

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

NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

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

VOTE ON AMENDMENT NO. 3371

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

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

[Rollcall Vote No. 241 Leg.]

YEAS—40

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

NAYS—55

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

NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

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

The Senator from Maryland.

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

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

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

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

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

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

RECESS

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

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

DEPARTMENT OF DEFENSE
APPROPRIATIONS ACT—Continued

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

AMENDMENT NO. 3382

Mr. COBURN. Mr. President, amendment No. 3382 would require the use of

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

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from New York.

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

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

I ask for the yeas and nays.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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

AMENDMENT NO. 3383

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

The PRESIDING OFFICER. The Senator is correct.

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

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

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

The one organization that has a problem with priorities in this country today is the Corps of Engineers. For us to blanket whatever they say as a priority versus having government, committee, and appropriator oversight by giving this blanket waiver is to take away our powers to correct them. All this does is say it is not automatically

authorized and we will have plenty of time. All these are mitigation projects. They should all be authorized and approved by the committee of jurisdiction as they go forward. Rather than a blanket approval, all they have to do is come to Congress and say: Give us approval.

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

I reserve the remainder of my time.

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

The Senator from Maryland.

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

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

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

The PRESIDING OFFICER. The Senator from California.

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

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

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

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

requirements and scope for the projects we previously voted for.

I urge my colleagues to vote against the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 3383 WITHDRAWN

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

I ask unanimous consent to withdraw my amendment.

Mrs. FEINSTEIN. I thank the Senator.

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

VOTE ON AMENDMENT NO. 3382

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

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

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

[Rollcall Vote No. 242 Leg.]

YEAS—48

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

NAYS—47

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

NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

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

The Senator from Maryland.

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

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

The PRESIDING OFFICER. The Senator from Mississippi.

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

The PRESIDING OFFICER. The Senator from Kentucky.

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

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

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

The legislative clerk read as follows:

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

The amendments en bloc are as follows:

AMENDMENT NO. 3376

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

At the appropriate place, insert the following:

SEC. ____ . NONAPPLICATION OF DAVIS-BACON.

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

AMENDMENT NO. 3410

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

At the appropriate place, insert the following:

SEC. ____ . BUDGET OFFSET.

(a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) OFFSETTING AMOUNTS.—

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

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

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

(c) APPLICATION OF RESCISSIONS.—Of the total amount rescinded subject to subsection (b), including paragraph (2) the allocation of such rescissions among the accounts or pro-

grams as specified in subsection (b)(1), shall be determined by the Director of the Office of Management and Budget.

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

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

The PRESIDING OFFICER. Yes.

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

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

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

So, again, Davis-Bacon has been in law a long time to help prevent the kinds of abuses we saw after Katrina from happening again because it ensures that workers will be paid locally prevailing wages—not necessarily

union-type wages but locally prevailing wages. It helps ensure that responsible contractors—responsible contractors, contractors who abide by wage and hour and safety and health laws—will win the bids to perform federally funded work. We do not want this race to the bottom where you get some fly-by-night operator who does shoddy work. Oh, but it is cheap. When we buy into that philosophy we might save money now, but we lose a lot of money later on.

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

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

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

I urge my colleagues to oppose the Paul amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, I rise in support of amendment No. 3410, which would take the spending for Sandy re-

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from South Carolina.

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

President Bush looked at foreign assistance in a different way to come up with the Millennium Challenge Corporation. We are now trying to make sure our dollars go to make us safer, to help people who are truly in need, and to make sure we have a presence in the

world for which I think there would be no substitute. It cuts 67 percent of the foreign aid budget in three titles: USAID—those of you who have been to Afghanistan and other places, USAID projects are designed to make sure that once the military is withdrawn from that area, that we can hold.

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

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

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

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

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

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

dan: We cannot help you with refugees overflowing into your country.

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Maryland.

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

Mr. President, what is the regular order here?

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator is correct.

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

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

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

The PRESIDING OFFICER. The Senator from Utah is recognized.

AMENDMENT NO. 3373, AS MODIFIED

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

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

The legislative clerk read as follows.

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

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

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

The amendment, as modified, is as follows:

After section 1105, insert the following:

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

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

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

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

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

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

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

“(B) AGGREGATE DOLLAR LIMITATION.—

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

“(I) \$100,000, over

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

“(ii) TREATMENT OF PLAN DISTRIBUTIONS.—

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

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

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

“(I) such dollar amount, multiplied by

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

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

“(C) AMOUNT DISTRIBUTED MAY BE REPAID.—

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

“(ii) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to clause (i) with respect to a qualified disaster recovery distribution from an eligible retirement plan other than an individual retirement

plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified disaster recovery distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

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

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

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

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

“(E) OTHER DEFINITIONS.—

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

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

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

“(F) SPECIAL RULES.—

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

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

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

(b) RECONTRIBUTIONS OF WITHDRAWALS FROM HOME PURCHASES.—

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

“(F) RECONTRIBUTIONS.—

“(i) GENERAL RULE.—

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

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

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

“(I) which is a qualified first-time home-buyer distribution,

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

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

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

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

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

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

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

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

“(A) GENERAL RULE.—

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

“(ii) TREATMENT OF REPAYMENTS.—Rules similar to the rules of clauses (i) and (iii) of section 72(t)(11)(C) shall apply for purposes of this subsection.

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

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

“(ii) received—

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

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

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

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

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

“(i) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms ‘federally declared

disaster’ and ‘disaster area’ have the meanings given such terms under section 165(h)(3)(C).

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

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

(c) LOANS FROM QUALIFIED PLANS.—

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

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

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

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

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

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

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

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

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

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

“(i) such dollar amount, multiplied by

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

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

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

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

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

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

“(iv) APPLICABLE DISASTER DATE.—The term ‘applicable disaster date’ means, with

respect to any federally declared disaster, the date on which such federally declared disaster occurs.”.

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

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

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

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

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

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

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

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

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

(i) during the period—

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

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

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

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

SEC. . NONAPPLICATION OF DAVIS-BACON.

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

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

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

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

(2) by adding at the end the following:

“(vi) **SUSPENSION.**—The Administrator shall suspend a control or prohibition respecting the use of a fuel or fuel additive required or regulated by the Administrator pursuant to this subsection for any area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the 90-day period beginning on the date of the declaration.”.

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

“(G) **SUSPENSION.**—The Administrator shall suspend the requirements of paragraph (2) for any area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the 90-day period beginning on the date of the declaration.”.

SEC. ____ . OTHER RELIEF.

Section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141) is amended by inserting “at its own discretion or” before “if so requested”.

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

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

(1) in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.); or

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

The **PRESIDING OFFICER.** The Senator from Utah is recognized.

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

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

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

families, and voluntary organizations—who are best equipped to help communities respond and recover from disasters.

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

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

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

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

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

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

AMENDMENT NO. 3373, AS MODIFIED, WITHDRAWN

Mr. President, with that understanding, I withdraw my amendment because I am confident that a broader discussion will be good for the country and will result in reforms that will eliminate waste, facilitate quicker re-

covery, and deliver assistance to Americans most severely affected by disasters.

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

The amendment of the Senator from Utah is withdrawn.

The Senator from Montana.

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

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

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

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

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

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

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

The **PRESIDING OFFICER.** The Senator from Montana is recognized.

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

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

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

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

close together. The proposals are not that far apart.

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

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

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

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

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

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

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

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

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

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

There is absolutely no excuse for inaction. I call on the House to bring the

Senate farm bill up for a vote immediately. Our farmers and ranchers break their backs to put food on their tables every day. At least they deserve an honest, fair, up-or-down vote on their jobs bill.

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

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

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

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

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

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

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

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

Here is a comparison of the latest grand bargain proposals made by the President and Speaker BOEHNER. As you can see, we are not that far apart. There is not a lot of difference. There

are compromises that can be made on both sides. We are not far from an agreement on a balanced plan—a plan that will bridge the fiscal cliff.

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

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

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

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

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

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

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

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

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

REMEMBERING DAN INOUE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

AMENDMENT NO. 3355

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

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

The assistant legislative clerk read as follows:

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

The amendment is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

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

Having said that, however, I rise to oppose the Senator’s amendment. The Emergency Forest Restoration Program was established after Hurricanes Katrina and Rita. It does help owners of private forest land carry out emer-

gency measures to restore land damaged by a natural disaster. This is not just trees falling. It has recently been used to provide assistance to tornado damaged land across the Southeast: Alabama, Georgia, Mississippi, North Carolina, Tennessee, and Arkansas. As the Senator from Maryland, the Presiding Officer, knows, when a hurricane hits, people, homes, and landscape are uprooted.

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

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

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

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

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

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

While we were fighting the ravages of the hurricane and the wind and the

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

THE FISCAL CLIFF

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

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

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

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

The consequences are enormous. For instance, the child tax credit is \$1,000

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

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

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

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

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

businesses and farms and ranches to their heirs and keep the people who are working there in jobs.

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 3410

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

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

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

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

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

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

It might make a good press release back home to say we are going to cut

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

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

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

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

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

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

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

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

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

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

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

Ms. MIKULSKI. I am right here.

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

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

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

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

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

I yield the floor.

Ms. MIKULSKI. Regular order.

AMENDMENT NO. 3376

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

Who yields time?

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

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

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

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

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

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

[Rollcall Vote No. 243 Leg.]

YEAS—42

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

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

NAYS—52

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

NOT VOTING—6

Boxer	Kirk	Reid
DeMint	Lautenberg	Warner

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

AMENDMENT NO. 3410

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

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

The PRESIDING OFFICER. Is all time yielded back?

The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

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

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

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

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

[Rollcall Vote No. 244 Leg.]

