

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF PROCEDURE

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

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

The Senator from Arizona is recognized.

FAREWELL TO THE SENATE

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

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

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

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

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

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

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

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

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

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

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

Policymakers must focus on the basic laws of economic input. A faulty

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The United States has a stronger philosophical attachment to freedom and limited government than any other Nation on Earth. Yet I also recognize that many cultural trends are working against us. For example, nearly 41 percent of all American children are now born to unmarried women, compared with fewer than 11 percent in 1970. Without stable, two-parent families,

the government bears more of a burden of caring for these children. The growth in food stamps and other support programs makes the point. At some point, this makes it harder to maintain a political consensus that favors limited government, economic freedom, and programs that help people out of poverty rather than entrenching it. Why?

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

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

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

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

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

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

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

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

what they are and where they came from.

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

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

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

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

As President Reagan famously said:

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

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

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

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

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

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

For the first time in the history of U.S. nuclear policy, the President has placed nuclear disarmament and non-proliferation, rather than nuclear deterrence, “atop the U.S. nuclear agenda.”

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

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

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

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

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

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

The second challenge we face is with respect to missile defense. Recent events illustrate the importance of missile defense in today’s security en-

vironment. Israel’s Iron Dome missile defense system protected its population against rocket attacks, giving Israeli military and political authorities the time and the space necessary to avoid a devastating ground war, which is ultimately what made a truce possible.

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

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

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

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

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

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

is protecting America today, and it is, therefore, unlikely to keep up with future threats.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the American Republic, and a resilient optimism about America’s future.

I thank my colleagues.

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

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

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

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

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

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

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

That certainly has been my experience with Senator KYL. But I would add something else. He has also been a courageous intellectual leader. He has consistently led on complex issues that other Senators have ignored or neglected or just have a difficulty understanding, complex topics such as nuclear modernization, missile defense, and transnational law, each of which he mentioned in his remarks just a moment ago. It is not easy to become the

Senate’s top authority on nuclear weapons, but JON KYL is, and it is not the best way to get your face on cable news. Not a lot of air time is given to people who want to talk about such arcane but important topics.

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

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

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

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

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

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

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

Today we just got word that Robert Bork died. He had a classical view of

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

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

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

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

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

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

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

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

We all say when someone leaves here, we are losing someone whom maybe we cannot replace. That may or may not be true. In my first iteration, when I gave my farewell speech, I think there were probably a lot of people who said: We can find a substitute for COATS; that will not be too hard. It is true. Finding a replacement for JON KYL is a tall task. It is going to be very hard to find someone who has the passion for this, his service, the intelligence and the knowledge of the issues he engages in, the leadership qualities he provides, the counsel he provides to all of us. JON KYL is the go-to guy. JON KYL is the

person you go to to say: JON, how do we get this done? What should our strategy be? If you are on board, I think we can accomplish this. I know I am repeating a lot of what has been said already about JON and will be said by others here who will come down, but to find someone this grounded in his endeavors is hard to find.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3371, AS MODIFIED

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

The PRESIDING OFFICER. The amendment is now pending.

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

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

The amendment, as modified, is as follows:

At the appropriate place insert the following:

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

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

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

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

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

(1) a State;

(2) the District of Columbia;

(3) the Commonwealth of Puerto Rico;

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

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

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

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

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

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

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

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

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

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

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

SEC. 1108. PROHIBITION ON EMERGENCY SPENDING FOR FISHERIES.

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

SEC. _____. RETURN OF UNUSED EMERGENCY FUNDS.

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

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

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

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

(b) CURRENT NO-BID CONTRACTS.—

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

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

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

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

Strike section 1003 and insert the following:

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

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

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

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

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

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

On page 24, line 21, strike the period and insert the following: “; *Provided further*, That the amounts made available under this heading may not be used to assist a building, a

mobile home, or any personal property that is located in an area that has been identified by the Administrator of the Federal Emergency Management Agency as an area having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless, on the date on which the disaster to which the assistance relates occurred, the building, mobile home, or personal property was covered by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.”.

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

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

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

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

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

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

Let me give an example. In 2011, we felt a little tremble in Washington from an earthquake. A disaster dec-

laration was declared for Virginia after the earthquake that was felt in the Capitol. But this wasn't a disaster that overwhelmed local capabilities. It didn't overwhelm the capabilities of the regional capital area, and it didn't overwhelm the capabilities of Virginia. Yet we transferred what were truly responsibilities of the State and local communities to the Federal Government.

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

FISHERIES

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

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

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

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

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

Just as we have tide people over in the past in our country—just as in

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

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

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

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

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

Let me just turn—

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

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

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

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

Mr. BEGICH. I will tell you, in Alaska it is even magnified in a lot of ways. If you think of this country, three-quarters of the coastline is Alaska.

Fishermen have been fishing there commercially not just for a few hundred years but for 10,000 years of survival on our oceans.

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

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

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

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

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

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

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

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

suffering with this situation in our fishing industry.

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

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

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

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

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

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

As to the money in the bill, in a \$60 billion bill, this is \$150 million. Listen to the jobs, listen to the economy, lis-

ten to people who go out in really cold weather and put their hands in that icy water, and they all risk their lives.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. WHITEHOUSE. Sure.

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

States, \$40 billion. We have more than five States—many more here—asking for \$150 million, as the Senator from Maryland has pointed out.

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

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

Governors of Rhode Island, Massachusetts, Maine, New Hampshire, New York, and Connecticut all signed the request for that disaster declaration.

In Rhode Island’s letter our congressional delegation—myself and my senior Senator, Mr. REED, Congressman CICILLINE, and Congressman LAN-GEVIN—wrote:

In addition to the direct impact on groundfish catch limits, there will likely be indirect impacts on other fisheries that these same permit holders, and many other Rhode Island fisherman, also rely on.

To the point Senator BEGICH of Alaska made, economic disaster in the fishing industry cascades through the rest of our economy.

Ms. MIKULSKI. Yes.

Mr. WHITEHOUSE. It is not just the fishermen coming home with empty nets because the cod moved offshore, it is the fuel suppliers to their boats, the engine repair shops that take care of the mechanics, the net repair and construction groups. So a whole economy stands on this. It is really inconceivable that a Senator from a State that has, as one of a group of five, soaked up \$40 billion of disaster assistance would now begrudge us \$150 million after this disaster was declared.

This is bipartisan. Let me ask unanimous consent to have printed in the RECORD the letter Senator SHAHEEN mentioned earlier as an exhibit for the end of the colloquy.

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

(See Exhibit 1.)

