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SA 3364. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

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SA 3367. Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, supra.

SA 3368. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3369. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3370. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3371. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, supra.

SA 3372. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3373. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3374. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3375. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3376. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3377. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3378. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3379. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3380. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3381. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 3346. Mr. KOHL submitted an amendment intended to be proposed to

amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, between lines 2 and 3, insert the following:

SEC. 1004. Section 127 of title 23, United States Code, is amended by adding at the end the following:

“(j) OPERATION OF CERTAIN VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—With respect to any segment of the United States Route 41 corridor described in section 1105(c)(57) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) that has been designated as a route on the Interstate System, any vehicle that could operate legally on the segment before such designation shall not be subject to the requirements set forth in subsection (a).”.

SA 3347. Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

#### GENERAL PROVISIONS—THIS CHAPTER

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

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

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

(3) in subsection (e)(1)—

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

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

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

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

(b) This section is designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

SA 3348. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ 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.

SA 3349. Mr. WHITEHOUSE (for himself, Mr. LIEBERMAN, Mr. FRANKEN, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

After section 1105, insert the following:

SEC. 11 \_\_\_\_ (a) The Senate finds that—

(1) extreme weather events threaten lives, property, the economy, national security, and sense of place;

(2) the Intergovernmental Panel on Climate Change, the leading international body for the assessment of climate change, concludes that a changing climate leads to changes in the frequency, intensity, spatial extent, duration, and timing of extreme weather and climate events;

(3) the Intergovernmental Panel on Climate Change further concludes that it is at least 90 percent likely that—

(A) the length, frequency, and intensity of warm spells or heat waves will increase over most land areas;

(B) mean sea level rise will contribute to upward trends in extreme coastal high water levels; and

(C) locations currently experiencing adverse impacts, such as coastal erosion and inundation, will continue to be adversely impacted due to increased sea levels;

(4) Congress has been asked to approve an emergency aid package at a cost of \$60,400,000,000 to assist recovery efforts from Hurricane Sandy, the second costliest Atlantic hurricane on record;

(5) in addition to Federal disaster assistance, private insurance companies are expected to pay billions of dollars in claims related to Hurricane Sandy;

(6) global insurance and reinsurance businesses acknowledge that climate change is real;

(7) Munich Re, the largest global reinsurer in the world, has reported that “there is evidence that, as a result of warming, events associated with severe windstorms, such as thunderstorms, hail and cloudbursts, have become more frequent in parts of the USA, southwest Germany, and other regions”;

(8) the Munich Re natural catastrophe database shows “a marked increase in the number of weather-related events”, including, globally, “a more than threefold increase in loss-related floods since 1980 and more than double the number of windstorm

natural catastrophes, with particularly heavy losses as a result of Atlantic hurricanes”;

(9) Swiss Re, the second largest global reinsurer in the world, has reported “that climate change will exacerbate the weather impacts we have seen in recent years”;

(10) RenaissanceRe, a global provider of insurance coverage, has stated that it has “taken a proactive course to begin modeling the risk and uncertainty associated with climate change”;

(11) adaptation measures can mitigate future disasters and increase resilience to extreme weather events.

(b) It is the sense of the Senate that—

(1) current trends for air and ocean temperature, sea level, and ocean chemistry are associated with an increasing frequency and severity of extreme weather events and are related to the release of man-made carbon dioxide, affecting the atmosphere and oceans;

(2) the response to extreme weather events presents significant costs to the Federal, State, and local governments, businesses, insurers, and individuals; and

(3) actions to mitigate the effects of extreme weather events, including actions taken to reduce human contributions to climate change, are economically prudent and in the fiscal best interests of the United States.

**SA 3350.** Mr. TESTER (for himself, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. BAUCUS, and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

On page 72, between lines 16 and 17, insert the following:

**WILDLAND FIRE MANAGEMENT**

For an additional amount for “Wildland Fire Management”, \$653,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); *Provided further*, That, not later than December 31, 2013, the Comptroller General of the United States shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report on new models or alterations in the model that may be used to better project future wildfire suppression costs.

**SA 3351.** Mr. LEVIN (for himself, Ms. STABENOW, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, strike line 24 and all that follows through page 19, line 1, and insert the following:

pend to dredge Federal navigation channels and harbors (including channels and harbors impeded as a result of drought and low water levels) and repair damage to Corps

projects nationwide related to natural disasters (including drought): *Provided*, That such amount is designated by \* \* \*

**SA 3352.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, the following:  
SEC. \_\_\_\_\_. Notwithstanding any other provision of law, including any provision of this Act, no funds appropriated under this Act may be used to fund programs or projects that have resulted from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.) other than Hurricane Sandy or Tropical Storm Sandy of 2012, to fund mitigation projects appropriated under this Act, or to fund programs not directly in response to Hurricane Sandy or Tropical Storm Sandy of 2012 response and recovery efforts.

**SA 3353.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 14, strike line 5 and all that follows through page 15, line 19.

**SA 3354.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, lines 18 through 22, strike “\$58,855,000” and all that follows through “*Provided*,” and insert “\$23,000,00, to remain available until expended: *Provided*, That funds made available under this heading may only be used for emergencies related to the consequences of Hurricane Sandy: *Provided further*,”.