YEAS—3

Heller	Lee	Paul
--------	-----	------

NAYS—91

Akaka	Barrasso	Bingaman
Alexander	Baucus	Blumenthal
Ayotte	Bennet	Blunt

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

NOT VOTING—6

Begich	DeMint	Lautenberg
Boxer	Kirk	Warner

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

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

Mr. REID. Mr. President, I am told by the manager of this bill, Senator MIKULSKI, that she thinks they can complete work on this legislation, the supplemental, in the next couple hours. I hope that is the case. Maybe they can even do it more quickly.

Here is what the plan is. I talked to the Republican leader about this generally, not specifically. Everyone knows we have been to the White House. We have had a constructive meeting. We certainly hope something positive will come from that. The Republican leader and I and our staffs are working to see what we can come up with. It should not take a long time to do that.

I think it would be to everyone's interest if we were not in session tomorrow. It is my plan to come in at 1 o'clock. We have an hour on a previous agreement that we have on Galante. There is an hour of debate on that. We would have a vote.

Ms. MIKULSKI. What day?

Mr. REID. Sunday. We have another vote that has been set up, Baer. That is a simple majority.

Mr. McCONNELL. Mr. Leader, you are talking about Sunday, right?

Mr. REID. Yes. We will have those votes, start the votes after 2, and then for us we will have another caucus following that. Hopefully, by that time, we will have made a determination, Senator McCONNELL and I, whether we can do something on the floor in addition to what I have just talked about. But I do think we need that time to have everybody kind of step back a little bit.

If we come up with something, it is not that easy. We are dealing with big numbers and some of the stuff we do is somewhat complicated. But I think it was a very positive meeting. There was not a lot of hilarity in the meeting. Ev-

everyone knows how important it is. It was a very serious meeting, and it took an extended period of time, as you all know, waiting for us.

I would like to have the Republican leader speak.

Mr. McCONNELL. I share the view of the majority leader. We had a good meeting down at the White House. We are engaged in discussions, the majority leader and myself and the White House, in the hopes that we can come forward as early as Sunday and have a recommendation that I can make to my conference and the majority leader can make to his conference. So we will be working hard to try to see if we can get there in the next 24 hours.

I am hopeful and optimistic.

Mr. REID. I am going to do everything I can and I am confident Senator McCONNELL will do the same. But for everybody, whatever we come up with is going to be imperfect. Some people are not going to like it, some people will like it less, but that is where we are. I am confident we have an obligation to do the best we can. That was made very clear in the White House. We are going to do the best we can for the caucuses we have and the country that is waiting for us to make a decision.

AMENDMENT NO. 3355

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3355, offered by the Senator from Arizona, Mr. MCCAIN.

Ms. MIKULSKI. Mr. President, a point of clarification for our colleagues, if Members could understand: We are going to vote on the McCain amendment now and then we have four more amendments.

Mr. President, I stand corrected. So Senators can plan their time—I know it is of the essence—we have, upon the disposition of the McCain amendment, two other amendments—Merkley in agriculture and Coats on the Republican alternative.

Then we have the Reid substitute, which we believe will be a voice vote. Then we will go to final passage.

So we have two amendments. We will have four votes, one of which we think is a voice. So everybody knows—don't go off. Don't go off. Also, when we have the votes, if we can stick to the 10 minutes, it will enable us to complete the disposition of the bill.

I yield the floor and recommend we follow the regular order on the amendment of Senator MCCAIN.

The PRESIDING OFFICER. Does anyone seek debate on the McCain amendment?

Ms. MIKULSKI. I will yield back the time.

The PRESIDING OFFICER. If not, all time is yielded back. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.
The clerk will call the roll.
The bill clerk called the roll.

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

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

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

The result was announced—yeas 46, nays 49, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—46

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

NAYS—49

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

NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

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

AMENDMENT NO. 3367, AS FURTHER MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3367, as further modified, offered by the Senator from Oregon, Mr. MERKLEY.

Mr. MERKLEY. Mr. President, I am delighted to partner with Senator BLUNT and Senator STABENOW on this important amendment which addresses the disasters that occurred this last summer in terms of a century's worth of the worst fires and the worst drought. This is a true emergency in which our response has been delayed because programs are tied up in the farm bill.

I ask that my colleagues address this real emergency.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I respect my colleague's desire to get this matter done, but the language he is advocating is already in the Farm bill. We need to get the Farm bill passed, and I think we will soon. It is paid for and is within the budget limits, which was done by the Agriculture Committee.

This amendment defines "disaster" so broadly that it would include almost anything that results in a livestock death, and the taxpayers would be better served if we opposed this budget-breaking amendment. It is not an emergency since legislation is already in place that would take care of this issue. There are also other problems with this amendment.

Mr. President, pursuant to section 314(e)(1) of the Congressional Budget Act of 1974, I raise a point of order against the emergency designation provisions contained in amendment No. 3367 to amendment No. 3395, the substitute amendment to H.R. 1, the vehicle for the Supplemental Appropriations Act.

I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair is determining which section the point of order lies against.

The Senator from Alabama.

Mr. SESSIONS. To further extend my point of order, I ask that the budget point of order lie against both emergency designation provisions that are contained in amendment No. 3367 to amendment No. 3395.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, this is a budget point of order against this being an emergency. If a person is a farmer or a rancher and their property or the property they rent from the BLM—

The PRESIDING OFFICER. The Senator from Oregon is advised the point of order is not debatable.

Mr. MERKLEY. I ask unanimous consent to complete 30 seconds of remarks.

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

Mr. MERKLEY. If a person is a farmer or a rancher, saying this is not an emergency is cold comfort. Saying this will be addressed in the farm bill is cold comfort. When a person's land is burned up, when they have the worst drought in a century, it is an emergency, and getting help 6 or 8 months after it happens is unacceptable.

We have a responsibility, having not gotten the farm bill done, to do these emergency provisions today. Please vote for the following waiver:

Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The yeas and nays resulted—yeas 55, nays 40, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—55

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

NAYS—40

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

NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the emergency designations are removed.

The Senator from Oregon.

AMENDMENT NO. 3367, AS FURTHER MODIFIED, WITHDRAWN

Mr. MERKLEY. Mr. President, given that the emergency designations in this amendment have been stricken, I ask unanimous consent to withdraw my amendment No. 3367.

The PRESIDING OFFICER. Without objection, the amendment, as further modified, is withdrawn.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask for 1 minute to be able to respond to what the Senator from Oregon just did.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MIKULSKI. I just want to say to the Senator from Oregon, and all the other Senators who face agricultural disasters, we on the Appropriations Committee would like to work with the Senator. This is compelling human need—your disaster, my fisheries disaster. We have to have a way of working together. We want to acknowledge the validity of the Senator's concern.

The Senate has spoken on a budget point of order. But we do want to work with the Senator and work with our authorizers so we do not have our agricultural interests hanging out there.

So I thank the Senator for his efforts. The Senate has spoken on this amendment. Let's see what we can do together.

Mr. President, I yield the floor and ask for the regular order.

AMENDMENT NO. 3391

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3391, offered by the Senator from Indiana, Mr. COATS.

The Senator from Indiana.

Mr. COATS. Mr. President, I do not believe there is anyone in this Chamber who does not understand the devastating impact of Sandy on the Northeast and the pain and the suffering that has come from that.

I do not think there is anyone in this Chamber who does not understand this is an emergency supplemental appropriation that is needed now to address this pain and suffering and help rebuild and help provide the relief necessary to these people and businesses and others in the Northeast.

We want to do that. But the bill before us presented by the Democrats—the bill offered by the other side throws out \$60-plus billion to address not just immediate needs but also future needs for future storms and even unrelated issues not related to Sandy.

The Coats alternative, which I hope to gain support for, documents what is needed, takes that documentation, provided by FEMA, SBA, all the agencies involved, and more than generously compensates for what is needed between now and the end of March.

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

The Senator from New York.

Mr. SCHUMER. Mr. President, first, I wish to say I appreciate the true concern my colleague from Indiana and those who have put this amendment together have shown. He is not just giving us the back of his hand or saying: You do not need it or wait 3 months or whatever.

Unfortunately, though, it would just stop dead in its tracks the recovery efforts so desperately needed. You cannot plan a recovery on a 3-month basis. The bottom line is, if you want to build a tunnel, you cannot say: I will build one-fifth of the tunnel now, and we will see if there is more money later. If you need to build a berm of 6 feet, you cannot

say: We will build it 2 feet and then see if we can build another 4 feet later. You just cannot do that.

Because of the way we all know FEMA and these other agencies work, you have to spend the money first and then they reimburse you. If they are not sure there is going to be money at the end of the road—no more after March 31; maybe Congress will, maybe Congress will not—you are going to get a lot of homeowners, small businesses, and governments not going ahead with the desperate repairs that we in New York need and the whole national economy—since we are about 10 percent of the national economy—needs.

I strongly urge the amendment—good intentioned, though, as it is—be defeated.

Mr. COATS. Mr. President, could I have 15 seconds just to respond to my colleague?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COATS. Let me just say that we simply are allowing 3 months for the Congress of the United States—representatives of taxpayers' dollars—to assess, document, and justify additional expenditures that go beyond emergency needs. That is what this is all about.

Mr. COCHRAN. Mr. President, I commend the Senator from Indiana, Mr. COATS, for the work he has done on this bill. He has proposed changes to the bill to balance our help for the victims of Hurricane Sandy with our duty to be responsive to the public trust.

His effort would provide aid now that is clearly needed now and consider separately the longer term proposals in the substitute. I think his intent was to propose a bill that could be enacted into law quickly so that disaster recovery would not be delayed. I thank him for his contributions to this debate.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3391.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

The result was announced—yeas 41, nays 54, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—41

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

NAYS—54

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

NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

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

Ms. MIKULSKI. Mr. President, I understand we will now be going to the Reid substitute; is that correct?