Mr. WHITEHOUSE. It is signed by 35 Republicans and 9 Democrats. It could not be more bipartisan. We are trying to deal with a real problem here, and it is a recurring problem.

Our historic New England ground fishery is facing significant cuts in our catch limits because our populations are not rebounding the way that scientists anticipated they would. Something out there is causing this failure

to rebound and unprecedented environmental changes very related to the environmental changes that whip up giant storms like Sandy are at the heart of this.

One last quote, and then I will yield back to my colleagues who are engaged in this colloquy. Where we are is a big body of water called the Northeast Shelf Large Marine Ecosystem which is tracked by NOAA, and it extends from the Gulf of Maine all the way down to Cape Hatteras on our Atlantic coast.

Here is what NOAA reports:

During the first six months of 2012, sea surface temperatures in the Northeast Shelf Large Marine Ecosystem were the highest ever recorded . . . above-average temperatures were found in all parts of the ecosystem, from the ocean bottom to the sea surface and across the region.

There is a real physical rationale and reason for the disaster that we are seeking a remedy for in our home State industries that are being so grievously stricken.

Ms. MIKULSKI. Mr. President, may I draw the distinction between a fishery disaster and an earmark? Because there is an undercurrent here from the amendment of the Senator from Oklahoma, who has said on many occasions that he has been the defendant of the taxpayer. Well, so am I. The difference between an earmark is a congressionally designated project that meets the criteria that Senator deems appropriate to help his State. That is not what this is. When he says it has to be certified by the Stafford Act, he is implying that these are uncertified, unneeded, unwarranted, and are earmarks. Once again I will say that these are certified by the Secretary of Commerce. They meet the criteria for compelling economic and human need as required by law. This is not an earmark, it is certified disaster assistance.

Let's get rid of this phony-baloney nonsense that somehow or another that would undermine this bill of \$150 million that could restore livelihoods for people who are willing to work out there and risk their lives to feed America.

Mr. KERRY. Mr. President, it is my understanding that our time is just about up.

The PRESIDING OFFICER. Correct.

Mr. KERRY. Mr. President, I ask unanimous consent for 5 minutes under the colloquy.

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

Mr. KERRY. I will take 1 minute of it. I thank the Senator from Maryland for that important distinction.

I want to say to the Senator from Oklahoma—and the other Senator from Oklahoma—that I think all of us have enormous respect for him and for his intelligence and the way in which he seeks to protect taxpayers and cut pork and get rid of earmarks. We all respect that. There are legitimate moments when it is appropriate to do that.

I think the Senator may have either not known or not been aware of all the details that have been laid out here, and I would plead with him to take a look at the legitimacy of the law, the way in which this has been set up, and hopefully withdraw his amendment.

Also, to all of our colleagues, I know we are struggling with the fiscal cliff and it is the holiday time. There are a lot of people hurting in America. In the wake of what happened in Newtown, CT—a moment that sort of stops our country cold—where we all have to stop and think about what is and is not important and what our responsibilities are, it is hard for me to grapple onto the notion that in a moment there could be a change in attitude where people could begin to perhaps find a constructive way to work together. There are so many people in so many places who are living by the law. They are dependent on this profession and want to stand up and return to it because it is part of their lifetime and will not get help on a Federal basis the way we have helped people throughout our history.

I call on our colleagues to think hard about that as we think about this amendment.

I yield to the Senator from New Hampshire.

Mr. INHOFE. Mr. President, I yield for a point of inquiry. It was my understanding that under the unanimous consent that I would get the floor. I don't mind waiting for the time that they have requested, but I want to make sure I do get recognized after the conclusion of this for such time as I shall consume under morning business.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Reserving the right to object, I think the way we operate is that we need to have a time agreement, and we also have to have an agreement that at the conclusion of the Senator's remarks, we will go back into a quorum call.

Mr. INHOFE. Yes, I certainly agree to that. Keep in mind I have already asked for unanimous consent not to proceed for more than 20 minutes.

Mr. KERRY. Not to exceed for 20 minutes with the understanding that the quorum call will go into effect at the end of the remarks.

The PRESIDING OFFICER. Hearing no objection, so ordered.

Mr. KERRY. We reserve our time, and I yield to the Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I will be brief because my friend from Massachusetts was eloquent in talking about the livelihood of people in our fishing industry who have been affected by the disaster, and as a result there have been low species and low catch numbers because of regulations in an effort to bring back those fish.

I hope if we can support these disaster funds that as the Department of Commerce is allocating this funding, that they will do it with a collabora-

tive process that invites fishermen and fishing businesses to have a say in that process. Given that their livelihoods have been affected, I think it is important for them to be part of the process of how this funding is given out.

Mr. BEGICH. Let me conclude with my comments to say I agree especially with the latter part regarding how to engage people on what these resources will be. I want to commend the chairman of the Subcommittee on Appropriations on the eloquent description of exactly how this happened. I like earmarks as well, but this is not an earmark. This is a process that has gone through step after step to ensure that everyone in my State—Republican Governor and a Republican and Democratic delegation—has an important role here.

This takes nothing away from Superstorm Sandy. We recognize—all of us on this floor—how devastating that was, but this was also a disaster of a different making. As a matter of fact, at the request of Senator KERRY—and as the chair of the Subcommittee on Oceans and Fisheries—I listened to the fishermen there about the many species that are devastated and the quotas they are facing.

This is not only critical to be done now, it is also that the amount of money is so small and the impact is significant when we think about the thousands of jobs that will be affected by this.

In my State it is truly about food and survival for the Alaskan Native community in the winter months with temperatures that are not zero or 10 above but 40 below.

I implore my colleagues on the other side to support this bipartisan effort and reject the amendment by Senator COBURN.

Again, I thank all of my colleagues for coming down here. This just shows one of the roles that we have as a legislative body. When disasters are declared, we unify, no matter where we live, to figure out how to make sure the people of this country are taken care of.

I yield the floor.

Mr. WHITEHOUSE. I will close the colloquy by thanking Senator MIKULSKI for her leadership, support, and her key role on the Appropriations Committee. I want to thank Senator KERRY of Massachusetts for his leadership on the original disaster declarations that brought us to this point. I want to thank Senator SHAHEEN of New Hampshire for pulling this colloquy together. Thank you to Senator BEGICH for his advocacy on that other coast.

I yield the floor.

EXHIBIT 1

U.S. SENATE,

Washington, DC, December 11, 2012.