**SA 3355.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

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

**SA 3356.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the

other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 8, strike “\$810,000,000” and insert “\$610,000,000”.

**SA 3357.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 66, strike line 14 and all that follows through page 67, line 6.

**SA 3358.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 12 through 14.

**SA 3359.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 72, strike line 17 and all that follows through page 73, line 2.

**SA 3360.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, line 1, insert “That none of the funds provided under this heading may be distributed until the National Railroad Passenger Corporation submits a detailed plan to Congress on how such funds will be expended: *Provided further*, That none of the funds provided under this heading may be used for capital improvements or other expenses that are not directly associated with Hurricane Sandy or Tropical Storm Sandy: *Provided further*,” after “*Provided further*,”.

**SA 3361.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, strike line 13 and all that follows through page 83, line 5.

**SA 3362.** Mr. McCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 20, strike “to remain available until expended: *Provided,*” and insert “to remain available until September 30, 2014: *Provided,* That the Secretary shall, prior to transferring such funds, submit to the appropriate Committees of Congress a report concerning how such funds will be used under such transfer: *Provided further,*”.

**SA 3363.** Mr. McCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, beginning on line 10, strike “\$10,783,000,000” and all that follows through “such transfer:” on line 21 and insert the following: “\$5,400,000,000, to remain available until expended, for recovery and relief efforts in the areas most affected by Hurricane Sandy: *Provided,* That none of the funds provided under this heading may be distributed until the Federal Transit Administration submits a detailed plan to Congress on how such funds will be expended: *Provided further,* That none of the funds provided under this heading may be used for capital improvements or other expenses that are not directly associated with Hurricane Sandy or Tropical Storm Sandy:”

**SA 3364.** Mr. McCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, strike line 17 and all that follows through page 10, line 22.

**SA 3365.** Mr. McCAIN (for himself and Mr. COBURN), submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, strike line 6 and all that follows through “*Provided,* That” on line 11 and insert “The”.

**SA 3366.** Mr. McCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other pur-

poses; which was ordered to lie on the table; as follows:

On page 73, beginning on line 13, strike “That the Secretary” and all that follows through “*Provided further,*” on line 17.

**SA 3367.** Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

At the end of title I, add the following:

GENERAL PROVISIONS—THIS CHAPTER

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

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

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

(3) in subsection (e)(1)—

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

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

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

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

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

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

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

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

(1) in subsection (a)—

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

“(1) IN GENERAL.—

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

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

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

“(B) ADMINISTRATION.—The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the ‘Agency’).”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

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

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

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

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

(ii) in subparagraph (B)—

(I) by inserting “(except ferns)” after “floricultural”;

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

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

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

(3) in subsection (k)(1)—

(A) in subparagraph (A), by striking “\$250” and inserting “\$260”; and

(B) in subparagraph (B)—

(i) by striking “\$750” and inserting “\$780”; and

(ii) by striking “\$1,875” and inserting “\$1,950”; and

(4) by adding at the end the following:

“(1) PAYMENT EQUIVALENT TO ADDITIONAL COVERAGE.—

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

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

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

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

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

“(I) harvested;

“(II) planted but not harvested; or

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

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

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

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

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

“(i) the product obtained by multiplying—

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

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

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

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

“(ii) 5.25-percent premium fee.

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

percent of the premium determined for a producer under paragraph (2).

“(4) ADDITIONAL AVAILABILITY.—

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

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

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

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

“(C) ADMINISTRATION.—For assistance provided under this subsection for the 2012 crop year, the limitation in subsection (i)(2) shall be \$250,000.”

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

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

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

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

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

**SA 3368.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

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

**SA 3369.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1003 and insert the following:

SEC. 1003. None of the funds provided in this title to the Department of Transporta-

tion 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.

**SA 3370.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

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

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

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

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

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

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

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

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

None of the amounts appropriated by or otherwise made available under this Act may be used for any person who is not alive when the amounts are made available.

**SEC. 1108. PROHIBITION ON EMERGENCY SPENDING FOR FISHERIES.**

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

**SA 3371.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. 52007. (a) Not later than 180 days after the date of enactment of this Act, the Ad-

ministrator of the Federal Emergency Management Agency (in this section referred to as the “Administrator”) shall review the public assistance per capita damage indicator and shall initiate rulemaking to update such damage indicator. Such review and rulemaking process shall ensure that the per capita indicator is fully adjusted for annual inflation for all years since 1986, by not later than January 1, 2016.

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

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

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

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

- (1) a State;
- (2) the District of Columbia;
- (3) the Commonwealth of Puerto Rico;
- (4) any other territory or possession of the United States; and
- (5) any land under the jurisdiction of an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

**SA 3372.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . RETURN OF UNUSED EMERGENCY FUNDS.**

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

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

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

**SA 3373.** Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

After section 1105, insert the following:

**SEC. \_\_\_\_ . 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 REPAYED.—

“(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 of 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 ex-

ceed 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 (i).