The PRESIDING OFFICER. That is correct.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Senator FRANK LAUTENBERG be added as a cosponsor to the Reid substitute.

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

AMENDMENT NO. 3395

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the substitute amendment No. 3395.

Who yields time?

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, our side yields back all time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. COCHRAN. Mr. President, we yield back all time on this side.

Ms. MIKULSKI. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute, as amended.

The amendment (No. 3395), as amended, was agreed to.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. The substitute amendment has been amended, and now, as I understand the order, we will move to final passage.

The PRESIDING OFFICER. Under the previous order, the motion to invoke cloture on H.R. 1 is withdrawn.

The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

DEPARTMENT OF INTERIOR

Mr. CARPER. Mr. President, I rise for the purpose of entering into a colloquy with Senator REED, the Chairman of the Subcommittee on Interior, Environment, and Related Agencies, regarding funding for the Department of the Interior included in the disaster assistance supplemental.

Mr. President, my home State of Delaware was unfortunately impacted by Hurricane Sandy, which struck on October 28 and 29 of this year. The damage caused by Hurricane Sandy was widespread in Delaware. Among the areas impacted was Prime Hook National Wildlife Refuge in Sussex County.

Prime Hook National Wildlife Refuge, established in the 1960s, is an important part of the Eastern migratory flyway and one of the only places in the world where horseshoe crabs come to spawn. It offers world class outdoor recreation and is a key piece of Delaware's tourism industry.

The refuge suffered severe damage during Hurricane Sandy. Breaches in the beach and dune system separating the refuge's marsh units from the Delaware Bay resulted in an ongoing inundation of the refuge by salt water. This has led to the loss of thousands of acres of critical habitat, as well as damage to refuge property and facilities. It severely impacted the health of the freshwater marsh system in the refuge, and the decline of the marsh has in turn led to continuous flooding of nearby farmland and communities, damaging the private property of thousands of people.

I am grateful that the Appropriations Committee had the wisdom to include \$150,000,000 for the Office of the Secretary of at the Department of the Interior to fund recovery and restoration activities related to Hurricane Sandy and other natural disasters. I would like to ask if the intent of this funding is to support recovery and restoration projects similar to those that will be required in my State to respond to the impacts of Hurricane Sandy?

Mr. REED. The Senator is correct. Coming from a State that received a major disaster declaration due to the damage it sustained in Hurricane Sandy, including damage to the Rhode Island National Wildlife Refuge Complex, I recognize the importance of providing funding for projects in States impacted by the storm. The funds provided in this bill will be used in support of additional recovery activities directly related to the hurricane or to fund longer-term restoration activities for areas directly affected by Hurricane Sandy. The bill provides flexibility so that the Department can transfer the funds to any of its programs to fund

the highest priority needs in these specific disaster areas. I expect these funds to be of great assistance to states like ours which were affected by this devastating storm.

Mr. CARPER. I thank the Senator.

Mr. MCCAIN. Mr. President, as we debate the Hurricane Sandy Supplemental bill this week, it is critical that we ensure taxpayer dollars go to help those impacted by this devastating storm and not toward spending projects that are wasteful or not a priority at this time. This bill, unfortunately, goes way beyond emergency aid and funds projects that have little or nothing to do with meeting the immediate needs of individuals misplaced by Hurricane Sandy. At a time when we face ongoing trillion-dollar deficits, and a \$16.3 trillion debt, we cannot justify this type of spending.

While some of the projects included in this bill may hold merit on their own, they should go through the normal budget and appropriations process, where Congress has time to vet the need for such spending requests.

To highlight this point, the Congressional Budget Office—CBO—examined both the Senate bill and the administration's request and found that that 64 percent of the funds appropriated under the Sandy Supplemental will not be spent until fiscal years 2015–2022 and after, therefore, raising concerns about the rush to spend \$60.4 billion without any attempt to pay for it.

Just two weeks ago, FEMA Director Fugate told the House Transportation and Infrastructure Committee that the Disaster Relief Fund currently has enough money and will not need additional funding until the spring 2013. CBO's assessment, combined with the statement of Director Fugate clearly shows us that we need to pass a Sandy Supplemental bill that only includes prioritized disaster aid funding.

As I have examined this bill over this week, I have found numerous examples of questionable spending including billions to replace 'Federal assets' damaged by the storm, including automobiles owned by the Federal Government. The Federal Government currently owns or leases over 660,000 vehicles—surely we can find replacements within our current inventory.

Shouldn't we focus on providing relief directly to those still trying to rebuild their lives before replacing a bureaucrat's car?

The new substitute also includes language expanding levee construction to include West North Central States, such as North Dakota. It also includes \$2 million to repair damage to the roofs of museums in Washington, D.C., while many in Hurricane Sandy's path still have no permanent roof over their own heads, \$150 million for fisheries as far away from the storm's path as Mississippi and Alaska, \$125 million for the Department of Agriculture's Emergency Watershed Protection program, which helps restore watersheds damaged by wildfires and droughts for

areas including Colorado, \$15 million for NASA facilities, though NASA itself has called its damage from the hurricane 'minimal.' On the day after the storm hit, NASA's Wallops Island put out a statement stating that "an initial assessment team surveyed roads and facilities at NASA's Wallops Flight Facility today reporting a number of downed trees but otherwise minimal impact in the wake of Hurricane Sandy." To me, this raises a red flag that this NASA funding may not be an immediate emergency.

There is \$58 million for the USDA "Forest Restoration Program" for planting trees on private property. This program is actually a Farm Bill subsidy program that's run by a relatively unknown agency called the "Farm Service Administration," which is primarily responsible for managing crop insurance. Under this program, private landowners with about 50 acres of land can apply for up to \$500,000 in free grants for tree planting activities. Not only is this a non-emergency need, there's nothing in the supplemental that limits the funding to Hurricane Sandy areas. Under this bill, this \$58 million can be used just about anywhere.

There is \$336 million for taxpayer-supported AMTRAK without a detailed plan for how the money will be spent. While some of the funding will go for repairs, money will also go to increasing passenger capacity to New York and future mitigation efforts. In a two page letter from AMTRAK that gives a broad description of how the \$336 million will be spent, almost all of it falls under funding for improvements and future capital projects. This includes \$191 million for AMTRAK to start design and construction of new Hudson River Tunnels, as part of the Gateway Program. According to AMTRAK, the Gateway Program, which was started in 2011 and is projected to cost over \$13 billion, is "a comprehensive program of infrastructure improvements to increase track, tunnel, bridge, and station capacity serving New York City that will improve current assets and allow the eventual doubling of passenger trains into Manhattan." I am not here to debate the merits or the need for new tunnels, but this is clearly a capital improvement project—unrelated to Hurricane Sandy. AMTRAK is up and running so it is not apparent why this funding is deemed "emergency" spending and included in this spending package. Keep in mind, AMTRAK receives roughly \$1 billion in annual funding. Future mitigation projects should be debated in next year's budget process.

There is \$5.3 billion for the Army Corps of Engineers—more than the Army Corps' annual budget—with little clarity on how the money will be spent. Included in the Senate bill is \$50 million in funding for more studies, which will most definitely lead to additional Army Corp projects and a new Task Force established by Executive Order.

More projects are not something the Army Corps can handle. They are currently experiencing a backlog of construction and maintenance projects of approximately \$70 billion. Furthermore, a 2010 report released by the Government Accountability Office noted that carryover funds have increased “due to the large amount of supplemental funding the Corps has received in recent years.” Clearly, supplemental spending on the Army Corps has not paid off. There is \$10 million improve weather forecasting capabilities and infrastructure. The bill also includes roughly \$13 billion for future disaster mitigation activities and studies, without identifying a single way to pay for it. While I understand that Mitigation is important to save money when future natural disasters occur, there is no justification to include these projects in this “emergency” spending bill. By waiting to fund these projects until next year during the normal budget and appropriations process, we will have a better understanding of the path forward and reduce the possibility of waste fraud and abuse.

As a nation, we are confronted with trillion dollar deficits, out of control spending in Washington and the imminent approach of an economically, devastating fiscal cliff. We do need to come to the aid of those who lost everything in Hurricane Sandy and are struggling to get their lives back together. Congress, however, cannot continue down this road of irresponsible spending. We must pass a true disaster spending bill that only spends money on disaster recovery and response, not pet projects.

Mr. PRYOR. Mr. President, Hurricane Sandy had a devastating effect on the electric and transportation infrastructure in the Northeast and Mid-Atlantic states. When Hurricane Sandy struck the east coast, it flooded electrical substations and knocked down trees onto power lines, shutting off power for 8.2 million customers, and causing billions of dollars in damage.

The storm sent floodwater gushing into New York's five boroughs, flooding tunnels and the subway system and making the equipment inoperable. In many hard-hit areas wireless networks suffered widespread outages primarily due to lack of power.

We have seen this scenario play out before. Just this past summer, a derecho thunderstorm knocked out power for more than 1 million residents near Washington for several days.

Do such storms have to result in such widespread outages and does the restoration of a power grid have to take so long? Several experts have said that America's power infrastructure could be more resilient—even when tested by a once-in-a-century storm.

The intent of section 52005 of the supplemental Appropriations bill is to encourage recipients of these disaster assistance funds to rebuild the electrical infrastructure so that it is more resilient to future storms. We can achieve a

more resilient electric grid by maximizing the utilization of technologies that can mitigate future power outages and by ensuring the continued operation of facilities critical to first responders, communications, health care, transportation, financial systems, homeland security, emergency food and shelter, government offices, as well as other vital services such as hospitals and wastewater treatment systems.

