principal residence in the disaster area, but which was not so purchased or constructed on account of the federally declared disaster.

''(C) APPLICABLE PERIOD.—For purposes of this paragraph, the term 'applicable period' means the period beginning on the applicable disaster date and ending on the date which is 1 year after the applicable disaster date.

''(D) OTHER DEFINITIONS.—For purposes of this paragraph—

''(i) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms 'federally declared disaster' and 'disaster area' have the meanings given such terms under section 165(h)(3)(C).

''(ii) APPLICABLE DISASTER DATE.—The term 'applicable disaster date' means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions with respect to disaster declared after December 31, 2011.

(c) LOANS FROM QUALIFIED PLANS.—

(1) IN GENERAL.—Subsection (p) of section 72 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—

''(A) IN GENERAL.—In the case of any loan from a qualified employer plan to a qualified individual made during the applicable period—

''(i) clause (i) of paragraph (2)(A) shall be applied by substituting '$100,000' for '$50,000', and

''(ii) clause (ii) of such paragraph shall be applied by substituting 'the present value of the nonforfeitable accrued benefit of the employee under the plan' for 'one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan'.

''(B) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after the applicable disaster date from a qualified employer plan—

''(i) if the due date pursuant to subparagraph (B) or (C) of paragraph (2) for any repayment with respect to such loan occurs during the period beginning on the applicable disaster date and ending on the date which is 1 year after such date, such due date shall be delayed for 1 year,

''(ii) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under clause (i) and any interest accruing during such delay, and

''(iii) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of paragraph (2), the period described in clause (i) shall be disregarded.

''(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2012, the $100,000 amounts under subparagraph (A)(i)shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the next highest multiple of $10,000.

''(D) DEFINITIONS.—For purposes of this paragraph—

''(i) QUALIFIED INDIVIDUAL.—The term 'qualified individual' means, with respect to any federally declared disaster, an individual whose principal place of abode on the applicable disaster date is located in the disaster area and who has sustained an economic loss by reason of such federally declared disaster.

''(ii) APPLICABLE PERIOD.—The applicable period is the period beginning on the applicable disaster date and ending on the date that is 1 year after such date.

''(iii) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms 'federally declared disaster' and 'disaster area' have the meanings given such terms under section 165(h)(3)(C).

''(iv) APPLICABLE DISASTER DATE.—The term 'applicable disaster date' means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to loans made with respect to disaster declared after December 31, 2011.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any provision of, or amendment made by, this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of, or amendment made by, this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2014, or such later date as the Secretary may prescribe.

In the case of a governmental plan (as defined in section 414(d)), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date that the provisions of, and amendments made by, this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by the provisions of, or amendments made by, this section or such regulation, the effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. ____. NONAPPLICATION OF DAVIS-BACON.

The wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the ''Davis-Bacon Act'') shall not apply with respect to any project or program carried out in whole or in part with Federal funds in any Federally declared disaster area. This section shall apply to any project or program contract entered into during the 1-year period beginning on the date of disaster declaration involved.

SEC. ____. MANDATORY POSTPONEMENT OF DEADLINES BY REASON OF DISASTERS OR TERRORISTIC OR MILITARY ACTIONS.

(a) IN GENERAL.—Section 7508A of the Internal Revenue Code of 1986 is amended by striking ''may specify a period of up to 1 year'' each place it appears in subsections (a) and (B) and inserting ''shall specify a period of 1 year''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 7508A of such Code is amended by striking ''**AUTHORITY TO POSTPONE**'' and inserting ''**POSTPONEMENT OF**''.

(2) The item relating to section 7508A in the table of sections for chapter 77 of such Code is amended by striking ''Authority to postpone'' and inserting ''Postponement of''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disasters and terroristic or military actions occurring

on or after the date of the enactment of this Act.

SEC. ___. TEMPORARY SUSPENSION OF BOUTIQUE FUEL REQUIREMENT AND ETHANOL MANDATE.

(a) BOUTIQUE FUEL REQUIREMENT.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(2) by adding at the end the following:

''(vii) SUSPENSION.—The Administrator shall suspend a control or prohibition respecting the use of a fuel or fuel additive required or regulated by the Administrator pursuant to this subsection for any area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the 90-day period beginning on the date of the declaration.''.

(b) ETHANOL MANDATE.—Section 211(o)(7) of the Clean Air Act (42 U.S.C. 7545(o)(7)) is amended by adding at the end the following:

''(G) SUSPENSION.—The Administrator shall suspend the requirements of paragraph (2) for any area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the 90-day period beginning on the date of the declaration.''.

SEC. ___. OTHER RELIEF.

Section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141) is amended by inserting ''at its own discretion or'' before ''if so requested''.

SEC. ___. WAIVER OF CERTAIN REQUIREMENTS FOR VESSELS IN DISASTER AREAS.

Notwithstanding section 501 of title 46, United States Code, during the 14-day period beginning on the date of the enactment of this Act, the provisions of sections 55102 and 55103 of title 46, United States Code, shall not apply to a vessel that is delivering merchandise or transporting passengers to a port—

(1) 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.); or

(2) designated by the Secretary of Homeland Security as a port of significant importance to an area referred to in paragraph (1).

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. LEE. Mr. President, it is important that we begin the long overdue process of reforming the way the Federal Government responds to catastrophic disasters.

Too often Federal disaster relief has been reactive, bureaucratic, arbitrary, and billions of dollars are spent. Sometimes that happens with little or no accountability. Resources go unused, goals are not met, and redtape delays recovery. In the end, it seems Washington focuses sometimes solely on the price tag rather than on the people we are trying to help.

The current model assumes that politicians and bureaucrats in Washington are best suited to decide where, when, and how best to allocate resources during an emergency, but common sense and decades of experience tell us otherwise. It is the people on the ground—local officials and emergency responders, of course, but also individuals, families, and voluntary organizations—who are best equipped to help communities respond and recover from disasters.

As I looked into these issues, it became clear to me that even as the Federal Government has distributed billions for recovery with the right hand, regulations and bureaucracy have choked the recovery process with the left hand. Our recovery policy needs to be both more flexible and more consistent. Flood victims on the east coast deal with the same issues as flood victims in the gulf. Yet they are often faced with different rules and requirements. Federal policy should be clarified so that local officials and private citizens understand the process before a disaster occurs rather than having to deal with it and figure it out after the fact.

My amendment would create permanent, substantive regulatory reforms to assist victims of all disasters. It would create no new Federal program or taxpayer burden. It would instead remove redtape and provide temporary but immediate regulatory relief for disaster victims and relief volunteers. It would make it easier for a family to access savings to begin immediate recovery. It would temporarily waive certain regulatory burdens for people providing essential services after a disaster. It would expedite shipping to ensure we can get critical materials to areas affected by a disaster. Most importantly, my amendment would make these reforms automatic so that communities could begin rebuilding immediately and without having to wait for Washington, DC, to act. These are important and I believe overdue reforms, and they represent a good first step toward improving our approach to disaster relief.

I am pleased with the positive response this proposal has received so far, although I understand that some of my colleagues have concerns that a few of these substantive changes merit additional discussion and consideration.

I believe these reforms ought to be permanent fixtures of Federal emergency response policy, and ideally they should be part of a more comprehensive package to overhaul how we respond to Federal disasters.

I have spoken with my good friend Senator HATCH, the ranking member of the Finance Committee—the committee in which many of these reforms will and should properly be debated. He has expressed an interest in working with me on these reforms in the new Congress.

I look forward to and encourage all of my colleagues to join me in a serious and meaningful dialog about these critical issues.

AMENDMENT NO. 3373, AS MODIFIED, WITHDRAWN

Mr. President, with that understanding, I withdraw my amendment because I am confident that a broader discussion will be good for the country and will result in reforms that will eliminate waste, facilitate quicker recovery, and deliver assistance to Americans most severely affected by disasters.

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

The amendment of the Senator from Utah is withdrawn.

The Senator from Montana.

Mr. BAUCUS. I appreciate the Senator withdrawing his amendment. Had he not, I would have had to oppose it. It basically waives the Davis-Bacon requirements instruction for the Sandy rehabilitation projects. It is a bad idea, and we shouldn't have been on that road.

Second, it changes the Code with respect to giving rules and also with respect to penalties with respect to withdrawals from IRAs. I don't think that is a good idea.

More importantly, the fancy term is, it makes this bill blue-slipped; that is, because it is a revenue provision the Senator is offering and it did not originate in the other body, the other body would say: I am sorry, under the Constitution, revenue bills have to begin in the other body—in the House. This didn't begin over there. It began here, this provision, and so they would not even take up the bill.

For that reason, I am glad the Senator withdrew his amendment, because it would cause unnecessary problems for people who deserve a lot of help in the wake of Hurricane Sandy. I thank the Senator.

Mr. President, might I inquire of the Chair or the chairman of the Appropriations Committee, who is managing this bill, whether I might speak on a subject? Now, I don't want to speak out of turn, but I was going to make a brief statement with respect to the fiscal cliff and urging a resolution, showing with the chart I have here that we are not that far apart, but I don't want to get in the way here. Given the managers' preference in how they manage the bill, I defer to the managers because it is their bill.

Ms. MIKULSKI. If the Senator will withhold, the next amendment under our agreement was Senator MCCAIN. He will be here in 5 minutes, so the Senator may proceed.

Mr. BAUCUS. I will speak within that period of time. Thank you very much, and I thank both Senators.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, President Kennedy once said:

> There are risks and costs to action, but they are far less than the long-range risks of comfortable inaction.

Here we are on December 28, just 3 days from what some have termed the ''fiscal cliff''—trillions of dollars in automatic tax increases, across-the-board spending cuts, including cuts in Medicare payments, unemployment benefits, and more.

I rise today to call on the Congress and the President to take immediate action to resolve the year-end fiscal challenges. We can do it. We are very

close together. The proposals are not that far part.

I make this call on behalf of the people I work for in Montana. My bosses have given me clear marching orders, three simple words: Get it done. I believe their neighbors all across the country agree. It is about time we listened.

In all the hype and the rhetoric here on Capitol Hill, many have lost sight of our fundamental duty to serve the American people. It is time to put politics aside and remember what is at stake for working families, farmers, and small business owners across our country.

If Congress fails to act by the New Year's deadline, nearly every American will be hit with a tax hike, including 400,000 Montana families. That is approximately $2,000 out of the pockets of America's working families. About 125 million American workers will see smaller paychecks as a result of higher payroll taxes.

More than 2 million Americans will lose the Federal unemployment insurance that helps keep a roof over their heads while they look for work.

About 98,000 Montana parents will see a tax hike of $1,000 if they loose the child tax credit, and thousands more will be hit by the loss of the earned-income and American opportunity tax credits.

As many as 28 million Americans and 52,000 working Montanans will be forced to pay the alternative minimum tax.

Across-the-board mandatory spending cuts mean thousands of Federal employees will lose the jobs that put food on the tables for their families. Agencies in charge of keeping America safe, such as the FBI, Border Patrol, Department of Defense, and others, will be short-staffed.

Families may lose farms and ranches that have been passed down for generations because of the estate tax hike. These aren't wealthy aristocrats. They are honest, hard-working people who get dirt under their nails every day to put food on their tables. All they want in return is to pass the land they work on, on to their kids and on to their grandkids. These are not just numbers on a page. These are people. We work for them. They are our employers.

Montana families sit down together at their kitchen tables every month and make tough choices to make ends meet. They deserve a Congress that could do the same.

Unfortunately, the list of last-minute legislation doesn't stop with the fiscal cliff. Our rural economies will take a big hit if the House fails to pass a farm bill. Make no mistake, the farm bill is a jobs bill. Agriculture supports 60 million jobs nationwide. In Montana, one in five jobs is tied to agriculture, and the Senate farm bill supports those jobs while also cutting spending by $23 billion. This bill is part of a responsible solution.

There is absolutely no excuse for inaction. I call on the House to bring the Senate farm bill up for a vote immediately. Our farmers and ranchers break their backs to put food on their tables every day. At least they deserve an honest, fair, up-or-down vote on their jobs bill.

Failure to reach agreement on these critical year-end issues will certainly cause market volatility and shock the greater economy. Experts predict that failure to reach agreement on the fiscal cliff will cause the economy to contract in the year 2013 by one-half percent, likely causing unemployment to climb to 9.1 percent, pushing our Nation back into recession.

But it doesn't have to be this way. It is only because of stubbornness and stagnation on both sides of the aisle that we find ourselves facing this great challenge at the eleventh hour. The blame game has shifted into full gear, but there will be no winners if both sides continue to play this game of chicken.

The United States is at a critical juncture. We can come together and show the world America is still the leader of a global economy or we can let obstructionism turn this country into a second-rate superpower.

Just last week, I was doing some last-minute holiday shopping for my family. While in one store, I asked the sales clerk how business was going. We got to talking, and she told me how numbers were dramatically down this year. She said people were worried. With so much uncertainty about the future and the fragile economy, she said it was hard to convince people to spend their hard-earned money on gifts.

That word, ''uncertainty'' is one I have heard quite often lately. Whether it is industrial leaders on Wall Street, small business owners on Main Street or farmers and ranchers on country roads, they are worried about the future. They understand confidence matters in our economy.

It is time to act right now, today. We have a chance to earn back the confidence of the people we work for and show the world America is still the safest bet in the world.

To give families and businesses certainty to start down a sustainable fiscal path, Congress and the President must agree on a balanced plan. They must ramp up over time and cut spending, while at the same time asking a little more from those who can afford it. The math will not work any other way. The clock is ticking. It is time to stop campaigning and start listening. It is time to make the tough choices the American people sent us to make.

The President is meeting with congressional leaders at this very moment. My message to them is simple: We can do this. We can get this done, and we must. It is our responsibility.

Here is a comparison of the latest grand bargain proposals made by the President and Speaker BOEHNER. As you can see, we are not that far apart. There is not a lot of difference. There are compromises that can be made on both sides. We are not far from an agreement on a balanced plan—a plan that will bridge the fiscal cliff.

A balanced plan will encourage businesses to invest, enabling investors to return to the markets with confidence. Most important, a balanced plan will put Americans back to work in a growing economy.

I understand time is short, New Year's Eve fast approaching. But I believe in life we have only two choices: try or do nothing. To ask the question is to answer it: Of course we try. If we try, we have another question to ask ourselves: Do we try our best? Of course, to ask that question is to answer it as well: We try our best.

I choose to try, I choose to try my best, and I ask you to join me in that effort.

Our first choice is a grand bargain that puts this issue to bed once and for all. That is unlikely, to be honest, this late in the game. But it is still my first choice, and we should still try.

At the very least, we owe the American people a plan that addresses the immediate challenges and gives Congress additional time to reach a bigger deal. It will show we can work together across party lines, and it will set the tone for the tougher discussion we need to have to enact a long-term and comprehensive deficit solution.

The American people are calling on us to act. They are calling for compromise, for common sense. It is time to put progress ahead of politics.

As President Kennedy warned, we cannot be lulled into comfortable inaction. We need to face this challenge head on and use it as an opportunity to put our economy back on track. So let's get to work.

I thank the managers of the bill for giving me this time, and I yield the floor.

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

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

REMEMBERING DAN INOUYE

Mr. ROCKEFELLER. Mr. President, I wish to talk for just a couple minutes about Senator Inouye. I know I am late in the process, and that is partly why I am doing it—because I wanted to be late in the process.

I had been in the Senate 1 day back in 1985, and Dan Inouye came to visit me in my office. He was up here; I was down here. He introduced himself. We talked about our States. He had all kinds of seniority and amazing qualities, I was nothing and he came to see me. I am sorry, but you don't forget things such as that. It says something about him, which went through his life. That is just the way he was.

From there, a long friendship began. While I believe he looked at me as a friend, I looked to him as so much more than that. He was in a total sense a mentor with sort of a Confucian touch. He was of Japanese heritage and I had an interest in Japan and he had a way of imparting judgments and wisdom which were in the Eastern method, very subtle. He was not always that way, but he could be, and he was with me.

I learned from him how this Chamber works and how to get things done. I watched the way he did them—not with a heavy fist or sharp words but with thoughtfulness and hard work, a commanding presence, that voice—that voice—and genuine relationships, including across the aisle. He believed in action. He believed in getting things done through hard work and through determination. He had very much of an agenda.

Dan, of course, was one of our Nation's ultimate war heroes—not only because of his service and sacrifice but also somebody who stood for his country, even when his country did not immediately stand for him.

Dan's courage and iron will were evident as he fought on the battlefield, taking bullet after bullet, yet continuing to get back up. A tough soldier. He fought for the people of Hawaii every single day that he lived in public service.

His love of his State and every Hawaiian was so abundantly clear through his massive list of accomplishments—an overwhelming list of accomplishments. Since Hawaii became a State, Dan had been working for it as the first Congressman ever elected by the State and only the third Senator. His efforts are clear in his State's roads, bridges, airports, schools, military bases, health care, oceans, and almost every aspect of American life that reached to the Islands. He played a truly momentous role in making Hawaii what it is today.

Dan and I worked together on the Commerce Committee for 27 years. I always felt very close to him. I remember sitting with him quietly, maybe sharing a joke when I was lucky enough to be sitting beside him but most often just listening. He was thinking, waiting for a discussion to ripen. He never once spoke just for the sake of it. Yet when he did speak, watch out.

I watched him a number of times, which I could well recite, when he took an argument that the Commerce Committee had let ripen, and then, through the force of his argument, his quiet demeanor, and that powerful face and his calmness, turned the argument 180 degrees from a yes to a no or from a no to a yes, people simply following the power of his logic and strength.

Dan didn't want us to be in awe of him, but many of us were anyway. His integrity and his authenticity were momentous. He approached policy and public service with a pure heart.

As chairman of the Appropriations Committee—to be succeeded by the wonderful Senator from Maryland—and the Defense Appropriations Subcommittee, he was respected by everybody on both sides of the aisle. He was a task master. He could be tough. He ran a tight and highly disciplined ship but was unfailingly courteous and generous.

I have no doubt that one of the most difficult decisions he ever had to make was to implement the ongoing ban on congressional earmarks. Dan Inouye believed in congressional earmarks, as does the current speaker. He was adamant in his support and the constitutional right of Members to direct investments to their States, but he recognized that his bills had no chance of being enacted into law in the current political climate.

He fought back against Draconian funding cuts in the Ryan budget and, in a very partisan environment, moved all 12 of his bills for the 2012 fiscal year. He wasn't inactive. He was always on his game. Just in this lame-duck session, he turned a disaster relief request from the President into a finished bill to help so many States and families impacted by Hurricane Sandy. These are large accomplishments.

His family was so deeply important to him. It has been wonderful for my wife Sharon and me to see the utter joy that Dan's wife Irene brought to him in these recent years, the happiness she gave him, the twinkle in his eye and the privilege of just getting to know her, a remarkable and strong woman. Our hearts obviously are with Irene and Dan's son Ken now.

Dan's is an awesome legacy and always will be, a legacy of character, of honor, and of service. So I say: Dan, thank you for what you have shared with each of us and for the life of service you gave to this country and your State that you loved so very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from West Virginia for his deeply moving and heartfelt sentiments concerning our dear and departed comrade, Senator Inouye, a unique man. Never will the Senate of the United States of America see his like again.

I thank the Senator from West Virginia for his very important and moving tribute.

AMENDMENT NO. 3355

Mr. President, I ask unanimous consent to call up pending amendment No. 3355.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself and Mr. COBURN, proposes an amendment numbered 3355.

The amendment is as follows:

(Purpose: To strike funding for the emergency forest restoration program)

Beginning on page 2, strike line 16 and all that follows through page 3, line 2.

The PRESIDING OFFICER. Under the previous order, there will be 8 minutes of debate equally divided on amendment No. 3355 offered by the Senator from Arizona. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I thank the manager of the bill for her patience during this difficult time of many amendments and other priorities. I thank her for her patience and her courtesy as well as our Republican manager, the Senator from Mississippi.

This amendment is very minor in nature when we look at a $60 billion piece of legislation. But I think it has a certain amount of symbolism associated with it, which is why I bring it up, symbolism we all want to respond to an emergency and a tragedy such as befell the people of the Northeast as a result of this terrible hurricane and ongoing tragedies that continue. Our hearts go out to them. It is clearly an obligation of the Congress and President to do whatever is necessary to provide what comfort and relief we can to them. It is one of the obligations of government we all recognize.

But also, over the years, I have seen the tendency as one of these things happens, as they do from time to time, tragically, that we have a tendency to put money in things we otherwise would not get so easily or funds for programs that have nothing to do with addressing the tragedy or just an excess of funds in an act of generosity on the part of the Congress of the United States. That might be OK—might be OK under certain circumstances, but we have a $16 trillion debt. To appropriate more money without adequate justification for doing so is something that, sooner or later, we will have to stop.

I guess it was Margaret Thatcher who once said the problem with socialism is that sooner or later you run out of other people's money. My friends and colleagues, sooner or later we are going to run out of other people's money because they are going to stop lending it to us because we have a $16 trillion debt. Even though this is a relatively minor item, I think it is kind of symbolic of what we do around here. It is concerning the $58 million we are going to spend for the Department of Agriculture Forest Restoration Program for planting trees on private property.

Let me make that clear. We are going to spend $58 million for planting trees on private property. This amendment would strike that provision. This tree planting program called the Forest Restoration Program is actually a farm bill subsidy that was created in 2008. It is run by a relatively unknown government office called the Farm Service Agency, whatever that is, which was primarily responsible for

managing crop insurance in rural counties. Under the program, ''nonindustrial private forest landowners'' can apply for up to $500,000 for a range of forest restoration activities, including tree planting.

Why is that the role of the Federal Government? Why is it the role of the Federal Government to pay for trees to be planted on private property, much less funded in a bill to repair the damage done by a hurricane.

There is nothing in the supplemental that limits the funding to just Hurricane Sandy. Under this bill, the $58 million can be used anywhere. According to the U.S. Forest Service, approximately 45 percent of all forest land in the United States qualifies as ''nonindustrial private forestland.'' These lands are owned by approximately 11 million landowners, many of whom have holdings of fewer than 50 acres on average.

We know this program has cash. It received $11 million from Congress in 2010. It received an additional $28 million in the 2011 Omnibus Appropriations Act, more than doubling the program.

The Senate is proposing to double this subsidy again to $58 million. We know from the U.S. Department of Agriculture records the majority of funding has been used in past years for wind damaged trees in Mississippi, Georgia, and Tennessee. There remains an unobligated $15 million in the program's account.

I say to my colleagues, $58 million here, $58 million there, sooner or later it runs into real money. In fact, it runs into a $16 trillion debt. I come from a State, I say, Mr. President, where we love trees. We have not enough of them. In some parts of our State we have a lot of them. In some parts of our State it is kind of bleak—but beautiful. But I am not asking for any money for private owners in my State to plant trees. I think they can do that themselves.

Again, it is only $58 million. Maybe I am taking up the time of the Senate when we are talking about $60 billion, but it is an example, an outstanding example, of the kind of excess that does not have the priority to spend another $58 million of the taxpayers' money.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first, I thank the Senator from Arizona for coming to the floor and debating this amendment because it means we can move our bill in an expeditious way. I wish we could be solving the issues around the fiscal cliff with such civility, watchful rigor, and a commitment to the taxpayer.

Having said that, however, I rise to oppose the Senator's amendment. The Emergency Forest Restoration Program was established after Hurricanes Katrina and Rita. It does help owners of private forest land carry out emergency measures to restore land damaged by a natural disaster. This is not just trees falling. It has recently been used to provide assistance to tornado damaged land across the Southeast: Alabama, Georgia, Mississippi, North Carolina, Tennessee, and Arkansas. As the Senator from Maryland, the Presiding Officer, knows, when a hurricane hits, people, homes, and landscape are uprooted.

The program provides a 75-percent cost share for the work. The landowner has to provide the other 25 percent. In order to participate in this program, there must be an onsite inspection to determine the type and extent of damage caused by the disaster, and it must show that the damage, if untreated, would endanger our natural resources or materially affect the future use of land around it.

If the physical inspection determines this land qualifies for the program, funding can be provided to remove damaged timber, clean up the damaged trees, and take those activities to prevent future forest fires that can certainly spread beyond the private forest. In the long run, some of these issues, if not controlled, could cause much greater damage and cost much more money.

Funding for this program was included in the administration request for the supplemental, but it is limited only to Sandy. We are not doing this as a new program that will occur in every disaster. Just as we did for Katrina and for Rita, the bill was done for that. This would be limited only to those geographic areas affected by Hurricane Sandy.

Historically, when disaster supplementals are considered, funding to eliminate the full EFRP backlog was included. This practice has been historically supported by both sides of the aisle. We hope it is continued in this bill. I respectfully urge all Senators to oppose this amendment.

Mr. President, we are moving very well on this bill, and we expect to have votes on these amendments when our colleagues return from the White House beginning shortly, around 4 o'clock. We note there is another Senator who wishes to speak, but I, both in terms of the chair of the full committee as well as the Senator from Maryland, along with my colleague presiding, do want to speak about this supplemental.

As we are drawing to a close with very few amendments left, I hope my colleagues will pass this supplemental appropriations and view it urgently. In Maryland, we were hit in Hurricane Sandy. We were hit in two ways. No. 1, a hurricane on the Eastern Shore and up and down the Chesapeake Bay, over 2,500 miles of shoreline, the Maryland part of the bay, the big bay, the inlets, the coves, the peninsulas—all of which were vulnerable during Hurricane Sandy. Parts of our lower shore were absolutely devastated.

While we were fighting the ravages of the hurricane and the wind and the rain, up in western Maryland it took the turn that it was a blizzard, a blizzard in western Maryland. Mr. President, you received the same calls I did, county commissioners saying the roads were blocked, 90 percent of the power was down. The National Guard had to be called out because only they had the muscle vehicles to clear the roads so the emergency power could get in. State Troopers were rescuing people on snowmobiles and down in the lower shore they were going in, in swift boats, to pull out the elderly and other vulnerable populations. It was just awful.

As the storm moved up and down the coast, community after community—small like ours, large like New York City—was pounded and pounded by this devastating hurricane. All of America watched. We all held our breath. We all feared the worst and we saw the worst. At the same time, we saw the indomitable spirit of the American people hanging on to their home, praying for their livelihood.

While all that was going on, the President visited the Governors on both sides of the aisle to say you have the United States of America behind you. The United States of America being behind you, whether you are Governor O'Malley or Governor Christie or Governor Cuomo or the other Governors, means we need to pass this bill. We want to pass it because we know that lives were devastated and livelihoods were ruined.

In Maryland, we faced these unique challenges: hurricane, blizzards, urban and rural communities affected. In our own lower shore, Somerset County was hit.

That has one of the highest unemployment rates in the State, close to 10 percent; 18 percent of the residents live below a line of $35,000 a year. What I said then and what I say now: They were rich in community spirit, but they don't always have a lot of cash. Why? Because their jobs are in agriculture, seafood—industries that were hard hit by the decline in species, drought, and high fuel prices.

Families live in the same house for one, two, and three generations. An appraiser might come by and wonder what the value is of that house. If a family inherited the house from their mom, dad, or grandpa—some families go back to the days of the Underground Railroad—that house means something to that family. How do we restore them? How do we get the mold out? How do we get them back and functioning? Well, that is what this bill is all about.

You and I fought tooth and nail to get our State the assistance it needed—not only our State but the other States as well—because we are the United States of America. We hit some bureaucratic roadblocks along the way, but thanks to the President and Mr. Fugate, the Administrator for FEMA—and, wow, didn't he do a good job—and the creativity of Shaun Donovan at

HUD, we all felt we were in it together. I thank them for their work.

What does that mean? Just in Somerset County alone, 619 people have applied for individual assistance. They were eligible for about $1 million. When we are talking about all of this money, $1 million might not mean a lot in the Federal budget, but it sure meant a lot in the Somerset County family budget.

I am proud of what I did in working with you to help do this, and I am really proud of what our colleagues have done with their work on this legislation. We have outstanding subcommittee chairs, and I will talk about this in the wrap-up. They did a great job under President Obama's leadership, and the executive branch functioned in a prime-time way. Now it is up to us to function in a prime-time way and to move this bill.