(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. \_\_\_\_ INCREASED LIMITATION ON CHARITABLE CONTRIBUTIONS FOR DISASTER RELIEF.**

(a) **INDIVIDUALS.**—Paragraph (1) of section 170(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively, and by inserting after subparagraph (E) the following new subparagraph:

“(F) **QUALIFIED DISASTER CONTRIBUTIONS.**—

“(i) **IN GENERAL.**—Any qualified disaster contribution shall be allowed to the extent that the aggregate of such contributions does not exceed the excess of 80 percent of the taxpayer’s contribution base over the amount of all other charitable contributions allowable under this paragraph.

“(ii) **CARRYOVER.**—If the aggregate amount of contributions described in clause (i) exceeds the limitation under clause (i), such excess shall be treated (in a manner consistent with the rules of subsection (d)(1)) as a charitable contribution to which clause (i) applies in each of the 5 succeeding years in order of time.

“(iii) **COORDINATION WITH OTHER SUBPARAGRAPHS.**—For purposes of applying this subsection and subsection (d)(1), contributions

described in clause (i) shall not be treated as described in subparagraphs (A) and such subparagraph shall be applied without regard to such contributions.

“(iv) **QUALIFIED DISASTER CONTRIBUTIONS.**—For purposes of this subparagraph, the term ‘qualified disaster contribution’ means any charitable contribution if—

“(I) such contribution is made after the date of the enactment of this paragraph,

“(II) such contribution is made in cash to an organization described in subparagraph (A) (other than an organization described in section 509(a)(3)), and

“(III) such contribution is for relief efforts related to a federally declared disaster (as defined in section 165(h)(3)(C)(i)).

Such term shall not include a contribution if the contribution is for establishment of a new, or maintenance in an existing, donor advised fund (as defined in section 4966(d)(2)).

“(v) **SUBSTANTIATION REQUIREMENT.**—This paragraph shall not apply to any qualified disaster contribution unless the taxpayer obtains from such organization to which the contribution was made a contemporaneous written acknowledgment (within the meaning of subsection (f)(8)) that such contribution was used (or is to be used) for a purpose described in clause (iv)(III).”.

(b) **CORPORATIONS.**—

(1) **IN GENERAL.**—Paragraph (2) of section 170(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

“(C) **QUALIFIED DISASTER CONTRIBUTIONS.**—

“(i) **IN GENERAL.**—Any qualified disaster contribution shall be allowed to the extent that the aggregate of such contributions does not exceed the excess of 20 percent of the taxpayer’s taxable income over the amount of charitable contributions allowed under subparagraph (A).

“(ii) **CARRYOVER.**—If the aggregate amount of contributions described in clause (i) exceeds the limitation under clause (i), such excess shall be treated (in a manner consistent with the rules of subsection (d)(1)) as a charitable contribution to which clause (i) applies in each of the 5 succeeding years in order of time.

“(iii) **QUALIFIED DISASTER CONTRIBUTION.**—The term ‘qualified disaster contribution’ has the meaning given such term under paragraph (2)(F)(iv).

“(iv) **SUBSTANTIATION REQUIREMENT.**—This paragraph shall not apply to any qualified disaster contribution unless the taxpayer obtains from such organization to which the contribution was made a contemporaneous written acknowledgment (within the meaning of subsection (f)(8)) that such contribution was used (or is to be used) for a purpose described in paragraph (1)(F)(iv)(III).”.

(2) **CONFORMING AMENDMENTS.**—

(A) Subparagraph (A) of section 170(b)(2) of such Code is amended by striking “subparagraph (B) applies” and inserting “subparagraphs (B) and (C) apply”.

(B) Subparagraph (B) of section 170(b)(2) of such Code is amended by striking “subparagraph (A)” and inserting “subparagraphs (A) and (C)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

**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:

“(vi) 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 3-month 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).

**SA 3374.** Mr. NELSON of Florida submitted an amendment intended to be

proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

After section 1105, insert the following:

**TITLE XII—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND**

**SEC. 1201. SHORT TITLE.**

This title may be cited as the “Citrus Disease Research and Development Trust Fund Act of 2012”.

**SEC. 1202. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) duties collected on imports of citrus and citrus products have ranged from \$50,000,000 to \$87,000,000 annually since 2004, and are projected to increase, as United States production declines due to the effects of huanglongbing (also known as “HLB” or “citrus greening disease”) and imports increase in response to the shortfall in the United States;

(2) in cases involving other similarly situated agricultural commodities, notably wool, the Federal Government has chosen to divert a portion of the tariff revenue collected on imported products to support efforts of the domestic industry to address challenges facing the industry;

(3) citrus and citrus products are a highly nutritious and healthy part of a balanced diet;

(4) citrus production is an important part of the agricultural economy in Florida, California, Arizona, and Texas;

(5) in the most recent years preceding the date of the enactment of this Act, citrus fruits have been produced on 900,000 acres, yielding 11,000,000 tons of citrus products with a value at the farm of more than \$3,200,000,000;

(6) the commercial citrus sector employs approximately 110,000 people and contributes approximately \$13,500,000,000 to the United States economy;

(7) the United States citrus industry has suffered billions of dollars in damage from disease and pests, both domestic and invasive, over the decade preceding the date of the enactment of this Act, particularly from huanglongbing;

(8) huanglongbing threatens the entire United States citrus industry because the disease kills citrus trees;

(9) as of the date of the enactment of this Act, there are no cost effective or environmentally sound treatments available to suppress or eradicate huanglongbing;

(10) United States citrus producers working with Federal and State governments have devoted tens of millions of dollars toward research and efforts to combat huanglongbing and other diseases and pests, but more funding is needed to develop and commercialize disease and pest solutions;

(11) although imports constitute an increasing share of the United States market, importers of citrus products into the United States do not directly fund production research in the United States;

(12) disease and pest suppression technologies require determinations of safety and solutions must be commercialized before use by citrus producers;

(13) the complex processes involved in discovery and commercialization of safe and effective pest and disease suppression technologies are expensive and lengthy and the need for the technologies is urgent; and

(14) research to develop solutions to suppress huanglongbing, or other domestic and invasive pests and diseases will benefit all

citrus producers and consumers around the world.