Rebuilding these essential infrastructure systems with technology that is equipped to deal with extreme weather will better enable the electric grid to withstand potential damage and continue to deliver these vital services and maintain electric power to facilities critical to public health, safety and welfare.

There are numerous proven technologies that are ready to be deployed to enhance our electric infrastructure resiliency including smart grid technologies to isolate problems and repair them remotely, such as smart meters, high-tech sensors, grid monitoring and control systems, and remote reconfiguration and redundancy systems; microgrids, energy storage, distributed and back-up generation to power critical facilities and operations; wiring, cabling, submersible and other distribution components and enclosures to prevent outages; and electronically controlled re-closers and similar technologies for power restoration.

When we look at the damage caused by Hurricane Sandy, and the suffering by millions of people who could not get electricity or communicate by phone or the internet, it makes smart sense to rebuild the electric grid so that it is more resilient and better able to withstand whatever nature may next throw at it.

Mr. LEVIN. Mr. President, I will vote in support of the legislation before us because we have a responsibility to help our fellow Americans who have lost homes and businesses through no fault of their own. Natural disasters are something we can attempt to prepare for, but the destructive force of nature can overwhelm us, even when efforts are made in advance of devastating storms, floods, droughts, or other disasters. Further, the bill provides permanent reforms to the Stafford Act that will help to eliminate bureaucratic roadblocks that have caused problems for local communities in rebuilding after a disaster and in mitigating risks from future disasters.

Hurricane Sandy was one of those disasters that overwhelmed us with its damage. Over 125 people lost their lives, thousands of people were displaced, millions lost power, and fuel deliveries were disrupted. Tens of thousands of homes and businesses were destroyed, and public infrastructure was devastated. The storm is estimated to have caused such damage that it is projected to be the second or third most costly disaster in U.S. history. We need to provide the assistance to those impacted by Hurricane Sandy.

Other natural disasters have also pummeled the U.S. this year, including the wildfires in the West and Hurricane Isaac in the Gulf Coast region. The bill includes some funding for these other natural disasters, which I support. While Hurricane Sandy was most devastating, we also should be responsive to these other disasters.

One of these disasters had impacts on my great State of Michigan. This year, the Midwest experienced extreme weather including one of the worst droughts in history, causing tremendous damage to crops. Michigan also experienced unusually warm weather in March that resulted in an early bloom for many fruit crops, including tart cherries. These crops were then heavily damaged by a series of freezes during April and May. The drought, coupled with a warm winter, has resulted in near-historic low water levels in the Great Lakes, which is also a natural disaster. The Army Corps of Engineers reports that Lakes Michigan and Huron are more than two feet below their long-term average. Lake Superior is more than one foot below its long-term average. These low water levels threaten harbors with closure, hamper boaters from getting to safe harbor, and require vessels to light-load, causing shippers to lose millions of dollars of freight shipments and hampering our economic competitiveness. The bill includes \$821 million in funding for dredging needs related to natural disasters. I entered into a colloquy with the bill manager to ensure that Great Lakes projects would be eligible for this funding. I am pleased Senator LEAHY assured me that in fact Great Lakes harbors and channels impeded as a result of drought and low water levels would be eligible for this funding. When the Army Corps makes determinations as to how to allocate funds, I hope the Corps will prioritize funding for Great Lakes projects which are estimated to require \$35 million to address the low water levels.

With respect to crop damage, the bill includes an amendment sponsored by Senator MERKLEY that reauthorizes several expired disaster assistance programs to assist ranchers and farmers, including an extension of the non-insured crop assistance disaster program. This program will provide critical assistance to farm producers, including Michigan tart cherry growers who are currently ineligible to purchase crop insurance for their crops.

I hope this bill will soon be passed by the House and be signed by the President. The people impacted by Hurricane Sandy and other disasters should not be kept waiting for their Nation to provide assistance. I hope we will be able to provide the funds for those in need.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, as we now move to final passage on this bill, I believe Senator COCHRAN and I, on a bipartisan basis, could wrap up our statements.

Mr. President, we are now moving to final passage, and I know this bill will provide immediate relief to our constituents. I urge the adoption of the bill.

I thank Senator COCHRAN, the ranking member on this bill, for his courtesy.

I want to say to my colleagues that Senator Inouye would have been really proud of the way we acted today. We acted with civility, and we acted with crispness and promptness. We did the people's business. He would really be proud of us, and I am proud of all of you. I thank my subcommittees' chairs—Senators LANDRIEU, MURRAY, LEAHY, FEINSTEIN, and HARKIN—for the great work they did and Senators SCHUMER, LAUTENBERG, GILLIBRAND, and MENENDEZ for the way they helped with the heavy lifting. To the able staff of the Appropriations Committee, Mr. Charlie Houy and the subcommittee clerks, again a heartfelt thanks. But the real thanks would be passage of the bill and making sure we are meeting the compelling human needs of our fellow citizens.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I commend the distinguished Senator from Maryland for her outstanding service here today to the Senate.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Ms. MIKULSKI. I ask for the yeas and yeas.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

The result was announced—yeas 62, nays 32, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—62

Akaka	Conrad	Kohl
Baucus	Cooms	Landrieu
Begich	Durbin	Leahy
Bennet	Feinstein	Levin
Bingaman	Franken	Lieberman
Blumenthal	Gillibrand	Lugar
Brown (MA)	Hagan	Manchin
Brown (OH)	Harkin	McCaskill
Cantwell	Heller	Menendez
Cardin	Hoeven	Merkley
Carper	Hutchison	Mikulski
Casey	Johnson (SD)	Murkowski
Cochran	Kerry	Murray
Collins	Klobuchar	Nelson (NE)

Nelson (FL)	Schumer	Udall (NM)
Pryor	Shaheen	Vitter
Reed	Shelby	Webb
Reid	Snowe	Whitehouse
Rockefeller	Stabenow	Wicker
Sanders	Tester	Wyden
Schatz	Udall (CO)	

NAYS—32

Alexander	Crapo	McCain
Ayotte	Enzi	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	

NOT VOTING—6

Boxer	Kirk	Risch
DeMint	Lautenberg	Warner

The bill (H.R. 1), as amended, was passed, as follows:

Strike all after the enacting clause, and insert in lieu thereof:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2013, and for other purposes, namely:

SUPPLEMENTAL APPROPRIATIONS FOR DISASTER ASSISTANCE

TITLE I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL PROGRAMS

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For necessary expenses for the "Emergency Conservation Program", \$25,090,000, to remain available until expended, of which \$15,000,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY FOREST RESTORATION PROGRAM

For necessary expenses for the "Emergency Forest Restoration Program", \$58,855,000, to remain available until expended, of which \$49,010,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSERVATION PROGRAMS

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For necessary expenses for the "Emergency Watershed Protection Program", \$125,055,000, to remain available until expended, of which \$77,085,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): Provided, That unobligated balances for the "Emergency Watershed Protection Program" provided in Public Law 108-199, Public Law 109-234, and Public Law 110-28 shall be available for the purposes of such program for disasters, and shall remain available until expended: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

COMMODITY ASSISTANCE PROGRAM

For an additional amount for the emergency food assistance program as authorized by sec-

tion 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), \$15,000,000, to remain available through September 30, 2014: Provided, That notwithstanding any other provisions of the Emergency Food Assistance Act of 1983 (the "Act"), the Secretary may allocate additional foods and funds for administrative expenses from resources specifically appropriated, transferred, or reprogrammed to restore to states resources used to assist families and individuals displaced by Hurricane Sandy among the states without regard to sections 204 and 214 of the Act: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

TITLE II

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", \$373,000,000 to remain available until September 30, 2014, as follows—

(1) \$6,200,000 to repair and replace ocean observing and coastal monitoring assets damaged by Hurricane Sandy;

(2) \$10,000,000 to repair and improve weather forecasting capabilities and infrastructure;

(3) \$150,000,000 to evaluate, stabilize and restore coastal ecosystems affected by Hurricane Sandy;

(4) \$56,800,000 for mapping, charting, damage assessment, and marine debris coordination and remediation; and

(5) \$150,000,000, for necessary expenses related to fishery disasters as declared by the Secretary of Commerce in calendar year 2012:

Provided, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", \$109,000,000, to remain available until September 30, 2015, as follows—

(1) \$47,000,000 for the Coastal and Estuarine Land Conservation Program to support State and local restoration in areas affected by Hurricane Sandy;

(2) \$9,000,000 to repair National Oceanic and Atmospheric Administration (NOAA) facilities damaged by Hurricane Sandy;

(3) \$44,500,000 for repairs and upgrades to NOAA hurricane reconnaissance aircraft; and

(4) \$8,500,000 for improvements to weather forecasting equipment and supercomputer infrastructure:

Provided, That NOAA shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for "General Administration, Office of Inspector General" for

necessary expenses related to the consequences of Hurricane Sandy, \$20,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for “Federal Bureau of Investigation, Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$4,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Drug Enforcement Administration, Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$1,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for “Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$230,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

For an additional amount for “Federal Prison System, Buildings and Facilities” for necessary expenses related to the consequences of Hurricane Sandy, \$10,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for “Construction and Environmental Compliance and Restoration” for repair at National Aeronautics and Space Administration facilities damaged by Hurricane Sandy, \$15,000,000, to remain available until September 30, 2018: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for “Legal Services Corporation, Payment to the Legal Services Corporation” to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricane Sandy, \$1,000,000, to remain available until September 30, 2013: Provided, That the amount made available under this heading shall be used only to provide the mobile resources, technology, and disaster coordinators necessary

to provide storm-related services to the Legal Services Corporation client population and only in the areas significantly affected by Hurricane Sandy: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That none of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2012 and 2013, respectively, and except that sections 501 and 503 of Public Law 104–134 (referenced by Public Law 105–119) shall not apply to the amount made available under this heading.