The supplemental package provides well-tailored resources. Yes, there was $11.5 billion for the FEMA Disaster Relief Fund and $17 billion in community development block grants for the restoration of infrastructure and housing, lives and livelihoods, and so the Corps of Engineers can repair and rebuild projects along the shorelines. These are the kinds of things this money will be used for. It is not to be spent on bureaucracy but on the restoration and recovery. It will actually put people to work rebuilding their communities.

Now, we might want to talk about how we don't want to spend money on foreign aid, but I sure want to spend money on American aid. I want to rebuild America, and I want to talk about things such as an infrastructure bank another time. Right now, we have an opportunity to come to the aid of fellow Americans, who in many instances are quite desperate, to restore those communities and do the kind of infrastructure we need in order to rebuild physical infrastructure and, I might add, emotional infrastructure.

I strongly support this legislation that I bring before the Senate today. I ask that my colleagues join me in moving it forward. At the end of the day, if we pass this bill, it will be a better day for all of those who were so hard hit by Hurricane Sandy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

THE FISCAL CLIFF

Mr. MORAN. Mr. President, I would like to thank the Senator from Maryland for allowing me the opportunity to speak during this discussion of the supplemental appropriations bill. Also, it is my first opportunity to publicly congratulate the Senator from Maryland on her achievement of becoming the chairman of the committee I am a member of, and I look forward to working with her on an ongoing basis over the next 2 years as we work our way through appropriations bills. I look forward to seeing that we do right and well and that we appropriately take care of the taxpayers' dollars.

While the supplemental is important—and I am anxious that we move forward and vote on the amendments and its final passage—I would like to take this moment to speak, here on December 28, on the reason we are back in Washington, DC—the so-called looming fiscal cliff. It is unusual for the Senate to be in session at this point in time, just a few days after Christmas and a few days before the New Year. I believe it has not been since 1970 that the Senate has cast votes during this period of time.

Our country faces a significant financial challenge, and I hope the House, the Senate, and the President are up to the task. I want to reach an agreement. I want to avoid finding out the consequences of no agreement. We have heard the predictions of the Congressional Budget Office that suggest that the U.S. economy will be driven back into a recession should we go over the cliff. There is a projection of increasing unemployment rates, a reduction in real GDP, and the amount of debt held by the public will increase. I do not want our economy, the American people, the taxpayers, the business men and women of our country to suffer the risks of inaction by Congress and the President.

But while meetings are ongoing now at the White House—and I hope there is some semblance of progress that we learn about shortly—it does seem to me that we are at this final hour with a lack of any significant progress to deal with the fiscal cliff issue. We need leadership. We need the President's leadership. We need leadership by Republicans and Democrats, and we need the House and Senate.

While I say I want an agreement, I am also willing to appreciate the fact that I will not get everything I might want in an agreement. The consequences of our failure seem to me to be so significant that we ought to find common ground.

Now, I understand we might reach an agreement that deals with a portion of the so-called fiscal cliff. I want to point out that we are only really talking these days about the tax consequences of the fiscal cliff. I don't know exactly how the phrase ''fiscal cliff'' came into existence. I don't know where those words came from. I don't know exactly what they mean. I think they probably mean different things to different people.

It seems to me the fiscal cliff we face is based upon sequestration. This plan that was put in place by the Budget Control Act would reduce spending by $1.2 trillion in both defense and nondefense as well as the debt ceiling, which our Treasury Secretary says needs to be addressed. The peak will be reached, the balance necessary to be raised, on December 31. We might want to include the doc fix, which is the Medicare set of payments we make on a short-term basis to keep physicians seeing Medicare patients. Certainly, the deficit and debt our country faces are a part of that fiscal cliff.

It seems to me that we are only dealing with the issue of taxes. I want to avoid taxes being raised on any American. I may not have that opportunity, but we ought to do everything we can to make certain the Tax Code is unchanged in regard to those who are currently paying taxes. For more than 10 years, we have had a tax code that treated taxpayers a certain way, and in my view, any tax increase is damaging to the economy. Having said that, that I might not get everything I want, there are consequences of not dealing with this issue that may be beneficial even though a tax increase on anyone would be detrimental. So there is this opportunity for give-and-take to make certain that if there is a tax increase on anyone, there is a corresponding benefit that overcomes the damage to the economy in regard to this issue.

We need to understand that while we are talking about taxes, we are talking about a tax increase that will affect everyday Kansans and everyday Americans. The research I have seen indicates that a teacher in my State making $43,000 a year, in the absence of us dealing with this issue, his or her taxes would go up $3,000 a year, which is about $250 a month. That does not include the end of the temporary payroll tax holiday, the new ObamaCare tax increases, or the alternative minimum tax, which affects taxpayers at income levels of more than $33,750.

So I am hoping we can deal with the tax issue, but I don't want us to forget there are other significant issues our country faces. Almost none of the conversation coming from the White House or the discussions over the last few days, weeks, and months have dealt with the deficit, which is so compelling.

As I drove down the roads from one side of the State to the other for Christmas, with one side of our family in western Kansas and the other side of our family in eastern Kansas, I was thinking less about Christmas at that moment and more about what to do if we have a short-term so-called kick-the-can-down-the-road—a 60-day or 30-day extension.

It seems that we owe Americans something much greater than just delaying the consequences of our inaction to date. We desperately need to deal with the big issues. We have no choice but to move forward with just the small items that are before us today, but we especially need to deal with the deficit and debt problems our country faces. We cannot afford to kick the can down the road.

I read a letter from a constituent of mine who wrote to me back during the debt ceiling debate. I think what she said is still important for us today. This is a letter from Gina Reynolds from Shawnee, KS. She says that she believes America is the greatest country on Earth. She says:

> I believe we have the greatest country on Earth, but our inability to compromise and stop acting like spoiled children saddens me.

The Founding Fathers were able to compromise and write a document that has stood the test of time for 235 years. Can we not now do the same? Please do the right thing for the American people, the ones . . . hurt by this self-produced impasse.

I want the impasse to come to an end. I want us to reach an agreement. I want us to deal with the Tax Code that changes on January 1. But I do not want us to avoid the opportunity to deal with the most significant problem and challenge our country faces—the fiscal challenge of our deficit and debt.

I yield the floor .

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

Mrs. HUTCHISON. Mr. President, I rise to talk about the looming financial crisis that all of us here are trying to solve. We are here because we know that in 4 days something that will affect every American family in not a very good way is going to happen. We are talking among ourselves, and we are trying to see what could be given on each side of the debate and where we are together. In many areas, we are already together.

The President has said he is for AMT relief, and most certainly we are as well. There are other areas where we are in agreement, such as relief from the marriage penalty and the child tax credit, which have helped so many American families. Yet we seem to dwell on where we are apart and not start with where we are together.

As we speak, our leaders are meeting at the White House. Our majority and minority leader in the Senate and the Speaker and the minority leader in the House are meeting with the President. It will be remembered about the President's term and it will be remembered by Members of Congress if we don't do something that is a compromise. At this point, it has to be bipartisan. There is no question that something has to pass the House and the Senate with votes from the minority party of each chamber.

We have to go to the drawing board, and I hope there is a plan laid out at the White House with the leaders from which we can start that real negotiation. Now, many would say: Really? Should we start now, 2 or 3 or 4 days out?

Well, no. We should have started about 6 months or a year ago, no doubt about it, but we are where we are. So what can be done in a significant way that will ease the concerns of the American people right now? No one wants to see tax increases on every American. No one wants to see America's defense budget decimated, which is what will happen automatically with no action on January 2 with sequestration. No one wants to see unemployment tick up, and no one wants to see another recession when we have barely started on a very slow road to recovery from the last one.

The consequences are enormous. For instance, the child tax credit is $1,000 per child and refundable today. On January 1 of next year, it will be $500 per child and not refundable. The adoption tax credit, which has helped many American families ease the cost of adoption while giving a home to children who wouldn't have one otherwise today, is a $12,650 deduction. As of January 1, it would be $6,000 and not applicable to any child except one with special needs. Even though that is a wonderful thing, why not continue the full amount for every child who is adopted.

The marriage penalty relief will be significantly reduced if we don't do something by January 1.

This is something that hasn't been talked about very much: If an employer provides education assistance, up to $5,250 of the cost of this assistance may be excluded from their tax payment. That provision expires, so that is a huge disincentive for employers to help their employees further their education, which is in everyone's best interests. Today student loan interest deductions are $2,500 per year. That is an interest deduction to pay back a student loan, where someone has had the initiative to get their higher education and borrowed to do it. In 2013, this deduction will only be available for 5 years of interest payments.

The alternative minimum tax, which was meant to hit millionaires when it was enacted years ago, hit an income of $48,000 for an individual and almost $75,000 for a couple in 2011. Because it expired at the end of last year, for tax year 2012, the AMT has gone to $33,000 for an individual and $45,000 for a married couple. A married couple making $45,000 with two children, maybe in college, should they pay an alternative minimum tax? This doesn't make sense to anyone in our country, and it is time we came together to face reality. The reality is we are on the brink of letting a bad thing happen because we are so divided on the edges and we can't come to terms.

There are areas I have talked to my Democratic colleagues about where I know we are together. Fixing the AMT is one. Another one is the estate tax. Today, over 80 percent of the value of a ranch or a farm is a nonliquid, land-based or equipment-based asset. That means if someone dies and they have to pay an estate tax over $1 million, which is what it will be January 1, often heirs have to sell at pennies on the dollar because they can't sell land or equipment for the value that is put on it for an estate. So we are going to throw family-owned farms into a liquidation, which cuts jobs of the people who are working there and also affects the businesses and rural communities they support in Texas and in many other states. None of us want that. I talked to my Democratic colleagues and they don't want that either. Today the exemption is $5.1 million—much more reasonable when we are talking about an asset that is virtually not sellable on the open market. We want to fix that so families can pass their businesses and farms and ranches to their heirs and keep the people who are working there in jobs.

We know we need to boost our economy at the same time we need to take hold of the spending of government. That is something we have talked about for a long time because we know the debt is $16.3 trillion and we know the deficits, which are more than $1 trillion every year, are going to make that higher. It is unsustainable. So we have to address the revenue and we have to address the spending.

Ms. MIKULSKI. Mr. President, if the Senator from Texas will yield for a moment, I don't want the gavel to come down during her presentation.

We were scheduled to resume votes at 4 o'clock. I wish to ask unanimous consent for the Senator from Texas to finish her statement and then Senator LEAHY be recognized to make a few remarks. We know the leadership is on their way back from the White House. So I ask unanimous consent that votes resume at 4:15 after the Senator from Texas completes her remarks and after the Senator from Vermont speaks for a few minutes to debate the Rand Paul amendment.

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

Mrs. HUTCHISON. Mr. President, I thank the distinguished chairman of the Appropriations Committee as well as the ranking member because as soon as our leaders get back from the White House I certainly want us to be able to go forward and vote.

To finish my remarks, we must take hold of our financial situation. There is no doubt we are spending too much, we are borrowing too much, and I believe we are taxing too much. It is time for us to hold the line on taxes so they do not go up for the people who would hire people. At the same time, we know we must cut responsibly. We must set our priorities and put a ceiling on spending in this country.

I understand that is going to take more time than the next 4 days, but I implore my colleagues to not let the jolt happen on December 31 at midnight that would hurt our economy, possibly put more people out of work, and jeopardize their family incomes which, in many cases, are barely able to make ends meet today. Let's come together where I know from talking to my Democratic colleagues we could come together. If we can do the things that are necessary to bring us together to avoid this cliff, we need to do everything in our power to do it.

I thank the Chair, and I certainly wish to yield the floor to the Senator from Vermont. I just hope that before December 31 at midnight, if we have to be here to do it, we will come to an agreement that will ease the tensions in the marketplace and in the American family and workplace so we can go forward and give the new Congress the time to look at all these issues and come to the terms of a government that has a Democratic majority in the

Senate, a Republican majority in the House, and a President in the White House whom I hope will bring everyone together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 3410

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Texas. As I said earlier on the floor this week, I will miss working with her. We have worked together on a number of things.

I know my distinguished colleague, Senator LINDSEY GRAHAM, has already spoken on the amendment of the junior Senator from Kentucky which would offset a portion of the cost of the supplemental by rescinding unobligated funds from the fiscal year 2013 continuing resolution for the Department of State and foreign aid programs and operations of the U.S. Agency for International Development. I agree with him in opposing it.

The fiscal year 2013 CR provides $13.4 billion for these national security programs. Of course, we are only 90 days into the fiscal year and $10.4 billion is not yet obligated. No matter how good an amendment such as this might sound, we need to talk about the reality. These days we seem to have two types of arguments, those that go to symbols and those that go to substance. Let me speak about the substance of what this amendment would do to all of our foreign assistance programs.

It would effectively bring to a halt U.S. foreign aid programs around the world. It would shut down the U.S. Agency for International Development. The distinguished Presiding Officer and his family have experienced how important these programs are throughout the world.

Let me tell my colleagues some of the things this amendment would do. It would force early termination of contracts that are based on the fiscal year 2013 budget request such as military aid for Israel and Egypt, potentially resulting in significant early termination and legal costs to U.S. taxpayers. It also tells these countries not to rely on us: We will make agreements with you, we will give you contracts, but we may change our mind 2 months into the fiscal year. Is this how the greatest, most powerful Nation on Earth should act? Come on.

The amendment would reduce the amount available for these programs during the continuing resolution by 67 percent. The amendment sets a floor of $5 billion for these programs for all of fiscal year 2013; that would be a cut of 81 percent. It is not clear how or when additional funds would be provided. In fact, the lack of clarity would wreak havoc on operations and programs that have bipartisan support. That is why Senator GRAHAM and I both spoke in unison on this. Republicans and Democrats across the political spectrum support these programs.

It might make a good press release back home to say we are going to cut all this money from our foreign aid programs, particularly when no mention is made that these programs are a mere 1 percent of the entire Federal budget, but these programs represent a large percentage of the face of America throughout the world. This amendment represents a myopic misunderstanding of the world we live in, where our economy and our security are intricately linked with those of other countries. Frankly, a lot of countries wish we would do something such as this so they could step in with influence that would be counter to the interests of the United States.

Now is not the time to abruptly end our lifesaving global health programs, including the PEPFAR initiative of the George W. Bush administration, which I and many Democrats and Republicans supported, and which also protects the health and safety of Americans living here and traveling and studying and working overseas.

I would ask: Are we actually going to end anticrime programs in Mexico and Colombia or military and economic aid for Israel, Egypt, and Jordan? If anyone wants to eliminate all those programs, then vote for this amendment. But if colleagues want to keep anticrime programs in Mexico and Colombia and keep military and economic aid for Israel, Egypt, and Jordan, then vote against this amendment.

This amendment would curtail relief aid for refugees and victims of natural disasters, from earthquakes to famines. How many times have we seen a tsunami or an earthquake and the world says: At least the United States of America is there. How about if we said: Sorry, we may be the wealthiest, most powerful nation on Earth, but we can't help you.

How about the Peace Corps? Of course, this amendment would shut it down. The Millennium Challenge Corporation? It would shut that down. The list goes on and on.

I mention these things because they have all had strong bipartisan support—Republican and Democratic support, both in Congress and in Republican and Democratic administrations.

Let's not waste our time like this. It is a classic example of recklessly robbing Peter to pay Paul. We need Americans to help the victims of Hurricane Sandy rebuild their lives. But we cannot do it by eliminating programs that are critical to our economy and especially programs critical to our national security.

This amendment also includes a new provision that would prevent all funds within this act from being considered emergency spending.

Can any one of us stand on this floor with a straight face and say the devastating effects of the largest Atlantic hurricane in history is not an emergency?

The PRESIDING OFFICER. If the Senator would suspend, the time for the vote has now arrived.

Mr. LEAHY. Mr. President, I would ask consent for 2 more minutes.

Ms. MIKULSKI. I am right here.

Mr. LEAHY. Mr. President, I ask the manager of the bill, are you ready to vote? I will take 30 seconds.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senator be allowed to finish his statement.

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

Mr. LEAHY. Mr. President, when they say it is not an emergency, look at what happened with this hurricane. We lost 120 American lives. We lost 340,000 homes. We lost 200,000 businesses due to the effects of Sandy. If that is not an emergency, then I have not seen an emergency in all my years in the Senate.

There are 12 States with disaster or emergency declarations in place due to Sandy's wrath. It produced an emergency disaster for our Nation. It should be considered as such through the appropriations process, and I applaud the Chair of the Appropriations Committee for moving this.

I yield the floor.

Ms. MIKULSKI. Regular order.

AMENDMENT NO. 3376

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3376 offered by the Senator from Kentucky, Mr. PAUL.

Who yields time?

If no one yields time, time will be charged equally to both sides.

Ms. MIKULSKI. Mr. President, on our side, we yield all time back and are ready to proceed to a vote.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

Ms. MIKULSKI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Nevada (Mr. REID), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 42, nays 52, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—42

Alexander	Boozman	Coburn
Ayotte	Burr	Cochran
Barrasso	Chambliss	Collins
Blunt	Coats	Corker

Cornyn
Crapo
Enzi
Graham
Grassley
Hatch
Heller
Hoeven
Hutchison
Inhofe
Isakson
Johnson (WI)
Kyl
Lee
Lugar
McCain
McConnell
Moran
Paul
Portman
Risch
Roberts
Rubio
Sessions
Shelby
Snowe
Thune
Toomey
Vitter
Wicker

NAYS—52

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

NOT VOTING—6

Boxer
DeMint
Kirk
Lautenberg
Reid
Warner

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 3410

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 3410 offered by the Senator from Kentucky, Mr. PAUL.

Ms. LANDRIEU. Mr. President, I understand there is no more time necessary on this amendment, and we call for the vote.

The PRESIDING OFFICER. Is all time yielded back?

The question is on agreeing to the amendment.

Ms. LANDRIEU. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 3, nays 91, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—3

Heller
Lee
Paul

NAYS—91

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

NOT VOTING—6

Begich
Boxer
DeMint
Kirk
Lautenberg
Warner

The PRESIDING OFFICER (Mr. UDALL of New Mexico).

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mr. REID. Mr. President, I am told by the manager of this bill, Senator MIKULSKI, that she thinks they can complete work on this legislation, the supplemental, in the next couple hours. I hope that is the case. Maybe they can even do it more quickly.

Here is what the plan is. I talked to the Republican leader about this generally, not specifically. Everyone knows we have been to the White House. We have had a constructive meeting. We certainly hope something positive will come from that. The Republican leader and I and our staffs are working to see what we can come up with. It should not take a long time to do that.

I think it would be to everyone's interest if we were not in session tomorrow. It is my plan to come in at 1 o'clock. We have an hour on a previous agreement that we have on Galante. There is an hour of debate on that. We would have a vote.

Ms. MIKULSKI. What day?

Mr. REID. Sunday. We have another vote that has been set up, Baer. That is a simple majority.

Mr. MCCONNELL. Mr. Leader, you are talking about Sunday, right?

Mr. REID. Yes. We will have those votes, start the votes after 2, and then for us we will have another caucus following that. Hopefully, by that time, we will have made a determination, Senator MCCONNELL and I, whether we can do something on the floor in addition to what I have just talked about. But I do think we need that time to have everybody kind of step back a little bit.

If we come up with something, it is not that easy. We are dealing with big numbers and some of the stuff we do is somewhat complicated. But I think it was a very positive meeting. There was not a lot of hilarity in the meeting. Everyone knows how important it is. It was a very serious meeting, and it took an extended period of time, as you all know, waiting for us.

I would like to have the Republican leader speak.

Mr. MCCONNELL. I share the view of the majority leader. We had a good meeting down at the White House. We are engaged in discussions, the majority leader and myself and the White House, in the hopes that we can come forward as early as Sunday and have a recommendation that I can make to my conference and the majority leader can make to his conference. So we will be working hard to try to see if we can get there in the next 24 hours.

I am hopeful and optimistic.

Mr. REID. I am going to do everything I can and I am confident Senator MCCONNELL will do the same. But for everybody, whatever we come up with is going to be imperfect. Some people are not going to like it, some people will like it less, but that is where we are. I am confident we have an obligation to do the best we can. That was made very clear in the White House. We are going to do the best we can for the caucuses we have and the country that is waiting for us to make a decision.

AMENDMENT NO. 3355

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3355, offered by the Senator from Arizona, Mr. MCCAIN.

Ms. MIKULSKI. Mr. President, a point of clarification for our colleagues, if Members could understand: We are going to vote on the McCain amendment now and then we have four more amendments.

Mr. President, I stand corrected. So Senators can plan their time—I know it is of the essence—we have, upon the disposition of the McCain amendment, two other amendments—Merkley in agriculture and Coats on the Republican alternative.

Then we have the Reid substitute, which we believe will be a voice vote. Then we will go to final passage.

So we have two amendments. We will have four votes, one of which we think is a voice. So everybody knows—don't go off. Don't go off. Also, when we have the votes, if we can stick to the 10 minutes, it will enable us to complete the disposition of the bill.

I yield the floor and recommend we follow the regular order on the amendment of Senator MCCAIN.

The PRESIDING OFFICER. Does anyone seek debate on the McCain amendment?

Ms. MIKULSKI. I will yield back the time.

The PRESIDING OFFICER. If not, all time is yielded back. The question is on agreeing to the amendment.

Ms. MIKULSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER), are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 46, nays 49, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—46

Alexander	Graham	McConnell
Ayotte	Grassley	Moran
Barrasso	Hatch	Murkowski
Blunt	Heller	Paul
Boozman	Hoeven	Portman
Brown (MA)	Hutchison	Risch
Burr	Inhofe	Roberts
Carper	Isakson	Rubio
Chambliss	Johanns	Sessions
Coats	Johnson (WI)	Shelby
Coburn	Kyl	Thune
Collins	Lee	Toomey
Corker	Lugar	Vitter
Cornyn	Manchin	Wicker
Crapo	McCain	
Enzi	McCaskill	

NAYS—49

Akaka	Hagan	Reed
Baucus	Harkin	Reid
Begich	Johnson (SD)	Rockefeller
Bennet	Kerry	Sanders
Bingaman	Klobuchar	Schatz
Blumenthal	Kohl	Schumer
Brown (OH)	Landrieu	Shaheen
Cantwell	Leahy	Snowe
Cardin	Levin	Stabenow
Casey	Lieberman	Tester
Cochran	Menendez	Udall (CO)
Conrad	Merkley	Udall (NM)
Coons	Mikulski	Webb
Durbin	Murray	Whitehouse
Feinstein	Nelson (NE)	Wyden
Franken	Nelson (FL)	
Gillibrand	Pryor	

NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 3367, AS FURTHER MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3367, as further modified, offered by the Senator from Oregon, Mr. MERKLEY.

Mr. MERKLEY. Mr. President, I am delighted to partner with Senator BLUNT and Senator STABENOW on this important amendment which addresses the disasters that occurred this last summer in terms of a century's worth of the worst fires and the worst drought. This is a true emergency in which our response has been delayed because programs are tied up in the farm bill.

I ask that my colleagues address this real emergency.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I respect my colleague's desire to get this matter done, but the language he is advocating is already in the Farm bill. We need to get the Farm bill passed, and I think we will soon. It is paid for and is within the budget limits, which was done by the Agriculture Committee.

This amendment defines ''disaster'' so broadly that it would include almost anything that results in a livestock death, and the taxpayers would be better served if we opposed this budget-breaking amendment. It is not an emergency since legislation is already in place that would take care of this issue. There are also other problems with this amendment.

Mr. President, pursuant to section 314(e)(1) of the Congressional Budget Act of 1974, I raise a point of order against the emergency designation provisions contained in amendment No. 3367 to amendment No. 3395, the substitute amendment to H.R. 1, the vehicle for the Supplemental Appropriations Act.

I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair is determining which section the point of order lies against.

The Senator from Alabama.

Mr. SESSIONS. To further extend my point of order, I ask that the budget point of order lie against both emergency designation provisions that are contained in amendment No. 3367 to amendment No. 3395.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, this is a budget point of order against this being an emergency. If a person is a farmer or a rancher and their property or the property they rent from the BLM——

The PRESIDING OFFICER. The Senator from Oregon is advised the point of order is not debatable.

Mr. MERKLEY. I ask unanimous consent to complete 30 seconds of remarks.

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

Mr. MERKLEY. If a person is a farmer or a rancher, saying this is not an emergency is cold comfort. Saying this will be addressed in the farm bill is cold comfort. When a person's land is burned up, when they have the worst drought in a century, it is an emergency, and getting help 6 or 8 months after it happens is unacceptable.

We have a responsibility, having not gotten the farm bill done, to do these emergency provisions today. Please vote for the following waiver:

Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

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

The yeas and nays resulted—yeas 55, nays 40, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—55

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

NAYS—40

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

NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the emergency designations are removed.

The Senator from Oregon.

AMENDMENT NO. 3367, AS FURTHER MODIFIED, WITHDRAWN

Mr. MERKLEY. Mr. President, given that the emergency designations in this amendment have been stricken, I ask unanimous consent to withdraw my amendment No. 3367.

The PRESIDING OFFICER. Without objection, the amendment, as further modified, is withdrawn.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask for 1 minute to be able to respond to what the Senator from Oregon just did.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MIKULSKI. I just want to say to the Senator from Oregon, and all the other Senators who face agricultural disasters, we on the Appropriations Committee would like to work with the Senator. This is compelling human need—your disaster, my fisheries disaster. We have to have a way of working together. We want to acknowledge the validity of the Senator's concern.

The Senate has spoken on a budget point of order. But we do want to work with the Senator and work with our authorizers so we do not have our agricultural interests hanging out there.

So I thank the Senator for his efforts. The Senate has spoken on this amendment. Let's see what we can do together.

Mr. President, I yield the floor and ask for the regular order.

AMENDMENT NO. 3391

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3391, offered by the Senator from Indiana, Mr. COATS.

The Senator from Indiana.

Mr. COATS. Mr. President, I do not believe there is anyone in this Chamber who does not understand the devastating impact of Sandy on the Northeast and the pain and the suffering that has come from that.

I do not think there is anyone in this Chamber who does not understand this is an emergency supplemental appropriation that is needed now to address this pain and suffering and help rebuild and help provide the relief necessary to these people and businesses and others in the Northeast.

We want to do that. But the bill before us presented by the Democrats—the bill offered by the other side throws out $60-plus billion to address not just immediate needs but also future needs for future storms and even unrelated issues not related to Sandy.

The Coats alternative, which I hope to gain support for, documents what is needed, takes that documentation, provided by FEMA, SBA, all the agencies involved, and more than generously compensates for what is needed between now and the end of March.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New York.

Mr. SCHUMER. Mr. President, first, I wish to say I appreciate the true concern my colleague from Indiana and those who have put this amendment together have shown. He is not just giving us the back of his hand or saying: You do not need it or wait 3 months or whatever.

Unfortunately, though, it would just stop dead in its tracks the recovery efforts so desperately needed. You cannot plan a recovery on a 3-month basis. The bottom line is, if you want to build a tunnel, you cannot say: I will build one-fifth of the tunnel now, and we will see if there is more money later. If you need to build a berm of 6 feet, you cannot say: We will build it 2 feet and then see if we can build another 4 feet later. You just cannot do that.

Because of the way we all know FEMA and these other agencies work, you have to spend the money first and then they reimburse you. If they are not sure there is going to be money at the end of the road—no more after March 31; maybe Congress will, maybe Congress will not—you are going to get a lot of homeowners, small businesses, and governments not going ahead with the desperate repairs that we in New York need and the whole national economy—since we are about 10 percent of the national economy—needs.

I strongly urge the amendment—good intentioned, though, as it is—be defeated.

Mr. COATS. Mr. President, could I have 15 seconds just to respond to my colleague?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COATS. Let me just say that we simply are allowing 3 months for the Congress of the United States—representatives of taxpayers' dollars—to assess, document, and justify additional expenditures that go beyond emergency needs. That is what this is all about.

Mr. COCHRAN. Mr. President, I commend the Senator from Indiana, Mr. COATS, for the work he has done on this bill. He has proposed changes to the bill to balance our help for the victims of Hurricane Sandy with our duty to be responsive to the public trust.