Hon. BARBARA A. MIKULSKI,
Chairwoman, Subcommittee on Commerce, Justice, Science, & Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. KAY BAILEY HUTCHISON,
Ranking Member, Subcommittee on Commerce, Justice, Science, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRWOMAN MIKULSKI AND RANKING MEMBER HUTCHISON: We are writing in support of including federal fisheries disaster funding in any emergency supplemental appropriations bill developed in response to Superstorm Sandy. Over the past year, extreme weather and other natural events have wreaked havoc on commercial and recreational fishermen in our states, leading the Secretary of Commerce to declare federal fisheries disasters. Despite these declarations and the ongoing hardship, Congress has not yet appropriated funds.

As you know, the Secretary of Commerce is authorized to declare federal fisheries disasters under Section 308(d) of the Interjurisdictional Fisheries Act and Section 315 of the Magnuson-Stevens Fishery Conservation and Management Act. These designations allow Congress to appropriate federal relief funds to alleviate the harm caused by natural disasters to fisheries and the fishing industry. The disaster assistance funds can be used to repair or restore fishing equipment and infrastructure, compensate for losses, restore fisheries habitat, support workforce education, provide low-interest loans, and conduct monitoring and cooperative research focused on improving stock assessments.

Currently, federal fisheries disasters have been declared in nine states in response to four different events:

Superstorm Sandy—On November 16, 2012, a federal fisheries disaster was declared for New Jersey and New York due to the damage caused by Superstorm Sandy. The high winds and storm surge devastated marinas, destroyed fishing vessels, and resulted in severe economic losses for both commercial and recreational fishermen.

Northeast Multispecies (Groundfish) Fishery—On September 13, 2012, a federal fisheries disaster was declared for Rhode Island, Maine, Massachusetts, New Hampshire, New York, and Connecticut. The projected reductions in the total allowable catch for certain critical groundfish stocks will have a significant impact on many of the same coastal communities that were hit by Sandy. Despite strict adherence to new and rigorous management practices by fishermen, key fish stocks have not returned. Slow recovery and declining fish stocks will continue to have a negative impact on commercial fishing, harming local communities and economies.

Alaska Chinook—On September 12, 2012, a federal fisheries disaster was declared for Alaska Chinook salmon fisheries in the Yukon River, Kuskokwim River, and Cook Inlet. Thousands of Alaskans have been impacted including commercial fishermen, sport fishermen, and subsistence-based residents. Beyond direct impacts, indirect impacts have been felt by communities through reduced tax revenue, reduced work for processor employees, and reduced income for fishery dependent businesses.

Mississippi Oyster and Blue Crab—On September 12, 2012, a federal fisheries disaster was declared for commercial oyster and blue crab fisheries in Mississippi. Historic flooding of the lower Mississippi River required opening of the Bonnet Cane Spillway on May

9, 2011. This action released substantial amounts of freshwater into the Mississippi Sound, impacting the entire ecosystem. Mississippi's oyster and blue crab fisheries were extensively damaged, resulting in severe economic hardship for commercial fishermen still recovering from the devastating impacts of Hurricane Katrina and the BP oil spill.

Fishing is an integral part of our states' economies and cultures. These disasters have devastated fishing families and coastal communities and there is an urgent need to provide federal assistance. We urge you to move swiftly to appropriate funds for these federal fisheries disaster declarations.

Sincerely,

FRANK R. LAUTENBERG,
 SUSAN M. COLLINS,
 ROBERT MENENDEZ,
 LISA MURKOWSKI,
 JACK REED,
 ROGER F. WICKER,
 CHARLES E. SCHUMER,
 JOHN F. KERRY,
 MARK BEGICH,
 KIRSTEN E. GILLIBRAND,
 SCOTT BROWN,
 JEANE SHAHEEN,
 SHELDON WHITEHOUSE,
 OLYMPIA J. SNOWE.

The PRESIDING OFFICER (Mr. TETER). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am going to expand my remarks from my original intent because of what I have been listening to on the floor. I really reserved this time to talk about two very significant things that happened.

In fact, 53 years ago in 1959—and I have to ask the question as it gets closer and closer to Christmas: Why are we here? There is always a lot of theater right before Christmastime. The things we are talking about now could well be taken care of afterward. It could be done after we have a chance to look and assess the damages of Sandy.

As far as the fiscal cliff is concerned, this is something that we have known about for a long time. Right now it seems that in this body—and the other body down the hall in the House—that they don't want to do anything until it gets close to Christmas, that somehow people are at home watching, and sitting with bated breath and wondering what wisdom we are going to extol. I don't know if that is true in other States, but I know that it is not true in Oklahoma. I told them this was going to happen. I told them before the election in October. I introduced a bill, S. 3473. I introduced that bill because I knew what was going to happen.

What we have been talking about here in the last few minutes during the colloquy that I came in and caught the last part of is this Sandy issue. This is always interesting. When a disaster occurs in America and emotions are high, everybody all of a sudden wants to pour money on it, and in this case it will be \$60.4 billion. How did they come up with \$60.4 billion? I don't know because I wasn't in on that.

I come from Oklahoma. We have disasters all the time. We have our tornadoes that are very serious, and of course we take care of the problems when they come up. We do get some

Federal help, but nonetheless we analyze what the damages are and what was caused by the particular disaster. We don't just use that to open the door and have something in there for everybody, and that is what is happening now. They are asking for \$60 billion, and there is something for everyone in it. That is what we are talking about today.

Again, we should not be talking about it right before Christmas and use this as an excuse to take this right up to Christmas. Right now we don't have time to get all the way through this and analyze the actual losses that were attributed to Sandy. It was a disaster, and I understand that. People lost their lives and their property. Nonetheless, we don't know, and we are guessing right now.

Some say: Well, how about \$60.4 billion? That sounds good. It could be \$70 billion, it could be \$80 billion, or it could be \$30 billion. The Heritage Foundation did an analysis of the damages of Sandy. We talked about the \$60.4 billion, which is the amount directly attributed to Sandy. We should get the study before it is criticized. The Heritage Foundation did the study, and it is actually \$12.8 billion. That represents the amount that individuals lost as a direct result of this disaster called Sandy that tragically hit our east coast.