(b) PURPOSES.—The purposes of this title are—

(1) to authorize the establishment of a trust funded by certain tariff revenues to support scientific research, technical assistance, and development activities to combat citrus diseases and pests, both domestic and invasive, harming the United States; and

(2) to require the President to notify the chairperson and ranking member of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives before entering into any trade agreement that would decrease the amount of duties collected on imports of citrus products to less than the amount necessary to provide the grants authorized by section 1001(d) of the Trade Act of 1974, as added by section 1203(a) of this Act.

(c) EFFECT ON OTHER ACTIVITIES.—Nothing in this title restricts the use of any funds for scientific research and technical activities in the United States.

**SEC. 1203. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND.**

(a) IN GENERAL.—The Trade Act of 1974 (19 U.S.C. 2102 et seq.) is amended by adding at the end the following:

**“TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND**

**“SEC. 1001. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND.**

“(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ‘Citrus Disease Research and Development Trust Fund’ (in this section referred to as the ‘Trust Fund’), consisting of such amounts as may be transferred to the Trust Fund under subsection (b)(1) and any amounts that may be credited to the Trust Fund under subsection (d)(2).

“(b) TRANSFER OF AMOUNTS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Treasury shall transfer to the Trust Fund, from the general fund of the Treasury, amounts determined by the Secretary to be equivalent to amounts received in the general fund that are attributable to the duties collected on articles that are citrus or citrus products classifiable under chapters 8, 20, 21, 22, and 33 of the Harmonized Tariff Schedule of the United States.

“(2) LIMITATION.—The amount transferred to the Trust Fund under paragraph (1) in any fiscal year may not exceed the lesser of—

“(A) an amount equal to 1/5 of the amount attributable to the duties received on articles described in paragraph (1); or

“(B) \$30,000,000.

“(c) AVAILABILITY OF AMOUNTS IN TRUST FUND.—

“(1) AMOUNTS AVAILABLE UNTIL EXPENDED.—Amounts in the Trust Fund shall remain available until expended without further appropriation.

“(2) AVAILABILITY FOR CITRUS DISEASE RESEARCH AND DEVELOPMENT EXPENDITURES.—Amounts in the Trust Fund shall be available to the Secretary of Agriculture—

“(A) for expenditures relating to citrus disease research and development under section 104 of the Citrus Disease Research and Development Trust Fund Act of 2012, including costs relating to contracts or other agreements entered into to carry out citrus disease research and development; and

“(B) to cover administrative costs incurred by the Secretary in carrying out the provisions of that Act.

“(d) INVESTMENT OF TRUST FUND.—

“(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations

guaranteed as to both principal and interest by the United States. Such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

“(2) INTEREST AND PROCEEDS FROM SALE OR REDEMPTION OF OBLIGATIONS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

“(e) REPORTS TO CONGRESS.—Not later than January 15, 2013, and each year thereafter until the year after the termination of the Trust Fund, the Secretary of the Treasury, in consultation with the Secretary of Agriculture, shall submit to Congress a report on the financial condition and the results of the operations of the Trust Fund that includes—

“(1) a detailed description of the amounts disbursed from the Trust Fund in the preceding fiscal year and the manner in which those amounts were expended;

“(2) an assessment of the financial condition and the operations of the Trust Fund for the current fiscal year; and

“(3) an assessment of the amounts available in the Trust Fund for future expenditures.

“(f) REMISSION OF SURPLUS FUNDS.—The Secretary of the Treasury may remit to the general fund of the Treasury such amounts as the Secretary of Agriculture reports to be in excess of the amounts necessary to meet the purposes of the Citrus Disease Research and Development Trust Fund Act of 2012.

“(g) SUNSET PROVISION.—The Trust Fund shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of the Citrus Disease Research and Development Trust Fund Act of 2012 and all amounts in the Trust Fund on December 31 of that fifth calendar year shall be transferred to the general fund of the Treasury.

**“SEC. 1002. REPORTS REQUIRED BEFORE ENTERING INTO CERTAIN TRADE AGREEMENTS.**

“The President shall notify the chairperson and ranking member of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than 90 days before entering into a trade agreement if the President determines that entering into the trade agreement could result—

“(1) in a decrease in the amount of duties collected on articles that are citrus or citrus products classifiable under chapters 8, 20, 21, 22, and 33 of the Harmonized Tariff Schedule of the United States; and

“(2) in a decrease in the amount of funds being transferred into the Citrus Disease Research and Development Trust Fund under section 1001 so that amounts available in the Trust Fund are insufficient to meet the purposes of the Citrus Disease Research and Development Trust Fund Act of 2012.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

**“TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND**

“Sec. 1001. Citrus Disease Research and Development Trust Fund.