His effort would provide aid now that is clearly needed now and consider separately the longer term proposals in the substitute. I think his intent was to propose a bill that could be enacted into law quickly so that disaster recovery would not be delayed. I thank him for his contributions to this debate.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3391.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 41, nays 54, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—41

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

NAYS—54

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

NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Ms. MIKULSKI. Mr. President, I understand we will now be going to the Reid substitute; is that correct?

The PRESIDING OFFICER. That is correct.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Senator FRANK LAUTENBERG be added as a cosponsor to the Reid substitute.

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

AMENDMENT NO. 3395

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the substitute amendment No. 3395.

Who yields time?

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, our side yields back all time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. COCHRAN. Mr. President, we yield back all time on this side.

Ms. MIKULSKI. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute, as amended.

The amendment (No. 3395), as amended, was agreed to.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. The substitute amendment has been amended, and now, as I understand the order, we will move to final passage.

The PRESIDING OFFICER. Under the previous order, the motion to invoke cloture on H.R. 1 is withdrawn.

The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

DEPARTMENT OF INTERIOR

Mr. CARPER. Mr. President, I rise for the purpose of entering into a colloquy with Senator REED, the Chairman of the Subcommittee on Interior, Environment, and Related Agencies, regarding funding for the Department of the Interior included in the disaster assistance supplemental.

Mr. President, my home State of Delaware was unfortunately impacted by Hurricane Sandy, which struck on October 28 and 29 of this year. The damage caused by Hurricane Sandy was widespread in Delaware. Among the areas impacted was Prime Hook National Wildlife Refuge in Sussex County.

Prime Hook National Wildlife Refuge, established in the 1960s, is an important part of the Eastern migratory flyway and one of the only places in the world where horseshoe crabs come to spawn. It offers world class outdoor recreation and is a key piece of Delaware's tourism industry.

The refuge suffered severe damage during Hurricane Sandy. Breaches in the beach and dune system separating the refuge's marsh units from the Delaware Bay resulted in an ongoing inundation of the refuge by salt water. This has led to the loss of thousands of acres of critical habitat, as well as damage to refuge property and facilities. It severely impacted the health of the freshwater marsh system in the refuge, and the decline of the marsh has in turn led to continuous flooding of nearby farmland and communities, damaging the private property of thousands of people.

I am grateful that the Appropriations Committee had the wisdom to include $150,000,000 for the Office of the Secretary of at the Department of the Interior to fund recovery and restoration activities related to Hurricane Sandy and other natural disasters. I would like to ask if the intent of this funding is to support recovery and restoration projects similar to those that will be required in my State to respond to the impacts of Hurricane Sandy?

Mr. REED. The Senator is correct. Coming from a State that received a major disaster declaration due to the damage it sustained in Hurricane Sandy, including damage to the Rhode Island National Wildlife Refuge Complex, I recognize the importance of providing funding for projects in States impacted by the storm. The funds provided in this bill will be used in support of additional recovery activities directly related to the hurricane or to fund longer-term restoration activities for areas directly affected by Hurricane Sandy. The bill provides flexibility so that the Department can transfer the funds to any of its programs to fund the highest priority needs in these specific disaster areas. I expect these funds to be of great assistance to states like ours which were affected by this devastating storm.

Mr. CARPER. I thank the Senator.

Mr. MCCAIN. Mr. President, as we debate the Hurricane Sandy Supplemental bill this week, it is critical that we ensure taxpayer dollars go to help those impacted by this devastating storm and not toward spending projects that are wasteful or not a priority at this time. This bill, unfortunately, goes way beyond emergency aid and funds projects that have little or nothing to do with meeting the immediate needs of individuals misplaced by Hurricane Sandy. At a time when we face ongoing trillion-dollar deficits, and a $16.3 trillion debt, we cannot justify this type of spending.

While some of the projects included in this bill may hold merit on their own, they should go through the normal budget and appropriations process, where Congress has time to vet the need for such spending requests.

To highlight this point, the Congressional Budget Office—CBO—examined both the Senate bill and the administration's request and found that that 64 percent of the funds appropriated under the Sandy Supplemental will not be spent until fiscal years 2015–2022 and after, therefore, raising concerns about the rush to spend $60.4 billion without any attempt to pay for it.

Just two weeks ago, FEMA Director Fugate told the House Transportation and Infrastructure Committee that the Disaster Relief Fund currently has enough money and will not need additional funding until the spring 2013. CBO's assessment, combined with the statement of Director Fugate clearly shows us that we need to pass a Sandy Supplemental bill that only includes prioritized disaster aid funding.

As I have examined this bill over this week, I have found numerous examples of questionable spending including billions to replace 'Federal assets' damaged by the storm, including automobiles owned by the Federal Government. The Federal Government currently owns or leases over 660,000 vehicles—surely we can find replacements within our current inventory.

Shouldn't we focus on providing relief directly to those still trying to rebuild their lives before replacing a bureaucrat's car?

The new substitute also includes language expanding levee construction to include West North Central States, such as North Dakota. It also includes $2 million to repair damage to the roofs of museums in Washington, D.C., while many in Hurricane Sandy's path still have no permanent roof over their own heads, $150 million for fisheries as far away from the storm's path as Mississippi and Alaska, $125 million for the Department of Agriculture's Emergency Watershed Protection program, which helps restore watersheds damaged by wildfires and droughts for areas including Colorado, $15 million for NASA facilities, though NASA itself has called its damage from the hurricane 'minimal.' On the day after the storm hit, NASA's Wallops Island put out a statement stating that ''an initial assessment team surveyed roads and facilities at NASA's Wallops Flight Facility today reporting a number of downed trees but otherwise minimal impact in the wake of Hurricane Sandy.'' To me, this raises a red flag that this NASA funding may not be an immediate emergency.

There is $58 million for the USDA ''Forest Restoration Program'' for planting trees on private property. This program is actually a Farm Bill subsidy program that's run by a relatively unknown agency called the ''Farm Service Administration,'' which is primarily responsible for managing crop insurance. Under this program, private landowners with about 50 acres of land can apply for up to $500,000 in free grants for tree planting activities. Not only is this a non-emergency need, there's nothing in the supplemental that limits the funding to Hurricane Sandy areas. Under this bill, this $58 million can be used just about anywhere.

There is $336 million for taxpayer-supported AMTRAK without a detailed plan for how the money will be spent. While some of the funding will go for repairs, money will also go to increasing passenger capacity to New York and future mitigation efforts. In a two page letter from AMTRAK that gives a broad description of how the $336 million will be spent, almost all of it falls under funding for improvements and future capital projects. This includes $191 million for AMTRAK to start design and construction of new Hudson River Tunnels, as part of the Gateway Program. According to AMTRAK, the Gateway Program, which was started in 2011 and is projected to cost over $13 billion, is ''a comprehensive program of infrastructure improvements to increase track, tunnel, bridge, and station capacity serving New York City that will improve current assets and allow the eventual doubling of passenger trains into Manhattan.'' I am not here to debate the merits or the need for new tunnels, but this is clearly a capital improvement project—unrelated to Hurricane Sandy. AMTRAK is up and running so it is not apparent why this funding is deemed ''emergency'' spending and included in this spending package. Keep in mind, AMTRAK receives roughly $1 billion in annual funding. Future mitigation projects should be debated in next year's budget process.

There is $5.3 billion for the Army Corps of Engineers—more than the Army Corps' annual budget—with little clarity on how the money will be spent. Included in the Senate bill is $50 million in funding for more studies, which will most definitely lead to additional Army Corp projects and a new Task Force established by Executive Order.

More projects are not something the Army Corps can handle. They are currently experiencing a backlog of construction and maintenance projects of approximately $70 billion. Furthermore, a 2010 report released by the Government Accountability Office noted that carryover funds have increased ''due to the large amount of supplemental funding the Corps has received in recent years.'' Clearly, supplemental spending on the Army Corps has not paid off. There is $10 million improve weather forecasting capabilities and infrastructure. The bill also includes roughly $13 billion for future disaster mitigation activities and studies, without identifying a single way to pay for it. While I understand that Mitigation is important to save money when future natural disasters occur, there is no justification to include these projects in this ''emergency'' spending bill. By waiting to fund these projects until next year during the normal budget and appropriations process, we will have a better understanding of the path forward and reduce the possibility of waste fraud and abuse.

As a nation, we are confronted with trillion dollar deficits, out of control spending in Washington and the imminent approach of an economically, devastating fiscal cliff. We do need to come to the aid of those who lost everything in Hurricane Sandy and are struggling to get their lives back together. Congress, however, cannot continue down this road of irresponsible spending. We must pass a true disaster spending bill that only spends money on disaster recovery and response, not pet projects.

Mr. PRYOR. Mr. President, Hurricane Sandy had a devastating effect on the electric and transportation infrastructure in the Northeast and Mid-Atlantic states. When Hurricane Sandy struck the east coast, it flooded electrical substations and knocked down trees onto power lines, shutting off power for 8.2 million customers, and causing billions of dollars in damage.

The storm sent floodwater gushing into New York's five boroughs, flooding tunnels and the subway system and making the equipment inoperable. In many hard-hit areas wireless networks suffered widespread outages primarily due to lack of power.

We have seen this scenario play out before. Just this past summer, a derecho thunderstorm knocked out power for more than 1 million residents near Washington for several days.

Do such storms have to result in such widespread outages and does the restoration of a power grid have to take so long? Several experts have said that America's power infrastructure could be more resilient—even when tested by a once-in-a-century storm.

The intent of section 52005 of the supplemental Appropriations bill is to encourage recipients of these disaster assistance funds to rebuild the electrical infrastructure so that it is more resilient to future storms. We can achieve a more resilient electric grid by maximizing the utilization of technologies that can mitigate future power outages and by ensuring the continued operation of facilities critical to first responders, communications, health care, transportation, financial systems, homeland security, emergency food and shelter, government offices, as well as other vital services such as hospitals and wastewater treatment systems.

Rebuilding these essential infrastructure systems with technology that is equipped to deal with extreme weather will better enable the electric grid to withstand potential damage and continue to deliver these vital services and maintain electric power to facilities critical to public health, safety and welfare.

There are numerous proven technologies that are ready to be deployed to enhance our electric infrastructure resiliency including smart grid technologies to isolate problems and repair them remotely, such as smart meters, high-tech sensors, grid monitoring and control systems, and remote reconfiguration and redundancy systems; microgrids, energy storage, distributed and back-up generation to power critical facilities and operations; wiring, cabling, submersible and other distribution components and enclosures to prevent outages; and electronically controlled re-closers and similar technologies for power restoration.

When we look at the damage caused by Hurricane Sandy, and the suffering by millions of people who could not get electricity or communicate by phone or the internet, it makes smart sense to rebuild the electric grid so that it is more resilient and better able to withstand whatever nature may next throw at it.

Mr. LEVIN. Mr. President, I will vote in support of the legislation before us because we have a responsibility to help our fellow Americans who have lost homes and businesses through no fault of their own. Natural disasters are something we can attempt to prepare for, but the destructive force of nature can overwhelm us, even when efforts are made in advance of devastating storms, floods, droughts, or other disasters. Further, the bill provides permanent reforms to the Stafford Act that will help to eliminate bureaucratic roadblocks that have caused problems for local communities in rebuilding after a disaster and in mitigating risks from future disasters.

Hurricane Sandy was one of those disasters that overwhelmed us with its damage. Over 125 people lost their lives, thousands of people were displaced, millions lost power, and fuel deliveries were disrupted. Tens of thousands of homes and businesses were destroyed, and public infrastructure was devastated. The storm is estimated to have caused such damage that it is projected to be the second or third most costly disaster in U.S. history. We need to provide the assistance to those impacted by Hurricane Sandy.

Other natural disasters have also pummeled the U.S. this year, including the wildfires in the West and Hurricane Isaac in the Gulf Coast region. The bill includes some funding for these other natural disasters, which I support. While Hurricane Sandy was most devastating, we also should be responsive to these other disasters.

One of these disasters had impacts on my great State of Michigan. This year, the Midwest experienced extreme weather including one of the worst droughts in history, causing tremendous damage to crops. Michigan also experienced unusually warm weather in March that resulted in an early bloom for many fruit crops, including tart cherries. These crops were then heavily damaged by a series of freezes during April and May. The drought, coupled with a warm winter, has resulted in near-historic low water levels in the Great Lakes, which is also a natural disaster. The Army Corps of Engineers reports that Lakes Michigan and Huron are more than two feet below their long-term average. Lake Superior is more than one foot below its long-term average. These low water levels threaten harbors with closure, hamper boaters from getting to safe harbor, and require vessels to light-load, causing shippers to lose millions of dollars of freight shipments and hampering our economic competitiveness. The bill includes $821 million in funding for dredging needs related to natural disasters. I entered into a colloquy with the bill manager to ensure that Great Lakes projects would be eligible for this funding. I am pleased Senator LEAHY assured me that in fact Great Lakes harbors and channels impeded as a result of drought and low water levels would be eligible for this funding. When the Army Corps makes determinations as to how to allocate funds, I hope the Corps will prioritize funding for Great Lakes projects which are estimated to require $35 million to address the low water levels.

With respect to crop damage, the bill includes an amendment sponsored by Senator MERKLEY that reauthorizes several expired disaster assistance programs to assist ranchers and farmers, including an extension of the non-insured crop assistance disaster program. This program will provide critical assistance to farm producers, including Michigan tart cherry growers who are currently ineligible to purchase crop insurance for their crops.

I hope this bill will soon be passed by the House and be signed by the President. The people impacted by Hurricane Sandy and other disasters should not be kept waiting for their Nation to provide assistance. I hope we will be able to provide the funds for those in need.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, as we now move to final passage on this bill, I believe Senator COCHRAN and I, on a bipartisan basis, could wrap up our statements.

Mr. President, we are now moving to final passage, and I know this bill will provide immediate relief to our constituents. I urge the adoption of the bill.

I thank Senator COCHRAN, the ranking member on this bill, for his courtesy.

I want to say to my colleagues that Senator Inouye would have been really proud of the way we acted today. We acted with civility, and we acted with crispness and promptness. We did the people's business. He would really be proud of us, and I am proud of all of you. I thank my subcommittees' chairs—Senators LANDRIEU, MURRAY, LEAHY, FEINSTEIN, and HARKIN—for the great work they did and Senators SCHUMER, LAUTENBERG, GILLIBRAND, and MENENDEZ for the way they helped with the heavy lifting. To the able staff of the Appropriations Committee, Mr. Charlie Houy and the subcommittee clerks, again a heartfelt thanks. But the real thanks would be passage of the bill and making sure we are meeting the compelling human needs of our fellow citizens.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I commend the distinguished Senator from Maryland for her outstanding service here today to the Senate.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Ms. MIKULSKI. I ask for the yeas and yeas.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. KIRK), and the Senator from Idaho (Mr. RISCH).

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

The result was announced—yeas 62, nays 32, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—62

Akaka	Conrad	Kohl
Baucus	Coons	Landrieu
Begich	Durbin	Leahy
Bennet	Feinstein	Levin
Bingaman	Franken	Lieberman
Blumenthal	Gillibrand	Lugar
Brown (MA)	Hagan	Manchin
Brown (OH)	Harkin	McCaskill
Cantwell	Heller	Menendez
Cardin	Hoeven	Merkley
Carper	Hutchison	Mikulski
Casey	Johnson (SD)	Murkowski
Cochran	Kerry	Murray
Collins	Klobuchar	Nelson (NE)
Nelson (FL)	Schumer	Udall (NM)
Pryor	Shaheen	Vitter
Reed	Shelby	Webb
Reid	Snowe	Whitehouse
Rockefeller	Stabenow	Wicker
Sanders	Tester	Wyden
Schatz	Udall (CO)	

NAYS—32

Alexander	Crapo	McCain
Ayotte	Enzi	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	

NOT VOTING—6

Boxer	Kirk	Risch
DeMint	Lautenberg	Warner

The bill (H.R. 1), as amended, was passed, 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 these funds may be used to construct any project that is currently under study by the Corps for reducing flooding and storm damage risks in areas along the Atlantic coast within the North Atlantic or the Gulf Coast within the Mississippi Valley Divisions of the U.S. Army Corps of Engineers that suffered direct surge inundation impacts and significant monetary damages from Hurricanes Isaac or Sandy if the study demonstrates that the project will cost-effectively reduce those risks and is environmentally acceptable and technically feasible: 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 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 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 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 pre-qualified 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.—If the President declares a major disaster or emergency for an area within the jurisdiction of a State, tribal, or local government, the President may reimburse the State, tribal, or local government for costs relating to—

''(A) basic pay and benefits for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section, if—

''(i) the work is not typically performed by the employees; and

''(ii) the type of work may otherwise be carried out by contract or agreement with private organizations, firms, or individuals; or

''(B) overtime and hazardous duty compensation for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section.

''(2) OVERTIME.—The guidelines for reimbursement for costs under paragraph (1) shall ensure 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.).

''(3) NO EFFECT ON MUTUAL AID PACTS.—Nothing in this subsection shall effect the ability of the President to reimburse labor force expenses provided pursuant to an authorized mutual aid pact.''.

(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 the purposes provided herein prior to the enactment of this Act may be charged to this appropriation: Provided further, That funds appropriated in this paragraph may be used to make grants 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 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.

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.

VEHICLES USE IN THE WAKE OF HURRICANE SANDY

SEC. 1106. (a) REPORT.—Not later than 7 days after the date of enactment of this Act, the Department of Justice and Department of Homeland Security shall identify and relocate any vehicles currently based at the Washington, D.C., headquarters of such agencies used for nonoperational purposes to replace vehicles of those agencies damaged by Hurricane Sandy. The Department of Justice and Department of Homeland Security shall provide copies of a report summarizing the actions taken to carry out this subsection to the House and Senate Committees on Appropriations and Judiciary.

(b) FUNDING LIMITATION.—No funds provided by this Act shall be used to purchase, repair, or replace any Department of Justice or Department of Homeland security vehicle until after the report required by subsection (a) has been provided to Congress.

INCREASED EMBASSY SECURITY

SEC. 1107. 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.

PROHIBITION ON EMERGENCY SPENDING FOR PERSONS HAVING SERIOUS DELINQUENT TAX DEBTS

SEC. 1108. (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.

PROHIBITION ON EMERGENCY SPENDING FOR DECEASED INDIVIDUALS

SEC. 1109. 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 does not apply to funeral costs.

This Act may be cited as the ''Disaster Relief Appropriations Act, 2013''.

Amend the title so as to read: ''An Act making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes.''.

AMENDMENT NO. 3440

Mr. REID. Mr. President, I ask unanimous consent that an amendment to the title of H.R. 1, the text of which is at the desk, be agreed to.

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

The amendment (No. 3440) was agreed to, as follows:

Amend the title to read:

''An Act making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes.''

CHANGE OF VOTE

Mr. PRYOR. Mr. President, on rollcall vote 248 I voted no. It was my intention to vote aye. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. REID. Mr. President, first of all, I congratulate the people who worked

so hard on this bill. We appreciate the new chair of the Appropriations Committee and the good work she did; the work done by the New York delegation, led by Senator SCHUMER; and the work done by the New Jersey delegation. This is extremely fine legislation. I really appreciate all their hard work, and the cooperation we got from the Republicans was wonderful.

The people in New England suffered a tremendous blow caused by nature. As has happened during the entire history of this country when that sort of devastation has occurred, Congress stepped in to do something to help the beleaguered people. In this case, it is New York, New Jersey, and some other States, but they were the ones hit the hardest. Even now, hundreds of thousands of people are without homes, so I hope the House takes this up very quickly.

MORNING BUSINESS

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

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

Mr. REID. 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.

SUPPLEMENTAL APPROPRIATIONS

Mr. MERKLEY. Mr. President, I wish to make a few comments on what has transpired today on the floor of the Senate.

First, some enormously important work has been done in regard to addressing the disaster caused by Hurricane Sandy. I know that in a number of States unprecedented devastation has occurred, and we should respond extremely quickly—more quickly than we have. I hope the House will immediately take up this package. Certainly, disaster relief delayed is disaster relief denied. So I hope the House will indeed move extremely quickly to address the devastation throughout the Northeast.

I also wanted to note that tonight 55 Senators stood and said: As we assist the victims of Hurricane Sandy, we should also assist the victims of unprecedented drought and fires that devastated much of our country this last summer.

How is it, we might wonder, that we had devastating fires in July and August and into September and devastating drought and we still haven't approved the disaster assistance? I must say it is 100 percent unacceptable.

If you lost your ranch in a fire, if you lost your fencing, if you lost your corn, if you lost your livestock, and a program that would have helped that has always been in place for disaster assistance wasn't reauthorized, then you have been stranded since June or July or August. Perhaps in that interim you have lost your farm, perhaps you have lost your ranch, perhaps you have mortgaged everything to hold on. Yet here is the Senate saying: Hey, it is OK that we are not helping you now because, you know what. We are going to help you in the farm bill.

Where is the farm bill? It is not on the President's desk. It is not en route to the President's desk. It has not even been brought up on the floor of the House. A bipartisan group of Senators in this body approved the farm bill and had the disaster relief for our ranchers and farmers in it and sent it over to the House, and it has never been discussed. That is completely unacceptable. It is a moral failure to leave those struck by disaster stranded.

Tonight 55 Senators agreed that it is unacceptable. We should help right now. But you know what. Under the budget point of order that was put forward, you needed 60 votes. We needed 60 votes tonight to help our ranchers and farmers. We only had 55.

Here is the interesting point. This budget point of order is supposed to be about saving money, but this body already approved all of those disaster relief programs in the farm bill, and when that farm bill is done, we are assured tonight that these provisions will be maintained, that we will assist our ranchers and farmers. Thus, we will not save a dime. There is not a dime saved because the same program will eventually be approved. But the relief will be coming so late to the victims of the drought and the victims of the fire who lost their livestock and their forage and their fences.

Tonight, what happened for those 40 who voted against helping our ranchers and farmers is they did not save a penny, but they did enormous damage to citizens across this country, ranchers and farmers who were counting on us.

I rise to say that I deeply regret the Senate's decision tonight. I deeply regret the 40 votes against our ranchers and farmers. I deeply regret that 40 said: Even though it will not save a dime, we are going to hold them hostage to the farm bill, to its eventual passage someday. Holding people hostage who have been victims of disaster is morally unacceptable.

Again, I thank the 55 tonight who voted on the bipartisan amendment. My partner on the Republican side of the aisle, Senator BLUNT, should be profoundly complimented for stepping in to help carry this charge. I was pleased to be his partner. I was pleased to be a partner with Senator STABENOW, chair of the Agriculture Committee, who worked closely with us to arrange for this Senate amendment to be possible tonight, to be able to have this vote. I thank her, and I thank Senator BLUNT. I thank the other Senate cosponsors, and I thank everyone who voted tonight to say that disaster relief should no longer be delayed for the victims of the fires and droughts of the summer of 2012.

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

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

REMEMBERING DANIEL K. INOUYE

Ms. SNOWE. Mr. President, I rise today with a heavy heart to bid ''Aloha'' to an extraordinary colleague and a dear friend, Senator Daniel K. Inouye.

I want to first and foremost offer my most sincere condolences to Dan's exceptional wife, Irene, who has been a pillar of unending strength and courage, as well Ken and Jennifer, both of whom he spoke of with boundless love, and of course, his entire family, as our hearts go out to them during this most difficult time.

On an occasion of such a large and historic loss, finding the appropriate words to capture the immense depth and breadth of this moment, as well as the magnitude of its meaning, represents the most daunting of challenges. As Dan was the most senior member of this esteemed Chamber, and the second longest serving Senator in its history, every Senator here never known this institution without him—and so it is difficult to comprehend that these hallowed halls will never again witness his presence or hear his deliberative, compassionate, and measured approach.

Like all my colleagues, I profoundly admired Dan for his devotion to this country and the steadfast, irrepressible determination that he exhibited day in and day out, as he sought to better our Nation not only for his constituents in his beloved home State of Hawaii, but for all who called America home. But that is who Dan was, and throughout his remarkable life, he placed the highest of premiums on service above self.

He did on the shores of Honolulu when, having heard the clarion call of sirens ringing out across the island as Japanese planes attacked American naval forces at Pearl Harbor, he rushed toward the battle to volunteer as a Red Cross medic. He did on the battlefields in Italy during the Second World War, when having taken sniper fire and enduring a gruesome explosion that would later claim his right arm, he refused to evacuate, pressing forward to neutralize enemy positions so that he could lead his men to safe ground—an act of heroism and valor which later rightfully earned him the Distinguished Service Cross and the Medal of Honor.

Those acts of valor, which spoke to Dan's intrinsic and abiding concern for others, distinguished him throughout his life. In fact, it motivated him at every turn in Congress, where he cared not about scoring political points, but about doing what was right. In times rife with partisanship, he proved the rare exception, bringing to bear his principled voice of reason, as well as his enormous credibility, his gravitas, and his vast experience to rise above the rancorous din that all too often envelops us here in Washington.

Indeed, Dan legislated with uncommon civility and candor, ability and efficacy, as well as the most seriousness of purpose and irrepressible good humor. It is no wonder, then, why the people of Hawaii, since achieving statehood in 1959, have repeatedly and overwhelmingly returned Dan to Congress for over half a century, entrusting him not only to be their voice and their vote, but their champion.

And that is precisely what he was—a legislative stalwart and tireless advocate for his beloved home State, fighting fiercely on behalf of his fellow Hawaiians. Whether strengthening vital infrastructure, increasing job training and employment opportunities across the islands, or supporting veterans, he united a workhorse-like legislative craftsmanship with his legendary statesmanship to not only deliver on behalf of Hawaii, but ensure that his State, despite its geographical location, was on the vanguard of modernism.

In fact, I can still well-recall traveling to Afghanistan, Pakistan, and Uzbekistan with Senator Inouye and Senator Ted Stevens—who shared a remarkable friendship themselves—as part of a five-member Senate delegation in February of 2002, just 4 months after the horrific terrorist attacks of September 11, 2001. One of the first American delegations to travel to Afghanistan after the tragedy, we consulted with NATO leaders to discuss international support for anti-terrorism efforts worldwide and met with President Pervez Musharref of Pakistan and Chairman Hamid Karzai of Afghanistan to signal America's commitment to defeating terrorism. And Dan was instrumental in these formative post-9/11 efforts in combating the combat the scourge of terrorism.

And so as we reflect upon his unequaled career, we as a people and as a Nation can find solace in knowing that he has left to us an incredible legacy of service that will not only resonate for generations to come, but that will inspire all of those who are fortunate to follow in his footsteps, just as it has inspired all of us who have had the privilege of serving with him.

Perhaps most importantly, though, he was indisputably what our forefathers quite likely had in mind when they envisioned a United States Senator, and his beloved Aloha State—and indeed our Nation—could not have asked for a more eloquent and powerful champion fighting on their behalf. I will most certainly always remember the sincerity and warmth of our conversations and forever treasure our friendship.

As I conclude, today, I remember a powerful statement of Senator Inouye's, which speaks to his unparalleled humility and integrity. Having recently been asked how he hoped history would remember him, he replied, ''I represented the people of Hawaii and this nation honestly and to the best of my ability. I think I did okay.''

Mr. President, I believe, as do my colleagues, that history will recall Senator Inouye as one of our most distinguished and iconic legislators, and just as he joins the pantheon of exemplary leaders who have shaped our Nation for the better, his memory will, too, forever live on in the collective heart of an eternally grateful Nation. Indeed, the Senate, the State of Hawaii, and the Nation, are immeasurably enhanced by his service.

TRIBUTES TO DEPARTING SENATORS

Mr. CARDIN. Mr. President, I would like to pay tribute to the Senators who will not be returning when the 113th Congress commences next month. I have already spoken about Senator KYL and about Senator Inouye, one of the truly great Americans and giants of this institution. At the time of his death, Senator Inouye was just a few weeks short of celebrating 50 years of Senate service. Only Senator Byrd served in this institution longer.