Now what about the other \$47.6 billion? As an example, they have \$28 billion in there for future disasters. Oh, wait a minute. We are supposed to be addressing a disaster that just occurred. The \$28 billion is for future disasters. Here is a good one. There is 3.5 for global warming. They always have to get global warming in there. That is kind of interesting because we actually had several debates and several pieces of legislation called cap-and-trade. We took it up before this body and we defeated it. I am talking about going back 12 years ago. The last one was the House bill, and that was called Waxman-Markey. It was defeated because people realized that cap-and-trade would be the largest tax increase in the history of America, somewhere between \$300 and \$400 billion a year. That equates to about \$3,000 for each family in my State of Oklahoma who files a Federal income tax return. So people realize that is true. Yet at the same time, the Administrator, appointed by President Obama, Lisa Jackson, when asked the question, If you were to pass any bill here for cap and trade in Oklahoma, would this reduce CO₂ worldwide, said: No. That is because the problem is not here; the problem is in countries such as China, India, Mexico, and other places.

Nonetheless, how many people in this body even know what this President has done through his executive powers? He has spent \$68.4 billion on global warming initiatives in the 4 years he has been President and that is without any authority from this body.

Here is another one: \$150 million. I was listening to my good friend Senator BEGICH from Alaska—and I have a great deal of respect for him. He and I have worked on legislation together such as the pilots' bill of rights legislation. Nonetheless, fisheries in Alaska were significant, but they were not on the east coast. This didn't happen—the last time I looked at a map, it was on the west coast, not the east coast, so it should not be in here.

Then we go on to the fiscal cliff. We are all here talking about this fiscal cliff that is here and all of a sudden we have to do something about it. How many people realize that we knew this was coming a long time ago? I mentioned my bill, which is S. 3473, that showed we don't have to raise \$1.4 trillion, we can raise \$2.7 trillion without any cuts to the military, and it is all right there. Look it up: S. 3473. Now, months later, right before Christmas, we come here and say, Oh, trauma has set in; it is going to be a disaster, so we have to come up with \$1.4 trillion.

How many people realize that this President—and this is not the Democrats, not the Republicans, not the House, not the Senate—it was the President of the United States, in his budget—there were four budgets he had in his 4 years. He had over \$1 trillion of deficit in each budget. If we add up all of his deficits—this is what the President gave us now. Again, it was not the Democrats or Republicans, House or Senate; this was his budget that he drafted and signed, with \$5.3 trillion of deficit in it—that is more deficit than all budgets of all Presidents combined since George Washington—and nobody cares. We say this and people shake their heads and they don't seem to care. He said it so it must be all right.

So now after this President has given us \$5.3 trillion of deficit, now all of a sudden—he did that in 4 years, but in 10 years we can't even come up with \$1.4 trillion. It is easy. We could do it. I did it in a bill introduced several months ago. We knew it was coming, but Christmas is coming too so we are all lined up to grandstand—I don't mean grandstand; that sounds demeaning. I don't mean it that way.

When we think about the money this President has spent—what about the \$800 billion stimulus that didn't stimulate? How many people in America—how many Members of this body—know what that \$800 billion was spent for? I suggest not very many. I do, because I made a point to look. There are things that it did not stimulate. Only 3 percent of it went to roads and highways and that type of thing. But, again, he came up with in one fell swoop \$800 billion, and now we wonder—that was in the first couple of months and now in 10 years, how can we come up with this much more? So, anyway, I just wanted to say that.

While we are talking about the budget, I think it is appropriate to say something else about it, because it was in the budget that was part of dis-

arming America. I can remember going over to Afghanistan after the President's first budget because I knew he was cutting the military and I knew if I were over there responding with the tanks going back and forth that it would get people's attention, and it did. In that first budget he did away with the only fifth-generation fighter, the F-22; he did away with our lift capacity, the C-17; did away with our future combat system, did away with the ground-based interceptor in Poland; all of these things in one budget. That is what took place.

JON KYL is retiring, and I noticed that when he made his going-away speech today he talked about the disasters we are facing right now. We are talking here about weather disasters. What about nuclear disasters? What about the fact that we had the New START Treaty, which I opposed, but nonetheless, that put levels on both Russia and ourselves. In terms of our nuclear stockpile, which was supposed to go down equally to 1,550 warheads, it is now down, and they are talking about doing away with them altogether. It is another subject for another time, but I will spend some time talking about it later.

Anyway, as we started, I mentioned two significant things happened in 1959. One was—and we are all revering now Danny Inouye. Senator Inouye is different than most other Senators. I remember when my daughter Katie was much younger and she said, My two favorite U.S. Senators—I thought I was going to be one of them—my two favorite ones are Senator Inouye and Senator Jesse Helms. They are such kind, older guys. She wanted to know if they ever got angry at anything. No, they didn't. As a conservative Republican I have gone to him many times for favors, really, to ask if we could get something done, and he never turned me down during that time. I had a long visit yesterday with his son and told him what we feel about Danny Inouye and how much we are going to miss him. So that happened in 1959. That was when he was first elected to the U.S. Senate.

The other thing that is significant that happened in 1959, 53 years ago today, is I was married. So this is my 53rd wedding anniversary, and it happened we were married in 1959. In fact, she is watching now. She hardly ever does, but I called and said watch because I can't be there for our anniversary so I have to do it this way, and so she is. Today is only the second time in 53 years that we haven't been together on our anniversary.

But I would ask the question: Who will be there today? That is who will be there today, our 20 kids and grandkids. Look at them all. Isn't that neat? Yes, they are going to be there, but I am not, but she won't be alone. Isn't that significant? All of that happened and it started with just us, right there, and there they are. A person might look and see that one little girl is a little

bit different than the rest of them. That is the little girl right here. We call her Zegita Marie. There she is. We found her 12 years ago, only 2 days old. She was a cute little girl and she was just near death in an orphanage in Ethiopia and we went back there and got her nursed back to health. My daughter Molly, who had nothing but boys, adopted her.

I want to say to my wife who is listening right now, even though I won't be home, 3 days from now on the 22nd—that is Saturday—I want you to watch the “Mike Huckabee Show” because she is going to be interviewed and talking about adoption.

Senator LANDRIEU and I head the adoption caucus in the U.S. Senate. There are hundreds of thousands of little kids out there and people who want to adopt little kids, and they can't do it because of the problems. This little girl wouldn't even be alive today and here she is now, 11½, almost 12 years old, reading at college level and doing wonderful things. So, Kay, be sure to tune in to Mike Huckabee and watch her being interviewed 3 days from now.

The last thing I will say is that this is bad enough not to be home during our anniversary, but it is also bad as we get closer to Christmas. If you can only see the celebration that is going on right now, all those kids. They are all there and they are participating.

