

funds will support more than 17,000 positions over the next 3 years, including about 2,600 in my home State of California.

There is also \$1 billion for firefighters, supporting about 6,300 positions nationwide.

These funds go to support the dedicated first responders we depend upon in emergencies—the firefighters who enter burning buildings to save lives and the police officers who risk everything to keep our streets and homes safe.

In recent years, firefighters and police officers have taken on even more responsibilities as they prepare for—and respond to—terrorist attacks. We are reminded of the importance of these first responders when we remember the brave men and women who worked so heroically to save lives after the 9/11 attacks, including more than 400 firefighters, police, and other emergency personnel who lost their lives that day.

Now is the time to stand with our first responders and give them the support they need. We must make sure our emergency personnel are not risking their lives because too many of their colleagues have been laid off.

While this legislation will strengthen our schools and protect our streets and homes, it will not add a penny to the deficit. This is accomplished by paying for the bill with a half-percent tax on Americans with an adjusted gross income over \$1 million.

I have long said that those people who have benefited from this economy and can help out should do so. Millionaires can afford to help build a smarter, safer, stronger nation.

It is not the wealthiest Americans who have been bearing the brunt of this recession; it is the middle class and the poor who have suffered.

Our Nation continues to face serious economic difficulties. The unemployment rate is over 9 percent, and remains stuck at 12 percent in California. This lack of employment is causing severe financial strain with too many families losing their homes and too many families struggling to make ends meet.

Congress needs to help Americans get back to work and get our economy moving forward. And this bill will help.

With the Teachers and First Responders Back to Work Act, we will strengthen our schools, help our children get the education they deserve and give our first responders the support they need to keep our communities safe.

I urge my colleagues to support this legislation.

#### TEACHERS AND FIRST RESPONDERS BACK TO WORK ACT OF 2011—MOTION TO PROCEED

##### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate

the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 204, S. 1723, Teachers and First Responders Back to Work Act.

Harry Reid, Robert Menendez, Daniel Inouye, Herb Kohl, Sheldon Whitehouse, Jack Reed, Jeff Bingaman, Barbara Mikulski, Patty Murray, Debbie Stabenow, Richard Durbin, Sherrod Brown, Richard Blumenthal, Bernard Sanders, Robert Casey, Jr., Jeff Merkley, Patrick Leahy, Tom Harkin.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1723, a bill to provide for teacher and first responder stabilization, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 177 Leg.]

##### YEAS—50

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

##### NAYS—50

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

The PRESIDING OFFICER (Mr. BEGICH). On this vote, the yeas are 50, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I ask unanimous consent that all remaining votes tonight be 10 minutes in duration.

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

Mr. REID. Mr. President, we have 16 more amendments that we must vote

on. I hope people will look at those closely. A number of them—in fact, most of them—can be done by voice vote. If they win, it doesn't matter how you win. Let's get done with them as quickly as we can.

#### WITHHOLDING TAX RELIEF ACT OF 2011—MOTION TO PROCEED

##### CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1726, the Withholding Tax Relief Act of 2011.

James Inhofe, David Vitter, Mike Crapo, Kelly Ayotte, Roy Blunt, Johnny Isakson, Jeff Sessions, Mike Lee, Saxby Chambliss, Tom Coburn, Jon Kyl, Susan Collins, Ron Johnson, Pat Roberts, Richard Burr, Lamar Alexander.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1726, a bill to repeal the imposition of—the Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for a minute on this motion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, we all agree that the contractors who contract with the Federal Government should pay their taxes. I don't think there is any dispute on that. There is also agreement that we should not overburden small businesses which are paying their taxes. The bill before us would repeal the provisions scheduled to go into effect in 2013 to require a withholding of 3 percent of payments from the U.S. Treasury to the government contractors. There are two flaws in this. One, it lets all government contractors off the hook, even those who refuse to pay taxes. Those contractors would not be subject to the mechanism to make sure they pay. Second, this is paid for by rescinding \$30 billion of appropriated funds, which is, frankly, contrary to the agreement reached with the President on the deficit reduction.

I ask colleagues to oppose the cloture motion to proceed to the bill.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, this is a no-brainer. This is where political theater stops and we actually do something the American people want and need. Three percent withholding is good for small businesses. We have viewed this pay-for

many other times. It passed one time with 81 votes, another time, I think, 37-plus of my colleagues on the other side of the aisle used the same funding we are using to pay for this, but now all of a sudden it is not appropriate.

We have six cosponsors on the Democratic side. We need a couple more to make it go forward. The people want us to work together in a bipartisan manner, and this is a way to send that message that we have turned the corner.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1726, a bill to repeal the imposition of the withholding of certain payments made to vendors by government entities, shall be brought to a close?

The yeas and nays are mandatory under the rules.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 57, nays 43, as follows:

[Rollcall Vote No. 178 Leg.]