Turnover is a natural occurrence, but it's important to acknowledge that the Senators who are departing have served in the Senate for a combined total of 237 years, or nearly 20 years per Senator, on average. Add Senator Inouye, and the total is close to 300 years. That service represents an enormous amount of expertise on issues ranging from national defense and foreign affairs to the Federal budget to energy policy. The departing Senators will also take with them vast institutional knowledge and bipartisan friendships and working relationships that will leave a void we will need to fill.

DANIEL AKAKA

Mr. President, DANIEL AKAKA was born on September 11, 1924 just 4 days after Senator Inouye and, like Senator Inouye, he overcame the prejudice and hostility directed at Asian Americans following the attack on Pearl Harbor to serve with distinction in the U.S. Army during World War II. Senator AKAKA was a civilian worker in the U.S. Army Corps of Engineers from 1943 to 1945. Then, he was on Active Duty in the Army from 1945 to 1947.

After Senator AKAKA finished his military service, he devoted his career to education, first as a teacher and then as a principal and later as an official in the State of Hawaii Department of Education. He was first elected to the House of Representatives in 1976 and then appointed to the Senate in 1990 upon the death of former Senator Spark Matsunaga. He won an election that November with nearly 54 percent of the vote, and was re-elected to the Senate in 1994, 2000, and 2006, twice receiving over 70 percent of the popular vote and never dropping below 61 percent.

Senator AKAKA is America's first Senator of Native Hawaiian ancestry, and the only Chinese-American Member of the Senate. He chairs the Indian Affairs Committee and, like Senator Inouye, he has been a stalwart supporter of Native Americans, Native Alaskans, Pacific Islanders, Asian Americans, and Native Hawaiians. One of his highest priorities has been to secure passage of the Native Hawaiian Government Reorganization Act, S. 675. That bill was just placed on the legislative calendar and hotlined, we need to get it across the finish line in the waning days of the 112th Congress. It's the right thing to do.

I have been privileged to work with Senator AKAKA on efforts to protect the Federal workforce. Federal employees have no greater champion than Senator AKAKA, who has chaired the Homeland Security & Governmental Affairs Subcommittee on Oversight of Government Management. Senator AKAKA is committed to making the Federal government an employer of choice capable of attracting and retaining the best and the brightest. In 2009, he introduced the Telework Enhancement Act, which became law in 2010 and expands telework opportunities at executive agencies. Senator AKAKA has also fought to create a culture of transparency and fairness in the Federal Government, authoring the Whistleblower Protection Enhancement Act, which I was proud to cosponsor. President Obama signed that bill into law last month. And Senator AKAKA has been a civil rights champion, partnering with Senators LIEBERMAN, COLLINS, me, and others to support domestic partner benefits.

I also appreciate Senator AKAKA's determined advocacy for financial literacy and consumer protections. His Credit Card Minimum Payment Warning Act was included in the 2009 Credit CARD Act. Now, thanks to Senator AKAKA, credit card bills must include a disclosure box to show consumers how long it will take to repay their entire balance if they only make minimum monthly payments. The so-called ''Akaka Box'' also lets consumers know how much it will cost to pay off their outstanding balance within 36 months, which is a typical length of a debt management plan. Senator AKAKA was also an author of portions of the Dodd-Frank Act addressing financial literacy (establishing the Office of Financial Education within the Consumer Financial Protection Bureau) and investor protections.

Throughout Senator AKAKA's long and distinguished career in Congress, he has also been an ardent environmentalist. As a former chairman of the

Subcommittee on National Parks, legislation he authored has created, expanded, or otherwise improved each of Hawaii's national parks. His Hawaii Tropical Forest Recovery Act established the Hawaii Experimental Tropical Forest in order to promote the recovery of tropical forests in Hawaii and undertake needed research to better protect tropical forests around the world.

A hallmark of Senator AKAKA, like Senator Inouye, is his soft-spoken and courteous manner. The Senators from Hawaii have always treated the rest of us with respect and graciousness. They have reached across the aisle to foster bipartisan cooperation. And they have exhibited a rare and calming serenity when partisan tempers have boiled over. I will miss the warm and gentle and friendly personalities of Senators AKAKA and Inouye, their wise counsel, and their service here in the United States Senate on behalf of Hawaiians and all Americans.

JEFF BINGAMAN

Mr. President, JEFF BINGAMAN is another Senator whose quiet demeanor belies his tremendous skill and effectiveness as a legislator. Senator BINGAMAN and I were born 2 days apart October 3 and October 5, 1943, respectively. Both of Senator BINGAMAN's parents were teachers, which may help explain his interest and involvement in educational policy. He graduated from a public school in a small town in New Mexico and then went to Harvard for his bachelor of arts degree and Stanford for his law degree. From 1968 to 1974, he served in the U.S. Army Reserve and in 1978, he was elected attorney general of New Mexico. Senator BINGAMAN was first elected to the Senate in 1982 and then won reelection four times, only once dipping below receiving at least 61 percent of the popular vote.

Senator BINGAMAN has worked on everything from drop-out prevention in schools with low student achievement and graduation rates to phasing out the waiting period for disabled individuals to become eligible for Medicare benefits and to eliminate it for people with life-threatening conditions to the establishment of ARPA–E the Advanced Research Projects Agency at the Department of Energy.

Earlier this month, the Energy Information Administration, EIA, reported that with improved efficiency of energy use and a shift away from the most carbon-intensive fuels, U.S. energy-related carbon dioxide, CO_2, emissions are likely to remain more than 5 percent below their 2005 level through 2040. Emissions from motor gasoline will decline as a result of the adoption of fuel economy standards, biofuel mandates, and shifts in consumer behavior. Emissions from coal used in the generation of electricity will decline as power generation shifts from coal to lower-carbon fuels, including natural gas and renewables. These are all significant accomplishments, made possible largely by Senator BINGAMAN's steady hand at the helm of the Energy and Natural Resources Committee, where he has helped to shape and pass all of the major energy bills for over the past decade.

In 2009, Senator BINGAMAN shepherded the Omnibus Public Land Management Act to passage. That legislation added wilderness protection to over 2 million acres, designated 1,100 miles of wild and scenic rivers, and added more than 2,800 miles to the national trail system. I believe it was the biggest wildness bill Congress has ever enacted after the original Wilderness Act of 1964 and the Alaska National Interest Lands Conservation Act of 1980. The epitaph on the stone plaque where the great English architect Sir Christopher Wren is buried reads, ''If you seek his monument, look around you.'' The same could be said for Senator BINGAMAN with regard to the preservation of our natural world.

Two weeks ago, Senator BINGAMAN gave his farewell speech to the Senate and I would like to quote from the beginning of that speech. He remarked,

> In 1981, in his first inaugural address, President Reagan said, ''Government is not the solution to our problem; government is the problem.''
>
> I came to the Senate two years later in 1983 with the firm belief that in most cases his statement was wrong.
>
> I believed then and I believe now that the Federal Government can be a constructive force for good; in protecting and maintaining the civil liberties of all Americans, in maintaining and strengthening our economy, in protecting our environment and in helping Americans live productive and fulfilling lives.

I agree wholeheartedly with Senator BINGAMAN and am grateful that for the past 30 years in public service, he has lived by those words and beliefs.

SCOTT BROWN

Mr. President, Senator BROWN shook the political establishment when he won a special election in 2010 to replace the late Senator Ted Kennedy. Senator BROWN was the first Republican to win a Senate race in Massachusetts since Senator Edward Brooke won re-election in 1972. Senator BROWN previously served in the Massachusetts State House of Representatives from 1998 to 2004 and then in the State Senate from 2004–2010.

Senator BROWN has been here just a short time, but he has been in the ''thick of things'', given his willingness to reach across the aisle. According to Congressional Quarterly, he has the second-most bipartisan voting record in the Senate, and helped the majority pass the Stop Trading on Congressional Knowledge, STOCK, Act, which he coauthored; the Dodd-Frank Wall Street Reform and Consumer Protection Act, which was passed with exactly 60 votes; the repeal of the Department of Defense's ''Don't Ask, Don't Tell'' policy; the Hiring Incentives to Restore Employment, HIRE, Act, and the New START Treaty. In the wake of the horrific shootings at the Sandy Hook Elementary School in Newtown, Connecticut, Senator BROWN was one of the first Republicans to express his support for reinstating the assault weapons ban. On a more parochial note, I would note that 9 months ago he started serving as an active member of the Maryland National Guard, and we are grateful for his service.

KENT CONRAD

Mr. President, few, if any, other Senators have devoted as much time and energy as Senator KENT CONRAD has to trying to balance the Federal budget. There are few more important—or difficult—tasks. The Senate will miss his steady hand as chairman of the Budget Committee and his expertise on budgetary and fiscal matters as a former tax commissioner for the State of North Dakota.

As Senator CONRAD likes to note, he was 16 years old when he sat in the visitors gallery to this Chamber, listened to former Senator Hubert Humphrey speak on the Civil Rights Act, and decided that he wanted to be a United States Senator. Not only did he make that decision, he committed himself to running for a Senate seat in 1986 or 1988. After Senator CONRAD received degrees from Stanford University and George Washington University, he worked as an assistant to our former colleague, Byron Dorgan, who was the North Dakota Tax Commissioner from 1969 to 1980. He succeeded Senator Dorgan as tax commissioner but beat him to the Senate, defeating Republican incumbent Mark Andrews, who had represented North Dakota as a Representative or Senator since 1963. Senator CONRAD won that election in 1986. As he remarked in his farewell speech, ''That is the power of a plan.''

Senator CONRAD pledged that he would not seek re-election in 1992 if the Federal budget deficit had not declined by the end of his term. He honored that pledge. But North Dakotans, to their credit, encouraged him to run in a special election that year to fill the remainder of Senator Quentin Burdick's term. Senator Burdick, the State's senior Senator at the time, had died in September 1992. Byron Dorgan was elected to replace Senator CONRAD, and Senator CONRAD was elected to replace Senator Burdick. He was re-elected three times, with 58 percent, 61 percent, and nearly 69 percent of the vote, respectively. This is an extraordinary political accomplishment in a largely Republican State and a testament to Senator CONRAD and the discernment of North Dakota voters.

Agriculture is the single biggest component of the North Dakota economy. Senator CONRAD has successfully fought to make sure farm programs benefit North Dakota's farmers and ranchers, from winning formula fights on drought legislation in his first term to leading the charge for disaster assistance in the late 1990s and playing a leading role in writing the 2002 and 2008 farm bills. North Dakota receives far more farm program benefits, on a per

capita basis, than any other State, and they have helped produce prosperity in farm country. Senator CONRAD has also brought hundreds of millions of dollars to North Dakota to develop water supply and flood protection projects. Key victories include passage of the Dakota Water Resources Act to bring Federal legislation in line with North Dakota's contemporary water needs, ensuring Federal help to protect Fargo against record spring flooding, and securing over $1 billion to rebuild Grand Forks and build new flood controls following the 1997 flood, an additional $1 billion to respond to the ongoing, devastating flooding in the Devils Lake basin, and a final $1 billion to respond to the record breaking 2011 flooding in Minot.

While Senator CONRAD has been a leader on farm and energy policies, he has been the leader on budget policies as chairman of the Budget Committee and a senior member of the Finance Committee. Six years ago, he teamed with former Republican Senator Judd Gregg of New Hampshire to propose a bipartisan commission to tackle the debt. That idea ultimately prompted President Barack Obama to create the National Commission on Fiscal Responsibility and Reform, also known as the Bowles-Simpson (or Simpson-Bowles) Commission after its co-chairs, former Republican Senator Alan Simpson of Wyoming and former White House Chief of Staff Erskine Bowles, in 2010. Senator CONRAD was appointed to the Commission and has subsequently served in the bipartisan ''Gang of Six'' and ''Gang of Eight'' groups of Senators attempting to find a budget compromise that would forestall the tax increases and automatic spending cuts scheduled to commence on January 1, 2013.

Senator CONRAD has been indefatigable in his pursuit of sound budgetary and fiscal policies. He has brought a soberness to the subject, along with his trademark patience and extraordinary ability to discuss complex budget issues and large numbers in a way that is accessible to everyone accompanied, of course, by his myriad charts! Senator CONRAD has always promoted a balanced approach to addressing our budget deficits that includes higher revenues, spending cuts, and appropriate entitlement reform. The Bowles-Simpson Commission's report, which he helped draft, should serve as a blueprint for Congressional action.

No matter how arduous the budget negotiations become, Senator CONRAD is eternally optimistic. As he noted in his farewell speech,

> I think we all know our country needs a plan now, and we know plans have worked before. I was here in 1993 when we had just come off the largest deficit in the history of the United States. The country was in the doldrums. The economy was just plugging along, not doing very well, we had a weak recovery from a deep recession, and we passed a plan to get the country back on track. We did it the old-fashioned way. We made tough decisions, some that were unpopular, but it was the right thing to do and it worked. We balanced the budget. We had the longest period of uninterrupted economic growth in the Nation's history. Twenty-three million jobs were created, and we were actually paying down the debt of the United States at the end of the Clinton administration.

I share Senator CONRAD's fervent hope that his farewell speech won't be his final Senate speech; he indicated that he will take to the floor again if we reach agreements in the next few days on the 2012 farm bill and the so-called fiscal cliff negotiations. If we do find a way forward, Senator CONRAD will have played a key role in both instances. It has been my honor to serve on the Budget Committee under Senator CONRAD's leadership.

KAY BAILEY HUTCHISON

Mr. President, Senator KAY BAILEY HUTCHISON has been shattering glass ceilings her entire life in a career that has spanned law, banking, TV news reporting, owning a small business, and politics. She was one of five women in her University of Texas Law School class. She was the first Republican woman elected to the Texas House of Representatives. In 1990, she became state treasurer—the first Texas Republican woman elected to statewide office. Her 1993 special election victory to succeed Senator Lloyd Bentsen made her the first—and only—woman to represent Texas in the Senate. She was re-elected in 1994, 2000, and 2006, receiving over 60 percent of the popular vote in each instance. In 2001, she was named one of the 30 most powerful women in America by Ladies Home Journal.

Senator HUTCHISON was the Senate architect of our military forces' transformation from Cold War-based forward basing, with extensive overseas infrastructure, to a strategically balanced approach that emphasizes rapidly deployable military forces based at large, modern, centrally located U.S. military installations. As chair of the Military Construction Appropriations Subcommittee, she has played a crucial role in developing larger, soldier- and family-friendly U.S. installations and improving the quality of life and the quality of health care for our servicemen and women and their families. As ranking member of the Senate Commerce Committee, Senator HUTCHISON authored major legislation in 2005 and 2010 to create a balanced, bipartisan blueprint for America's post-Shuttle space program. She also protected $100 billion science and research investment in the International Space Station by paving way for commercial crews. Senator HUTCHISON is one of Senate's leading advocates for bolstering the Nation's science and technology education and competitiveness. In 2007, she co-sponsored the America COMPETES Act, which included her legislation to allow college students majoring in science, technology, engineering or mathematics—STEM—to be concurrently certified as elementary and secondary school teachers.

Senator HUTCHISON has been a strong voice for women's economic empowerment and family-supporting tax policies. She joined with my colleague, Senator MIKULSKI, in sponsoring the Homemaker IRA legislation, which was enacted in 1997 and allows affected spouses to make equal, $2,000, fully deductible contributions to individual retirement accounts, IRAs. She also successfully advocated for elimination of the marriage tax penalty. In 1975, while she was serving in the Texas House of Representatives, she sponsored pioneering legislation to protect rape victims by redefining consent and shielding them from invasive personal questions that implied ''blaming the victim.'' The Texas law became the national model for state laws to protect rape victims. In 2003, here in the Senate, she won passage of bill that created the national Amber Alert; more than 550 abducted children have since been reunited with their parents.

Senator HUTCHISON is also an accomplished author. In 2000, she and other woman Senators co-authored Nine and Counting: The Women of the Senate. In 2004, she wrote American Heroines: The Spirited Women Who Shaped Our Country, which was followed in 2007 by the bestselling book, Leading Ladies: American Trailblazers. I'm not sure, but I believe she is the only sitting U.S. Senator to have appeared on an episode of Walker, Texas Ranger with Chuck Norris!

Senator HUTCHISON has a solid conservative voting record and outlook. She is thoughtful, accessible, and collaborative. These qualities and her hard work have made her an outstanding Senator. We will miss her.

HERB KOHL

Mr. President, Senator HERB KOHL embodies the American dream. His parents were Jewish immigrants from Poland and Russia who started a chain of grocery and department stores. Senator KOHL earned a Bachelor of Arts degree from the University of Wisconsin in 1956 and a Master of Business Administration, MBA, degree from Harvard Business School in 1958. Between 1958 and 1964, Senator KOHL was a member of the United States Army Reserve. Senator KOHL had a highly successful business career before he was elected to the Senate in 1988 with 52 percent of the vote. In each successive re-election effort, his share of the popular vote rose, all the way up to more than 67 percent in 2006.

I have served with Senator KOHL on the Judiciary Committee and have seen firsthand his commitment to ensuring the fairness of our legal system.

Senator KOHL introduced legislation to create a tax credit for employer-provided child care after Congress passed the welfare reform bill in 1996, to help families move from welfare to work. The credit was codified in section 45F of the Internal Revenue Code as part of the package of tax cuts passed in 2001. Section 45F offers a tax credit for 25 percent of what it costs a business to

build and maintain an on-site child care facility and 10 percent of their expenses for child care resource and referral services. It is capped at $150,000 a year per company to target the benefit to small businesses.

Throughout his career, Senator KOHL has championed the National Institute of Standards & Technology's Manufacturing Extension Partnership Program, MEP, a public-private partnership that provides technical support to small and medium manufacturers. Since MEP arrived in Wisconsin in 1998, its two centers have created or retained over 13,000 high quality manufacturing jobs with almost $2 billion in economic impact throughout the State. In 2007 and 2010, Senator KOHL introduced bipartisan legislation to authorize appropriations for MEP and, in both instances, those bills became public law: the former as part of the America COMPETES Act of 2007; the latter as part of the American COMPETES Reauthorization of 2010. For over a decade, and despite budgetary pressures, MEP has received the resources it needs to continue to help small manufacturers in Wisconsin and across the nation, prompting the American Small Manufacturers Coalition to name Senator KOHL a ''champion for small manufacturers.''

Senator KOHL's quiet but effective contributions to our Nation aren't limited to his service here in the Senate. He is a committed philanthropist, too. For instance, he donated $25 million to the University of Wisconsin at Madison for the construction of its new sports arena. It was the largest single donation in University's history. In 1990, he established the Herb Kohl Educational Foundation Achievement Award Program, which provides annual grants totaling $100,000 to 100 graduating seniors, 100 teachers, and 100 schools throughout Wisconsin. And he is much beloved in his hometown for purchasing the Milwaukee Bucks basketball team in 1985 to prevent the team from being moved to another city.

JOE LIEBERMAN

Mr. President, few Senators have struck as independent a path in recent years as Senator JOE LIEBERMAN. He was the first prominent Democrat to chastise then-President Bill Clinton for his affair with Monica Lewinsky but did not support removing the President from office. He was the Democratic Party's nominee to be Vice President in 2000—the first Jewish candidate on a national party ticket in American history. Senator LIEBERMAN has confounded people because he has been willing to follow his conscience and to place principle over party loyalty.

Senator LIEBERMAN is a proud son of Connecticut. His parents ran a liquor store in Stamford; both his paternal and maternal grandparents were immigrants from Poland and Austria, respectively. He graduated from Yale University—the first member of his family to graduate from college—and then received his law degree from Yale Law School. In 1970, when Senator LIEBERMAN was just 28, he was elected to the Connecticut State Senate as a ''reform Democrat''. He served in the State senate for 10 years, including six as majority leader. In 1982, he won the first of two terms as Connecticut's Attorney General, and was immensely popular for championing environmental and consumer protection.

Senator LIEBERMAN pulled off perhaps the biggest upset of the 1988 election cycle when he defeated incumbent Republican Senator Lowell Weicker in a close race, winning by just 10,000 votes. But 6 years later, when Democrats lost control of both houses of Congress, Senator LIEBERMAN won reelection with over 67 percent of the vote. In 2000, while he simultaneously ran for Vice President, he received over 63 percent of the vote for the Senate seat he held.

Here in the Senate, Senator LIEBERMAN has been a strong advocate of recruiting, training, and equipping a 21st century fighting force and using it to defend America's security, values, and interests. Senator LIEBERMAN was one of five Democrats to co-sponsor S.J. Res. 2, which authorized the use of force in the first Gulf War in 1991. He partnered with Senator MCCAIN to push for U.S. intervention in the Balkans in the 1990s, and he was a proponent of former President George W. Bush's ''surge'' strategy in Iraq.

Following the terrorist attacks on September 11, 2001, Senator LIEBERMAN led the charge to establish the 9/11 Commission, whose mission was to prepare a full and complete account of the circumstances surrounding the attacks. Then, in response to the Commission's recommendations, Senator LIEBERMAN worked with Senator SUSAN COLLINS to implement the largest reorganization of the intelligence community in over half a century. As Chairman of the Government Affairs Committee, Senator LIEBERMAN led Congressional efforts to establish the Department of Homeland Security, which integrated all or part of 22 different Federal departments and agencies. He has since continued to oversee the Department's work in his position as ranking member of the Committee between 2003 and 2006 and as Chairman again since 2007.

Senator LIEBERMAN is a committed environmentalist. He played a key role in drafting and passing the 1990 Clean Air Act Amendments, which established the sulfur dioxide ''cap and trade'' program to combat acid rain, one of the most successful programs in history. He has introduced every major climate change bill in the Senate, and every bill that has been brought to the floor for a vote. In 1994, Senator LIEBERMAN worked with then-representative Nancy Johnson, a Republican, to secure Wild and Scenic River status for the Upper Farmington River, the first in the State of Connecticut. He has led several successful filibusters against legislation that would have opened the Arctic National Wildlife Refuge, ANWR, to oil and gas exploration; he also has introduced legislation every two years to protect ANWR permanently.

In 1994, Senator LIEBERMAN introduced the Video Game Ratings Act, held hearings on violence in video games, and played an important role in establishing a rating system and restricting sales of mature games to minors. In the wake of the terrible tragedy at the Sandy Hook Elementary School in Newtown, CT, he has called for the creation of a national commission to study gun violence in a comprehensive way. In 1998, Senator LIEBERMAN introduced and helped pass the Charter School Expansion Act, which expanded the number of high-quality charter schools available to children across the United States. Three years later, he was a lead sponsor of the No Child Left Behind legislation, NCLB. Because of his involvement, he was invited to join the NCLB conference committee despite not serving on the committee of jurisdiction. In 2007, Senator LIEBERMAN was a lead sponsor of the National Innovation Act and the National Innovation Education Act. These were underlying pieces of the final American COMPETES Act, intended to spur innovation and ensure that our workforce has the education and skills necessary to compete in a global economy. In 2010, Senator LIEBERMAN led the successful fight to repeal the Department of Defense's ''Don't Ask, Don't Tell'' policy. He also has introduced legislation to provide domestic partnership benefits to federal employees, and was an original cosponsor of the Employment Non-Discrimination Act.

Senator LIEBERMAN is a highly accomplished Senator because he has put pragmatism above ideology and because he has been willing to forge bipartisan alliances and compromises. He is a deeply religious man whose motto might well be the prophet Isaiah's plaintive cry, ''Come now, and let us reason together'' (Isaiah 1:18). The Senate will miss his devotion to public service, cheerfulness, and optimism.

RICHARD LUGAR

Mr. President, Senator RICHARD LUGAR isn't just one of our leading Senators; he's one of the Nation's greatest statesmen over the past quarter-century. We have been fortunate indeed to have Senator LUGAR at the helm of the Foreign Relations Committee, either as chairman or ranking member, for so many years. He is quite literally a gentleman and a scholar. After graduating first in his class from high school and from Denison University, he attended Pembroke College at Oxford as a Rhodes Scholar, where he earned a second bachelor's degree and a master's degree in 1956. He served in the U.S. Navy from 1956 to 1960, earning the rank of Lieutenant, Junior Grade. While he was in the Navy, he was an intelligence briefer for Admiral Arleigh Burke.

To this day, Senator LUGAR shows his fifth generation Hoosier roots, managing the family's 600-acre corn, soybean, and tree farm. When he was just 35, he was elected Mayor of Indianapolis and served two highly successful terms and was elected President of the National League of Cities in 1971. Senator LUGAR defeated incumbent Senator Vance Hartke in 1976 with 60 percent of the vote in a year when the Democratic candidate for president, Jimmy Carter, won the election. He was re-elected five times. On three of those occasions, he received well over 60 percent of the vote. In 2006, he received over 87 percent of the vote while Democrats were recapturing control of Congress for the first time in 12 years.

Before Senator LUGAR chaired the Foreign Relations Committee, he chaired the Agriculture Committee, during which time he authored the 1996 Farm bill. He established a biofuels research program to help increase U.S. utilization of ethanol and combustion fuels, and led initiatives to streamline the U.S. Department of Agriculture, reform the Food Stamp Program, and preserve the Federal school lunch program. Over the course of his career, he has been deeply involved in food security issues, both domestically and around the globe.

Senator LUGAR generally holds conservative economic views, but he supports President Obama's DREAM Act and certain restrictions on gun ownership. He was the first Republican Senator to announce his support for President Obama's first Supreme Court nominee, U.S. Circuit Court of Appeals Judge Sonia Sotomayor. He also voted in favor of President Obama's second Supreme Court nominee, Solicitor General Elena Kagan. I was proud and privileged to work with Senator LUGAR on an extractive industries transparency provision that we are able to include in the Dodd-Frank Wall Street Reform & Consumer Protection Act. And I have learned so much from Senator LUGAR serving on the Foreign Relations Committee.

In a long career of dazzling accomplishments, Senator LUGAR has made his greatest mark with respect to foreign affairs. In 2006, Time magazine rated him as one of America's 10 Best Senators in an article entitled ''The Wise Man''. According to the article, Senator LUGAR's ''thinking has often proved to be ahead of the curve.'' He pushed for democratic governments in the Philippines and South Africa and the development of alternative fuels to reduce our reliance on foreign supplies of oil in the 1980s. He has been influential in gaining Senate ratification of treaties to reduce the world's use, production, and stockpiling of nuclear, chemical, and biological weapons. In 1991, he collaborated with then-Senator Sam Nunn, a Democrat from Georgia and chairman of the Armed Service Committee, to eliminate latent weapons of mass destruction in the former Soviet Union. To date, the Nunn-Lugar Cooperative Threat Reduction Program has deactivated more than 7,500 nuclear warheads. Three months after the September 11, 2001 terrorist attacks on the United States, Senator LUGAR enunciated the ''Lugar Doctrine'', which commits the United States to use ''all of its military, diplomatic and economic power—without question—to ensure that life threatening weapons of mass destruction everywhere are accounted, contained and destroyed'' and which ''asserts that the U.S. should encourage democratic institutions and decrease dependence on foreign energy sources.'' Few, if any, people have done more than Senator LUGAR over the past 36 years to ensure security, promote freedom and peace, and reduce the threat of war.