TITLE III

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$5,370,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$40,015,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$8,500,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$3,165,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Air National Guard”, \$5,775,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, \$1,310,000, to remain

available until September 30, 2015, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds”, \$24,200,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for “Investigations” to expedite studies of flood and storm damage reduction related natural disasters, \$50,000,000 at full Federal expense, to remain available until expended: Provided, That using \$34,500,000 of the funds provided herein, the Secretary shall expedite and complete ongoing flood and storm damage reduction studies in areas that were impacted by Hurricanes Sandy and Isaac in the North Atlantic and Mississippi Valley Divisions of the U.S. Army Corps of Engineers: Provided further, That using up to \$15,000,000 of the funds provided herein, the Secretary shall support an interagency planning process in conjunction with State, local and Tribal officials to develop plans to address the flood risks of vulnerable coastal populations, including innovative approaches to promote the long-term sustainability of the coastal ecosystems and communities to reduce the economic costs and risks associated with large-scale flood and storm events: Provided further, That using \$500,000 of the funds provided herein, the Secretary shall conduct an evaluation of the performance of existing projects constructed by the U.S. Army Corps of Engineers and impacted by Hurricane Sandy for the purposes of determining their effectiveness and making recommendations for improvements thereto: Provided further, That as a part of the study, the Secretary shall identify institutional and other barriers to providing comprehensive protection to affected coastal areas and shall provide this report to the Committees on Appropriations of the House of Representatives and the Senate within 120 days of enactment of this Act: Provided further, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Construction” to rehabilitate, repair and construct U.S. Army Corps of Engineers projects related to the consequences of natural disasters, \$3,461,000,000, to remain available until expended: Provided, That \$2,902,000,000 of the funds provided under this heading shall be used to reduce future flood risk in ways that will support the long-term sustainability of the coastal ecosystem and communities and reduce the economic costs and risks associated with large-scale flood and storm events that occurred in 2012 along the Gulf Coast and

Atlantic Coast within the boundaries of the North Atlantic and Mississippi Valley Divisions of the Corps that were affected by Hurricanes Sandy and Isaac: Provided further, That efforts using these funds shall incorporate current science and engineering standards in constructing previously authorized Corps projects designed to reduce flood and storm damage risks and modifying existing Corps projects that do not meet these standards, with such modifications as the Secretary determines are necessary to incorporate these standards or to meet the goal of providing sustainable reduction to flooding and storm damage risks: Provided further, That these funds may be used to construct any project that is currently under study by the Corps for reducing flooding and storm damage risks in areas along the Atlantic coast within the North Atlantic or the Gulf Coast within the Mississippi Valley Divisions of the U.S. Army Corps of Engineers that suffered direct surge inundation impacts and significant monetary damages from Hurricanes Isaac or Sandy if the study demonstrates that the project will cost-effectively reduce those risks and is environmentally acceptable and technically feasible: Provided further, That local interests shall provide all lands, easements, rights-of-way, relocations and disposal areas (LERRDs) necessary for projects using these funds at no cost to the Government: Provided further, That cost sharing for implementation of any projects using these funds shall be 90 percent Federal and 10 percent non-Federal exclusive of LERRDs: Provided further, That the non-Federal cash contribution for projects using these funds shall be financed in accordance with the provisions of section 103(k) of Public Law 99-662 over a period of 30 years from the date of completion of the project or separable element: Provided further, That for these projects, the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to these funds: Provided further, That the Secretary may transfer up to \$499,000,000 of the funds provided under this heading to other U.S. Army Corps of Engineers Accounts to address damages from previous natural disasters following normal policies and cost sharing: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified at least 15 days in advance of any such transfer: Provided further, That up to \$51,000,000 of the funds provided under this heading shall be used to expedite continuing authorities projects along the coastal areas in States impacted by Hurricane Sandy within the boundaries of the North Atlantic Division: Provided further, That \$9,000,000 of the funds provided under this heading shall be used for repairs to projects that were under construction and damaged by the impacts of Hurricane Sandy: Provided further, That any projects using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the Assistant Secretary of the Army for Civil Works shall submit to the Committees on Appropriations of the House of Representatives and the Senate a monthly report detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of the enactment of this Act.

OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance”, \$821,000,000, to remain available until expended to dredge Federal navigation channels and repair damage to Corps projects nationwide related to natural disasters: Pro-

vided, That such amount is designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, \$1,008,000,000, to remain available until expended to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs and other activities in response to flood, hurricanes or other natural disasters as authorized by law: Provided, That \$430,000,000 of the funds provided herein shall be utilized by the Corps to restore projects impacted by Hurricane Sandy in the North Atlantic Division of the U.S. Army Corps of Engineers to design profiles of the authorized projects: Provided further, That the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to funds provided under this heading: Provided further, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

EXPENSES

For an additional amount for “Expenses” for increased efforts to oversee emergency response and recovery activities related to natural disasters, \$10,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

TITLE V

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount to be deposited in the “Federal Buildings Fund”, \$7,000,000, to remain available until expended, notwithstanding 40 U.S.C. 3307, for necessary expenses related to the consequences of Hurricane Sandy, including repair and alteration of buildings under the custody and control of the Administrator of General Services, and real property management and related activities not otherwise provided for: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$40,000,000, to remain available until September 30, 2014, of which \$20,000,000 is for grants to or cooperative agreements with organizations to provide technical assistance related to disaster recovery, response, and long-term resili-

ency to small businesses that are recovering from Hurricane Sandy; and of which \$20,000,000 is for grants or cooperative agreements for public-private partnerships to provide long-term economic development assistance to industries and/or regions affected by Hurricane Sandy through economic development initiatives, including innovation clusters, industry accelerators, supply-chain support, commercialization, and workforce development: Provided, That the Small Business Administration (SBA) shall expedite the delivery of assistance in disaster-affected areas by awarding grants or cooperative agreements for technical assistance only to current recipients of SBA grants or cooperative agreements using a streamlined application process that relies, to the maximum extent practicable, upon previously submitted documentation: Provided further, That the Administrator of the Small Business Administration shall waive the matching requirements under section 21(a)(4)(A) and 29(c) of the Small Business Act for any grant made using funds made available under this heading: Provided further, That in designing appropriate economic development initiatives and identifying those regions and industries most affected by Hurricane Sandy, the SBA shall work with other Federal agencies, State and local economic development entities, institutions of higher learning, and private sector partners: Provided further, That grants or cooperative agreements for public-private partnerships may be awarded to public or private nonprofit organizations, or any combination thereof: Provided further, That no later than 30 days after the date of enactment of this Act, or no less than 7 days prior to obligation of funds, whichever occurs earlier, the SBA shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General” for necessary expenses related to the consequences of Hurricane Sandy and other disasters, \$5,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Disaster Loans Program Account” for the cost of direct loans authorized by section 7(b) of the Small Business Act, for necessary expenses related to Hurricane Sandy and other disasters, \$500,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That in addition, for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act in response to Hurricane Sandy and other disasters, \$260,000,000, to remain available until expended, of which \$250,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which \$10,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 501. Section 7(d)(6) of the Small Business Act (15 U.S.C. 636(d)(6)) is amended by inserting after “which are made under paragraph (1) of subsection (b)” the following: “: Provided further, That the Administrator, in obtaining the best available collateral for a loan of not more than \$200,000 under paragraph (1) or (2) of subsection (b) relating to damage to or destruction of the property of, or economic injury to, a small business concern, shall not require the owner of the small business concern to use the primary residence of the owner as collateral if the Administrator determines that the owner has other assets with a value equal to or greater than the amount of the loan that could be used as collateral for the loan: Provided further, That nothing in the preceding proviso may be construed to reduce the amount of collateral required by the Administrator in connection with a loan described in the preceding proviso or to modify the standards used to evaluate the quality (rather than the type) of such collateral”.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$1,667,000: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$855,000: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Acquisition, Construction, and Improvements” for necessary expenses related to the consequences of Hurricane Sandy, \$274,233,000, to remain available until September 30, 2017: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That notwithstanding the transfer limitation contained in section 503 of division D of Public Law 112-74, such funding may be transferred to other Coast Guard appropriations after notification as required in accordance with such section: Provided further, That a description of all facilities and property to be reconstructed and restored, with associated costs and time lines, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$300,000: Pro-

vided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the “Disaster Relief Fund” in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$11,487,735,000, to remain available until expended: Provided, That of the total amount provided, \$5,379,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided further, That the amount in the previous proviso is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That of the total amount provided, \$6,108,735,000 is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 which shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided further, That of the total amount provided, \$3,000,000 shall be transferred to the Department of Homeland Security “Office of Inspector General” for audits and investigations related to disasters.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM
ACCOUNT

For an additional amount for the cost of direct loans, \$300,000,000, to remain available until expended, as authorized by section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), of which up to \$4,000,000 is for administrative expenses to carry out the direct loan program: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$400,000,000: Provided further, That these amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND
OPERATIONS

For an additional amount for “Research, Development, Acquisition, and Operations” for necessary expenses related to the consequences of Hurricane Sandy, \$3,249,000, to remain available until September 30, 2017: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DOMESTIC NUCLEAR DETECTION OFFICE

SYSTEMS ACQUISITION

For an additional amount for “Systems Acquisition” for necessary expenses related to the consequences of Hurricane Sandy for replacing or repairing U.S. Customs and Border Protection equipment, \$3,869,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. (a) Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking “\$20,725,000,000” and inserting “\$30,425,000,000”.

