

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

bill, Senator LEAHY. He and I have worked together on the Appropriations Committee for more than a quarter of a century.

## AMENDMENT NO. 3395

(Purpose: In the nature of a substitute)

Mr. President, I have a substitute amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3395.

(The amendment is printed in today's RECORD under "Text of Amendments.")

## AMENDMENT NO. 3396 TO AMENDMENT NO. 3395

Mr. REID. Mr. President, I have a first-degree amendment to the substitute which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3396 to amendment No. 3395.

The amendment is as follows:

At the end, add the following new section:  
Sec. \_\_\_\_.

This Act shall become effective 7 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 3397 TO AMENDMENT NO. 3396

Mr. REID. Mr. President, I have a second-degree amendment at the desk, and I ask for it to be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3397 to amendment No. 3396.

The amendment is as follows:

In the amendment, strike "7 days" and insert "6 days".

## CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion to the substitute at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 3395 to H.R. 1, an act making appropriations for the Department of Defense and other departments and agencies of the Government for the fiscal year ending September 30, 2011.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Mark Begich, Joe Manchin III, Tom Harkin, Jeff Bingaman, Mary

Landrieu, Christopher A. Coons, Amy Klobuchar, Bill Nelson, Debbie Stabenow, Jack Reed, Kirsten E. Gillibrand, Tom Udall, Bernard Sanders, Sheldon Whitehouse.

## AMENDMENT NO. 3398

Mr. REID. Mr. President, I have a first-degree amendment to the text of the language proposed to be stricken which is at the desk, and I ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3398 to the language proposed to be stricken by amendment No. 3395.

The amendment is as follows:

At the end, add the following new section:  
Sec. XXXXXXXXX

This Act shall become effective 5 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 3399 TO AMENDMENT NO. 3398

Mr. REID. Mr. President, I have a second-degree amendment which is at the desk, and I ask for it to be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3399 to amendment No. 3398.

The amendment is as follows:

In the amendment, strike "5 days" and insert "4 days".

## MOTION TO COMMIT WITH AMENDMENT NO. 3400

Mr. REID. Mr. President, I move to commit the bill, H.R. 1, to the Appropriations Committee, with instructions that are at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill, H.R. 1, to the Committee on Appropriations with instructions to report back forthwith with an amendment numbered 3400.

The amendment is as follows:

At the end, add the following new section:  
Sec. \_\_\_\_.

This Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 3401

Mr. REID. Mr. President, I have a first-degree amendment to the instructions at the desk, and I ask the Chair to have that reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3401 to the instructions of the motion to commit H.R. 1.

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 days".

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 3402 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, I have a second-degree amendment at the desk, and I ask for it to be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3402 to amendment No. 3401.

The amendment is as follows:

In the amendment, strike "2 days" and insert "1 day".

## CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion to the underlying bill at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 1, an act making appropriations for the Department of Defense and other departments and agencies of the Government for the fiscal year ending September 30, 2011.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Mark Begich, Joe Manchin III, Tom Harkin, Jeff Bingaman, Mary Landrieu, Christopher A. Coons, Amy Klobuchar, Bill Nelson, Debbie Stabenow, Jack Reed, Kirsten E. Gillibrand, Tom Udall, Bernard Sanders, Sheldon Whitehouse.

## FLOOD CONTROL

Mr. LAUTENBERG. Mr. President, I rise today to engage in a colloquy with my friend Senator LEAHY, who is managing the Senate Supplemental Appropriations bill. The bill includes funding and language provisions for the U.S. Army Corps of Engineers that will help construct and improve crucial flood control projects in areas impacted by Hurricane Sandy, including along the Jersey Shore. Mitigation projects along the coast are critical to preventing future damage, and that's why I am pleased that language is included in the bill to authorize projects for construction that are currently in the study phase. This provision will expedite flood control efforts in flood-prone areas impacted by Hurricane Sandy, and I am pleased Senator LEAHY agrees this is a valuable initiative.

Mr. LEAHY. I am pleased to work with Senator LAUTENBERG on this

issue. New Jersey, New York, and other States throughout the region were devastated by Hurricane Sandy. In particular, flood-prone areas and the coastline experienced severe damage. That is why the Supplemental Appropriations bill includes funding and language to improve damaged projects, construct new projects to prevent future damage, and to authorize projects in the study phase for construction, provided that the Corps of Engineers determines doing so would cost-effectively reduce flood and storm damage risks.

Mr. LAUTENBERG. Requiring the Corps of Engineers to determine whether potential projects in affected areas can cost-effectively reduce flood and storm damage risks before receiving construction authorization is a valuable goal. However, Hurricane Sandy changed the conditions of many projects, which could increase the final cost of those projects. Also, many homes and businesses in flood-prone areas were destroyed. This could lead to a decrease in the value of property protected by proposed projects. Therefore, the combined impact of increased project costs and a reduction in the value of property that would be protected by planned flood control infrastructure could result in a calculation that shows a higher project cost with lower economic benefits. Does the Senator agree that the language regarding the cost-effectiveness of flood and storm damage efforts under consideration for construction authorization is not intended to disqualify projects that could have increased costs and decreased economic benefits as a result of Hurricane Sandy?