In 2008, Senator LUGAR received the Paul H. Douglas Ethics in Government Award, which is awarded by the University of Illinois Institute of Government and Public Affairs. He gave a profound speech on the nature of bipartisanship when he received that award. I think the speech perfectly exemplifies Senator LUGAR and his approach to governance, and I would exhort everyone to read it and take it to heart. This is part of what he said:

> Too often bipartisanship is misrepresented as the byproduct of moderate political views or the willingness to strike deals. We should be clear that bipartisanship is not centrism, and it is more than just compromise. It is a way of approaching one's duties as a public servant that requires self-reflection, discipline of study, and faith in the good will of others.
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> I believe this type of independent self reflection and discipline of thought is at the core of any politician's attempt to be truly bipartisan. In today's political environment, politicians are bombarded by demands from our respective parties and loyalist groups to adopt certain orthodox positions. To some extent this is a necessary element of a two-party system. But when positions are adopted purely on the basis of partisan advantage or strategic opposition to the other party, our system begins to break down. Some members may genuinely agree with their party 50 percent of the time, others may genuinely agree with their party 99 percent of the time. The question is whether a politician arrives at those conclusions through honest reflection and careful study of the issue or whether they arrive there because they have adopted an ''us-versus-them'' mentality. Increasingly at all levels of American politics, capable leaders are succumbing to the temptation to put politics first. . .
>
> Particularly destructive is the misperception in some quarters that governing with one vote more than 50 percent is just as good or better than governing with 60 or 70 percent support. Under this theory, the compromises necessary to achieve greater consensus among the American people and Congress merely dilutes the strength of one's partisan accomplishments.
>
> The problem with this thinking is that whatever is won today through division is usually lost tomorrow. The relationships that are destroyed and the ill will that is created make subsequent achievements that much more difficult. If the minority is not a participant, it begins to see its job as frustrating the majority, rather than as trying to advance its ideas or contributing to good legislation. A 51 percent mentality deepens cynicism, sharpens political vendettas, and depletes the national reserve of good will that is critical to our survival in hard times. Leaders should not content themselves with 51 percent if they can expand a working majority through outreach, judicious rhetoric, bipartisan alliances, and thoughtful argumentation. National unity is not simply a civic nicety; it counts in real policy terms. . . .

Senator LUGAR concluded his speech by remarking that former Senator Paul Douglas' life ''provides us with an extraordinary example of what can be achieved through thoughtful dedication to public service.'' The same can be said for Senator LUGAR.

BEN NELSON

Mr. President, Senator BEN NELSON is a native Nebraskan who earned his B.A., M.A., and J.D. degrees from the University of Nebraska at Lincoln. He embarked on a highly successful career in the insurance industry, working for Central National Insurance Group of Omaha. In 1975, he became Nebraska's State insurance director before going back to work for Central National Insurance first as an executive vice president, and then as president.

With regard to politics, Senator NELSON decided to start at the top. In 1990, in his first run for office, he was elected as Governor of Nebraska. In 1994, he was re-elected with 74 percent of the vote. During his tenure, he cut spending relative to the previous administration by 64 percent, promoted legislation to cut crime through the Safe Streets Act & Juvenile Crime Bill, advocated for low-income families through the Kids Connection health care system, enacted welfare reforms, and cut taxes for over 400,000 middle income Nebraska families. He was forced to step down because of term limits, but then he successfully ran for the Senate seat vacated by Senator Bob Kerrey. While that race was close, he was re-elected in 2006 with just under 64 percent of the vote.

Senator NELSON is a moderate to conservative Democrat, which is fitting given the conservative tilt of Nebraska voters. For the past 12 years, he has frequently reached out to Republicans to try to get things done. For instance, he was a member of the co-called ''Gang of 14'' that helped to resolve the judicial nominations controversy in 2005. He has worked hard to protect and promote the State's agricultural interests, becoming a champion of ethanol and farm-based alternative energy sources. He is a member of the Armed Services Committee and has been at the center of shaping our Nation's defense policies, securing a new headquarters for STRATCOM, and a new Veterans Administration hospital for Nebraska's veterans.

Senator NELSON has always been true to his beliefs and true to his word, and it has been a pleasure to work with him. His desire to seek bipartisan compromise is a noble one. He likes to quote Henry Ford, who said, ''Coming together is a beginning. Keeping together is progress. Working together is

success''. Senator NELSON has always heeded those words; we would be well-served to do likewise in his absence.

OLYMPIA SNOWE

Mr. President, few people have faced the personal adversity Senator OLYMPIA SNOWE has overcome on her way to becoming the youngest Republican woman ever elected to the United States House of Representatives; the first woman to have served in both houses of a state legislature and both houses of the U.S. Congress, and the first Greek-American congresswoman. Senator SNOWE, a first-generation American, was orphaned at a young age and then her uncle, who was raising her with his family, died a few years later. Her first husband was killed in a car accident when she was just 26 and, later, her 20-year-old stepson died from a heart ailment. And yet, Senator SNOWE didn't just persevere. She ran for her late husband's seat in the Maine House of Representatives at the age of 26 and won. She was re-elected to the State House in 1974 and, in 1976, won election to the Maine Senate. She was elected to the U.S. House of Representatives in 1978, and represented Maine's 2nd Congressional District from 1979 to 1995.

Senator SNOWE successfully ran for the seat vacated by former Senate Majority Leader George Mitchell in 1994, winning 60 percent of the vote. She was re-elected in 2000 and 2006, winning 69 percent and 74 percent of the vote, respectively. In nearly 40 years of holding elective office, Senator SNOWE has never lost an election.

During her time in office, Senator SNOWE has been a quintessential Yankee Republican, putting her constituents and the Nation ahead of political party. While she served in the House, she was a member of the moderate wing of the Republican Party known as Gypsy Moths, working with southern Democrats known as Boll Weevils to forge bipartisan budgets. Here in the Senate, she was a member of the Gang of 14. Prior to that, during the Senate's 1999 impeachment trial of then-President Bill Clinton, she worked with her Maine colleague, Senator SUSAN COLLINS, to find a middle ground approach, drafting a motion that would have allowed the Senate to vote separately on the charges and the remedy a ''finding of fact'' resolution. When the motion failed, Senator SNOWE and Senator COLLINS demonstrated the courage of their convictions by voting to acquit the President on the grounds that his actions didn't warrant his removal from office.

During consideration of the 2001 tax cuts, Senator SNOWE worked with former Senator Blanche Lincoln, a Democrat from Arkansas, to increase the amount of the child tax credit and make it refundable, so that low income families who don't earn enough to pay federal taxes could still benefit from the credit, ensuring that it would assist an additional 13 million more children and lift 500,000 of those children out of poverty. But 2 years later, she joined Senators Lincoln Chafee and JOHN MCCAIN as the only Republicans to oppose the 2003 tax cuts. Pragmatism, not fealty to a rigid political ideology, has been her guiding principle.

Senator SNOWE was one of eight Republican Senators to vote to repeal the ''Don't Ask, Don't Tell'' policy. Although she represents a largely rural, pro-hunting State, she has supported sensible gun control measures. She teamed with our former colleague, Senator Ted Kennedy, to co-author the landmark Genetic Nondiscrimination Act, which prevents insurance companies and employers from denying or dropping coverage based on genetic tests. I have been proud to work with Senator SNOWE on a number of small business initiatives, including our legislation to increase the cap on surety bonds.

Senator SNOWE has stated repeatedly that she inherited a legacy of bipartisanship and independence from former Maine Senator Margaret Chase Smith, who delivered her seminal ''Declaration of Conscience'' speech against the bullying tactics, smear campaigns, and intimidation of former Senator Joe McCarthy. As Senator SNOWE remarked in her ''farewell'' speech the other day, Senator Smith's stand demonstrated truly uncommon courage and principled independence. Senator SNOWE has been a worthy heir and guardian of Senator Smith's legacy. We will miss her common sense, her pragmatic approach to governing, and her ability to promote bipartisan consensus.

JIM WEBB

Mr. President, Senator JAMES WEBB is a highly decorated combat veteran of the Vietnam War, the first Naval Academy graduate to serve as a civilian Secretary of the Navy, lawyer, and accomplished author. Senator WEBB grew up in a military family and noted in his 2004 book, Born Fighting: How the Scots-Irish Shaped America, that his ancestors fought in every major American war. Senator WEBB's father, a career officer in the U.S. Air Force, flew B–17s and B–29s during World War II, and dropped cargo during the Berlin Airlift. After Senator WEBB graduated from Annapolis, he was commissioned as a second lieutenant in the U.S. Marine Corps. As a first lieutenant during the Vietnam War he served as a platoon commander with Delta Company, 1st Battalion 5th Marines. He earned a Navy Cross, the second highest decoration in the Navy and Marine Corps for heroism in Vietnam. He also earned the Silver Star, two Bronze Stars and two Purple Hearts. Senator WEBB's son Jimmy has continued the Webb family's long, proud record of military service to our Nation as a rifleman and Marine Corps Sergeant, served a tour of duty in Iraq with Weapons Company, 1st Battalion 6th Marines.

Senator WEBB has served just one term but he has made it a productive one, passing the 21st Century GI Bill to provide the same educational benefits to post-9/11 veterans that the World War II ''Greatest Generation'' received. He introduced the bill his first day in office, and saw it enacted into law. More than 800,000 veterans have since received educational benefits through the program. What a wonderful legacy for Senator WEBB to have.

Senator WEBB also dedicated his time in office to refocusing and rebalancing our relationships in East Asia. He has long argued that getting mired in Iraq and Afghanistan was a strategic mistake, and that our long-term interests lie with Asia. As chair of the Senate Foreign Relations East Asia Subcommittee, he visited nearly every country in the region, focusing particularly on the countries of mainland southeast Asia and our treaty allies. His 2009 trip to Burma was the first by a U.S. leader in 10 years; the visit is widely credited as the beginning of efforts to change our relationship with that country. Senator WEBB remains the only U.S. leader to have met with Than Shwe, the former junta leader, and he also met with Aung San Suu Kyi while she was under house arrest. Senator WEBB has also worked continuously to resolve the basing issues with our main ally in the region, Japan, and to help pass a trade agreement with South Korea.

A hallmark of Senator WEBB's lifelong service to our Nation is his willingness to tackle the tough, unglamorous issues. Here in the Senate, he led an effort to reform our criminal justice system, introducing legislation to establish a commission of experts to review the entire spectrum of the American criminal justice system from drug laws to sentencing, prison conditions, recidivism, and judicial reform.

Mr. President, these men and women who will be leaving the Senate soon have made extraordinary sacrifices to serve our Nation. We are fortunate that they have chosen to spend significant parts of their lives in public service. All Americans owe them a debt of gratitude. Those of us who will be in the Senate next month when the 113th Congress convenes can best honor the legacy of our departing colleagues by reaching across the aisle as they have done so many times to forge bipartisan consensus and solutions to our Nation's most vexing problems. The men and women who will be leaving the Senate at the end of this Congress understand that compromise isn't a dirty word; it is the genius at the heart of our political system. We will miss them.

JOSEPH LIEBERMAN

Mr. ENZI. Mr. President, at the end of each session of Congress, the Senate takes a moment to acknowledge and express our appreciation for the service of those retiring Members who will not be a part of the next Congress when we reconvene in January. We offer each of them our thanks for a job well done. JOE LIEBERMAN is such an individual, and he has brought so much to our

work in the Senate over the years. We will miss him.

Ever since he arrived here in the Senate JOE has always seen our deliberations as not so much a matter of party so much as it has been about each issue taken individually. That is why we see him as such a thoughtful legislator. He examines every matter that comes before the Senate, taking stock of how it will impact his home State of Connecticut and the future of our Nation, and then he makes a decision on the best course of action for the Congress to take. His ability to sort through each issue focused more on policy than politics has helped him to work with Senators on both sides of the aisle—and bring something important to each discussion. That is why the people of Connecticut kept hiring him back on for another term. Simply put, they saw him in action in the Senate and visited with him when he would return to Connecticut and they liked what they saw.

I got to know JOE as we worked together during a trip to South Korea. The Kyoto Conference had concluded and South Korea was in the midst of a series of problems. The outlook was troublesome and action needed to be taken on a priority basis. The problems were magnified by the election that was going on and the monetary crisis that was being played out in the midst of all of that political campaigning and posturing.

In an effort to be of assistance, the International Monetary Fund had stepped in and was willing to provide the support that was needed in exchange for South Korea's willingness to take certain steps that they believed were essential if any additional elements of the crisis were to be avoided.

The International Monetary Fund asked us to meet with the candidates who were running in South Korea and make them aware of the importance of the current problem and the need to work with the International Monetary Fund toward the solution that had been proposed. It was not going to be enough for them to privately state that they were open to the idea. We needed them to go public with their support for the proposal so that all the candidates would be on the record as being on board with the plan. That would help to strengthen and stabilize the economy and put South Korea on a track toward a long term solution to their financial problems.

We were so ''effective'' with our assignment that, after meeting with us, each of the candidates took to the airwaves the next day to make it clear that if they were elected they would rewrite the whole deal.

As soon as they made it clear they were not interested in the proposal that had been made, the value of their currency began to sink like a rock. It hit the maximum loss for three days. That was enough to teach each candidate that they had no alternative but to move in the direction the International Monetary Fund had recommended.

As soon as that realization became clear, each of the candidates went back on the airwaves and said that they would comply with the International Monetary Fund's recommendations and pursue the policies that would place the nation on firmer ground. When there is only one viable alternative it makes taking a position on an issue like this a lot easier.

I learned a great deal about JOE on that trip—and from him, too. It was in every sense time well spent both for me and JOE—and for the government of South Korea as well. That experience has been with me ever since and I have never forgotten it.

JOE is completing his fourth term and through it all he has been a good representative of the people of Connecticut. He has been a part of many difficult and complex issues during those four terms. Each day, strengthened by his faith and guided by his strong sense of values and principles, he has taken on each challenge that has come before us and done some very important work for the Nation.

Thanks, JOE, for your willingness to serve. You have compiled a record during your years of service on the State and national level of which you can be very proud. As I thank you for your service, I also want to thank you for your friendship. I have enjoyed having the chance to come to know you and I hope you will continue to keep in touch with us in the months to come.

ENVIRONMENTAL EPA MERIT AWARDS

Mr. BLUMENTHAL. Mr. President, I rise today to honor the 11 individuals and organizations from Connecticut that have been awarded 2012 Environmental Merit Awards by the Environmental Protection Agency, EPA. Every year, the EPA recognizes stand-out efforts in different regions of the country, including Connecticut's New England Region. Although not official EPA initiatives, these accomplishments are integral to national environmental stewardship and conservation efforts.

This year, a 2012 Lifetime Achievement Environmental Merit Award was given to Alan Buzzetti, for his career-long efforts fighting against lead poisoning, and Northeast Recycling Council, Inc., for its innovative recycling campaign. Mr. Buzzetti has been instrumental in the creation of a statewide program to eliminate lead poisoning. He also founded the Connecticut Department of Public Health's Childhood Lead Poisoning Prevention and Control Program, making Connecticut a clear choice for the regional headquarters of the New England Lead Coordinating Committee. For the past 25 years, the Northeast Recycling Council has worked with Connecticut and 9 other member States to support and promote recycling and sustainability models at both the State and local level and for both public and private efforts.

The EPA also awarded Individual Environmental Merit Awards to three trailblazing activists, who care deeply about our environmental future. Dr. Anthony Leiserowitz is currently a professor at the Yale School of Forestry and Environmental Studies where he founded and directs the Yale Center for Environmental Communication. Through these and additional platforms like the Yale Forum on Climate Change and the Media, Dr. Leiserowitz works with journalists and broadcast media to make climate change data relevant to the public.

Kevin Taylor of Waterbury and Betsey Wingfield of Hartford have also received Individual Environmental Merit Awards from the EPA. Mr. Taylor, the Senior Project Manager of Waterbury Development Corporation, has led the redevelopment of more than 20 brownfields into valuable, beloved community properties. Ms. Wingfield—outside of her position at the Connecticut Department of Energy and Environmental Protection—has led a community group to successfully lobby for stream flow standards and regulations in Connecticut. These measures ensure protections for decades and future generations.

To recognize innovative partnerships that cross sectors, the EPA awarded three Environmental, Community, Academia and Nonprofit Environmental Merit Awards. This year's Connecticut winners are Goodwin College, the Long Island Sound Study's Citizens Advisory Committee, and the University of Connecticut's Nonpoint Education for Municipal Officials Program's New England Rain Garden Training Team. These three organizations are models of environmental stewardship—linking economic development, equal opportunity, and community participation with responsible conservation. Since 2005, Goodwin College's campus along the Connecticut River in East Hartford has inspired environmental participation from a diverse group of residents. It offers a college degree in environmental studies and has developed Connecticut River Academy, a magnet high school. These two academic institutions have become a hub for local businesses and have created countless jobs.

Similarly, the Long Island Sound Study and New England Rain Garden Training Team have been successful in bringing diverse people together to protect the environment. Curt Johnson and Nancy Seligson, co-chairs of the Long Island Sound Study's Citizens Advisory Committee, have led a large group of citizens, concerned about the future of the cherished Long Island Sound, in developing what the EPA has aptly called a ''community blueprint'' or ''citizens' action plan.'' The New England Rain Garden Training Team has similarly been on the ground, working with all levels of government and community groups to build rain gardens in New England. By raising awareness of the importance of rain

gardens in reducing pollution from stormwater runoff, members of the Rutgers University Cooperative Extension Water Resources program and University of Connecticut's Nonpoint Education for Municipal Officials Program have collaborated on easily translatable training programs for residents and neighborhoods, including underserved communities.

To highlight the important work of State and local governments in environmental regulation, the EPA awarded a 2012 Governmental Environmental Merit Award to Connecticut's Department of Public Health's Drinking Water Section, charged with regulating and administering Connecticut's water system. These hardworking public employees are heroes in times of crisis. In the aftermath of Tropical Storm Irene in 2011, this team offered assistance to nearly 770,000 constituents who had lost power and issued boil water guidance for 16,000 residents.

Lastly, Ethan Allen Operations, Inc., headquartered in Danbury, CT, and the Greenwich Hospital were awarded in the Business, Industry, Trade, or Professional category in recognition of their industry leadership. Ethan Allen has been on the forefront of reducing air pollutant emissions, eco-friendly chemicals, and reduction in waste output. Greenwich Hospital has used innovative, healing rain gardens to promote health as well as manage the area's stormwater runoff, and has assisted other New England area hospitals in instituting this type of sustainable landscaping for their communities.

Congratulations to these remarkable Connecticut ecological vanguards—environmentalists, scientists, and local leaders who have collaborated with others to confront important global issues with tenacity, creativity, and courage. As we have seen, especially recently in the wake of Hurricane Sandy, our Nation's environmentalists are true altruists. I invite my Senate colleagues to applaud these commendable Connecticut companies and individuals, and thank them for their dedication to preserving our landscapes, seascapes, and climate for future generations.

REMEMBERING THE VICTIMS OF SANDY HOOK ELEMENTARY

Mr. BLUMENTHAL. Mr. President, although the Newtown community is very much still in mourning, I stand here today to remember 20 innocent children and 6 remarkable adults. I am hopeful that the memories of loved ones can provide some solace in the face of senseless violence. And I hope that as we continue to share stories, our national community will bind together and hearts can begin to heal.

When President Obama addressed the Nation, he spoke of Sandy Hook Elementary School as a compassionate community: parents holding their children's hands on their way to school, teachers meeting them at the door, principals keeping watch.

I have seen, firsthand, tragedy hit this tight-knit community. Last Friday morning, I went to the Sandy Hook firehouse. I went as a public official, but what I saw was through the eyes of a parent. There were moments of unspeakable grief for parents emerging from the firehouse who realized their children were not coming home. I will live always with these sights and sounds of that day.

I have also seen this remarkable community come together in solidarity. The firefighters and first responders are mostly volunteers. Neighbors are like family members. I have the utmost confidence that this beautiful town will heal through deep-rooted relationships and collective strength.

We must remember that these children were dearly loved by parents and teachers who would give everything for them. And these adult victims modeled selfless love for their students. In this spirit of love, community, and compassion, we remember the 26 fallen today.

Twelve little girls passed away on Friday, and we honor them for bringing bursts of light and laughter and love into the lives of all who knew them:

Charlotte Bacon was an outgoing and persistent red head, a member of a Girl Scout troop led by her mother.

Olivia Engel was a great big sister to her younger brother and family dog and was looking forward to playing an angel in her church's upcoming pageant.

Catherine Hubbard had a passion for animals and greeted each day with a smile.

Jessica Rekos loved horseback riding and learning about orcas.

Josephine Gay had just turned 7 and found joy in riding her bike around the neighborhood.

Madeleine Hsu had just turned 6 in July and was remembered for wearing bright, floral dresses.

Ana Marquez-Greene loved to sing and would leave love notes under her parents' pillow.

Emilie Parker was a mentor to her younger siblings, teaching them how to dance and laugh, and was eager to try new things.

Caroline Previdi was a spunky young gymnast who loved to draw and dance.

Grace McDonnell liked wearing bows in her hair and dreamed of living at the beach and becoming a painter.

Avielle Richman took up archery when she was inspired by a female hero in the Disney movie, Brave, and is remembered for her joyful giggles.

Allison Wyatt was an eager, energetic first-grader, who was helpful to her peers and loving to family and friends.

Eight little boys passed away on Friday and will be remembered for their joy of life and boundless energy:

Daniel Barden would ride on his father's shoulders on the way to the school bus every morning and was missing his two front teeth.

Dylan Hockley liked to play tag at the bus stop with his neighbors and dress up like Shrek or Superman.

Jesse Lewis would accompany his dad to work at building sites which he happily explored and was learning how to ride a horse.

James Mattioli had just learned how to ride a bike and was discovering that he liked math.

Jack Pinto was a Giants fan and part of a youth wrestling team.

Noah Pozner was best friends with his twin sister Arielle, and older sister Sophia, and liked figuring out how things worked.

Chase Kowalski loved riding his bike outdoors and playing with his five siblings.

Benjamin Wheeler studied piano with his mother and threw leaves in the air with his friends and his brother Nate.

These children were raised with dance and music, with laughter and hope. The parents of victim Grace McDonnell have kept their house ablaze with Christmas lights, even in the wake of the shooting, perhaps in tribute to their daughter, who they called ''the love and light of our family.'' Krista and Rich Rekos called their daughter Jessica, their ''rock.''

You can feel the energy of these children in the stories that are being told. Although their lives were cut short, they contributed to the world around them by learning, growing, and loving.

Six beloved Sandy Hook faculty members—selfless heroes of the Newtown community—were also taken last Friday. They dedicated themselves to the children around them.

Dawn Hochsprung, the 47-year-old principal of Sandy Hook Elementary School, instinctually lunged in front of the shooter and she was killed in the line of duty. For the students of Sandy Hook, she was the ''Reading Fairy,'' inspiring what she hoped would be a lifelong appreciation for books. Before coming to Sandy Hook, she worked as a principal in the towns of Bethlehem and Woodbury. She was dedicated to education and to family, crediting her own mother for the care she expressed towards others.

Anne Marie Murphy, 52 years old, worked at Sandy Hook Elementary School as a special education assistant and raised four children of her own. She has been remembered as a positive spirit and source of good energy. She was generous and loving, and died shielding the innocent from harm. In a public statement, the family of Dylan Hockley expressed their gratitude to Ms. Murphy and comfort that their son died in the arms of his beloved teacher.

Mary Sherlach, 56 years old, had served Sandy Hook as their school psychologist since 1994 and was a year away from retiring. She earned her undergraduate degree at SUNY Cortland and master's degree at Southern Connecticut State University. Last Friday, she showed her true spirit of selflessness when she and Principal Hochsprung ran towards the shooter to stop him. Her adult daughters live in New Jersey and Washington, DC.

According to her loved ones, at age 30 Lauren Rousseau had landed her dream

job as a substitute teacher at Sandy Hook—something she had longed to do since age 6. She found a home in this community and gave her life caring for its children. A graduate of the University of Connecticut, she cheered on the women's basketball team and enjoyed going to Broadway shows.

Rachel D'Avino was an intern at Sandy Hook—a 29-year-old who was in the process of learning how to help children with special needs. She was studying at the University of Saint Joseph for an advanced degree in applied behavior analysis and provided one-on-one instruction to various students. Her boyfriend was planning on asking for her hand in marriage on Christmas Eve.

Victoria Soto loved going to work each day as a first grade teacher at Sandy Hook Elementary and was, in turn, beloved by her students. She was raised in a family of public servants and graduated from Eastern Connecticut State University. She was attending night school at Southern Connecticut State for a master's degree. When the gunman shot his way into her classroom, she protected the children under her care without hesitation. Her story and those of her colleagues, who put their lives on the line, will be remembered around the Nation.

During this holiday season, we pray that the Newtown community can find peace and solace. This tragedy reminds us of both the fragility and preciousness of life, and the healing grace of love.

RECOGNIZING THE HUDSON RIVER SCHOOL OF PAINTING

Mr. BLUMENTHAL. Mr. President, in 2010, Senators GILLIBRAND and SCHUMER passed a resolution honoring the Hudson River School painters for their contributions to the United States. Today, I join my colleagues in paying tribute to this significant, historic artistic movement and recognize its ties to Connecticut.

The Hudson River School of Painting originated in the Hudson River Valley in the 1920s and consists of landscapes featuring highly detailed and realistic scenes of American wilderness. Painters attributed to this style include Thomas Cole, Asher Durand, Jasper Cropsey, Sanford Robinson Gifford, George Inness, Worthington Whittredge, Albert Bierstadt, and Thomas Morgan.

Two of the most influential painters of the Hudson River School have Connecticut roots: John Kensett and John Frederic Church. Born in Cheshire, Kensett worked in New Haven as an engraver and traveled throughout New England, painting scenes of his cherished homeland. At his home on Contentment Island near Darien, he painted some of his most notable works. Church was born in Hartford and became famous for his landscapes of exotic locales of South America, Western Europe, and the Middle East.

The Long Island Sound—a treasure of Connecticut and the East Coast—was a common subject lovingly portrayed by Hudson River School painters, in particular by Kensett, who would frequent the Sound to or from his studio in Darien. Famously, Kensett's ''Twilight in the Cedars at Darien,'' portrays a serene sun setting over a dense swath of forest in Connecticut.

The Hudson River School has not only inspired painters for generations, but led to the development of the National Park Service under President Theodore Roosevelt. In Connecticut and throughout the Nation, this influential style has inspired environmental conservation efforts historically and to the present day.

These beautiful, idyllic landscapes, untouched by man, inspire us to protect our land, air, and water; future generations must not look at these paintings as ancient artifact. Connecticut is closely tied to the Hudson River School, and we must continue to preserve its legacy now and in the future by learning more about the School and its painters. I encourage my colleagues and their constituents to engage in this worthwhile pursuit.

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–8730. A communication from the Acting Principal Deputy Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the National Guard Youth Challenge Program 2012 annual report; to the Committee on Armed Services.

EC–8731. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Relocation of Regulations'' (RIN2590–AA56) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8732. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–8733. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC–8734. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–8735. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to blocking property of the Government of the Russian Federation relating to the disposition of highly enriched uranium extracted from nuclear weapons that was declared in Executive Order 13617 of June 25, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8736. 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 Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of the Ohio Portion of the Huntington-Ashland 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment'' (FRL No. 9764–9) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Environment and Public Works.

EC–8737. 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 Implementation Plans; State of Colorado; Regional Haze State Implementation Plan'' (FRL No. 9734–8) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Environment and Public Works.

EC–8738. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule'' (FRL No. 9684–8) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Environment and Public Works.

EC–8739. 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; Removal of Significant New Use Rules'' (FRL No. 9369–8) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Environment and Public Works.

EC–8740. 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; Utah; Determination of Clean Data for the 1987 PM10 Standard for the Ogden Area'' (FRL No. 9765–6) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Environment and Public Works.

EC–8741. 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; Alaska: Eagle River PM10 Nonattainment Area Limited Maintenance Plan and Redesignation Request'' (FRL No. 9764–7) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Environment and Public Works.

EC–8742. 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; Delaware, New Jersey, and Pennsylvania; Determination of Attainment of the 2006 24-hour Fine Particulate Matter Standard for the Philadelphia-Wilmington, PA–NJ-DE Nonattainment Area'' (FRL No. 9765–9) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Environment and Public Works.

EC–8743. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Health and Safety Data Reporting; Addition of Certain Chemicals; Withdrawal of Final Rule'' (FRL No. 9375–3) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Environment and Public Works.

EC–8744. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12–157); to the Committee on Foreign Relations.

EC–8745. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Opening of Boquillas Border Crossing and Update to the Class B Port of Entry Description'' (RIN1651–AA90) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Finance.

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. NELSON of Nebraska:

S. 3712. A bill to authorize the minting of a coin in honor of the Centennial of Boys Town, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SHELBY:

S. 3713. A bill to make technical corrections to the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 3077

At the request of Mr. PORTMAN, the names of the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 3077, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame.