(b) The amount provided by this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall be considered to have taken effect on December 12, 2012.

SEC. 602. The Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State, tribal, and local governments may give greater weight to the factors considered under section 206.48(b)(3) of title 44, Code of Federal Regulations, to accurately measure the acute needs of a population following a disaster in order to expedite a declaration of Individual Assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 603. For determinations regarding compliance with codes and standards under the Federal Emergency Management Agency Public Assistance program (42 U.S.C. 5172), the Administrator of the Federal Emergency Management Agency, for major disasters declared on or after August 27, 2011, shall consider eligible the costs required to comply with a State’s Stream Alteration General Permit process, including any design standards required to be met as a condition of permit issuance.

SEC. 604. Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency may recommend to the President an increase in the Federal cost share of the eligible cost of permanent work under section 406 and of emergency work under section 403 and section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) for damages resulting from Hurricane Sandy without delay.

SEC. 605. In administering the funds made available to address any major disaster declared during the period beginning on August 27, 2011 and ending on December 5, 2012, the Administrator of the Federal Emergency Management Agency shall establish a pilot program for the relocation of State facilities under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), under which the Administrator may waive, or specify alternative requirements for, any regulation the Administrator administers to provide assistance, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for the permanent relocation of State facilities, including administrative office buildings, medical facilities, laboratories, and related operating infrastructure (including heat, sewage, mechanical, electrical, and plumbing), that were significantly damaged as a result of the major disaster, are subject to flood risk, and are otherwise eligible for repair, restoration, reconstruction, or replacement under section 406 of that Act, if the Administrator determines that such relocation is practicable, and will be cost effective or more appropriate than repairing, restoring, reconstructing, or replacing the facility in its pre-disaster location, and if such relocation will effectively mitigate the flood risk to the facility.

LEVEES

SEC. 606. (a) DEFINITIONS.—In this section—

(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(2) the term “covered hazard mitigation land” means land—

(A) acquired and deed restricted under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.

5170c(b)) before, on, or after the date of enactment of this Act; and

(B) that is located—

(i) in a West North Central State; and

(ii) in a community that—

(I) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and

(II) certifies to the Administrator and the Chief of Engineers that the community will continue to participate in the National Flood Insurance Program.

(b) **AUTHORITY.**—Notwithstanding clause (i) or (ii) of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)), the Administrator shall approve the construction of a permanent flood risk reduction levee by a State, local, or tribal government on covered hazard mitigation land if the Administrator and the Chief of Engineers determine, through a process established by the Administrator and Chief of Engineers and funded entirely by the State, local, or tribal government seeking to construct the proposed levee, that—

(1) construction of the proposed permanent flood risk reduction levee would more effectively mitigate against flooding risk than an open floodplain or other flood risk reduction measures;

(2) the proposed permanent flood risk reduction levee complies with Federal, State, and local requirements, including mitigation of adverse impacts and implementation of floodplain management requirements, which shall include an evaluation of whether the construction, operation, and maintenance of the proposed levee would continue to meet best available industry standards and practices and would be the most cost-effective measure to protect against the assessed flood risk and minimize future costs to the Federal Government;

(3) the State, local, or tribal government seeking to construct the proposed levee has provided an adequate maintenance plan that documents the procedures the State, local, or tribal government will use to ensure that the stability, height, and overall integrity of the proposed levee and the structure and systems of the proposed levee are maintained, including—

(A) specifying the maintenance activities to be performed;

(B) specifying the frequency with which maintenance activities will be performed;

(C) specifying the person responsible for performing each maintenance activity (by name or title);

(D) detailing the plan for financing the maintenance of the levee; and

(E) documenting the ability of the State, local, or tribal government to finance the maintenance of the levee.

(c) **MAINTENANCE CERTIFICATION.**—

(1) **IN GENERAL.**—A State, local, or tribal government that constructs a permanent flood risk reduction levee under subsection (b) shall submit to the Administrator and the Chief of Engineers an annual certification indicating whether the State, local, or tribal government is in compliance with the maintenance plan provided under subsection (b)(3).

(2) **REVIEW.**—The Chief of Engineers shall review a certification submitted under paragraph (1) and determine whether the State, local, or tribal government has complied with the maintenance plan.

SEC. 607. The Administrator of the Federal Emergency Management Agency shall cancel the liquidated balances of all remaining uncanceled or partially cancelled loans disbursed under the Community Disaster Loan Act of 2005 (Public Law 109–88) and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234), as amended by section 4502 of the U.S. Troop Readiness,

Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) to the extent that revenues of the local government during the period following the major disaster are insufficient to meet the budget of the local government, including additional disaster-related expenses of a municipal character. In calculating a community's revenues while determining cancellation, the Administrator shall exclude revenues for special districts and any other revenues that are required by law to be disbursed to other units of local government or used for specific purposes more limited than the scope allowed by the General Fund. In calculating a community's expenses, the Administrator shall include disaster-related capital expenses for which the community has not been reimbursed by Federal or insurance proceeds, debt service expenses, and accrued but unpaid uncompensated absences (vacation and sick pay). In calculating the operating deficit of the local government, the Administrator shall also consider all interfund transfers. When considering the period following the disaster, the Administrator may consider a period of 3, 5, or 7 full fiscal years after the disaster, beginning on the date of the declaration, in determining eligibility for cancellation. The criteria for cancellation do not apply to those loans already cancelled in full. Applicants shall submit supplemental documentation in support of their applications for cancellation on or before April 30, 2014, and the Administrator shall issue determinations and resolve any appeals on or before April 30, 2015. Loans not cancelled in full shall be repaid not later than September 30, 2035. The Administrator may use funds provided under Public Law 109–88 to reimburse those communities that have repaid all or a portion of loans, including interest, provided as Special Community Disaster Loans under Public Law 109–88 or Public Law 109–234, as amended by section 4502 of Public Law 110–28. Further, the Administrator may use funds provided under Public Law 109–88 for necessary expenses to carry out this provision: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 608. The Inspector General shall review the applications for public assistance provided through the Disaster Relief Fund with a project cost that exceeds \$10,000,000 and the resulting decisions issued by the Federal Emergency Management Agency for category A debris removal for DR–1786 upon receipt of a request from an applicant made no earlier than 90 days after filing an appeal with the Federal Emergency Management Agency without regard to whether the Administrator of the Federal Emergency Management Agency has issued a final agency determination on the application for assistance: Provided, That not later than 180 days after the date of such request, the Inspector General shall determine whether the Federal Emergency Management Agency correctly applied its rules and regulations to determine eligibility of the applicant's claim: Provided further, That if the Inspector General finds that the Federal Emergency Management Agency determinations related to eligibility and cost involved a misapplication of its rules and regulations, the applicant may submit the dispute to the arbitration process established under the authority granted under section 601 of Public Law 111–5 not later than 15 days after the date of issuance of the Inspector General's finding in the previous proviso: Provided further, That if the Inspector General finds that the Federal Emergency Management Agency provided unauthorized funding, that the Federal Emergency Management Agency shall take corrective action.

DISASTER RECOVERY

SEC. 609. (a) **SHORT TITLE.**—This section may be cited as the “Disaster Recovery Act of 2012”.

(b) **HAZARD MITIGATION.**—

(1) **IN GENERAL.**—Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

“(d) **EXPEDITED PROCEDURES.**—

“(1) **IN GENERAL.**—For the purpose of providing assistance under this section, the President shall ensure that—

“(A) adequate resources are devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act and historic preservation reviews under the National Historic Preservation Act are completed on an expeditious basis; and

“(B) the shortest existing applicable process under the National Environmental Policy Act and the National Historic Preservation Act shall be utilized.

“(2) **AUTHORITY FOR OTHER EXPEDITED PROCEDURES.**—The President may utilize expedited procedures in addition to those required under paragraph (1) for the purpose of providing assistance under this section, such as those under the Prototype Programmatic Agreement of the Federal Emergency Management Agency, for the consideration of multiple structures as a group and for an analysis of the cost-effectiveness and fulfillment of cost-share requirements for proposed hazard mitigation measures.

“(e) **ADVANCE ASSISTANCE.**—The President may provide not more than 25 percent of the amount of the estimated cost of hazard mitigation measures to a State grantee eligible for a grant under this section before eligible costs are incurred.”.

(2) **ESTABLISHMENT OF CRITERIA RELATING TO ADMINISTRATION OF HAZARD MITIGATION ASSISTANCE BY STATES.**—Section 404(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(c)(2)) is amended by inserting “Until such time as the Administrator promulgates regulations to implement this paragraph, the Administrator may waive notice and comment rulemaking if the Administrator determines doing so is necessary to expeditiously implement this section and may carry out the alternative procedures under this section as a pilot program” after “applications submitted under paragraph (1).”.

(3) **APPLICABILITY.**—The authority under the amendments made by this subsection shall apply for—

(A) any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on or after the date of enactment of this Act; and

(B) a major disaster or emergency declared before the date of enactment of this Act for which the period for processing requests for assistance has not ended on the date of enactment of this Act.

(c) **PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PROCEDURES.**—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended—

(1) by redesignating section 425 (42 U.S.C. 5189e) relating to essential service providers, as added by section 607 of the SAFE Port Act (Public Law 109–347; 120 Stat. 1941) as section 427; and

(2) by adding at the end the following:

“**SEC. 428. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PROCEDURES.**

“(a) **IN GENERAL.**—The Administrator of the Federal Emergency Management Agency may approve projects under the alternative procedures adopted under this section for—

“(1) any major disaster or emergency declared on or after the date of enactment of this section; and

“(2) any project relating to a major disaster or emergency declared before the date of enactment of this section for which construction has not begun on the date of enactment of this section.”.