“Sec. 1002. Reports required before entering into certain trade agreements.”.

**SEC. 1204. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND ADVISORY BOARD.**

(a) PURPOSE.—The purpose of this section is to establish an orderly procedure and financing mechanism for the development of

an effective and coordinated program of research and product development relating to—

(1) scientific research concerning diseases and pests, both domestic and invasive, afflicting the citrus industry; and

(2) support for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Citrus Disease Research and Development Trust Fund established under section 1001 of the Trade Act of 1974, as added by section 1203(a) of this Act, or through other research projects intended to solve problems caused by citrus production diseases and invasive pests.

(b) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Citrus Disease Research and Development Trust Fund Advisory Board established under this section.

(2) CITRUS.—

(A) IN GENERAL.—The term “citrus” means edible fruit of the family Rutaceae, commonly called “citrus”.

(B) INCLUSION.—The term “citrus” includes all citrus hybrids and products of citrus hybrids that are produced for commercial purposes in the United States.

(3) DEPARTMENT.—The term “Department” means the Department of Agriculture.

(4) PERSON.—The term “person” means any individual, group of individuals, firm, partnership, corporation, joint stock company, association, cooperative, or other legal entity.

(5) PRODUCER.—The term “producer” means any person that is engaged in the domestic production and commercial sale of citrus in the United States.

(6) PROGRAM.—The term “program” means the citrus research and development program authorized under this section.

(7) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(8) TRUST FUND.—The term “Trust Fund” means the Citrus Disease Research and Development Trust Fund established under section 1001 of the Trade Act of 1974, as added by section 1203(a) of this Act.

(c) IMPLEMENTATION.—

(1) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out this section.

(2) CITRUS ADVISORY BOARD.—

(A) ESTABLISHMENT AND MEMBERSHIP.—

(i) ESTABLISHMENT.—The Citrus Disease Research and Development Trust Fund Advisory Board shall consist of 9 members.

(ii) MEMBERSHIP.—The members of the Board shall be appointed by the Secretary.

(iii) STATUS.—Members of the Board represent the interests of the citrus industry and shall not be considered officers or employees of the Federal Government solely due to membership on the Board.

(B) DISTRIBUTION OF APPOINTMENTS.—The membership of the Board shall consist of—

(i) 5 members who are domestic producers of citrus in Florida;

(ii) 3 members who are domestic producers of citrus in Arizona or California; and

(iii) 1 member who is a domestic producer of citrus in Texas.

(C) CONSULTATION.—Prior to making appointments to the Board, the Secretary shall consult with organizations composed primarily of citrus producers to receive advice and recommendations regarding Board membership.

(D) BOARD VACANCIES.—

(i) IN GENERAL.—The Secretary shall appoint a new Board member to serve the remainder of a term vacated by a departing Board member.

(ii) REQUIREMENTS.—When filling a vacancy on the Board, the Secretary shall—

(I) appoint a citrus producer from the same State as the Board member being replaced; and

(II) prior to making an appointment, consult with organizations in that State composed primarily of citrus producers to receive advice and recommendations regarding the vacancy.

(E) TERMS.—

(i) IN GENERAL.—Except as provided in clause (ii), each term of appointment to the Board shall be for 5 years.

(ii) INITIAL APPOINTMENTS.—In making initial appointments to the Board, the Secretary shall appoint ⅓ of the members to terms of 1, 3, and 5 years, respectively.

(F) DISQUALIFICATION FROM BOARD SERVICE.—If a member or alternate of the Board who was appointed as a domestic producer ceases to be a producer in the State from which the member was appointed, or fails to fulfill the duties of the member according to the rules established by the Board under paragraph (4)(A)(ii), the member or alternate shall be disqualified from serving on the Board.

(G) COMPENSATION.—

(i) IN GENERAL.—The members of the Board shall serve without compensation, other than travel expenses described in clause (ii).

(ii) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(3) POWERS.—

(A) GIFTS.—The Board may accept, use, and dispose of gifts or donations of services or property.

(B) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(C) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Board may accept and use the services of volunteers serving without compensation.

(D) TECHNICAL AND LOGISTICAL SUPPORT.—Subject to the availability of funds, the Secretary shall provide to the Board technical and logistical support through contract or other means, including—

(i) procuring the services of experts and consultants in accordance with section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the highest rate payable under section 5332 of that title; and

(ii) entering into contracts with departments, agencies, and instrumentalities of the Federal Government, State agencies, and private entities for the preparation of reports, surveys, and other activities.

(E) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission on a reimbursable or nonreimbursable basis.

(ii) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(F) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Board on a reimbursable basis administrative support and other services for the performance of the duties of the Board.

(G) OTHER DEPARTMENTS AND AGENCIES.—Departments and agencies of the United States may provide to the Board such services, funds, facilities, staff, and other support services as may be appropriate.