S. 3460

At the request of Mr. COONS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3460, a bill to amend the Internal Revenue Code of 1986 to provide for startup businesses to use a portion of the research and development credit to offset payroll taxes.

S. 3673

At the request of Mr. CORKER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3673, a bill to provide a comprehensive deficit reduction plan, and for other purposes.

S. RES. 618

At the request of Mr. LEVIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Res. 618, a resolution observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy.

AMENDMENT NO. 3395

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 3395 proposed to H.R. 1, an act making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 3713. A bill to make technical corrections to the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SHELBY. Mr. President, I rise today to discuss legislation that I introduced to make technical corrections to the Dodd-Frank Act.

Two and a half years ago, Congress rushed to pass the 2,300 page Dodd-Frank Act and, like any large and complex piece of legislation, it contains numerous technical errors.

For example, section 742(b) of Dodd-Frank amends the Gramm-Leach-Bliley Act by citing to section 206(e) of that act when, in fact, Gramm-Leach-Bliley does not have a section 206(e).

Another example is that Dodd-Frank abolished the Office of Thrift Supervision, but failed to take out references to the OTS in at least 20 statutes.

These are the types of errors that should be corrected.

While I strongly opposed Dodd-Frank and do not believe that it should have become law, I nevertheless believe that we should at least attempt to clean up the errors found throughout the legislation.

Accordingly, the legislation I have introduced focuses purely on technical corrections of non-substantive inaccuracies and omissions in the final Dodd-Frank bill.

The bill I introduced could have been many pages longer, but I sought to keep it to only those changes that were purely technical.

There are many other technical changes that could be made that also involve policy judgments.

I decided not to include those changes in my bill because I wanted to introduce a bill that could garner broad bipartisan support and serve as a starting point for forging additional compromises on other problems with Dodd-Frank.

If Congress is ever going to be bipartisan, this is the bill. We should at a bare minimum be able to agree that a law with numerous technical errors should be fixed at least to the extent of those technical issues.

While the issues addressed in this bill are technical in nature, they also take into account the realities with the ongoing implementation of Dodd-Frank.

For example, this legislation extends for one year the deadline for completing and issuing the regulations, studies and reports required by Dodd-Frank that have not been met by the date specified.

This provision does not aim to delay or undermine the rulemaking process in any way.

On the contrary, it is meant to address the flawed rulemaking process stipulated by Dodd-Frank, which directs financial regulators to complete an unprecedented number of rulemakings in very short time frames.

Presently, our financial regulators are in violation of the law because they have not completed scores of rulemakings by the times prescribed by Dodd-Frank. This is not how the world's leading democracy should function.

Congress's laws should be followed, especially by the agencies it has created. Congress should either hold regulators accountable for not making statutory deadlines or should grant regulators more time so that they are not in violation of the law.

In this case, extending deadlines is the appropriate and reasonable approach.

While I offer this bill to technically improve Dodd-Frank, my views about the substantive provisions of Dodd-Frank have not changed.

I continue to believe that it is a flawed and poorly conceived piece of legislation. It expanded the scope and power of ineffective bureaucracies, created vast new bureaucracies with little accountability, and seriously undermined the competitiveness of the American economy.

Moreover, Dodd-Frank did all that without accomplishing what it set out to do—make our financial system safer.

Instead, Dodd-Frank preserved and codified preferential treatment for large financial institutions.

It solidified the close relationships between regulators and big banks by maintaining their pre-existing prudential regulators.

Dodd-Frank also protected the big banks from bankruptcy by creating a new resolution mechanism to ensure that large financial institutions do not fail.

In addition not one regulator was held accountable in the wake of the crisis. To add insult to injury, the very same regulators that missed the warning signs were then closely consulted on how to draft Dodd-Frank.

Accordingly, many provisions in Dodd-Frank should be reexamined and replaced with language which would actually address the serious problems in our financial regulatory system.

This bill, however, does not address any of my substantive concerns with Dodd Frank. In fact, I made a conscious effort to avoid any substantive recommendations, and to focus exclusively on technical corrections.

My hope is that this bill will form the foundation for a more comprehensive debate on Dodd-Frank in the next Congress. Therefore, I intend to reintroduce this bill when we return in January.

By working together to revise Dodd-Frank, I believe Congress can not only

make our financial system safer, but also foster economic growth and job creation.

One would think that we could reach a bipartisan consensus on that.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3439. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. LEE, Mr. DURBIN, Mr. MERKLEY, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. FRANKEN, Mr. WEBB, Mrs. SHAHEEN, Mr. TESTER, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. COONS, and Mr. BAUCUS) proposed an amendment to the bill H.R. 5949, to extend the FISA Amendments Act of 2008 for five years.

SA 3440. Mr. REID (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 1, making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes.

SA 3441. Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. CHAMBLISS)) proposed an amendment to the bill S. 3454, to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

SA 3442. Mr. REID (for Mr. BURR) proposed an amendment to the bill H.R. 1464, to express the sense of Congress regarding North Korean children and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children.

SA 3443. Mr. REID (for Mr. BURR) proposed an amendment to the bill H.R. 1464, supra.

SA 3444. Mr. REID (for Mr. LEAHY (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 6621, to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code.

TEXT OF AMENDMENTS

SA 3439. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. LEE, Mr. DURBIN, Mr. MERKLEY, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. FRANKEN, Mr. WEBB, Mrs. SHAHEEN, Mr. TESTER, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. COONS, and Mr. BAUCUS) proposed an amendment to the bill H.R. 5949, to extend the FISA Amendments Act of 2008 for five years; as follows:

At the end, add the following:

SEC. 5. REPORT ON THE IMPACT OF THE FISA AMENDMENTS ACT OF 2008 ON THE PRIVACY OF THE PEOPLE OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) The central provision of the FISA Amendments of 2008 (Public Law 110–261; 122 Stat. 2436) enacted section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) which provides the government authority to collect the communications of persons reasonably believed to be citizens of foreign countries who are located outside the United States.

(2) Such section 702 contained restrictions regarding the acquisition of the communications of United States persons which were intended to protect the privacy of United States persons and prevent intelligence agencies from using the authority in such section to deliberately read or listen to the communications of specific United States persons without obtaining a warrant or emergency authorization to do so.

(3) Estimating the total number of communications to or from the United States collected under the authority in such section 702 would provide an indication of the degree to which collection carried out under such section has impacted the privacy of United States persons.

(4) Estimating the number of wholly domestic communications collected under the authority in such section 702 would provide a particularly significant indication of the degree to which collection carried out under this authority has impacted the privacy of United States persons.

(5) While Congress did not intend to provide authority in such section 702 for elements of the intelligence community to deliberately review the communications of specific United States persons without obtaining individual warrants or emergency authorizations to do so, such section 702 does not include a specific prohibition against this action, and the people of the United States have a right to know whether elements of the intelligence community have deliberately searched through communications collected under such section 702 to find the communications of specific United States persons.

(6) Despite requests from numerous Senators, the Director of National Intelligence has declined to state publicly whether—

(A) any entity has made an estimate of the number of United States communications that have been collected under such section 702;

(B) any wholly domestic communications have been collected under such section 702; or

(C) any element of the intelligence community has attempted to search through communications collected under such section 702 in a deliberate effort to review the communications of a specific United States person without obtaining a warrant or emergency authorization permitting such a search.

(7) In public remarks in July 2012, the Director of the National Security Agency stated that ''the story that we have millions or hundreds of millions of dossiers on people is absolutely false''.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the impact of the amendments made by the FISA Amendments Act of 2008 (Public Law 110–261; 122 Stat. 2436) and other surveillance authorities on the privacy of United States persons.

(2) CONTENT.—The report required by paragraph (1) shall include the following:

(A) A determination of whether any government entity has produced any estimate regarding—

(i) the total number of communications that—

(I) originated from or were directed to a location in the United States; and

(II) have been collected under the authority of section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a); or

(ii) the total number of wholly domestic communications that have been collected under such authority.

(B) If any estimate described in subparagraph (A) was produced, such estimate.

(C) An assessment of whether any wholly domestic communications have been collected under the authority of section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a).

(D) A determination of whether any element of the intelligence community has ever attempted to search through communications collected under section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) in a deliberate effort to find the communications of a specific United States person, without obtaining a warrant or emergency authorization to do so.

(E) A determination of whether the National Security Agency has collected any type of personally identifiable data pertaining to more than 1,000,000 United States persons.

(c) FORM OF REPORT.—

(1) PUBLIC AVAILABILITY OF REPORT.—The report required by subsection (b) shall be made available to the public not later than 15 days after the date such report is submitted to Congress.

(2) REDACTIONS.—If the President believes that public disclosure of information in the report required by subsection (b) could cause significant harm to national security, the President may redact such information from the report made available to the public.

(3) SUBMISSION TO CONGRESS.—If the President redacts information under paragraph (2), not later than 30 days after the date the report required by subsection (b) is made available to the public under paragraph (1), the President shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a statement explaining the specific harm to national security that the disclosure of such information could cause.

SA 3440. Mr. REID (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 1, making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes; as follows:

Amend the title to read:

''An Act making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes.''

SA 3441. Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. CHAMBLISS)) proposed an amendment to the bill S. 3454, to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, 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 ''Intelligence Authorization Act for Fiscal Year 2013''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Restriction on conduct of intelligence activities.
Sec. 302. Increase in employee compensation and benefits authorized by law.
Sec. 303. Non-reimbursable details.
Sec. 304. Automated insider threat detection program.
Sec. 305. Software licensing.
Sec. 306. Strategy for security clearance reciprocity.
Sec. 307. Improper Payments Elimination and Recovery Act of 2010 compliance.
Sec. 308. Subcontractor notification process.
Sec. 309. Modification of reporting schedule.
Sec. 310. Repeal of certain reporting requirements.

TITLE IV—MATTERS RELATING TO THE CENTRAL INTELLIGENCE AGENCY

Sec. 401. Working capital fund amendments.

TITLE V—OTHER MATTERS

Sec. 501. Homeland Security Intelligence Program.
Sec. 502. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.
Sec. 503. Protecting the information technology supply chain of the United States.
Sec. 504. Notification regarding the authorized public disclosure of national intelligence.
Sec. 505. Technical amendments related to the Office of the Director of National Intelligence.
Sec. 506. Technical amendment for definition of intelligence agency.
Sec. 507. Budgetary effects.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2013, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill S. 3454 of the One Hundred Twelfth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY TO COMMITTEES OF CONGRESS.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 415c);

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize the employment of civilian personnel in excess of the number of positions for fiscal year 2013 authorized by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such section for such element.

(b) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment in—

(1) a student program, trainee program, or similar program;

(2) a reserve corps or as a reemployed annuitant; or

(3) details, joint duty, or long term, full-time training.

(c) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to the initial exercise of an authority described in subsection (a).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2013 the sum of $540,721,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2014.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 835 positions as of September 30, 2013. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2013 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2014.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2013, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2013 the sum of $514,000,000.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 303. NON-REIMBURSABLE DETAILS.

Section 113A of the National Security Act of 1947 (50 U.S.C. 404h–1) is amended—

(1) by striking ''two years.'' and inserting ''three years.''; and

(2) by adding at the end ''A non-reimbursable detail made under this section shall not be considered an augmentation of the appropriations of the receiving element of the intelligence community.''.

SEC. 304. AUTOMATED INSIDER THREAT DETECTION PROGRAM.

Section 402 of the Intelligence Authorization Act for Fiscal Year 2011 (Public Law 112–18; 50 U.S.C. 403–1 note) is amended—

(1) in subsection (a), by striking ''October 1, 2012,'' and inserting ''October 1, 2013,''; and

(2) in subsection (b), by striking ''October 1, 2013,'' and inserting ''October 1, 2014,''.

SEC. 305. SOFTWARE LICENSING.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, each chief information officer for an element of the intelligence community, in consultation with the Chief Information Officer of the Intelligence Community, shall—

(1) conduct an inventory of software licenses held by such element, including utilized and unutilized licenses; and

(2) report the results of such inventory to the Chief Information Officer of the Intelligence Community.

(b) REPORTING TO CONGRESS.—The Chief Information Officer of the Intelligence Community shall—

(1) not later than 180 days after the date of the enactment of this Act, provide to the congressional intelligence committees a copy of each report received by the Chief Information Officer under subsection (a)(2), along with any comments the Chief Information Officer wishes to provide; and

(2) transmit any portion of a report submitted under paragraph (1) involving a component of a department of the United States Government to the committees of the Senate and of the House of Representatives with jurisdiction over such department simultaneously with submission of such report to the congressional intelligence committees.

SEC. 306. STRATEGY FOR SECURITY CLEARANCE RECIPROCITY.

(a) STRATEGY.—The President shall develop a strategy and a schedule for carrying out the requirements of section 3001(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(d)). Such strategy and schedule shall include—

(1) a process for accomplishing the reciprocity required under such section for a security clearance issued by a department or agency of the Federal Government, including reciprocity for security clearances that are issued to both persons who are and who are not employees of the Federal Government; and

(2) a description of the specific circumstances under which a department or agency of the Federal Government may not recognize a security clearance issued by another department or agency of the Federal Government.

(b) CONGRESSIONAL NOTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the President shall inform Congress of the strategy and schedule developed under subsection (a).

SEC. 307. IMPROPER PAYMENTS ELIMINATION AND RECOVERY ACT OF 2010 COMPLIANCE.

(a) PLAN FOR COMPLIANCE.—

(1) IN GENERAL.—The Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the Defense Intelligence Agency, the Director of the National Geospatial-Intelligence Agency, and the Director of the National Security Agency shall each develop a corrective action plan, with major milestones, that delineates how the Office of the Director of National Intelligence and each such Agency will achieve compliance, not later than September 30, 2013, with the Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224), and the amendments made by that Act.

(2) SUBMISSION TO CONGRESS.—Not later than 45 days after the date of the enactment of this Act—

(A) each Director referred to in paragraph (1) shall submit to the congressional intelligence committees the corrective action plan required by such paragraph; and

(B) the Director of the Defense Intelligence Agency, the Director of the National Geospatial-Intelligence Agency, and the Director of the National Security Agency shall each submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the corrective action plan required by paragraph (1) with respect to the applicable Agency.

(b) REVIEW BY INSPECTORS GENERAL.—

(1) IN GENERAL.—Not later than 45 days after the completion of a corrective action plan required by subsection (a)(1), the Inspector General of each Agency required to develop such a plan, and in the case of the Director of National Intelligence, the Inspector General of the Intelligence Community, shall provide to the congressional intelligence committees an assessment of such plan that includes—

(A) the assessment of the Inspector General of whether such Agency or Office is or is not likely to reach compliance with the requirements of the Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224), and the amendments made by that Act, by September 30, 2013; and

(B) the basis of the Inspector General for such assessment.

(2) ADDITIONAL SUBMISSION OF REVIEWS OF CERTAIN INSPECTORS GENERAL.—Not later than 45 days after the completion of a corrective action plan required by subsection (a)(1), the Inspector General of the Defense Intelligence Agency, the Inspector General of the National Geospatial-Intelligence Agency, and the Inspector General of the National Security Agency shall each submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the assessment of the applicable plan provided to the congressional intelligence committees under paragraph (1).

SEC. 308. SUBCONTRACTOR NOTIFICATION PROCESS.

Not later than October 1, 2013, the Director of National Intelligence shall submit to the congressional intelligence committees a report assessing the method by which contractors at any tier under a contract entered into with an element of the intelligence community are granted security clearances and notified of classified contracting opportunities within the Federal Government and recommendations for the improvement of such method. Such report shall include—

(1) an assessment of the current method by which contractors at any tier under a contract entered into with an element of the intelligence community are notified of classified contracting opportunities;

(2) an assessment of any problems that may reduce the overall effectiveness of the ability of the intelligence community to identify appropriate contractors at any tier under such a contract;

(3) an assessment of the role the existing security clearance process has in enhancing or hindering the ability of the intelligence community to notify such contractors of contracting opportunities;

(4) an assessment of the role the current security clearance process has in enhancing or hindering the ability of contractors at any tier under a contract entered into with an element of the intelligence community to execute classified contracts;

(5) a description of the method used by the Director of National Intelligence for assessing the effectiveness of the notification process of the intelligence community to produce a talented pool of subcontractors;

(6) a description of appropriate goals, schedules, milestones, or metrics used to measure the effectiveness of such notification process; and

(7) recommendations for improving such notification process.

SEC. 309. MODIFICATION OF REPORTING SCHEDULE.

(a) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—Section 103H(k)(1)(A) of the National Security Act of 1947 (50 U.S.C. 403–3h(k)(1)(A)) is amended—

(1) by striking ''January 31 and July 31'' and inserting ''October 31 and April 30''; and

(2) by striking ''December 31 (of the preceding year) and June 30,'' and inserting ''September 30 and March 31,''.

(b) INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.—

(1) IN GENERAL.—Section 17(d)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(1)) is amended—

(A) by striking ''January 31 and July 31'' and inserting ''October 31 and April 30'';

(B) by striking ''December 31 (of the preceding year) and June 30,'' and inserting ''September 30 and March 31,''; and

(C) by striking ''Not later than the dates each year provided for the transmittal of such reports in section 507 of the National Security Act of 1947,'' and inserting ''Not later than 30 days after the date of the receipt of such reports,''.

(2) CONFORMING AMENDMENTS.—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2), (3), and (4), as paragraphs (1), (2), and (3), respectively.

SEC. 310. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) REPEAL OF REPORTING REQUIREMENTS.—

(1) ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS.—Section 721 of the Intelligence Authorization Act for Fiscal Year 1997 (50 U.S.C. 2366) is repealed.

(2) SAFETY AND SECURITY OF RUSSIAN NUCLEAR FACILITIES AND NUCLEAR MILITARY FORCES.—Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(A) by striking subsections (a) and (d); and

(B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(3) INTELLIGENCE COMMUNITY BUSINESS SYSTEMS BUDGET INFORMATION.—Section 506D of the National Security Act of 1947 (50 U.S.C. 415a-6) is amended by striking subsection (e).

(4) MEASURES TO PROTECT THE IDENTITIES OF COVERT AGENTS.—Title VI of the National Security Act of 1947 (50 U.S.C. 421 et seq.) is amended—

(A) by striking section 603; and

(B) by redesignating sections 604, 605, and 606 as sections 603, 604, and 605, respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPORT SUBMISSION DATES.—Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking subparagraphs (A), (C), and (D);

(II) by redesignating subparagraphs (B), (E), (F), (G), (H), and (I) as subparagraphs (A), (B), (C), (D), (E), and (F), respectively; and

(III) in subparagraph (D), as so redesignated, by striking ''section 114(c).'' and inserting ''section 114(a).''; and

(ii) by amending paragraph (2) to read as follows:

''(2) The date for the submittal to the congressional intelligence committees of the annual report on the threat of attack on the United States from weapons of mass destruction required by section 114(b) shall be the date each year provided in subsection (c)(1)(B).'';

(B) in subsection (c)(1)(B), by striking ''each'' and inserting ''the''; and

(C) in subsection (d)(1)(B), by striking ''an'' and inserting ''the''.

(2) TABLE OF CONTENTS OF THE NATIONAL SECURITY ACT OF 1947.—The table of contents in the first section of the National Security Act of 1947 is amended by striking the items relating to sections 603, 604, 605, and 606 and inserting the following new items:

''Sec. 603. Extraterritorial jurisdiction.
''Sec. 604. Providing information to Congress.
''Sec. 605. Definitions.''.

TITLE IV—MATTERS RELATING TO THE CENTRAL INTELLIGENCE AGENCY

SEC. 401. WORKING CAPITAL FUND AMENDMENTS.

Section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended as follows:

(1) In subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''and'' at the end;

(ii) in subparagraph (C), by striking ''program.'' and inserting ''program; and''; and

(iii) by adding at the end the following:

''(D) authorize such providers to make known their services to the entities specified in section (a) through Government communication channels.''; and

(B) by adding at the end the following:

''(3) The authority in paragraph (1)(D) does not include the authority to distribute gifts or promotional items.''; and

(2) in subsection (c)—

(A) in paragraph (2)(E), by striking ''from the sale or exchange of equipment or property of a central service provider'' and inserting ''from the sale or exchange of equipment, recyclable materials, or property of a central service provider.''; and

(B) in paragraph (3)(B), by striking ''subsection (f)(2)'' and inserting ''subsections (b)(1)(D) and (f)(2)''.

TITLE V—OTHER MATTERS

SEC. 501. HOMELAND SECURITY INTELLIGENCE PROGRAM.

There is established within the Department of Homeland Security a Homeland Security Intelligence Program. The Homeland Security Intelligence Program constitutes the intelligence activities of the Office of Intelligence and Analysis of the Department that serve predominantly departmental missions.

SEC. 502. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

Section 1007(a) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C. 401 note) is amended by striking ''Not later than one year after the date on which all members of the Commission are appointed pursuant to section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010,'' and inserting ''Not later than March 31, 2013,''.

SEC. 503. PROTECTING THE INFORMATION TECHNOLOGY SUPPLY CHAIN OF THE UNITED STATES.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report that—

(1) identifies foreign suppliers of information technology (including equipment, software, and services) that are linked directly or indirectly to a foreign government, including—

(A) by ties to the military forces of a foreign government;

(B) by ties to the intelligence services of a foreign government; or

(C) by being the beneficiaries of significant low interest or no interest loans, loan forgiveness, or other support by a foreign government; and

(2) assesses the vulnerability to malicious activity, including cyber crime or espionage, of the telecommunications networks of the United States due to the presence of technology produced by suppliers identified under paragraph (1).

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) TELECOMMUNICATIONS NETWORKS OF THE UNITED STATES DEFINED.—In this section, the term ''telecommunications networks of the United States'' includes—

(1) telephone systems;

(2) Internet systems;

(3) fiber optic lines, including cable landings;

(4) computer networks; and

(5) smart grid technology under development by the Department of Energy.

SEC. 504. NOTIFICATION REGARDING THE AUTHORIZED PUBLIC DISCLOSURE OF NATIONAL INTELLIGENCE.

(a) NOTIFICATION.—In the event of an authorized disclosure of national intelligence or intelligence related to national security to the persons or entities described in subsection (b), the government official responsible for authorizing the disclosure shall submit to the congressional intelligence committees on a timely basis a notification of the disclosure if—

(1) at the time of the disclosure—

(A) such intelligence is classified; or

(B) is declassified for the purpose of the disclosure; and

(2) the disclosure will be made by an officer, employee, or contractor of the Executive branch.

(b) PERSONS OR ENTITIES DESCRIBED.—The persons or entities described in this subsection are as follows:

(1) Media personnel.

(2) Any person or entity, if the disclosure described in subsection (a) is made with the intent or knowledge that such information will be made publicly available.

(c) CONTENT.—Each notification required under subsection (a) shall—

(1) provide the specific title and authority of the individual authorizing the disclosure;

(2) if applicable, provide the specific title and authority of the individual who authorized the declassification of the intelligence disclosed; and

(3) describe the intelligence disclosed, including the classification of the intelligence prior to its disclosure or declassification and the rationale for making the disclosure.

(d) EXCEPTION.—The notification requirement in this section does not apply to a disclosure made—

(1) pursuant to any statutory requirement, including to section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'');

(2) in connection with a civil, criminal, or administrative proceeding;

(3) as a result of a declassification review process under Executive Order 13526 (50 U.S.C. 435 note) or any successor order; or

(4) to any officer, employee, or contractor of the Federal government or member of an advisory committee to an element of the intelligence community who possesses an active security clearance and a need to know the specific national intelligence or intelligence related to national security, as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5)).

(e) SUNSET.—The notification requirement of this section shall cease to be effective for any disclosure described in subsection (a) that occurs on or after the date that is one year after the date of the enactment of this Act.

SEC. 505. TECHNICAL AMENDMENTS RELATED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) PERSONNEL PRACTICES.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

''(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, provided that the determination be made prior to a personnel action; or''.

(b) SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(B) of title 5, United States Code, is amended by inserting ''the Office of the Director of National Intelligence,'' after ''the Central Intelligence Agency,''.

SEC. 506. TECHNICAL AMENDMENT FOR DEFINITION OF INTELLIGENCE AGENCY.

Section 606(5) of the National Security Act of 1947 (50 U.S.C. 426) is amended to read as follows:

''(5) The term 'intelligence agency' means the elements of the intelligence community, as that term is defined in section 3(4).''.

SEC. 507. 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.

SA 3442. Mr. REID (for Mr. BURR) proposed an amendment to the bill H.R. 1464, to express the sense of Congress regarding North Korean children and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''North Korean Child Welfare Act of 2012''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) hundreds of thousands of North Korean children suffer from malnutrition in North Korea, and North Korean children or children of one North Korean parent who are living outside of North Korea may face statelessness in neighboring countries; and

(2) the Secretary of State should advocate for the best interests of these children, including, when possible, facilitating immediate protection for those living outside North Korea through family reunification or, if appropriate and eligible in individual cases, domestic or international adoption.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) HAGUE COUNTRY.—The term ''Hague country'' means a country where the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, done at The Hague May 29, 1993, has entered into force and is fully implemented.

(3) NON-HAGUE COUNTRY.—The term ''non-Hague country'' means a country where the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, done at The Hague May 29, 1993, has not entered into force.

SEC. 4. BRIEFINGS ON THE WELFARE OF NORTH KOREAN CHILDREN.

(a) IN GENERAL.—The Secretary of State shall designate a representative to regularly brief the appropriate congressional committees in an unclassified setting on United States Government efforts to advocate for the best interests of North Korean children and children of one North Korean parent, including efforts to address, when appropriate, the adoption of such children living outside North Korea without parental care.

(b) CONTENTS.—The Secretary's designee shall be prepared to address in each briefing the following topics:

(1) The analysis of the Department of State of the challenges facing North Korean children residing outside North Korea and challenges facing children of one North Korean parent in other countries who are fleeing persecution or are living as de jure or de facto stateless persons.

(2) Department of State efforts to advocate for the best interest of North Korean children residing outside North Korea or children of one North Korean parent living in other countries who are fleeing persecution or are living as de jure or de facto stateless persons, including, when possible, efforts to address the immediate care and family reunification of these children, and, in individual cases where appropriate, the adoption of eligible North Korean children living outside North Korea and children of one North Korean parent living outside North Korea.

(3) Department of State efforts to develop a comprehensive strategy to address challenges that United States citizens would encounter in attempting to adopt, via intercountry adoption, North Korean-origin children residing in other countries or children of one North Korean parent residing outside North Korea who are fleeing persecution or are living as de jure or de facto stateless persons, including efforts to overcome the complexities involved in determining jurisdiction for best interest determinations and adoption processing, if appropriate, of those who habitually reside in a Hague country or a non-Hague country.

(4) Department of State diplomatic efforts to encourage countries in which North Korean children or children of one North Korean parent are fleeing persecution or reside as de jure or de facto stateless persons to resolve issues of statelessness of North Koreans residing in that country.

(5) Department of State efforts to work with the Government of the Republic of Korea to establish pilot programs that identify, provide for the immediate care of, and assist in the family reunification of North Korean children and children of one North Korean parent living within South Korea and other countries who are fleeing persecution or are living as de jure or de facto stateless persons.

SA 3443. Mr. REID (for Mr. BURR) proposed an amendment to the bill H.R. 1464, to express the sense of Congress regarding North Korean children and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children; as follows:

Amend the title so as to read: ''To express the sense of Congress regarding North Korean children and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children.''.

SA 3444. Mr. REID (for Mr. LEAHY (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 6621, to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code; as folows.

Strike all after the enacting clause and insert the following:

SECTION 1. TECHNICAL CORRECTIONS.

(a) ADVICE OF COUNSEL.—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), section 298 of title 35, United States Code, shall apply to any civil action commenced on or after the date of the enactment of this Act.

(b) TRANSITIONAL PROGRAM FOR COVERED BUSINESS METHOD PATENTS.—Section 18 of the Leahy-Smith America Invents Act (35 U.S.C. 321 note) is amended—

(1) in subsection (a)(1)(C)((i), by striking ''of such title'' the second place it appears; and

(2) in subsection (d)(2), by striking ''subsection'' and inserting ''section''.