“(b) **ADOPTION.**—The Administrator, in coordination with States, tribal, and local governments, and owners or operators of private nonprofit facilities, may adopt alternative procedures to administer assistance provided under sections 403(a)(3)(A), 406, 407, and 502(a)(5).

“(c) **GOALS.**—Any procedures adopted under subsection (b) shall further the goals of—

“(1) reducing the costs to the Federal Government of providing such assistance;

“(2) increasing flexibility in the administration of such assistance;

“(3) expediting the provision of such assistance to States, tribal, and local governments and to owners or operators of private nonprofit facilities; and

“(4) providing financial incentives and disincentives for the State, tribal, or local government, or owner or operator of a private nonprofit facility for the timely and cost-effective completion of projects with such assistance.

“(d) **VOLUNTARY PARTICIPATION.**—Participation in alternative procedures adopted under this section shall be at the election of a State, tribal, or local government, or owner or operator of a private nonprofit facility consistent with procedures determined by the Administrator.

“(e) **REQUIREMENTS FOR PROCEDURES.**—The alternative procedures adopted under subsection (b) shall include—

“(1) for repair, restoration, and replacement of damaged facilities under section 406—

“(A) making grants on the basis of fixed estimates, if the State, tribal, or local government, or owner or operator of the private nonprofit facility agrees to be responsible for any actual costs that exceed the estimate;

“(B) providing an option for a State, tribal, or local government, or owner or operator of a private nonprofit facility to elect to receive an in-lieu contribution, without reduction, on the basis of estimates of—

“(i) the cost of repair, restoration, reconstruction, or replacement of a public facility owned or controlled by the State, tribal, or local government or the owner or operator of a private nonprofit facility; and

“(ii) management expenses;

“(C) consolidating, to the extent determined appropriate by the Administrator, the facilities of a State, tribal, or local government, or owner or operator of a private nonprofit facility as a single project based upon the estimates adopted under the procedures;

“(D) if the actual costs of a project completed under the procedures are less than the estimated costs thereof, the Administrator may permit a grantee or subgrantee to use all or part of the excess funds for purposes of—

“(i) cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster; and

“(ii) other activities to improve future Public Assistance operations or planning;

“(E) in determining eligible cost under section 406, the Administrator shall make available, at an applicant's request and where the Federal Emergency Management Agency or the certified cost estimate prepared by the applicant's professionally licensed engineers has estimated an eligible Federal share for a project of not less than \$5,000,000, an independent expert panel to validate the estimated eligible cost consistent with applicable regulations and policies implementing this section;

“(F) in determining eligible cost under section 406, the Administrator shall, at the applicant's request, consider properly conducted and certified cost estimates prepared by professionally licensed engineers (mutually agreed upon by the Administrator and the applicant), to the extent that such estimates comply with applicable regulation, policy, and guidance; and

“(2) for debris removal under sections 403(a)(3)(A), 407, and 502(a)(5)—

“(A) making grants on the basis of fixed estimates to provide financial incentives and disincentives for the timely or cost effective comple-

tion if the State, tribal, or local government, or owner or operator of the private nonprofit facility agrees to be responsible to pay for any actual costs that exceed the estimate;

“(B) using a sliding scale for the Federal share for removal of debris and wreckage based on the time it takes to complete debris and wreckage removal;

“(C) allowing use of program income from recycled debris without offset to the grant amount;

“(D) reimbursing base and overtime wages for employees and extra hires of a State, tribal, or local government, or owner or operator of a private nonprofit facility performing or administering debris and wreckage removal;

“(E) providing incentives to State, tribal, and local governments to have a debris management plan approved by the Federal Emergency Management Agency and have pre-qualified one or more debris and wreckage removal contractors before the date of declaration of the major disaster; and

“(F) if the actual costs of projects under subparagraph (A) are less than the estimated costs of the project, the Administrator may permit a grantee or subgrantee to use all or part of the excess funds for—

“(i) debris management planning;

“(ii) acquisition of debris management equipment for current or future use; and

“(iii) other activities to improve future debris removal operations, as determined by the Administrator.

“(f) **WAIVER AUTHORITY.**—Until such time as the Administrator promulgates regulations to implement this section, the Administrator may waive notice and comment rulemaking, if the Administrator determines the waiver is necessary to expeditiously implement this section, and may carry out the alternative procedures under this section as a pilot program.

“(g) **REIMBURSEMENT.**—The guidelines for reimbursement for costs under subsection (e)(2)(D) shall assure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).”

(d) **SIMPLIFIED PROCEDURES.**—Section 422 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189) is amended—

(1) by striking “If the Federal estimate” and inserting the following:

“(a) **IN GENERAL.**—If the Federal estimate”;

(2) by inserting “or, if the Administrator has established a threshold under subsection (b), the amount established under subsection (b)” after “\$35,000” the first place it appears;

(3) by inserting “or, if applicable, the amount established under subsection (b),” after “\$35,000 amount”; and

(4) by adding at the end the following:

“(b) **THRESHOLD.**—

“(1) **REPORT.**—Not later than 1 year after the date of enactment of the Disaster Recovery Act of 2012, the President, acting through the Administrator of the Federal Emergency Management Agency (in this section referred to as the ‘Administrator’), shall—

“(A) complete an analysis to determine whether an increase in the threshold for eligibility under subsection (a) is appropriate, which shall include consideration of cost-effectiveness, speed of recovery, capacity of grantees, past performance, and accountability measures; and

“(B) submit to the appropriate committees of the Congress (as defined in section 602 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701)) a report regarding the analysis conducted under subparagraph (A).

“(2) **AMOUNT.**—After the Administrator submits the report required under paragraph (1), the President shall direct the Administrator to—

“(A) immediately establish a threshold for eligibility under this section in an appropriate amount, without regard to chapter 5 of title 5, United States Code; and

“(B) adjust the threshold annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

“(3) **REVIEW.**—Not later than 3 years after the date on which the Administrator establishes a threshold under paragraph (2), and every 3 years thereafter, the President, acting through the Administrator, shall review the threshold for eligibility under this section.”

(e) **ESSENTIAL ASSISTANCE.**—Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) is amended by adding at the end the following:

“(d) **SALARIES AND BENEFITS.**—

“(1) **IN GENERAL.**—If the President declares a major disaster or emergency for an area within the jurisdiction of a State, tribal, or local government, the President may reimburse the State, tribal, or local government for costs relating to—

“(A) basic pay and benefits for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section, if—

“(i) the work is not typically performed by the employees; and

“(ii) the type of work may otherwise be carried out by contract or agreement with private organizations, firms, or individuals; or

“(B) overtime and hazardous duty compensation for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section.

“(2) **OVERTIME.**—The guidelines for reimbursement for costs under paragraph (1) shall ensure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

“(3) **NO EFFECT ON MUTUAL AID PACTS.**—Nothing in this subsection shall effect the ability of the President to reimburse labor force expenses provided pursuant to an authorized mutual aid pact.”

(f) **UNIFIED FEDERAL REVIEW.**—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by subsection (c), is amended by adding at the end the following:

“**SEC. 429. UNIFIED FEDERAL REVIEW.**

“(a) **IN GENERAL.**—Not later than 18 months after the date of enactment of the Disaster Recovery Act of 2012, and in consultation with the Council on Environmental Quality and the Advisory Council on Historic Preservation, the President shall establish an expedited and unified interagency review process to ensure compliance with environmental and historic requirements under Federal law relating to disaster recovery projects, in order to expedite the recovery process, consistent with applicable law.

“(b) **CONTENTS.**—The review process established under this section shall include mechanisms to expeditiously address delays that may occur during the recovery from a major disaster, and shall be updated as appropriate, consistent with applicable law.”

(g) **DISPUTE RESOLUTION PILOT PROGRAM.**—

(1) **DEFINITIONS.**—In this subsection—

(A) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(B) the term “eligible assistance” means assistance—

(i) under section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173);

(ii) for which the legitimate amount in dispute is not less than \$1,000,000, which the Administrator shall adjust annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor; and

(iii) for which the applicant has a non-Federal share.

(2) **PROCEDURES.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, and in

order to facilitate an efficient recovery from major disasters, the Administrator shall establish procedures under which an applicant may request the use of alternative dispute resolution, including arbitration by an independent review panel, to resolve disputes relating to eligible assistance.

(B) **BINDING EFFECT.**—A decision by an independent review panel under this subsection shall be binding upon the parties to the dispute.

(C) **CONSIDERATIONS.**—The procedures established under this subsection shall—

(i) allow a party of a dispute relating to eligible assistance to request an independent review panel for the review;

(ii) require a party requesting an independent review panel as described in clause (i) to agree to forego rights to any further appeal of the dispute relating to any eligible assistance;

(iii) require that the sponsor of an independent review panel for any alternative dispute resolution under this subsection shall be—

(I) an individual or entity unaffiliated with the dispute (which may include a Federal agency, an administrative law judge, or a reemployed annuitant who was an employee of the Federal Government) selected by the Administrator; and

(II) responsible for identifying and maintaining an adequate number of independent experts qualified to review and resolve disputes under this subsection;

(iv) require an independent review panel to—

(I) resolve any remaining disputed issue in accordance with all applicable laws, regulations, and Federal Emergency Management Agency interpretations of those laws through its published policies and guidance;

(II) consider only evidence contained in the administrative record, as it existed at the time at which the Federal Emergency Management Agency made its initial decision;

(III) only set aside a decision of the Federal Emergency Management Agency found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; and

(IV) in the case of a finding of material fact adverse to the claimant made on first appeal, only set aside or reverse such finding if the finding is clearly erroneous;

(v) require an independent review panel to expeditiously issue a written decision for any alternative dispute resolution under this subsection; and

(vi) direct that if an independent review panel for any alternative dispute resolution under this subsection determines that the basis upon which a party submits a request for alternative dispute resolution is frivolous, the independent review panel shall direct the party to pay the reasonable costs of the Federal Emergency Management Agency relating to the review by the independent review panel.