I remember what happened in the year 2009. In 2009, we played the same game here: You know, we were here doing a little theater, making sure everybody knew we were working, and we didn't get out until the afternoon, just about noon, on Christmas Eve. I remember that was the worst snowstorm in the history of northern Texas and of Oklahoma. Where is global warming when you need it? It was terrible. I got to DFW and I wanted to go on to Tulsa. I was in a hurry to get there because Kay and I belong to a church in Tulsa where we were married, all of our kids were married there, and my wife was even baptized there, and every Christmas Eve they have the most beautiful setting and three of my grandkids were going to be singing in that and I never missed it in 50 years. We got to Dallas; they weren't going to take off. I pleaded with them. They took off, the only plane that took off from DFW, and went to Tulsa that day. We went through 6-foot drifts, if my colleagues can believe it, to get down there to see my little grandkids singing. Well, that is not going to happen this time, because I will be back there.

I would say this to my wife. We have had kind of a tradition for 53 years now: I always get Kay roses. She loves roses. So I am not there today, but I want to say to Kay that if you will go out in our front yard now and look under the giant oak tree that you and I planted over 50 years ago, your roses are there.

Finally, I want to say two more things. One is I want to assure Kay that I love her more today than I did 50

years ago; and secondly, I am not Bing Crosby, but I am going to say—and all the people in Oklahoma understand this—there may be 99 Senators here playing their games on Christmas, but as Bing said, I'll be home for Christmas and you can be sure of that. You can count on it.

With that, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CASEY). Is there objection?

Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, Senator REED and I want to speak briefly, and unless the leader has arrived, we will return the Senate to a quorum call at the conclusion of the remarks by Senator REED and myself. And it is gratifying that the Senator from Pennsylvania is presiding.

Yesterday, I requested that the cloakroom hotline Senator CASEY's Children's Hospital Graduate Medical Education Support Reauthorization Act, S. 958, with an amendment important to Rhode Island and to the country regarding growing our mental health care pediatric workforce.

My amendment would make resources available to increase the number of residents trained in child and adolescent psychiatry. Senator CASEY's—the Presiding Officer's—bill and my amendment have the unanimous support of my caucus and I believe have very broad support in the Republican caucus as well. Unfortunately, there has been an objection to my unanimous consent request, so I am very disappointed that my colleagues on the other side of the aisle are not able to clear this particular bill. I am also disappointed that none of the Republicans who object to this measure have approached me or my staff with their concerns—none of them. If it is just one, then he or she has not. If it is more than one, none of them have.

I was prepared to come to the floor today and make a live unanimous consent request to find out exactly where the objections to this amendment lie. But, instead, I will urge my Republican colleagues to work with me and with Senator CASEY of Pennsylvania to reach consensus on this important measure.

The CHGME program should be reauthorized. Since its enactment in 1999, the program has helped address the need for more pediatric specialists. But there is a gap in the field of child and adolescent psychiatry.

The American Psychiatric Association concluded this year that “targeted efforts must be made to encourage medical training and residency in the subspecialties of child and adolescent psychiatry. . . .”

I gather my time is very brief, so I am going to yield to Senator REED very

shortly, but I do want to thank Senator CASEY and Senator ISAKSON for their patience and their hard work.

The amendment I have proposed and Senator REED of Rhode Island has proposed is an amendment that does not add any additional spending. It stays within the existing budgetary limit. It confines the amount available for child and adolescent psychiatry to less than 1 percent of the total. I believe it is a very sensible measure, particularly in the wake of the tragedy in Newtown, CT. The idea that there is not room for further attention to child mental health and psychiatry and adolescent mental health and psychiatry seems to me to be an unfortunate outcome.

Bradley Hospital in Rhode Island would be a beneficiary of this. They are a particularly good hospital in a great number of settings.

As I said, I know time is short, so I will yield the remaining moments of our time to Senator REED.

The PRESIDING OFFICER. The senior Senator from Rhode Island.

Mr. REED. Mr. President, I want to join Senator WHITEHOUSE in commending the Presiding Officer for his underlying legislation, along with Senator ISAKSON, and commend my colleague and friend, Senator WHITEHOUSE, for his leadership on this issue, and begin where he left off, which is, in the wake of the unfathomable tragedy in Newtown, CT, the idea that we do not need more trained child psychiatrists and child counselors is difficult to understand. We do need them.

The legislation the Senator from Pennsylvania has introduced would help children's hospitals across the Nation and we are strongly behind it. But we also want to make help available to children's psychiatric hospitals, such as Bradley Hospital in Rhode Island.

One of the facts that emerged from the terrible tragedy in Newtown is that we have young people who need help, desperately need help, and their parents need help—help to recognize problems, help to not only diagnose them but treat them, and we do not have a sufficient number of trained child psychiatrists in the country to do that.

This legislation, this amendment, would allow us to do that. It adds no cost, as Senator WHITEHOUSE indicated, and I think it should be something that we would do almost automatically when it comes to the welfare of our children, but particularly in the wake of the terrible tragedy in Connecticut.

So I wanted to be here to lend my support to the underlying efforts of the Senator from Pennsylvania and to the specific efforts of my colleague, the Senator from Rhode Island.

Mr. President, I ask unanimous consent that a statement by Dr. Gregory Fritz, who is the academic director of the residency program at Bradley Hospital, be printed in the RECORD.

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

PARITY FOR KIDS' MENTAL HEALTH

Despite the passage of the federal mental-health parity bill, stigma and prejudice are

still alive and well when it comes to legislation affecting children's psychiatric hospitals. The latest example of how our government continues to maintain discriminatory funding policies specifically directed against children with mental-health issues involves federal support for graduate medical education (GME).

Although this issue is far overshadowed by the federal debt issue, those who care about the mental health of children need to be aware that achieving true parity still entails overcoming significant obstacles. Getting children's psychiatric hospitals recognized as legitimate sites of medical education is one such obstacle on the road to real parity that has both symbolic and pragmatic importance.

The history of federal support for training physicians during their hospital residencies goes back to the establishment of Medicare, in 1965. Recognizing that America needs a steady supply of physicians in all the areas of medicine, and that their training carries substantial additional expense for teaching hospitals, Medicare authorization includes a per-resident reimbursement that is provided to hospitals through a complicated formula. One element for determining GME payments is the percentage of a hospital's reimbursement that comes from Medicare. That children's hospitals would thus be excluded from the program (because Medicare pays virtually zero for children's medical care) was unintentional, but it took 34 years for this oversight to be corrected.

The Children's Hospitals Graduate Medical Education Payment Program (CHGME), in 1999, established a pool to provide residency education support to children's hospitals in a system modeled after the Medicare GME system. The unintentional disincentive to train pediatric generalists and specialists was removed and pediatric training accelerated dramatically. This year, a total of \$317.5 million offsets the training expenses of 5,500 residents at 46 children's hospitals, and the CHGME program is widely considered a success.