(c) JOINDER OF PARTIES.—Section 299(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by striking ''or counterclaim defendants only if'' and inserting ''only if''.

(d) DEAD ZONES.—

(1) INTER PARTES REVIEW.—Section 311(c) of title 35, United States Code, shall not apply to a petition to institute an inter partes review of a patent that is not a patent described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note).

(2) REISSUE.—Section 311(c)(1) of title 35, United States Code, is amended by striking ''or issuance of a reissue of a patent''.

(e) CORRECT INVENTOR.—

(1) IN GENERAL.—Section 135(e) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended by striking ''correct inventors'' and inserting ''correct inventor''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(f) INVENTOR'S OATH OR DECLARATION.—Section 115 of title 35, United States Code, as amended by section 4 of the Leahy-Smith America Invents Act, is amended—

(1) by striking subsection (f) and inserting the following:

''(f) TIME FOR FILING.—The applicant for patent shall provide each required oath or declaration under subsection (a), substitute statement under subsection (d), or recorded assignment meeting the requirements of subsection (e) no later than the date on which the issue fee for the patent is paid.''; and

(2) in subsection (g)(1), by striking ''who claims'' and inserting ''that claims''.

(g) TRAVEL EXPENSES AND PAYMENT OF ADMINISTRATIVE JUDGES.—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), the amendments made by section 21 of the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 335) shall be effective as of September 16, 2011.

(h) PATENT TERM ADJUSTMENTS.—Section 154(b) of title 35, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(i)(II), by striking ''on which an international application fulfilled the requirements of section 371 of this title'' and inserting ''of commencement of the national stage under section 371 in an international application''; and

(B) in subparagraph (B), in the matter preceding clause (i), by striking ''the application in the United States'' and inserting ''the application under section 111(a) in the United States or, in the case of an international application, the date of commencement of the national stage under section 371 in the international application'';

(2) in paragraph (3)(B)(i), by striking ''with the written notice of allowance of the application under section 151'' and inserting ''no later than the date of issuance of the patent''; and

(3) in paragraph (4)(A)—

(A) by striking ''a determination made by the Director under paragraph (3) shall have remedy'' and inserting ''the Director's decision on the applicant's request for reconsideration under paragraph (3)(B)(ii) shall have exclusive remedy''; and

(B) by striking ''the grant of the patent'' and inserting ''the date of the Director's decision on the applicant's request for reconsideration''.

(i) IMPROPER APPLICANT.—Section 373 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 37 of such title, are repealed.

(j) FINANCIAL MANAGEMENT CLARIFICATIONS.—Section 42(c)(3) of title 35, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''sections 41, 42, and 376,'' and inserting ''this title,''; and

(B) by striking ''a share of the administrative costs of the Office relating to patents'' and inserting ''a proportionate share of the administrative costs of the Office''; and

(2) in subparagraph (B), by striking ''a share of the administrative costs of the Office relating to trademarks'' and inserting ''a proportionate share of the administrative costs of the Office''.

(k) DERIVATION PROCEEDINGS.—

(1) IN GENERAL.—Section 135(a) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended to read as follows:

''(a) INSTITUTION OF PROCEEDING.—

''(1) IN GENERAL.—An applicant for patent may file a petition with respect to an invention to institute a derivation proceeding in the Office. The petition shall set forth with particularity the basis for finding that an individual named in an earlier application as the inventor or a joint inventor derived such invention from an individual named in the petitioner's application as the inventor or a joint inventor and, without authorization, the earlier application claiming such invention was filed. Whenever the Director determines that a petition filed under this subsection demonstrates that the standards for instituting a derivation proceeding are met, the Director may institute a derivation proceeding.

''(2) TIME FOR FILING.—A petition under this section with respect to an invention that is the same or substantially the same invention as a claim contained in a patent issued on an earlier application, or contained in an earlier application when published or deemed published under section 122(b), may not be filed unless such petition is filed during the 1-year period following the date on which the patent containing such claim was granted or the earlier application containing such claim was published, whichever is earlier.

''(3) EARLIER APPLICATION.—For purposes of this section, an application shall not be deemed to be an earlier application with respect to an invention, relative to another application, unless a claim to the invention was or could have been made in such application having an effective filing date that is earlier than the effective filing date of any claim to the invention that was or could have been made in such other application.

''(4) NO APPEAL.—A determination by the Director whether to institute a derivation

proceeding under paragraph (1) shall be final and not appealable.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(3) REVIEW OF INTERFERENCE DECISIONS.—The provisions of sections 6 and 141 of title 35, United States Code, and section 1295(a)(4)(A) of title 28, United States Code, as in effect on September 15, 2012, shall apply to interference proceedings that are declared after September 15, 2012, under section 135 of title 35, United States Code, as in effect before the effective date under section 3(n) of the Leahy-Smith America Invents Act. The Patent Trial and Appeal Board may be deemed to be the Board of Patent Appeals and Interferences for purposes of such interference proceedings.

(l) PATENT AND TRADEMARK PUBLIC ADVISORY COMMITTEES.—

(1) IN GENERAL.—Section 5(a) of title 35, United States Code, is amended—

(A) in paragraph (1), by striking ''Members of'' and all that follows through ''such appointments.'' and inserting the following: ''In each year, 3 members shall be appointed to each Advisory Committee for 3-year terms that shall begin on December 1 of that year. Any vacancy on an Advisory Committee shall be filled within 90 days after it occurs. A new member who is appointed to fill a vacancy shall be appointed to serve for the remainder of the predecessor's term.'';

(B) by striking paragraph (2) and inserting the following:

''(2) CHAIR.—The Secretary of Commerce, in consultation with the Director, shall designate a Chair and Vice Chair of each Advisory Committee from among the members appointed under paragraph (1). If the Chair resigns before the completion of his or her term, or is otherwise unable to exercise the functions of the Chair, the Vice Chair shall exercise the functions of the Chair.''; and

(C) by striking paragraph (3).

(2) TRANSITION.—

(A) IN GENERAL.—The Secretary of Commerce shall, in the Secretary's discretion, determine the time and manner in which the amendments made by paragraph (1) shall take effect, except that, in each year following the year in which this Act is enacted, 3 members shall be appointed to each Advisory Committee (to which such amendments apply) for 3-year terms that begin on December 1 of that year, in accordance with section 5(a) of title 35, United States Code, as amended by paragraph (1) of this subsection.

(B) DEEMED TERMINATION OF TERMS.—In order to implement the amendments made by paragraph (1), the Secretary of Commerce may determine that the term of an existing member of an Advisory Committee under section 5 of title 35, United States Code, shall be deemed to terminate on December 1 of a year beginning after the date of the enactment of this Act, regardless of whether December 1 is before or after the date on which such member's term would terminate if this Act had not been enacted.

(m) CLERICAL AMENDMENT.—Section 123(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by inserting ''of this title'' after ''For purposes''.

(n) EFFECTIVE DATE.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of enactment of this Act, and shall apply to proceedings commenced on or after such date of enactment.

UNANIMOUS CONSENT AGREEMENT—H.R. 8

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, with the concurrence of the Republican leader, the Senate proceed to the consideration of Calendar No. 502, H.R. 8.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that following leader remarks on Sunday, December 30, the Senate proceed to executive session to consider Calendar No. 518 under the previous order; further, that after the use or yielding back of the time, we proceed to consideration of Calendar No. 909 and proceed to vote on Calendar No. 909 and Calendar No. 518; that there be 2 minutes for debate equally divided in the usual form prior to each vote; that the motions to reconsider be considered made and laid on the table; that there being no intervening action or debate and no further motions be in order to the nomination; that any statements related to the nominations be printed in the RECORD, President Obama be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 475, S. 3454.

The PRESIDING OFFICER. The clerk will report the bill by title.

A bill (S. 3454) to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. FEINSTEIN. Mr. President, among the unfinished business before the Senate is the consideration of the Intelligence Authorization Act for Fiscal Year 2013. I am asking today for unanimous consent to approve this legislation with a managers' amendment worked out both with vice chairman CHAMBLISS and the chairman and ranking member of the House Permanent Select Committee on Intelligence, in consultation with the Armed Services and Appropriations Committees.

The Senate Select Committee on Intelligence reported its Fiscal Year 2013 bill, S. 3454, with its accompanying report, S. Rpt. 112–192, on July 30, 2012 by a vote of 14–1. The bill and report have been publicly available since it was reported. The classified annex reported from the Committee was also available for all Senators to review in the Committee's office.

S. 3454 as reported from our Committee was not without controversy, especially with regard to provisions in the bill that were meant to address the wholly unacceptable and large-scale disclosures of classified information to the media.

Since the bill was reported out, the Committee has received thoughtful comments from our colleagues, media organizations, and from organizations that advocate for greater governmental transparency. As a result of these comments, and technical suggestions received from the Executive Branch, we have decided to remove ten of the twelve sections in the title of the original bill that addressed unauthorized disclosures of classified information so that we might ensure enactment this year of the important other provisions of the bill.

Unfortunately, I am certain that damaging leaks of classified information will continue, and so the Committee will need to continue to look for acceptable ways to address this problem.

Let me briefly describe the managers' amendment and where we have made modifications in what was reported from the Committee.

As always, the intelligence authorization bill has two pieces: the legislative text, which is unclassified, and a classified annex that contains the Committee's authorization of intelligence spending.

The bill contains a number of legislative provisions requested by the Administration to give the intelligence community the authorities and flexibilities it needs to continue protecting the American people and providing policymakers information for foreign policy and security decisions, as well as for the effective and appropriate functioning of our intelligence apparatus.

Among other things, this bill includes:

Repeal of four recurring reporting requirements burdensome to Intelligence Community agencies when the information in such reports is duplicative, or is provided to the Congress through other means. We regularly hear from intelligence officials that they spend so much time writing reports that it interferes with collection, analysis, and management of intelligence activities.

Modification of personnel authorities to facilitate more ''joint duty'' assignments within the Intelligence Community that will create shared knowledge across different elements of the IC.

These provisions, and several others that are mainly technical in nature, were requested by the director of National Intelligence and incorporated into the bill.

Other sections were initiated by the Committee to assist Congressional oversight efforts. These include, for example, a requirement for corrective action plans to be developed to address

the issue of improper payments made by intelligence agencies. We also require notification to the congressional intelligence committees under certain circumstances with respect to certain disclosures of national intelligence information.

As this managers' amendment represents the combined efforts of the Senate and House, we have also included three provisions from the House-passed bill which were not in the Committee's original bill. These address security clearance reciprocity, subcontractor business opportunities in the Intelligence Community, and a report on supply chain vulnerabilities.

I am attaching at the end of this statement a section-by-section analysis that describes each of the sections of this managers' amendment.

It is my hope that the provisions in this bill will continue to aid the Intelligence Community as it conducts its missions, ensure better stewardship of taxpayer dollars, and support the thousands of civilians and military employees who work throughout the Intelligence Community.

As I mentioned, this managers' amendment also includes modifications to the classified annex and the Schedule of Authorizations, modified to represent the consensus of both congressional intelligence committees. I am unable to describe in detail the Committee's classified schedule and annex, but it is available to all Senators for their review in the Committee's spaces. The Committee has sought to ensure that funding is authorized to continue and enhance important intelligence collection and analysis programs, covert actions, and counterintelligence. At the same time, we have cut funding for programs that were functioning poorly or at expenditure rates below expectations, and to shift funding from lower priorities to higher ones.

As always, the Committee has held numerous hearings and briefings on the President's spending request. As was announced in late October, intelligence spending decreased slightly in Fiscal Year 2012, and that trend will continue in Fiscal Year 2013. Our annex contains an overall funding level that is very close to the President's request, and we have attempted to find places to reduce spending that will not sacrifice any important work of the intelligence agencies.

I believe we have addressed all of the concerns that have been brought to our attention by our colleagues and the public. I thus urge passage of this managers' amendment and enactment of this important legislation before the end of the session.

I ask unanimous consent that the section by section analysis be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS AND EXPLANATION

The following is a section-by-section analysis and explanation of the Intelligence Authorization Act for Fiscal Year 2013.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Section 101. Authorization of appropriations

Section 101 lists the United States Government departments, agencies, and other elements for which the Act authorizes appropriations for intelligence and intelligence-related activities for Fiscal Year 2013.

Section 102. Classified Schedule of Authorizations

Section 102 provides that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and the applicable personnel levels by program for Fiscal Year 2013 are contained in the classified Schedule of Authorizations and that the classified Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President.

Section 103. Personnel ceiling adjustments

Section 103 is intended to provide additional flexibility to the Director of National Intelligence (DNI) in managing the civilian personnel of the Intelligence Community. Section 103(a) provides that the DNI may authorize employment of civilian personnel in Fiscal Year 2013 in excess of the number of authorized positions by an amount not exceeding 3 percent of the total limit applicable to each Intelligence Community element under Section 102. The DNI may do so only if necessary to the performance of important intelligence functions.

Section 103(b) requires the DNI to establish guidelines that would ensure a uniform and accurate method of counting certain personnel. The DNI has issued such a policy. Subsection (b) confirms in statute the obligation of the DNI to establish these guidelines.

The DNI must report the decision to allow an Intelligence Community element to exceed the personnel ceiling in advance to the congressional intelligence committees.

Section 104. Intelligence Community Management Account

Section 104 authorizes appropriations for the Intelligence Community Management Account (ICMA) of the DNI and sets the authorized personnel levels for the elements within the ICMA for Fiscal Year 2013.

Subsection (a) authorizes appropriations of $540,721,000 for Fiscal Year 2013 for the activities of the ICMA. Subsection (b) authorizes 835 positions for elements within the ICMA for Fiscal Year 2013 and provides that personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence (ODNI) or detailed from other elements of the United States Government.

Subsection (c) authorizes additional appropriations and personnel for the classified Community Management Account as specified in the classified Schedule of Authorizations and permits the funding for advanced research and development to remain available through September 30, 2014.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Section 201. Authorization of appropriations

Section 201 authorizes appropriations in the amount of $514,000,000 for Fiscal Year 2013 for the Central Intelligence Agency (CIA) Retirement and Disability Fund.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Section 301. Restriction on conduct of intelligence activities

Section 301 provides that the authorization of appropriations by the Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or laws of the United States.

Section 302. Increase in employee compensation and benefits authorized by law

Section 302 provides that funds authorized to be appropriated by this Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law.

Section 303. Non-reimbursable details

Section 303 amends Section 113A of the National Security Act of 1947 (50 U.S.C. 404h–1) to increase the length of time an officer or employee of the federal government can be detailed to the staff of an element of the Intelligence Community funded through the National Intelligence Program (NIP) from two years to three. In addition, Section 303 clarifies that a non-reimbursable detail made under Section 113A shall not be considered an augmentation of the appropriations of the receiving element of the Intelligence Community.

The DNI requested that an extension of the length of service from two years to three years be made for members of the Armed Forces detailed to an element of Intelligence Community. This request was intended to align Section 113A with requirements for joint duty assignments among the military. Section 664(a) of Title 10 provides that joint duty assignments for military officers, other than general and flag officers, shall be no less than three years. Section 303 provides the flexibility of a three-year length of service to civilian employees as well as military officers.

Section 304. Automated insider threat detection program

Section 304 extends by one year the milestones for establishment of an automated insider threat detection program under Section 402 of the Intelligence Authorization Act for Fiscal Year 2011 (Public Law 112–18). The administration had requested a two-year extension of the milestone for ''initial operating capability'' and a three-year extension of the milestone for ''full operating capability.'' The one-year extensions are intended to ensure that the Intelligence Community moves more rapidly toward establishment of this program.

Section 305. Software licensing

Section 305 requires the chief information officer for an element of the Intelligence Community to conduct an inventory of software licenses held by such element, including those utilized and unutilized, by the element. This inventory is to be conducted in consultation with the Chief Information Officer of the Intelligence Community (CIO) and completed within 120 days of enactment. Not later than 180 days after enactment, the CIO shall provide the congressional intelligence committees with a copy of the reports along with any comments the CIO wishes to provide. The CIO shall transmit any portion of a report involving a component of a department of the U.S. government to the congressional committees with jurisdiction over such department simultaneously with submission of such report to the congressional intelligence committees.

Section 306. Strategy for security clearance reciprocity

Section 306 requires the President to develop a strategy and process for carrying out the requirements of section 3001(d) of the Intelligence Reform and Terrorism Prevention Act of 2004, which concerns reciprocity of security clearance access determinations across agencies.

Section 307. Improper Payments Elimination and Recovery Act of 2010 compliance

Section 307 requires the DNI and the directors of the CIA, the Defense Intelligence Agency (DIA), the National Geospatial-Intelligence Agency (NGA), and the National Security Agency (NSA) each to develop a corrective action plan, with major milestones, that delineates how such agencies will achieve compliance with the Improper Payments Elimination and Recovery Act of 2010, not later than September 30, 2013. Section 307(b) requires the relevant inspectors general to review the corrective action plan and assess whether it is likely to lead to compliance. Each assessment is to be provided to the congressional intelligence committees. The corrective action plans and inspector general assessments involving the DIA, NGA, and NSA shall also be submitted to the armed services committees of the Senate and House of Representatives.

Section 308. Subcontractor notification process

Section 308 requires the DNI to submit a report to the congressional intelligence committees assessing the method by which contractors at any tier under a contract entered into with an element of the Intelligence Community are granted security clearances and notified of classified contracting opportunities within the Federal Government and recommendations for the improvement of such method.

Section 309. Modification of reporting schedule

Section 309 changes the dates by which the inspectors general of the Intelligence Community and the CIA are required to prepare and submit semiannual reports on the activities of their offices from a calendar year basis to a fiscal year basis. This change will align these reporting requirements with the reporting requirements of other inspectors general in the Intelligence Community and facilitate joint audits, inspections and investigations.

Section 310. Repeal of certain reporting requirements

Congress frequently requests information from the Intelligence Community in the form of reports, the contents of which are specifically defined by statute. The reports prepared pursuant to these statutory requirements provide Congress with an invaluable source of information about specific matters of concern.

Congressional reporting requirements, and particularly recurring reporting requirements, can place a significant burden on the resources of the Intelligence Community. In some cases, annual reports can be replaced with briefings or notifications that provide the Congress with more timely information and offer the Intelligence Community a direct line of communication to respond to congressional concerns.

In response to a request from the DNI, Section 310 eliminates four reports that were burdensome to the Intelligence Community when the information in the reports could be obtained through other means or was no longer considered relevant to current concerns.

TITLE IV—MATTERS RELATING TO THE CENTRAL INTELLIGENCE AGENCY

Section 401. Working capital fund amendments

Section 401 amends Section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) to provide authority for the service providers under the CIA Central Services Program to use resources to make their services known to their authorized customer base through government communication channels, but clarifies this authority shall not be used to distribute gifts or promotional items. In addition, Section 401 authorizes service providers to deposit receipts from the sale of their recyclable materials into the CIA working capital fund.

TITLE V—OTHER MATTERS

Section 501. Homeland Security Intelligence Program

Section 501 establishes the Homeland Security Intelligence Program (HSIP) within the Department of Homeland Security for activities of the Office of Intelligence and Analysis (OIA) that serve predominantly a departmental mission. The OIA is currently funded through the NIP.

Section 502. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community

Section 502 extends the date by which the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community is required to submit a report on its findings from ''not later than one year after the date on which all members of the Commission are appointed pursuant to Section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010'' to not later than March 31, 2013, which is effectively one year after the Commission was able to begin its review. The extension was requested by the co-chairs of the Commission.

Section 503. Protecting the information technology supply chain of the United States

Section 503 requires the DNI to submit to the congressional intelligence committees a report that identifies foreign suppliers of information technology that are linked directly or indirectly to a foreign government and assesses the vulnerability to malicious activity of the telecommunications networks of the United States due to the presence of technology produced by such foreign suppliers.

Section 504. Notification regarding the authorized public disclosure of national intelligence

Section 504 requires government officials responsible for making certain authorized disclosures of national intelligence or intelligence related to national security to notify the congressional intelligence committees on a timely basis with respect to such disclosures. On a timely basis in this instance does not mean at the exact same time but should be sufficiently timely to keep the committees fully and currently informed.

This provision is intended to ensure that the intelligence committees are made aware of authorized disclosures of national intelligence or intelligence related to national security that are made to media personnel or likely to appear in the press, so that, among other things, these authorized disclosures may be distinguished from unauthorized ''leaks.''

Section 504(c) provides that the notification requirement does not apply to a disclosure made pursuant to statutory requirements, in connection with civil, criminal or administrative proceedings, as a result of a declassification review process under Executive Order 13526, or to cleared government representatives with a need to know.

Section 504(e) provides a one-year sunset for the notification requirement in this section.

Section 505. Technical amendments related to the Office of the Director of National Intelligence

Sections 2302 and 3132 of Title 5 of the United States Code exclude from the definition of ''agency'' under those chapters certain specifically listed agencies such as the CIA. In addition, Sections 2302 and 3132 exclude from the definition of ''agency'' those executive agencies that the President determines have as their principal function ''the conduct of foreign intelligence or counterintelligence activities.'' Section 505 amends the definition of agency in Sections 2302 and 3132 to expressly identify the ODNI as an agency excluded from the definition of ''agency'' under those chapters.

Section 506. Technical amendment for definition of intelligence agency

Title VI of the National Security Act of 1947 imposes criminal penalties for the disclosure of the identity of covert agents of an intelligence agency. The current definition of an ''intelligence agency'' does not include the counterintelligence elements of the Department of Defense or the intelligence and counterintelligence components of other elements of the Intelligence Community despite the fact that these components may be conducting counterintelligence operations jointly with the Federal Bureau of Investigation or under their own independent authority. Section 506 thus amends Section 606(5) of the National Security Act of 1947 (50 U.S.C. 426) to revise the definition of ''intelligence agency'' to include all elements of the Intelligence Community, as found in Section 3(4) of the National Security Act.

Section 507. Budgetary effects

Section 507 provides that 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.

FISA

Mr. CHAMBLISS. Mr. President, earlier today, we were successful in passing H.R. 5949, the FISA Amendments Act Reauthorization Act of 2012, with strong bipartisan support. I am pleased that we are now in a position to pass the Intelligence Authorization Act for Fiscal Year 2013, again with strong bipartisan support. These two bills are the result of Chairman FEINSTEIN's exceptional bipartisan leadership of the Select Committee on Intelligence. It has been my privilege and honor to work with her these past two years during my tenure as Vice Chairman of the Committee.

This bill looks a little different than the version we passed out of Committee back in July, by a vote of 14–1. The final product is the result of our extensive efforts to successfully address the concerns raised by the Executive branch, the House of Representatives, and, of course, our own membership.

It is a good bill. It contains a number of provisions requested by the administration that will provide the intelligence community with certain authorities necessary to perform its vital mission for our country. Most important, it authorizes the funds appropriated for the intelligence and intelligence-related activities of our government. This congressional budgetary oversight is crucial to our national security. I am also pleased that the bill

contains a provision which will require government officials, who are responsible for authorizing the disclosure of national intelligence or intelligence related to national security to the media or the general public, to notify the congressional intelligence committees on a timely basis with respect to such disclosures.

It is my hope that the House of Representatives will take this bill up quickly, pass it, and then send it on to the President for signature.

Mr. REID. Mr. President, I ask unanimous consent that a Feinstein-Chambliss substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and the Senate proceed to vote on passage.

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

The amendment (No. 3441) in the nature of a substitute was agreed to.

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

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

The PRESIDING OFFICER. Is there any further debate?

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

The bill, (S. 3454), as amended, was passed.

Mr. REID. Mr. President, I ask unanimous consent that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this matter be printed in the RECORD.

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

ASSISTING STATELESS CHILDREN FROM NORTH KOREA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 1464 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1464) to develop a strategy for assisting stateless children from North Korea, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I further ask unanimous consent that the Burr substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; that the title amendment, which is at the desk, be agreed to; that the motions to reconsider be considered made and laid upon the table and any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 3442) 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 ''North Korean Child Welfare Act of 2012''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) hundreds of thousands of North Korean children suffer from malnutrition in North Korea, and North Korean children or children of one North Korean parent who are living outside of North Korea may face statelessness in neighboring countries; and

(2) the Secretary of State should advocate for the best interests of these children, including, when possible, facilitating immediate protection for those living outside North Korea through family reunification or, if appropriate and eligible in individual cases, domestic or international adoption.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) HAGUE COUNTRY.—The term ''Hague country'' means a country where the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, done at The Hague May 29, 1993, has entered into force and is fully implemented.

(3) NON-HAGUE COUNTRY.—The term ''non-Hague country'' means a country where the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, done at The Hague May 29, 1993, has not entered into force.

SEC. 4. BRIEFINGS ON THE WELFARE OF NORTH KOREAN CHILDREN.

(a) IN GENERAL.—The Secretary of State shall designate a representative to regularly brief the appropriate congressional committees in an unclassified setting on United States Government efforts to advocate for the best interests of North Korean children and children of one North Korean parent, including efforts to address, when appropriate, the adoption of such children living outside North Korea without parental care.

(b) CONTENTS.—The Secretary's designee shall be prepared to address in each briefing the following topics:

(1) The analysis of the Department of State of the challenges facing North Korean children residing outside North Korea and challenges facing children of one North Korean parent in other countries who are fleeing persecution or are living as de jure or de facto stateless persons.

(2) Department of State efforts to advocate for the best interest of North Korean children residing outside North Korea or children of one North Korean parent living in other countries who are fleeing persecution or are living as de jure or de facto stateless persons, including, when possible, efforts to address the immediate care and family reunification of these children, and, in individual cases where appropriate, the adoption of eligible North Korean children living outside North Korea and children of one North Korean parent living outside North Korea.

(3) Department of State efforts to develop a comprehensive strategy to address challenges that United States citizens would encounter in attempting to adopt, via intercountry adoption, North Korean-origin children residing in other countries or children of one North Korean parent residing outside North Korea who are fleeing persecution or are living as de jure or de facto stateless persons, including efforts to overcome the complexities involved in determining jurisdiction for best interest determinations and adoption processing, if appropriate, of those who habitually reside in a Hague country or a non-Hague country.

(4) Department of State diplomatic efforts to encourage countries in which North Korean children or children of one North Korean parent are fleeing persecution or reside as de jure or de facto stateless persons to resolve issues of statelessness of North Koreans residing in that country.

(5) Department of State efforts to work with the Government of the Republic of Korea to establish pilot programs that identify, provide for the immediate care of, and assist in the family reunification of North Korean children and children of one North Korean parent living within South Korea and other countries who are fleeing persecution or are living as de jure or de facto stateless persons.

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

The bill was read the third time.

The bill (H.R. 1464), as amended, was passed.

The amendment (No. 3443) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: ''To express the sense of Congress regarding North Korean children and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children.''.

AUTHORIZING THE ATTORNEY GENERAL TO AWARD GRANTS FOR STATES TO IMPLEMENT DNA ARRESTEE COLLECTION PROCESSES

Mr. REID. Mr. President, I ask unanimous consent to proceed to H.R. 6014.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6014) to authorize the Attorney General to award grants for States to implement DNA arrestee collection processes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be made and laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

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

The bill (H.R. 6014) was ordered to a third reading, was read the third time, and passed.

FORMER PRESIDENTS PROTECTION ACT OF 2012

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 6620 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 assistant legislative clerk read as follows:

A bill (H.R. 6620) to amend title 18, United States Code, to eliminate certain limitations on the length of Secret Service Protection for former Presidents and for the children of former Presidents.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Today the Senate is enacting provisions sent to us by Representative CONYERS, Chairman SMITH and others to repeal a shortsighted limitation passed in 1994 to limit Secret Service protection of former Presidents. The House bill reverses the 10-year limitation enacted during a time when partisans were angry at the American people's election of President Clinton. They contended they were saving taxpayers money with this change in protection, but I doubt their legislation had any such effect. Now that the limitation might limit Secret Service protection for George W. Bush, they are ready to reverse course. We live in a world of real threats and dangerous people intent on wrongdoing. I support this effort to protect former President Bush and other Presidents going forward.