(4) GENERAL RESPONSIBILITIES OF THE BOARD.—

(A) IN GENERAL.—The regulations promulgated by the Secretary shall define the general responsibilities of the Board, which shall include the responsibilities—

(i) to meet, organize, and select from among the members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines to be appropriate;

(ii) to adopt and amend rules and regulations governing the conduct of the activities of the Board and the performance of the duties of the Board;

(iii) to hire such experts and consultants as the Board considers necessary to enable the Board to perform the duties of the Board;

(iv) to advise the Secretary on citrus research and development needs;

(v) to propose a research and development agenda and annual budgets for the Trust Fund;

(vi) to evaluate and review ongoing research funded by Trust Fund;

(vii) to engage in regular consultation and collaboration with the Department and other institutional, governmental, and private actors conducting scientific research into the causes or treatments of citrus diseases and pests, both domestic and invasive, so as to—

(I) maximize the effectiveness of the activities;

(II) hasten the development of useful treatments; and

(III) avoid duplicative and wasteful expenditures; and

(viii) to provide the Secretary with such information and advice as the Secretary may request.

(5) CITRUS RESEARCH AND DEVELOPMENT AGENDA AND BUDGETS.—

(A) IN GENERAL.—The Board shall submit annually to the Secretary a proposed research and development agenda and budget for the Trust Fund, which shall include—

(i) an evaluation of ongoing research and development efforts;

(ii) specific recommendations for new citrus research projects;

(iii) a plan for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Trust Fund; and

(iv) a justification for Trust Fund expenditures.

(B) AFFIRMATIVE SUPPORT REQUIRED.—A research and development agenda and budget may not be submitted by the Board to the Secretary without the affirmative support of at least 7 members of the Board.

(C) SECRETARIAL APPROVAL.—

(i) IN GENERAL.—Not later than 60 days after receiving the proposed research and development agenda and budget from the Board and consulting with the Board, the Secretary shall finalize a citrus research and development agenda and Trust Fund budget.

(ii) CONSIDERATIONS.—In finalizing the agenda and budget, the Secretary shall—

(I) due to the proximity of citrus producers to the effects of diseases such as huanglongbing and the quickly evolving nature of scientific understanding of the effect of the diseases on citrus production, give strong deference to the proposed research and development agenda and budget from the Board; and

(II) take into account other public and private citrus-related research and development projects and funding.

(D) REPORT TO CONGRESS.—Each year, the Secretary shall submit to the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives and the Committee on Agriculture, Nutrition,

and Forestry and the Committee on Finance of the Senate a report that includes—

(i) the most recent citrus research and development agenda and budget of the Secretary;

(ii) an analysis of how, why, and to what extent the agenda and budget finalized by the Secretary differs from the proposal of the Board;

(iii) an examination of new developments in the spread and control of citrus diseases and pests;

(iv) a discussion of projected research needs; and

(v) a review of the effectiveness of the Trust Fund in achieving the purpose described in subsection (a).

(6) CONTRACTS AND AGREEMENTS.—To ensure the efficient use of funds, the Secretary may enter into contracts or agreements with public or private entities for the implementation of a plan or project for citrus research.

(d) ADMINISTRATIVE COSTS.—Each fiscal year, the Secretary may transfer up to \$2,000,000 of amounts in the Trust Fund to the Board for expenses incurred by the Board in carrying out the duties of the Board.

(e) TERMINATION OF BOARD.—The Board shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of this Act.

#### SEC. 1205. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986—

(1) in the case of a corporation with assets of not less than \$1,000,000,000 (determined as of the end of the preceding taxable year), the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2017 shall be increased by 0.25 percent of such amount (determined without regard to any increase in such amount not contained in such Code); and

(2) the amount of the next required installment after an installment referred to in paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

#### SEC. 1206. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by adding at the end the following:

“(C)(i) Notwithstanding subparagraph (A), fees may be charged under paragraphs (9) and (10) of subsection (a) during the period beginning on October 23, 2021, and ending on November 6, 2021.

“(ii) Notwithstanding subparagraph (B)(i), fees may be charged under paragraphs (1) through (8) of subsection (a) during the period beginning on October 30, 2021, and ending on November 13, 2021.”.

**SA 3375.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . BUDGET OFFSET.

(a) OFFSETTING AMOUNTS.—

(1) IN GENERAL.—There is rescinded for fiscal year 2013 any unobligated balances in an amount equal to \$60,407,000,000 of the budget authority provided for fiscal year 2013 of any discretionary account in title II—United States Agency for International Develop-

ment, title III—Bilateral economic assistance, and title IV—International security assistance 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) LIMITATION.—Of the accounts and programs included in paragraph (1), the rescissions 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 that section 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 included as provided by the continuing appropriations resolution of 2013 for the Military Construction and Veterans Affairs and Related Appropriations Act, 2012).

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

**SA 3376.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . 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).

**SA 3377.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . 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.

**SA 3378.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

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

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

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

**SA 3379.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, strike lines 9 through 20 and insert the following:

“(f) WAIVER AUTHORITY.—Until such time as the Administrator promulgates regulations to implement this section, the Administrator may—

“(1) waive notice and comment rule making requirements if the Administrator determines the waiver to be necessary to expeditiously implement this section; and

“(2) may carry out the alternative procedures under this section as a pilot program during the 3-year period beginning on the date of enactment of the Disaster Recovery Act of 2012.