Parallel to the initial oversight in the Medicare bill, in the arcane definition of a children's hospital detailed in the CHGME regulations is language making it impossible for children's psychiatric hospitals to qualify. Only the most cynical observer would conclude that this was a deliberate attempt to exclude children's psychiatric hospitals and the child psychiatric and pediatric residents they train, especially since no medical specialty represents a greater shortage area than child and adolescent psychiatry. Yet, steady efforts since 2002 to correct this oversight have thus far been unsuccessful.

The CHGME reauthorization needed for the program to continue would seem to offer the ideal opportunity to end this de facto discrimination against children with mental-health problems. Sen. Sheldon Whitehouse and Representatives David Cicilline and James Langevin, all Rhode Island Democrats, have offered similar versions of a brief amendment to the reauthorization that would correct the language to reflect the original bill's intent.

If passed, it would admit four or five children's psychiatric hospitals that meet strict criteria into the pool of hospitals eligible for CHGME reimbursement. A larger taxpayer outlay is not requested; rather, the existing money would be spread slightly more thinly (an estimated 30 additional residents would be added to the current 5,500). One would think it a small price to pay to correct an injustice, but passage is far from guaranteed.

As a child psychiatrist working at Bradley Hospital, one of the psychiatric hospitals that would finally be included, I'm far from dispassionate about this issue. I see every

day the agony experienced by families with autism, childhood suicide, adolescent substance abuse or pediatric bipolar disorder; it's different, but no less severe, than the pain associated with juvenile diabetes or leukemia. As are all mental-health professionals, I'm troubled by the months-long waiting lists that prevent children's access to child psychiatric services.

The distinction between psychological and physiological disorders is artificial and antiquated, reflecting outdated fears and prejudices. In short, I see no valid reason to perpetuate the exclusion of children's psychiatric hospitals from the mechanism designed to support physicians' training. Neither do the thousands of members of 39 national organizations who have signed on to a letter urging support of the Whitehouse amendment. Mental-health parity is the law in principle; the CHGME reauthorization should make it be the case in practice.

Mr. REED. Mr. President, I have a comment on an additional issue but would only do so if the Senator from Rhode Island would allow.

Mr. WHITEHOUSE. Mr. President, let me yield back to my senior Senator to move to his other issue. But let me also say what a pleasure and a privilege it has been to work with him in our shared determination to see that this amendment is made—this very reasonable amendment that will add no additional spending and will expand the reach of adolescent and child psychiatry in this country. He has been terrific to work with. It is always a pleasure and privilege to have Senator REED as my senior Senator, but this has been a particularly good occasion of working together.

With that, I yield back to my senior Senator.

The PRESIDING OFFICER. The senior Senator from Rhode Island.

Mr. REED. Mr. President, I want to touch on a topic that was discussed by many of my colleagues, including Senator WHITEHOUSE; and that is the fisheries disaster in the Northeast, which was declared by the Secretary of Commerce in 2012. There is language and support in the supplemental appropriations bill to help our fishing industry in the Northeast that has been affected by this disaster in the areas of New York, Connecticut, and Rhode Island.

These fishermen have been for years under a painful regime of restricted fishing so that the stock could be replenished. Despite their efforts, some of the fishing stock has not responded, leading to a declaration of a fisheries disaster by the Secretary of Commerce.

The funding that is included in the supplemental applies to New England, but it also helps Alaska and Mississippi. I appreciate very much the fact that Senator MIKULSKI is working to include this funding in the bill. She is an extraordinary leader in our Senate, an extraordinary and compassionate leader when it comes to issues affecting the fishing industry, not just in her home area of the Chesapeake Bay and the Atlantic but as far away as Alaska and Rhode Island and Maine. I would hope we could move to help these fishermen get on with their lives with this assistance.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REMEMBERING DANNY K. INOUE

Mr. LEVIN. When 7-year-old Danny Inouye saw the Japanese planes over his Hawaii home on December 7, 1941, his first impulse was to help. So he ran to help. He had emergency medical training. He used that training to help bind the wounds of the Americans injured in the attack on Pearl Harbor.

His second impulse, just as strong, was to defend our country. But the America of 1941 did not want his service. In fact, it considered Danny and his fellow Japanese Americans suspect and called them enemy aliens and confined more than 100,000 of them to internment camps. When Danny Inouye tried to enlist to defend his country, his country told him: You are not welcome.

That Danny Inouye did not allow anger and resentment to overcome his love of country says something remarkable about him and about our country. When in 1943 President Roosevelt allowed Japanese Americans to enlist in the fight against Nazi Germany, Inouye and thousands of young men answered the call. He burned with desire to defend the Nation that had told him and people of his background: You may not serve; a nation that still held thousands of Japanese Americans behind barbed-wire fences.

When he left Hawaii for the Army, his father told him: This country has been good to us. Whatever you do, do not dishonor this country. Danny, on more than one occasion, told stories about his Army training in Mississippi, about the racial segregation he saw. He told the story of how after he returned from World War II he stopped in California on the way home to Hawaii to stop to get a haircut and was told: We don't serve Japs here.

He stood there in full dress uniform, his chest covered in medals, a hook in place of the arm blown apart by a German rifle grenade. Even then he had to confront hatred. There is so much that is remarkable about the life of Dan Inouye, the story of his service on the battlefields of Italy is indeed remarkable, physical courage he displayed in winning the Medal of Honor is alone enough to earn the title "hero."

But rising above his physical courage and the guts he showed is the moral courage it took for Dan Inouye and his fellow Japanese Americans to even set foot on that battlefield. What is it that spurs some of our countrymen to offer their lives in defense of a country that shuns them? Where does that love of country come from? How can we im-

part some of it to those who too often take this country for granted?

It would be a wonderful tribute to Dan Inouye to seek out ways to encourage such service by future generations. Dan Inouye's work did not end when he took off his soldier's uniform. In many ways, it was just beginning. Forced by the loss of his arm to give up dreams of a medical career, he entered politics. His was one of the most remarkable careers in public service our country has ever seen. We will miss Dan Inouye so much in the Senate, his leadership, his legislative talent, yes, but also his friendship, his humor, his humility, his steadfast belief in the American people. He was the last remaining Senator who voted for the Civil Rights Act of 1964. In that vote and so many others, he served the Nation and the Senate with distinction that few have ever matched.