I think we should take a more thorough look at this outdated statute and expressly extend protection for the minor children of former Presidents, as well. In today's world, I do not believe ending such protection at age 15 is prudent. I have raised the issue with the authors of this legislation, with the Secret Service and with the current administration. They are hesitant to improve upon the current bill. I think we are making a mistake by not taking this opportunity to extend protection to children in our first families until they reach 21 years of age. I will not hold up the beneficial change that will be made by the House bill in order to demand a more thorough overhaul of the statute at this time. I suspect Congress will need to reassess this matter because we have not done all we should now.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements related to this matter be placed in the RECORD.

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

The bill (H.R. 6620) was ordered to a third reading, was read the third time, and passed.

CORRECTING AND IMPROVING THE LEAHY-SMITH AMERICA INVENTS ACT

Mr. REID. Mr. President, I now ask unanimous consent to proceed to H.R. 6621.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6621) to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Earlier this Congress, the Senate and the House of Representatives came together to pass the Leahy-Smith America Invents Act, the most comprehensive change to our Nation's patent laws in 60 years. It was the result of more than 6 years of bipartisan, bicameral work by many, including my counterpart on the House Judiciary Committee, Chairman LAMAR SMITH. Now 15 months since President Obama signed our bill into law, its reforms are already starting to take effect, benefiting inventors and businesses around the country.

I am pleased the Senate has taken action to pass Chairman SMITH's technical corrections legislation, H.R. 6621. The legislation makes a small number of changes to clarify and improve the law and to help streamline its implementation. The bill corrects several minor drafting errors and clarifies provisions concerning the inventor's oath, notice of patent term adjustments, derivation proceedings, and the terms of the Patent Public Advisory Committee. It also addresses an inadvertent ''dead zone'' by clarifying the remedies available to those wishing to challenge patent applications.

The changes are straightforward and noncontroversial. They should help reduce confusion and ease implementation of the law. I appreciate Chairman SMITH's efforts to draft this legislation and to move it through the House of Representatives so the Patent and Trademark Office, PTO, and participants in the patent system can benefit from its effects.

Regrettably, the legislation passed today does not include one technical correction that would improve the law by restoring Congress's intent for the post-grant estoppel provision of the America Invents Act. Chairman SMITH recently described certain language contained in that provision as an ''inadvertent scrivener's error.'' As written, it unintentionally creates a higher threshold of estoppel than was in the legislation that passed the Senate 95–5, or that was intended by the House, according to Chairman SMITH's statement. I hope we will soon address this issue so that the law accurately reflects Congress's intent.

We must also continue to focus on the troubling problem of several hundred ''pre-GATT'' patent applications that have now been pending before the Patent Office for over 18 years. The original version of this legislation in the House addressed that problem by providing a 1-year window for the pending applications to be processed. Unfortunately, that language was removed before final passage in the House and replaced with a provision requiring the Patent Office to prepare a report. The amended bill the Senate has passed today strikes the report, but I will work closely with the PTO to identify the cause of the delays and ensure that the PTO has the tools it needs to address any abuses by those who may be trying to game the system and use the patent laws to impede, rather than encourage innovation.

There is still more work to be done to address the problems that confront our patent system. The assertion of patents is still too often used by patent trolls to extract payment even where there is not infringement of a valid patent, and the ''tech patent wars'' among the large mobile phone companies show the perils to competition that can come when companies do not reach business-to-business resolutions of their patent disputes. But the important reforms made by the Leahy-Smith America Invents Act go a long way toward improving the patent system. This legislation will help streamline those reforms, helping inventors, businesses, and the countless American workers employed in industries that produce and rely on intellectual property.

Mr. REID. Mr. President, I ask unanimous consent that the Leahy-Grassley substitute amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; a motion to reconsider be considered made and laid upon the table, and any statements related to this matter be printed in the RECORD.

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

The amendment (No. 3444) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. TECHNICAL CORRECTIONS.

(a) ADVICE OF COUNSEL.—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), section 298 of title 35, United States Code, shall apply to any civil action commenced on or after the date of the enactment of this Act.

(b) TRANSITIONAL PROGRAM FOR COVERED BUSINESS METHOD PATENTS.—Section 18 of the Leahy-Smith America Invents Act (35 U.S.C. 321 note) is amended—

(1) in subsection (a)(1)(C)((i), by striking ''of such title'' the second place it appears; and

(2) in subsection (d)(2), by striking ''subsection'' and inserting ''section''.

(c) JOINDER OF PARTIES.—Section 299(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by striking ''or counterclaim defendants only if'' and inserting ''only if''.

(d) DEAD ZONES.—

(1) INTER PARTES REVIEW.—Section 311(c) of title 35, United States Code, shall not apply to a petition to institute an inter partes review of a patent that is not a patent described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note).

(2) REISSUE.—Section 311(c)(1) of title 35, United States Code, is amended by striking ''or issuance of a reissue of a patent''.

(e) CORRECT INVENTOR.—

(1) IN GENERAL.—Section 135(e) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended by striking ''correct inventors'' and inserting ''correct inventor''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(f) INVENTOR'S OATH OR DECLARATION.—Section 115 of title 35, United States Code, as amended by section 4 of the Leahy-Smith America Invents Act, is amended—

(1) by striking subsection (f) and inserting the following:

''(f) TIME FOR FILING.—The applicant for patent shall provide each required oath or declaration under subsection (a), substitute statement under subsection (d), or recorded assignment meeting the requirements of subsection (e) no later than the date on which the issue fee for the patent is paid.''; and

(2) in subsection (g)(1), by striking ''who claims'' and inserting ''that claims''.

(g) TRAVEL EXPENSES AND PAYMENT OF ADMINISTRATIVE JUDGES.—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), the amendments made by section 21 of the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 335) shall be effective as of September 16, 2011.

(h) PATENT TERM ADJUSTMENTS.—Section 154(b) of title 35, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(i)(II), by striking ''on which an international application fulfilled the requirements of section 371 of this title'' and inserting ''of commencement of the national stage under section 371 in an international application''; and

(B) in subparagraph (B), in the matter preceding clause (i), by striking ''the application in the United States'' and inserting ''the application under section 111(a) in the United States or, in the case of an international application, the date of commencement of the national stage under section 371 in the international application'';

(2) in paragraph (3)(B)(i), by striking ''with the written notice of allowance of the application under section 151'' and inserting ''no later than the date of issuance of the patent''; and

(3) in paragraph (4)(A)—

(A) by striking ''a determination made by the Director under paragraph (3) shall have remedy'' and inserting ''the Director's decision on the applicant's request for reconsideration under paragraph (3)(B)(ii) shall have exclusive remedy''; and

(B) by striking ''the grant of the patent'' and inserting ''the date of the Director's decision on the applicant's request for reconsideration''.

(i) IMPROPER APPLICANT.—Section 373 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 37 of such title, are repealed.

(j) FINANCIAL MANAGEMENT CLARIFICATIONS.—Section 42(c)(3) of title 35, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''sections 41, 42, and 376,'' and inserting ''this title,''; and

(B) by striking ''a share of the administrative costs of the Office relating to patents'' and inserting ''a proportionate share of the administrative costs of the Office''; and

(2) in subparagraph (B), by striking ''a share of the administrative costs of the Office relating to trademarks'' and inserting ''a proportionate share of the administrative costs of the Office''.

(k) DERIVATION PROCEEDINGS.—

(1) IN GENERAL.—Section 135(a) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended to read as follows:

''(a) INSTITUTION OF PROCEEDING.—

''(1) IN GENERAL.—An applicant for patent may file a petition with respect to an invention to institute a derivation proceeding in the Office. The petition shall set forth with particularity the basis for finding that an individual named in an earlier application as the inventor or a joint inventor derived such invention from an individual named in the petitioner's application as the inventor or a joint inventor and, without authorization, the earlier application claiming such invention was filed. Whenever the Director determines that a petition filed under this subsection demonstrates that the standards for instituting a derivation proceeding are met, the Director may institute a derivation proceeding.

''(2) TIME FOR FILING.—A petition under this section with respect to an invention that is the same or substantially the same invention as a claim contained in a patent issued on an earlier application, or contained in an earlier application when published or deemed published under section 122(b), may not be filed unless such petition is filed during the 1-year period following the date on which the patent containing such claim was granted or the earlier application containing such claim was published, whichever is earlier.

''(3) EARLIER APPLICATION.—For purposes of this section, an application shall not be deemed to be an earlier application with respect to an invention, relative to another application, unless a claim to the invention was or could have been made in such application having an effective filing date that is earlier than the effective filing date of any claim to the invention that was or could have been made in such other application.

''(4) NO APPEAL.—A determination by the Director whether to institute a derivation proceeding under paragraph (1) shall be final and not appealable.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(3) REVIEW OF INTERFERENCE DECISIONS.—The provisions of sections 6 and 141 of title 35, United States Code, and section 1295(a)(4)(A) of title 28, United States Code, as in effect on September 15, 2012, shall apply to interference proceedings that are declared after September 15, 2012, under section 135 of title 35, United States Code, as in effect before the effective date under section 3(n) of the Leahy-Smith America Invents Act. The Patent Trial and Appeal Board may be deemed to be the Board of Patent Appeals and Interferences for purposes of such interference proceedings.

(l) PATENT AND TRADEMARK PUBLIC ADVISORY COMMITTEES.—

(1) IN GENERAL.—Section 5(a) of title 35, United States Code, is amended—

(A) in paragraph (1), by striking ''Members of'' and all that follows through ''such appointments.'' and inserting the following: ''In each year, 3 members shall be appointed to each Advisory Committee for 3-year terms that shall begin on December 1 of that year. Any vacancy on an Advisory Committee shall be filled within 90 days after it occurs. A new member who is appointed to fill a vacancy shall be appointed to serve for the remainder of the predecessor's term.'';

(B) by striking paragraph (2) and inserting the following:

''(2) CHAIR.—The Secretary of Commerce, in consultation with the Director, shall designate a Chair and Vice Chair of each Advisory Committee from among the members appointed under paragraph (1). If the Chair resigns before the completion of his or her term, or is otherwise unable to exercise the functions of the Chair, the Vice Chair shall exercise the functions of the Chair.''; and

(C) by striking paragraph (3).

(2) TRANSITION.—

(A) IN GENERAL.—The Secretary of Commerce shall, in the Secretary's discretion, determine the time and manner in which the amendments made by paragraph (1) shall take effect, except that, in each year following the year in which this Act is enacted, 3 members shall be appointed to each Advisory Committee (to which such amendments apply) for 3-year terms that begin on December 1 of that year, in accordance with section 5(a) of title 35, United States Code, as amended by paragraph (1) of this subsection.

(B) DEEMED TERMINATION OF TERMS.—In order to implement the amendments made by paragraph (1), the Secretary of Commerce may determine that the term of an existing member of an Advisory Committee under section 5 of title 35, United States Code, shall be deemed to terminate on December 1 of a year beginning after the date of the enactment of this Act, regardless of whether December 1 is before or after the date on which such member's term would terminate if this Act had not been enacted.

(m) CLERICAL AMENDMENT.—Section 123(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by inserting ''of this title'' after ''For purposes''.

(n) EFFECTIVE DATE.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of enactment of this Act, and shall apply to proceedings commenced on or after such date of enactment.

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

The bill (H.R. 6621), as amended, was read the third time and passed.

ORDERS FOR SUNDAY, DECEMBER 30, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Sunday, December 30, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to executive session under the previous order; and that following disposition of the Galante nomination, the Senate recess for 1 hour to allow for caucus meetings.

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

PROGRAM

Mr. REID. Mr. President, there will be two rollcall votes at approximately 2 p.m. on Sunday.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of Senator SCHUMER, for not to exceed 8 minutes.

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

The Senator from New York.

SUPPLEMENTAL APPROPRIATIONS

Mr. SCHUMER. Mr. President, passing this bill was a very fine accomplishment. Of course, we Senators get up and stand and are very proud of it, as we should be. But without our staffs, we could not get any of this done.

So I would just like to take a few minutes to thank my staff, many of whom were personally impacted by Superstorm Sandy, who worked tirelessly to ensure that New York's needs were adequately addressed as my State continues to react and recover from Superstorm Sandy and her aftermath. Because of their hard work and tireless efforts, I know New York's needs have been addressed in the Sandy supplemental legislation that passed through the Senate earlier this evening.

My great LD Heather McHugh coordinated this effort, making sure that every type of aid was considered and included in this package. She has great knowledge of both the Senate and the House, and it was invaluable in getting this done.

My deputy chief of staff, Erin Sager Vaughan, who is so selfless and wonderful in making sure that every ''t'' is crossed and every ''i'' is dotted—I thank her as well.

Her team: Gerry Petrella did an amazing job. He is a Long Islander. He felt the impact of this storm personally, and he was there every step of the way making sure we did not leave out anything. Megan Richardson, Meghan Taira, Jonah Crane, Grant Kerr, Sean Byrne, Hana Greenberg, Veronica Duron were all exceptional on our legislative staff in bringing their expertise to help New York.

I wish to thank my press team: Brian Fallon, Max Young, Meredith Kelly, Lindsay Kryzak, Marissa Kaufman, Chris Scribner, who did a great job.

While this legislation is a tremendous accomplishment for my staff in Washington, DC, I would also like to thank members of my regional offices who not only lived through and experienced Sandy but made themselves available 24 hours a day, 7 days a week, to see that the needs of the people of New York would be recognized and addressed, who extended their arms to those who were in trouble.

Martin Brennan heads my New York operation. He had a torn Achilles and hobbled around in a cast, but he led our staff, as he always does, as a team and exquisitely.

Our casework team, they are seasoned. Suzie Orlove—whom I went to second grade with and has been working for me for over 30 years—Sydney Renwick, Joyce Chang, Julietta Lopez, Jackie Benavides, Karine Vorperian have spent months helping New Yorkers cut through the redtape and get the aid they need.

Nick Martin did an amazing job of connecting resources to needs across New York City and Long Island. Cody Peluso and Deanna Robertson helped make sure New York's northern suburbs were not forgotten.

Touring the damaged communities was a heart-wrenching task. Lane Bodian, who travels with me, was with me every step of the way. Our logistics team of Megan Murphy Vlasto, Jenna Jones, and Alex Victor helped make sure we got where we needed to be in those very difficult days after the storm and ever since.

Additionally, two members of my team were hit hard by the storm. They lost their houses or their houses were badly flooded. I wish to thank them because they ignored their personal situations, particularly in the days after the storm, to help New Yorkers. For that, I will always be grateful to Kyle Strober, who runs our Long Island office, and to Michelle Basic, his assistant, whose family's home was flooded badly on Staten Island.

Finally, the leader of our team is a guy named Mike Lynch, who has molded us into a great operation. He did not put his name in here, characteristically, but he deserves a huge amount of thanks.

Of course, my colleagues Senators GILLIBRAND, LAUTENBERG, MENENDEZ, and their teams were essential. We worked as sort of a seamless web, and I look forward to working with them on the implementation of this package.

I wish to thank Senator Inouye. When he was ill, he continued to meet with Senators GILLIBRAND, MENENDEZ, LAUTENBERG, and myself. We knew how much he cared. I know he is looking down, as I think Senator MIKULSKI said, and he is smiling at the good work we did in a bipartisan way to get this bill passed.

Of course, I wish to thank Senator MIKULSKI. This was the first bill she managed. Let it be a metaphor for all her bills: Senator GILLIBRAND and I have just labeled her ''the engineer.'' She led that train down the track speedily, without flaw, but carefully and was a great leader.

Senator LANDRIEU, the chair of the Homeland Security Subcommittee, was incredible in giving us advice and help, and even in those darkest days was there for us. The other subcommittee leaders—Senator LEAHY, Senator FEINSTEIN, Senator MURRAY—all made sure this package became a reality. Their staffs—Charlie Houy, Lilah Helms, Gabby Batkin, Chuck Keiffer, and Alex Keenan—were great.

Of course, my good friend, truly one of the closest friends I have and a great leader of this place, who understood the need and went out of his way for us, Senator REID, was invaluable. It would not have happened without him or his amazing floor staff, led by Gary Myrick and Tim Mitchell, who gave us tremendous advice and help. So I also thank them.

Finally, I thank my Republican colleagues across the aisle for putting aside partisanship. We had real differences. But this bill was debated and conducted in the right way. We allowed a lot of amendments. They were not blocked. There were no cheap shots. It was great.

I also wish to thank Gary's colleague, Dave Schiappa, for his advice and help as well.

With that, I wish everybody a nice Saturday and see you all on Sunday.

Mr. President, I ask unanimous consent to amend the order to allow a statement by Senator PRYOR.

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

Mr. SCHUMER. 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. PRYOR. 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. PRYOR. Mr. President, I have a couple things to say. First, I know the Senator from New York just left, Mr. SCHUMER. I want the people of New York to know, all the citizens of that State, how hard he worked to get this legislation passed. The entire delegation of New York and New Jersey were outstanding.

But Senator SCHUMER, when the storm was still raging, was on the phone calling Senators and Congressmen and calling the White House to get help for his State and the region. He deserves a lot of credit for getting us here. But truthfully, the delegations of those States pulled together and showed a lot of leadership. We appreciate that.

Also, we were so pleased Senator MIKULSKI was able to take the lead on this bill. It was a lot of fun for all of us to see her in action in her first real bill that she handled on the floor as chairman of the Appropriations Committee.

I yield the floor.

ADJOURNMENT UNTIL SUNDAY, DECEMBER 30, 2012, AT 1 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 1 p.m. on Sunday, December 30, 2012.

Thereupon, the Senate, at 7:50 p.m., adjourned until Sunday, December 30, 2012, at 1 p.m.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 5949, FISA Amendments Act Reauthorization Act.

Senate passed H.R. 1, Full-Year Continuing Appropriations Act, as amended.

Senate

Chamber Action

Routine Proceedings, pages S8455–S8519

Measures Introduced: Two bills were introduced, as follows: S. 3712–3713. **Page S8507**

Measures Passed:

FISA Amendments Act Reauthorization Act: By 73 yeas to 23 nays (Vote No. 236), Senate passed H.R. 5949, to extend the FISA Amendments Act of 2008 for five years, by the order of the Senate of Friday, December 21, 2012, 60 Senators having voted in the affirmative, and after taking action on the following amendment proposed thereto: **Pages S8455–62**

Rejected:

By 43 yeas to 52 nays (Vote No. 235), Wyden Amendment No. 3439, to require a report on the impact of the FISA Amendments Act of 2008 on the privacy of the people of the United States. (Pursuant to the order of Friday, December 21, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.) **Pages S8455–60**

Full-Year Continuing Appropriations Act: By 62 yeas to 32 nays (Vote No. 248), Senate passed H.R. 1, making appropriations for disaster relief for the fiscal year ending September 30, 2013, after taking action on the following amendments and motions proposed thereto: **Pages S8462–67, S8467–97**

Adopted:

Cardin/Landrieu Amendment No. 3393 (to Amendment No. 3395), of a perfecting nature. **Page S8462**

Mikulski (for Grassley) Amendment No. 3348 (to Amendment No. 3395), to shift vehicles used for non-operational purposes by the Department of Justice and Department of Homeland Security in the District of Columbia to replace vehicles of those agencies damaged by Hurricane Sandy. **Page S8462**

Mikulski (for Feinstein) Modified Amendment No. 3421 (to Amendment No. 3395), of a perfecting nature. **Page S8462**

Mikulski (for Harkin) Amendment No. 3426 (to Amendment No. 3395), of a perfecting nature. **Page S8462**

Landrieu Amendment No. 3415 (to Amendment No. 3395), to clarify the provision relating to emergency protective measures. **Page S8462**

Mikulski (for Leahy) Amendment No. 3403 (to Amendment No. 3395), to provide authority to transfer previously appropriated funds to increase security at United States embassies and other overseas posts. **Page S8462**

Coburn Amendment No. 3369 (to Amendment No. 3395), to reduce the amount that triggers the requirement to notify Congress of the recipients of certain grants and to require publication of the notice. **Page S8462**

Division I of Coburn/McCain Modified Amendment No. 3370 (to Amendment No. 3395), to ensure funding for victims of Hurricane Sandy is not spent on tax cheats, deceased individuals, or fisheries outside of the affected area. **Page S8462**

Reid Amendment No. 3395, in the nature of a substitute. **Pages S8462, S8483**

Reid (for Mikulski) Amendment No. 3440, to amend the title. **Page S8496**

Rejected:

By 52 yeas to 43 nays (Vote No. 237), Bingaman Amendment No. 3344 (to Amendment No. 3395), to provide for the approval of an agreement between the United States and the Republic of Palau in response to Super Typhoon Bopha. (Pursuant to the order of Friday, December 21, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.) **Page S8463**

By 44 yeas to 51 nays (Vote No. 239), Coburn/McCain Amendment No. 3368 (to Amendment No.

3395), to clarify cost-sharing requirements for certain Corps of Engineers activities. (Pursuant to the order of Friday, December 21, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.) **Pages S8462, S8464–65**

By 35 yeas to 60 nays (Vote No. 240), Division II of Coburn/McCain Modified Amendment No. 3370 (to Amendment No. 3395), to ensure funding for victims of Hurricane Sandy is not spent on tax cheats, deceased individuals, or fisheries outside of the affected area. (Pursuant to the order of Friday, December 21, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.) **Pages S8462, S8465–67**

By 40 yeas to 55 nays (Vote No. 241), Coburn/McCain Amendment No. 3371 (to Amendment No. 3395), to ensure that Federal disaster assistance is available for the most severe disasters. (Pursuant to the order of Friday, December 21, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.) **Pages S8462, S8466–67**

By 48 yeas to 47 nays (Vote No. 242), Coburn Amendment No. 3382 (to Amendment No. 3395), to require merit-based and competitive awards of disaster recovery contracts. (Pursuant to the order of Friday, December 21, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.) **Pages S8462, S8467–68**

By 42 yeas to 52 nays (Vote No. 243), Paul Amendment No. 3376 (to Amendment No. 3395), to provide for the nonapplication of the Davis-Bacon Act in the case of projects funded under this Act. (Pursuant to the order of Friday, December 21, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.) **Pages S8469–72, S8480–81**

By 3 yeas to 91 nays (Vote No. 244), Paul Amendment No. 3410 (to Amendment No. 3395), to offset the cost of the bill and to put the spending on budget as regular spending and not emergency. (Pursuant to the order of Friday, December 21, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.) **Pages S8469–72, S8480, S8481**

By 46 yeas to 49 nays (Vote No. 245), McCain/Coburn Amendment No. 3355 (to Amendment No. 3395), to strike funding for the emergency forest restoration program. (Pursuant to the order of Friday, December 21, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.) **Pages S8476–80, S8481–82**

By 41 yeas to 54 nays (Vote No. 247), Coats/Alexander Amendment No. 3391 (to Amendment No. 3395), in the nature of a substitute. (Pursuant to the order of Friday, December 21, 2012, the amendment having failed to achieve 60 affirmative votes, was not agreed to.) **Pages S8462, S8483**

Withdrawn:

Tester Amendment No. 3350 (to Amendment No. 3395), to provide additional funds for wildland fire management. **Page S8462**

Coburn Amendment No. 3383 (to Amendment No. 3395), to strike a provision relating to certain studies of the Corps of Engineers. **Pages S8462, S8468**

Lee Modified Amendment No. 3373 (to Amendment No. 3395), to amend the Internal Revenue Code of 1986 to provide special rules for the use of retirement funds in connection with federally declared disasters, to provide for certain regulatory relief in connection with federally declared disasters. **Pages S8472–74**

Merkley Further Modified Amendment No. 3367 (to Amendment No. 3395), to extend certain supplemental agricultural disaster assistance programs. **Pages S8462, S8482**

During consideration of this measure today, Senate also took the following action:

By 51 yeas to 44 nays (Vote No. 238), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974, with respect to Tester Amendment No. 3350 (to Amendment No. 3395) (listed above). Subsequently, the point of order that the amendment was in violation of section 314(e)(1) of the Congressional Budget Act of 1974, was sustained, the emergency designation within the amendment was stricken, and the amendment was withdrawn. **Page S8464**

By 55 yeas to 40 nays (Vote No. 246), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974, with respect to Merkley Further Modified Amendment No. 3367 (to Amendment No. 3395) (listed above). Subsequently, the point of order that the amendment was in violation of section 314(e)(1) of the Congressional Budget Act of 1974, was sustained, the emergency designations within the amendment were stricken, and the amendment was withdrawn. **Page S8482**

Subsequently, the motion to invoke cloture on the bill was withdrawn. **Page S8483**

Intelligence Authorization Act for Fiscal Year 2013: Senate passed S. 3454, to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National

Intelligence, the Central Intelligence Agency Retirement and Disability System, after agreeing to the following amendment proposed thereto:

Pages S8513–15, S8516

Reid (for Feinstein/Chambliss) Amendment No. 3441, in the nature of a substitute. **Page S8516**

North Korean Refugee Adoption Act: Committee on Foreign Relations was discharged from further consideration of H.R. 1464, to express the sense of Congress regarding North Korean children and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children, and the bill was then passed, after agreeing to the following amendments proposed thereto: **Page S8516**

Reid (for Burr) Amendment No. 3442, in the nature of a substitute. **Page S8516**

Reid (for Burr) Amendment No. 3443, to amend the title. **Page S8516**

Katie Sepich Enhanced DNA Collection Act: Senate passed H.R. 6014, to authorize the Attorney General to award grants for States to implement DNA arrestee collection processes. **Page S8516**

Former Presidents Protection Act: Committee on the Judiciary was discharged from further consideration of H.R. 6620, to amend title 18, United States Code, to eliminate certain limitations on the length of Secret Service Protection for former Presidents and for the children of former Presidents, and the bill was then passed. **Pages S8516–17**

Officer Safety Act: Senate passed H.R. 6621, to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code, after agreeing to the following amendment proposed thereto: **Pages S8517–18**

Reid (for Leahy/Grassley) Amendment No. 3444, in the nature of a substitute. **Pages S8517–18**

Job Protection and Recession Prevention Act—Agreement: A unanimous-consent agreement was reached providing that at a time to be determined by the Majority Leader, with the concurrence of the Republican Leader, Senate begin consideration of the motion to proceed to consideration of H.R. 8, to extend certain tax relief provisions enacted in 2001 and 2003, and to provide for expedited consideration of a bill providing for comprehensive tax reform.

Page S8513

Galante and Baer Nominations—Agreement: A unanimous-consent-time agreement was reached providing that at approximately 1 p.m., on Sunday, December 30, 2012, Senate begin consideration of the nomination of Carol J. Galante, of California, to be an Assistant Secretary of Housing and Urban Development, under the previous order; provided further, that upon the use or yielding back of time, Senate begin consideration of the nomination of William Joseph Baer, of Maryland, to be an Assistant Attorney General, and vote on confirmation of the nominations; that there be two minutes for debate, equally divided in the usual form prior to each vote; and that no further motions be in order to the nominations. **Page S8513**

Executive Communications: **Pages S8506–07**

Additional Cosponsors: **Page S8507**

Statements on Introduced Bills/Resolutions:

Pages S8507–08

Amendments Submitted: **Pages S8508–13**

Record Votes: Fourteen record votes were taken today. (Total—248)

Pages S8460–61, S8463–68, S8480–83, S8486

Adjournment: Senate convened at 9 a.m. and adjourned at 7:50 p.m., until 1 p.m. on Sunday, December 30, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8518.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet on Sunday, December 30, 2012 for legislative business.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR SUNDAY, DECEMBER 30, 2012

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No meetings/hearings scheduled.

Next Meeting of the SENATE

1 p.m., Sunday, December 30

Senate Chamber

Program for Sunday: Senate will begin consideration of the nomination of Carol J. Galante, of California, to be an Assistant Secretary of Housing and Urban Development, with up to one hour of debate. Upon the use or yielding back of time, Senate will begin consideration of the nomination of William Joseph Baer, of Maryland, to be an Assistant Attorney General, and vote on confirmation of the nominations at approximately 2 p.m.

(Following disposition of the nomination of Carol J. Galante, Senate will recess for one hour to allow for caucus meetings.)

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Sunday, December 30

House Chamber

Program for Sunday: The House is scheduled to meet for legislative business at 2 p.m.

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