#### YEAS—57

Alexander	Graham	McConnell
Ayotte	Grassley	Menendez
Barrasso	Hagan	Moran
Bennet	Hatch	Murkowski
Blunt	Heller	Nelson (NE)
Boozman	Hoeven	Nelson (FL)
Brown (MA)	Hutchison	Paul
Burr	Inhofe	Portman
Chambliss	Isakson	Risch
Coats	Johanns	Roberts
Coburn	Johnson (WI)	Rubio
Cochran	Kirk	Sessions
Collins	Klobuchar	Shelby
Corker	Kyl	Snowe
Cornyn	Lee	Tester
Crapo	Lugar	Thune
DeMint	Manchin	Toomey
Enzi	McCain	Vitter
Franken	McCaskill	Wicker

#### NAYS—43

Akaka	Gillibrand	Reed
Baucus	Harkin	Reid
Begich	Inouye	Rockefeller
Bingaman	Johnson (SD)	Sanders
Blumenthal	Kerry	Schumer
Boxer	Kohl	Shaheen
Brown (OH)	Landrieu	Stabenow
Cantwell	Lautenberg	Udall (CO)
Cardin	Leahy	Udall (NM)
Carper	Levin	Warner
Casey	Lieberman	Webb
Conrad	Merkley	Whitehouse
Coons	Mikulski	Wyden
Durbin	Murray	
Feinstein	Pryor	

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

##### AMENDMENT NO. 781, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes, equally divided, prior to a vote in relation to amendment No. 781, as modified, authored by the Senator from Louisiana.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I will do my best to start the pace around here. I am going to ask for a voice vote, and I would hope people would give a shout out for a “yea” vote for a narrow exception to a wetlands project for nonprofits with a permit to build. That is what this amendment does. There is no opposition.

I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator wish to modify her amendment?

Ms. LANDRIEU. Yes.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. 7. For fiscal year 2012, section 363 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006e) shall not apply to a project funded under the community facilities programs authorized under such Act.

The PRESIDING OFFICER. All time is yielded back.

The question on agreeing to the amendment, as modified.

The amendment (No. 781), as modified, was agreed to.

##### AMENDMENT NO. 755

The PRESIDING OFFICER. There will now be 2 minutes, equally divided, on amendment No. 755.

Who yields time?

The Senator from Wisconsin.

Mr. KOHL. I accept a voice vote.

The PRESIDING OFFICER. Is there any further debate?

All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 755) was agreed to.

##### AMENDMENT NO. 917 TO AMENDMENT NO. 857

The PRESIDING OFFICER. The question is on amendment No. 917, the Vitter second-degree amendment.

Mr. VITTER. Mr. President, I call up the Vitter second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 917 to amendment No. 857.

Mr. VITTER. 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 is as follows:

(Purpose: To reestablish the maximum aggregate amount permitted to be provided by the taxpayers to Fannie Mae and Freddie Mac)

On page 5, strike line 14 and insert the following:

2011” and inserting “December 31, 2013”.

##### SEC. \_\_\_\_ REESTABLISHMENT OF MAXIMUM AGGREGATE AMOUNT PERMITTED TO BE PROVIDED BY THE TAXPAYERS TO FANNIE MAE AND FREDDIE MAC.

(a) MAXIMUM AGGREGATE AMOUNT OF COMMITMENT.—No funds may be provided by the Department of the Treasury or any other

agency or entity of the Federal Government to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, as part of the Amended and Restated Senior Preferred Stock Purchase Agreement, dated September 26, 2008, amended May 6, 2009, and further amended December 24, 2009 (as such agreement may be further amended), between the Department of the Treasury and the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, as applicable, under any other agreement between the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation and the Department of the Treasury, or otherwise, that exceed a maximum aggregate amount of \$200,000,000,000.

(b) PAYMENTS TO TREASURY.—Any dividend or interest payment made by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation to the Department of the Treasury pursuant to any applicable contract, agreement, or provision of law shall not be included in the calculation of the aggregate amount of a commitment under subsection (a).

(c) ENFORCEMENT.—The Director of the Federal Housing Finance Agency shall take such actions as the Administrator determines are necessary to prevent the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation from requesting or receiving any funds that exceed the limit provided in subsection (a).

(d) DEFINITIONS.—For purposes of this section, the terms “deficiency amount” and “surplus amount” have the meanings provided such terms in the applicable Senior Preferred Stock Purchase Agreement described in subsection (a), as amended through December 24, 2009.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, this is a second-degree amendment to the Menendez amendment. The Menendez amendment would actually expand the already dominant role of Fannie Mae and Freddie Mac in the mortgage marketplace when there is an unlimited taxpayer bailout liability toward that.

My amendment would simply say, particularly if there is going to be this expansion, we should limit taxpayer liability to \$200 billion, and the taxpayer should definitely be paid the dividend they were promised. I think that is a very reasonable taxpayer protection.

I reserve the remainder of my time for the ranking member of Banking.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that I be allowed to speak for 45 seconds on this amendment.

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

Mr. SHELBY. Mr. President, I urge my colleagues to support the Vitter amendment. The amendment will limit the taxpayers' exposure to the bailout of Fannie and Freddie. No more blank checks. We have already spent \$169 billion in taxpayer dollars; \$200 billion is more than enough. Think about it.

The PRESIDING OFFICER. Who yields time?

The Senator from South Dakota.

Mr. JOHNSON of South Dakota. Mr. President, this amendment would essentially force the wind-down of