In Michigan we proudly claim an early connection to this noble man. Much of his recovery from the wounds he suffered in Italy took place at a veteran's hospital in Battle Creek, MI. There he met two other young men, a soldier from Kansas named Bob Dole and one from Michigan named Phil Hart. They formed a lifelong bond, one that endured all the way to the Senate.

In 2003, when we dedicated that former hospital in Battle Creek, now a Federal office facility, as the Hart-Dole-Inouye Federal Center, Senator Inouye told the audience: All of us have chapters in our lives, milestones. My most important chapter, he said, was a Battle Creek chapter. This is where I learned what democracy was all about, where I learned what America was all about.

To have imparted any lessons on America to Dan Inouye would be a remarkable honor. What we may have taught him pales in comparison to what he taught us.

A few years ago, in a speech honoring his fellow Japanese-American veterans, Danny told his audience that our greatness as a nation lies in part in our willingness to recognize the flaws in our past, including our treatment of Japanese Americans and our determination in whatever limited way we could to make amends. Dan Inouye served his country because of his dream of what we could be: a nation unbound by our all too human failings.

He believed to his core that we are able to shed old prejudices. He believed that our Nation, despite its flaws, shines with such bright promise that we could inspire remarkable service and sacrifice, even in those who suffer from our shortcomings, a nation so great that those we treat with disdain or even hatred can respond with love that knows no limit. This love was as powerful as the love that Dan Inouye showed for all Americans and for the very idea of America.

I am so grateful for the lessons that Danny taught me, so grateful for his friendship. Barb and I send our deepest condolences to Irene and all of Danny's

family, to the people of Hawaii, and to all of those touched by this remarkable man.

Mr. REID. Mr. President. Our former colleague, now Secretary of the Interior Ken Salazar has written a letter in memory of our departed colleague Dan Inouye. I ask unanimous consent that the letter be printed in the RECORD.

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

THE SECRETARY OF THE INTERIOR,
Washington, December 18, 2012.

Majority Leader HARRY REID,
Hart Senate Office Bldg.,
Washington, DC.

DEAR MAJORITY LEADER: Senator Danny Inouye was and will continue to be one of my lifetime heroes. In December 2008, when the President, you and I were in discussions about my potential service as United States Secretary of the Interior, Senator Inouye said the following to me:

"The Secretary of the Interior is the most important position in the Cabinet because you are the Custodian of America's Natural Resources and America's Heritage."

Senator Inouye's description of the Department was a major factor in my decision to accept the President's offer to serve as Secretary of the Interior. I have adopted his description of the job of Secretary as my motto and as the best description of the Department of the Interior.

Like you, I will forever miss Senator Inouye. He has served and continues to serve as a mentor and inspiration to me in all of my days in public service. I know his life and his teachings will continue to live through each of us as he continues to inspire our journey forward.

Respectfully,

KEN SALAZAR,
U.S. Secretary of the Interior,
former U.S. Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COATS. Mr. President, I have not yet filed, but I intend to shortly, an alternative amendment to the emergency supplemental which is on the Senate floor and in the process of being debated. I would like to explain what it is that I am going to file and what it does and explain the rationale behind it.

Mr. LEAHY. Would the Senator yield for a question?

Mr. COATS. I yield to the Senator.

Mr. LEAHY. It is my understanding that the Senator is not going to seek action on it now, it is simply to file it?

Mr. COATS. That is correct.

Mr. LEAHY. I thank my distinguished colleague.

We have shared this colloquy on two different occasions. I thank the Senator.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. The Senator from Vermont is correct. I don't intend to take any action on this now. I know there are events planned tonight. We are in the middle of mourning for our lost colleague as well. But I simply wanted to explain for the record what it is that we are attempting to do.

I think all of us are sensitive to the pain and the damage incurred by those in the Northeast due to the catastrophic, clearly catastrophic record proportion hurricane that hit that sector of our country just weeks ago. Clearly, that is something that falls in the category of an emergency. It goes beyond the ability of State and local jurisdictions to address with their own resources. They will participate in the recovery, and they have. It is remarkable, in this country virtually no State, no Senator, can stand and simply say, well, we haven't been touched and not understand the need for the response that comes from disasters, whether they be tornadoes like occurred in my State of Indiana just this past spring—we needed emergency help and response and received that—or whether it is flooding that has occurred throughout the Midwest and in other parts of the country that has caused a tremendous amount of damage.

There have been terrorist attacks such as 9/11, Oklahoma City. In this case, hurricanes, and we have had a number of those. Katrina stands in our mind, Irene, and on and on it goes with Sandy being the latest. This one was truly of a monumental proportion and created a lot of damage.

Therefore, a Federal response is needed and necessary if we are going to begin to have an adequate recovery, get people back to work and back in their homes, businesses up and growing again and working.

The bill that is currently on the Senate floor for us attempts to do that. Some of us were somewhat staggered by the initial number, \$60.4 billion. That may not be enough; that may be too much. But in the short amount of time that we have had to try to put all the estimates together in terms of what might be needed, what we as Senate Appropriations Republicans have attempted to do is to separate that from what we believe is immediately needed—immediate being from the time of the storm through March 27—to attend to those initial responses that need to take place. There were a whole raft of things that run the gamut from debris cleanup to repairing damaged and flooded facilities, destroyed homes, public facilities, and so forth. But we need to try to go through and separate the immediate and make sure that measure of support as quickly and as expeditiously as possible is brought to the area to address the problem and distinguish them from those longer term projects and interests that have been proposed.

When our committee met, it was, I think, up to 10 Senators from the af-

fect States testifying. We heard a number of suggestions about the number of things that ought to be incorporated into this legislation. Mitigation was one major issue. Mitigation simply is preparing for the next storm so we can mitigate or lessen the damage that occurred from the storm that we just incurred. But mitigation is a long-term project. It is not something that can be immediately entered into.

Interestingly enough, on the proposals that were presented before the committee, many were contradictory. Some thought that burying wires underground would prevent, obviously, tree limbs from taking them down and losing power on above-ground wiring. In a city like Manhattan, Boston, or a major metropolitan area or in any city, it is an enormously expensive project.

While that seemed initially to meet some success, then one of the experts who was testifying said, well, wait a minute. The flooding that occurs with this would go in and would corrode the piping and corrode a lot of the systems and the switches, and that might not be the best thing to do. I don't know whether that is better to do or not better to do, but it is certainly something that needs to be examined carefully and vetted before we commit to that type of project.

Others said we should rebuild the sand dunes and sand islands offshore to provide barriers. There was the piece, I think it was in the New York Times, that basically said this has shown some real promise in terms of protecting areas by having sand barriers off coast.