Mr. LEAHY. Yes. The language does not intend for the Corps of Engineers to disqualify studies under consideration for construction authorization based on increased costs and decreased economic benefits as a result of Hurricane Sandy. In addition, the term "cost-effectiveness" does not refer to the benefit to cost ratio typically used by the Corps of Engineers.

Mr. LAUTENBERG. I thank Senator LEAHY, along with Energy and Water Development Appropriations Subcommittee Chairman DIANNE FEINSTEIN, who has jurisdiction over the Corps, for their work on this vital bill, which would help states affected by Hurricane Sandy recover and prepare for future storms. It includes important language to allow projects in the study phase to be constructed and does not intend to disqualify projects with increased costs and decreased economic benefits as a result of Hurricane Sandy. Given that this process is different than standard practice, does the Senator agree that the Corps of Engineers should submit a report to Congress to explain the process that will be implemented?

Mr. LEAHY. Yes. The Corps is directed to submit a report to the Committee on Appropriations on its proposed process for determining cost-eff-

fectiveness, in accordance with the aforementioned intentions, no later than 45 days following enactment of this Act.

#### GREAT LAKES DREDGING FUNDING

Mr. LEVIN. Mr. President, I want to bring attention to a significant disaster situation in the Great Lakes region. As a result of a deadly combination of the Midwest drought and an unusually warm winter, the Great Lakes are at near record low water levels. The Army Corps of Engineers reports that Lakes Michigan and Huron are more than 2 feet below their long-term average. Lake Superior is more than 1 foot below its long-term average. Keith Kompoltowicz, chief of watershed hydrology for the Army Corps of Engineers, has said regarding the Great Lakes water levels, "There is a good chance of setting record lows." The situation in the Great Lakes has resulted in freighters getting stuck in channels, ships carrying reduced loads leading to millions of dollars in losses, harbors closing or being threatened with closure, and so-called Harbors of Refuge not being able to provide shelter to boaters in distress.

Ms. STABENOW. Mr. President, I share my colleague's deep concern with the low water levels in the Great Lakes. This is, without a doubt, a disaster for the communities who rely on our harbors and waterways. The Great Lakes provide jobs for more than 800,000 Michigan residents, and low water levels in the lakes are threatening those jobs. The Great Lakes support a \$7 billion fishing industry, and a \$16 billion recreational boating industry. However, weather disasters this year have resulted in water levels in the Great Lakes near record lows. Normally we count on spring rains and snow melt-off to raise the level of the lakes. But this spring we saw only a 4 inch rise in Lake Michigan and Lake Huron, one-third of the normal level. And for the first time on record, there was no spring rise in levels of Lake St. Clair and Lake Erie. Due in part to the summer heat wave, at the height of which every single one of Michigan's 83 counties was declared a disaster area, 2012 was also marked by evaporation rates over 50 percent above average for the 4 largest lakes. There is no question that the shipping channels and harbors of the Great Lakes are in distress. We cannot reverse the drought, but we can support the dredging projects necessary to ensure that the 139 Federal harbors and waterways in the Great Lakes region can continue to serve our Nation's economy.

Mr. BROWN of Ohio. While the water levels are at historic lows in Lakes Michigan and Huron, Lake Erie, which my State borders, also has water levels below its long-term average. Because the Great Lakes navigational system is interconnected, with shipments often moving from Duluth to Cleveland to Buffalo, a problem in one harbor can have negative impacts across all of the 60 commercial projects in the Great

Lakes system. The light-loading of ships has repercussions across our transportation system with very real impacts on jobs and our manufacturing and agricultural sectors. This year's drought across Ohio, Michigan, and other parts of the upper-Midwest has been nothing short of a natural disaster.

Mr. LEVIN. In addition to response, recovery and mitigation related to Hurricane Sandy damage, I also understand this bill provides funds to help respond to other natural disasters. I would ask the manager of the bill, Senator LEAHY, is that correct?

Mr. LEAHY. Yes, that is correct. The Supplemental Appropriations bill includes some funding related to natural disasters other than Hurricane Sandy.

Mr. LEVIN. Would the near-historic low water levels of the Great Lakes caused by drought and mild winters be considered a natural disaster?

Mr. LEAHY. The bill does not define "natural disaster," but the near record water level lows in the Great Lakes caused by drought and unusually warm weather leading to increased evaporation are certainly contributing to significant drought-like consequences at Great Lakes ports and harbors.

Mr. LEVIN. I thank the Senator. I am pleased the bill includes \$821 million to dredge federal navigation channels and repair damage to Corps projects nationwide related to natural disasters. Would federally-authorized Great Lakes harbors and channels be eligible for that funding?

Mr. LEAHY. Yes. The funding is tied to estimates of natural disaster damages relayed to Congress by the Corps, however, the funding is not earmarked to specific projects. The Corps utilizes this funding to restore essential project functions based on the Corps' priority of the damages. In that context, Great Lakes ports and harbors would be eligible for the funding.

Mr. LEVIN. I thank the Senator for his clarification. The Army Corps of Engineers estimates that \$35 million could be utilized in operations and maintenance funding just to restore minimum operations in the Great Lakes system. I am hopeful that \$35 million of the \$821 million for dredging will be directed to Great Lakes projects. I thank the Senator for his work on this important legislation, and I thank my friends for their support in addressing the low water level impacts on the Great Lakes navigational system through this supplemental appropriations bill.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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