“(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.).

“(h) SUNSET OF REPAIR, RESTORATION, AND REPLACEMENT PROCEDURES.—The authority of the Administrator to administer assistance under the procedures described in subsection (e)(1) shall terminate 5 years after the date of enactment of this Act.

“(i) REPORT.—Not earlier than 3 years, and not later than 5 years, after the date of enactment of this section, the Inspector General of the Department of Homeland Security 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 on the alternative procedures for the repair, restoration, and replacement of damaged facilities under section 406 authorized under this section, which shall assess the effectiveness of the alternative procedures, including—

“(1) whether the alternative procedures helped to improve the general speed of disaster recovery;

“(2) the accuracy of the estimates relied upon;

“(3) whether the financial incentives and disincentives were effective;

“(4) whether the alternative procedures were cost-effective;

“(5) whether the independent expert panel described in subsection (e)(1)(E) was effective; and

“(6) recommendations for whether the alternative procedures should be continued and any recommendations for changes to the alternative procedures.”.

**SA 3380.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 62, between lines 23 and 24, insert the following:

(1) ENHANCING RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.—

(1) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

“SEC. 526. ADMINISTRATION OF RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘annuitant’ means an annuitant under a Government retirement system;

“(2) the terms ‘deployed’ and ‘deployment’ mean the performance of services under the response and recovery operations and programs of the Agency, including exercises and training for such operations and programs;

“(3) the term ‘disaster reserve workforce’ means the disaster reserve workforce established under subsection (b);

“(4) the term ‘employee’ has the meaning given under section 2105 of title 5, United States Code;

“(5) the term ‘employee designated for short term deployments’ means an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) designated only for short-term deployments;

“(6) the term ‘Government retirement system’ means a retirement system established by law for employees of the Government of the United States;

“(7) the term ‘major project’ means any project for which the total costs are greater than \$400,000;

“(8) the term ‘permanent seasonal employee’ means an employee, including an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)), working under seasonal employment as defined under section 340.401 of title 5 of the Code of Federal Regulations or any successor regulation;

“(9) the term ‘reservist’ means an employee who is a member of the disaster reserve workforce;

“(10) the term ‘response and recovery operations and programs’ means response operations and programs and recovery operations and programs;

“(11) the term ‘response operations and programs’ means operations and programs that involve taking immediate actions to save lives, protect property or the environment, or meet basic human needs;

“(12) the term ‘recovery operations and programs’ means operations and programs to support and enable recovery, as defined in section 501 of the Homeland Security Act of 2002; and

“(13) the term ‘term employee’ means an employee, including an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)), who is appointed to a term of 1 or more years.

“(b) DISASTER RESERVE WORKFORCE.—In order to provide efficiency, continuity, quality, and accuracy in services performed under response and recovery operations and programs there is within the Agency a disaster reserve workforce, which shall be used to supplement the work of permanent full-time employees of the Agency on response and recovery operations and programs.

“(c) PROVISION OF SERVICES PERFORMED UNDER RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.—

“(1) IN GENERAL.—The Administrator shall ensure that the disaster reserve workforce can rapidly and efficiently deploy qualified, skilled, and trained reservists for a sufficiently long period to provide continuity in response and recovery operations and programs.

“(2) MANAGEMENT AND IMPLEMENTATION.—

“(A) IN GENERAL.—Sufficient numbers of qualified permanent full-time employees of

the Agency shall lead and manage the disaster reserve workforce and implement response and recovery operations and programs, including leading individual major projects under sections 404, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c, 5172, and 5173).

“(B) DISASTER RESERVE WORKFORCE.—The disaster reserve workforce shall include—

- “(i) term employees;
- “(ii) permanent seasonal employees;
- “(iii) employees designated for short-term deployments;
- “(iv) employees of the Department who are not employees of the Agency; and
- “(v) employees of other Federal agencies.

“(C) RELIANCE ON CERTAIN EMPLOYEES.—In supporting the work of permanent full-time employees, the Administrator—

“(i) shall rely to the greatest extent possible on term employees and permanent seasonal employees deployed for long periods of time in order to help ensure greater efficiency, continuity, quality, and accuracy in services performed under recovery operations and programs; and

“(ii) may use discretion to deploy the reservists most able to ensure the greatest efficiency, continuity, quality, and accuracy in services performed under response and recovery operations and programs.

“(3) POLICIES AND PROCEDURES.—In order to ensure that efficient, continuous, and accurate services are provided under response and recovery operations and programs, not later than 180 days after the date of enactment of this section, the Administrator shall develop—

“(A) staffing policies and procedures that provide for the management of response and recovery operations and programs by sufficient numbers of permanent full-time senior-level officials;

“(B) plans to recruit individuals who reside in the area affected by a major disaster when long-term recovery efforts are needed; and

“(C) policies and procedures relating to sections 403, 404, 406, 407, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5170c, 5172, 5173, and 5192).

“(4) MINIMUM STANDARDS AND GUIDELINES FOR THE DISASTER RESERVE WORKFORCE.—

“(A) STANDARDS AND GUIDELINES.—Not later than 180 days after the date of enactment of this section, the Administrator shall develop standards and guidelines for the disaster reserve workforce, including—

“(i) setting appropriate mandatory before and after disaster training requirements;

“(ii) establishing the minimum number of days annually an individual is required to deploy in a year during which there is sufficient work for members of the disaster reserve workforce;

“(iii) providing for a reasonably long time period for deployment to ensure continuity in operations; and

“(iv) establishing performance requirements, including for the timely and accurate resolution of issues and projects.