Other experts came in and said, well, yes, sometimes that works and sometimes it doesn't work, and you need to be careful how and where you build these. It is not the panacea, it is not the be-all and end-all of how you prevent this type of damage, but it clearly is something that we ought to look at, clearly something we ought to examine. But making a decision now in the weeks' aftermath of the storm, just days from adjournment, and saying this is why we need \$13 billion toward mitigation projects—without vetting those projects, without examining those, having experts look at it and tell us what they think would work, how much it would cost, setting the priorities of what ought to be first, what ought to be done and what, perhaps, might not work and be postponed—all of that requires a process.

If we are going to be responsible with the taxpayers' dollars at a time of this fiscal crisis, and particularly now, it seems to me the most logical and responsible way to move forward is to identify the immediate needs and provide the immediate funding to address those needs.

Secondly, on those needs that are longer term, go through the process. That is why we have committees. That is why we have procedures in place, to identify how best to move forward and spend the taxpayer dollars in a useful way that doesn't turn out to be a waste

of money and deny us the opportunities to do the mitigation or other repairs that may be needed.

The additional funding, of course, this is a short-term proposal. It goes through March 27. It addresses those needs that fall into that category that meet the criteria of what we set out when we told our staff on the Appropriations Committee to go through and scrub the bill that was put before us and separate out that which was needed now from that which could be done later. That criteria excluded funding for projects not related to Sandy.

There is the long list of requests out there for previous disasters. Mitigation was for future disasters that may or may not come. On mitigation, we said let's set that aside for later deliberation.

On nonrelated issues, such as cleaning up the tsunami debris on the west coast, those expenditures put in this \$60.4 billion proposal by the administration and brought to this Senate floor, if it is not related directly to this storm, let's set those aside for the procedures that were being dealt with before Sandy occurred or put those procedures in place to deal with it afterward. So unrelated items and unsubstantiated items, those are where all the facts weren't in, where these were estimates that had not been certified and not substantiated in a way that I think puts us in a position to make the correct decisions in terms of going forward.

So under that criteria, we came up with a proposal that is a little bit of a work in progress, but totals around \$24 billion.

Mr. LEAHY addressed the Chair.

Mr. COATS. I yield to the Senator, but I would like to finish my remarks, if I could. I know we all have time commitments.

Mr. LEAHY. I am only going to make a short unanimous consent request, if I could.

Mr. COATS. I yield to the Senator.

ORDER FOR RECESS

Mr. LEAHY. Mr. President, I ask unanimous consent that upon the completion of the distinguished Senator's remarks the Senate stand in recess subject to the call of the Chair.

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

The Senator from Indiana.

Mr. COATS. Mr. President, the concept behind this, of course, is to be as careful as we can with the taxpayers' money and make sure that each dollar spent is spent on something that has been thoroughly examined, looked at, vetted, scrubbed, and determined to be necessary going forward. We have to determine the share, the cost share for the State and local communities; what that percentage ought to be that comes from the State and the local communities as opposed to the Federal Government.

We have to determine how to best go forward with the best project that can, hopefully, prevent future damage

should a second storm or subsequent storm occur. We have to look at a whole number of factors and make judgments. That is what we are elected to do.

When the taxpayers send their money into the Federal Government, they don't want us to just throw up a number and throw some wish list out and throw out money at unsubstantiated and unsubstantiated projects that are proposed. So I am not suggesting that everything in the proposal, the \$60.4 billion, is not necessary. I am simply saying give us some time, at least these 3 months through March 27, to have our committees and have the experts look at these proposals and make sure it is substantiated.

So we remove the unsubstantiated, the mitigated, the non-Sandy related. We have removed all that from this program, and that is how we arrived at this number.

Now, I could go through a number of examples—I don't think I need to do that at this particular point in time. When we look at the various categories this falls into, sometimes we matched exactly what it was in the administration's bill, saying this is an accurate number.

Flood insurance, for instance, we require people living in flood zones to buy flood insurance. They buy the flood insurance, and they are looking for their check. If the estimate has been made, and it has been made actuarially and through the procedures of FEMA and all those evaluating the cost, and the decision is made and the number is determined and certified, then a check is written and those people can move on to their lives. That is an immediate need.

We can't tell people to pay their premiums and we will somehow find a way to get their checks to them a year from now. This is an immediate need. In that regard, we have matched their request made by the Flood Insurance Program to provide the borrowing authority so that they can cut those checks. Whether it is Christmas or the middle of the year, those people need to get their lives back together and we want to get that money to them.

So as you go through the list here and the categories, as you compare what we have provided and what was provided in the larger bill, you find congruence in a number of areas, but a number of other areas, which I have generalized in terms of mitigation, in terms of community development block grants, all these take time to come to fruition, to be put together. The plans need to be vetted and approved. They are not necessary to provide the necessary immediate need and aid that is for the people who are suffering from the consequences of this storm. If we go through all that and scrub it, we arrive at a considerably lower number.

But I want it said that this number, while higher than some would like and lower than others would like, is a care-

fully thought-through, reasonable number to take care of needs for now, through this Christmas season and all the way to March 27. This Congress will then revisit the matter and see what else is needed. But during that time, we will be able to also carefully work through the estimates, substantiate those estimates, certify that. Then, obviously, I think those proposing will have a much better foundation to stand on in terms of what they are requesting, and those of us who are trying to be very careful with the taxpayers' dollars will be able to assert or state why we think this may not be necessary at this time or perhaps doesn't fall in the category of being related to Sandy.

We all know when some emergency supplemental comes to the Halls of Congress, a lot of people reach in their pocket, pull out their wish list, waiting for the next train that has to be something we will move through quickly, has to be something signed by the President because it is designated as an emergency. They throw on their wish list of unresolved, unfunded projects that perhaps are legitimate, perhaps maybe just earmarks or something that needs a train to hook onto in order to get passed. That is what we want to try to avoid.

As I said, I will be filing this amendment, which hopefully will be seen as an alternative to give Members a choice in terms of how best to move forward in dealing with this legitimate supplemental emergency provision.

With that, I yield the floor.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, at 5:18 p.m., the Senate recessed subject to the call of the Chair and reassembled at 9:46 p.m., when called to order by the Presiding Officer (Mr. WHITEHOUSE).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT—Continued

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, is the substitute now pending?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3338 WITHDRAWN

Mr. LEAHY. Mr. President, I withdraw the pending substitute amendment No. 3338.

The PRESIDING OFFICER. The Senator has that right and the amendment is withdrawn.

Mr. LEAHY. Mr. President, I yield to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I express my appreciation to the manager of this