“(B) MAINTAINING MEMBERSHIP IN THE DISASTER RESERVE WORKFORCE.—In order to maintain membership in the disaster reserve workforce, a reservist shall—

“(i) be credentialed in accordance with section 510; and

“(ii) meet all minimum standards and guidelines established under subparagraph (A)—

“(I) for term employees, before being appointed to a term in the disaster reserve workforce; and

“(II) annually for all other reservists.

“(C) EVALUATION SYSTEM.—In consultation with the Director of the Office of Personnel Management, the Administrator shall de-

velop and implement a system to continuously evaluate reservists to ensure that all minimum standards and guidelines under this paragraph are satisfied annually by all reservists. Chapter 43 of title 5, United States Code, shall not apply to reservists covered under the system developed and implemented under this subparagraph.

“(5) CONTRACTORS.—Not later than 180 days after the date of enactment of this section, the Administrator, in conjunction with the Chief Human Capital Officer of the Agency, shall establish policies and procedures for contractors that support response and recovery operations and programs, which shall ensure that the contractors have appropriate skills, training, knowledge, and experience for assigned tasks, including by ensuring that the contractors meet training, credentialing, and performance requirements similar to the requirements for reservists.

“(6) REEMPLOYED ANNUITANTS.—

“(A) IN GENERAL.—In appointing reservists to the disaster reserve workforce, the application of sections 8344 and 8468 of title 5, United States Code, (relating to annuities and pay on reemployment) or any other similar provision of law under a Government retirement system may be waived by the Administrator for annuitants reemployed on deployments involving a direct threat to life or property or other unusual circumstances for the entirety of the deployment.

“(B) LIMITATIONS.—The authority under subparagraph (A)—

“(i) is granted to assist the Administrator in establishing and effectively operating the disaster reserve workforce if—

“(I) no other qualified applicant is available for a reservist position; or

“(II) if the employment of an annuitant would serve the mission of the Agency by gaining the benefit of the institutional knowledge and experience of the annuitant; and

“(ii) may be exercised only—

“(I) with respect to natural disasters, acts of terrorism, or other man-made disasters, including catastrophic incidents; and

“(II) if the applicant will not accept the position without a waiver.

“(C) GUIDELINES AND LIMITATIONS.—Before the Administrator may exercise the authority under subparagraph (A), the Administrator shall establish guidelines and limitations on the appointment of annuitants under that subparagraph in order to manage the need for annuitant experience with workforce growth, succession planning, and fiscal responsibilities.

“(D) NOT EMPLOYEE FOR RETIREMENT PURPOSES.—An annuitant to whom a waiver under subparagraph (A) is in effect shall not be considered an employee for purposes of any Government retirement system.

“(7) PERMANENT EMPLOYMENT POSITIONS.—

“(A) IN GENERAL.—An employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) and a member of the FEMA corps of the National Civilian Community Corps who completes the terms of service of the member pursuant to the interagency agreement between the Federal Emergency Management Agency and the Corporation for National and Community Service may compete for permanent positions in the Agency under merit promotion procedures. The actual time deployed as an employee or member shall be considered creditable service for purposes of such competition and shall be calculated, for purposes of section 8411 of title 5, United States Code, by dividing the total number of days of service as a reservist by 365 to obtain the number of years of service and dividing any remainder by 30 to obtain the number of additional months of service and excluding from the ag-

gregate the fractional part of a month, if any.

“(B) CONSIDERATION.—In evaluating a reservist hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) for a potential permanent employment position, the Administrator shall consider the qualifications of, and performance as a reservist by, the reservist, including the ability of the reservist to timely, accurately, and creatively resolve issues and projects when deployed.

“(C) EFFECTIVE DATE AND APPLICATION.—This paragraph shall—

“(i) take effect on the date on which the Administrator implements the evaluation system under paragraph (4)(C); and

“(ii) apply to periods of service performed after that date.

“(8) NO IMPACT ON AGENCY PERSONNEL CEILING.—Reservists shall not be counted against any personnel ceiling limitation applicable to the Agency.”

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 525 the following:

“Sec. 526. Administration of response and recovery operations and programs.”

(3) PERMANENT SEASONAL EMPLOYEES.—Section 306(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)) is amended—

(A) in paragraph (1), by inserting “or permanent seasonal employees (as that term is defined under section 526(a)(8) of the Homeland Security Act of 2002)” after “temporary personnel”; and

(B) in paragraph (3), by inserting “or the employment of permanent seasonal employees (as that term is defined under section 526(a)(8) of the Homeland Security Act of 2002)” after “additional personnel”.

**SA 3381.** Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

On page 85, line 9, strike “That, of” and all that follows through “2012:” on line 15 and insert the following: “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 and Emergency Assistance 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 the amounts provided under the preceding proviso 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.”

#### NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator TOM COBURN, intend to object to proceeding to S. 2215, a bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes; dated December 18, 2012.