(D) **FUNDS RECEIVED.**—Any funds received by the Federal Emergency Management Agency under the authority under this subsection shall be deposited to the credit of the appropriation or appropriations available for the eligible assistance in dispute on the date on which the funds are received.

(3) **SUNSET.**—A request for review by an independent review panel under this subsection may not be made after December 31, 2015.

(4) **REPORT.**—

(A) **IN GENERAL.**—Not later than 270 days after the termination of authority under this subsection pursuant to paragraph (3), the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report analyzing the effectiveness of the program under this subsection.

(B) **CONTENTS.**—The report submitted under subparagraph (A) shall include—

(i) a determination of the availability of data required to complete the report;

(ii) an assessment of the effectiveness of the program under this subsection, including an assessment of whether the program expedited or delayed the disaster recovery process;

(iii) an assessment of whether the program increased or decreased costs to administer section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

(iv) an assessment of the procedures and safeguards that the independent review panels established to ensure objectivity and accuracy, and the extent to which they followed those procedures and safeguards;

(v) a recommendation as to whether any aspect of the program under this subsection should be made a permanent authority; and

(vi) recommendations for any modifications to the authority or the administration of the authority under this subsection in order to improve the disaster recovery process.

(h) **INDIVIDUAL ASSISTANCE FACTORS.**—In order to provide more objective criteria for evaluating the need for assistance to individuals and to speed a declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State, tribal, and local emergency management agencies, shall review, update, and revise through rulemaking the factors considered under section 206.48 of title 44, Code of Federal Regulations (including section 206.48(b)(2) of such title relating to trauma and the specific conditions or losses that contribute to trauma), to measure the severity, magnitude, and impact of a disaster.

(i) **CHILD CARE.**—Section 408(e)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(e)(1)) is amended—

(1) in the paragraph heading, by inserting “CHILD CARE,” after “DENTAL,”; and

(2) by inserting “child care,” after “dental,”.

(j) **TEMPORARY HOUSING.**—Section 408(c)(1)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(B)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(2) by inserting after clause (i) the following: “(ii) LEASE AND REPAIR OF RENTAL UNITS FOR TEMPORARY HOUSING.—

“(I) **IN GENERAL.**—The President, to the extent it would be a cost effective alternative to other temporary housing options, may—

“(aa) enter into lease agreements with owners of multifamily rental property located in areas covered by a major disaster declaration to house individuals and households eligible for assistance under this section; and

“(bb) make repairs or improvement to properties under such lease agreements, to the extent necessary to serve as safe and adequate temporary housing.

“(II) **IMPROVEMENTS OR REPAIRS.**—Under the terms of any lease agreement for property entered into under this subsection, the value of the improvements or repairs shall be deducted from the value of the lease agreement; and may not exceed the value of the lease agreement.

“(III) **PERIOD OF ASSISTANCE.**—The President may not provide direct assistance under this clause with respect to a major disaster after the end of the 18-month period beginning on the date of declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.”; and

(3) in clause (iv), as so redesignated, by striking “clause (ii)” and inserting “clause (iii)”.

(k) **TRIBAL REQUESTS FOR A MAJOR DISASTER OR EMERGENCY DECLARATION UNDER THE STAFFORD ACT.**—

(1) **MAJOR DISASTER REQUESTS.**—Section 401 of the Robert T. Stafford Disaster Relief and Emer-

gency Assistance Act (42 U.S.C. 5170) is amended—

(A) by striking “All requests for a declaration” and inserting “(a) **IN GENERAL.**—All requests for a declaration”; and

(B) by adding at the end the following:

“(b) **INDIAN TRIBAL GOVERNMENT REQUESTS.**—

“(1) **IN GENERAL.**—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that a major disaster exists consistent with the requirements of subsection (a).

“(2) **REFERENCES.**—In implementing assistance authorized by the President under this Act in response to a request of the Chief Executive of an affected Indian tribal government for a major disaster declaration, any reference in this Act, except sections 310 and 326, to a State or the Governor of a State is deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

“(3) **SAVINGS PROVISION.**—Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this Act through a declaration made by the President at the request of a State under subsection (a) if the President does not make a declaration under this subsection for the same incident.

“(c) **COST SHARE ADJUSTMENTS FOR INDIAN TRIBAL GOVERNMENTS.**—

“(1) **IN GENERAL.**—In providing assistance to an Indian tribal government under this Act, the President may waive or adjust any payment of a non-Federal contribution with respect to the assistance if—

“(A) the President has the authority to waive or adjust the payment under another provision of this Act; and

“(B) the President determines that the waiver or adjustment is necessary and appropriate.

“(2) **CRITERIA FOR MAKING DETERMINATIONS.**—The President shall establish criteria for making determinations under paragraph (1)(B).”.

(2) **EMERGENCY REQUESTS.**—Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191) is amended by adding at the end the following:

“(c) **INDIAN TRIBAL GOVERNMENT REQUESTS.**—

“(1) **IN GENERAL.**—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that an emergency exists consistent with the requirements of subsection (a).

“(2) **REFERENCES.**—In implementing assistance authorized by the President under this Act in response to a request of the Chief Executive of an affected Indian tribal government for an emergency declaration, any reference in this Act, except sections 310 and 326, to a State or the Governor of a State is deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

“(3) **SAVINGS PROVISION.**—Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this Act through a declaration made by the President at the request of a State under subsection (a) if the President does not make a declaration under this subsection for the same incident.”.

(3) **DEFINITIONS.**—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(A) in paragraph (7)(B) by striking “; and” and inserting “, that is not an Indian tribal government as defined in paragraph (6); and”;

(B) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(C) by inserting after paragraph (5) the following:

“(6) **INDIAN TRIBAL GOVERNMENT.**—The term ‘Indian tribal government’ means the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a et seq.).”; and

(D) by adding at the end the following:

“(12) **CHIEF EXECUTIVE.**—The term ‘Chief Executive’ means the person who is the Chief, Chairman, Governor, President, or similar executive official of an Indian tribal government.”.

(4) **REFERENCES.**—Title I of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended by adding after section 102 the following:

“SEC. 103. REFERENCES.

“Except as otherwise specifically provided, any reference in this Act to ‘State and local’, ‘State or local’, ‘State, and local’, ‘State, or local’, or ‘State, local’ (including the plural form of such terms) with respect to governments or officials and any reference to a ‘local government’ in sections 406(d)(3) and 417 shall be deemed to refer also to Indian tribal governments and officials, as appropriate.”.

(5) **REGULATIONS.**—

(A) **ISSUANCE.**—The President shall issue regulations to carry out the amendments made by this subsection.

(B) **FACTORS.**—In issuing regulations under this paragraph, the President shall consider the unique conditions that affect the general welfare of Indian tribal governments.

(1) **REPORT.**—Not later than 90 days after the date of enactment of this Act, the Chair of the Hurricane Sandy Rebuilding Task Force established by the President, in consultation with the Administrator of the Federal Emergency Management Agency, the Secretary of the Treasury, and others whom the Chair determines to be appropriate, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes a discussion of—

(1) the impacts of Hurricane Sandy on local government budgets in States where a major disaster has been declared, including revenues from taxes, fees, and other sources, and expenses related to operations, debt obligations, and unreimbursed disaster-related costs;

(2) the availability of loans from private sources to address such impacts, including information on interest rates, repayment terms, securitization requirements, and the ability of affected local governments to qualify for such loans;

(3) the availability of Federal resources to address the budgetary impacts of Hurricane Sandy upon local governments;

(4) the ability of the Community Disaster Loan program authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to effectively and expeditiously address budgetary impacts of Hurricane Sandy and other disasters upon local governments, including—

(A) an assessment of the current statutory limits on loan amounts;

(B) the regulations, policies, and procedures governing program mobilization to communities in need and expeditious processing of loan applications;

(C) information on interest rates, repayment terms, securitization requirements, and ability of affected local governments to qualify for such loans;

(D) criteria governing the cancellation of such loans, including appropriate classification of available revenues and eligible expenses, and the consistency of program rules with customary local government budgetary practices and State or local laws that affect the specific budgetary practices of local governments affected by Hurricane Sandy and other disasters;

(E) repayment terms and timeframes on loans that do not qualify for cancellation;

(F) options for Congressional consideration related to legislative modifications of this program, and any other applicable provisions of Federal law, in order to address the budgetary

impacts of Hurricane Sandy and other disasters upon local governments; and

(G) recommendations on steps the Federal Emergency Management Agency may take in order to improve program administration, effectiveness, communications, and speed; and

(5) potential consequences of Federal action or inaction to address the budgetary impacts of Hurricane Sandy upon local governments.

(m) **APPLICABILITY.**—Unless otherwise specified, this section and the amendments made by this section shall apply for—

(1) any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on or after the date of enactment of this Act; and

(2) a major disaster or emergency declared before the date of enactment of this Act for which the period for processing requests for assistance has not ended on the date of enactment of this Act.

TITLE VII

DEPARTMENT OF THE INTERIOR

FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for “Construction” for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, \$78,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the “Historic Preservation Fund” for necessary expenses related to the consequences of Hurricane Sandy, \$50,000,000, to remain available until September 30, 2015, including costs to states necessary to complete compliance activities required by section 106 of the National Historic Preservation Act and costs needed to administer the program: Provided, That grants shall only be available for areas that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided further, That individual grants shall not be subject to a non-Federal matching requirement: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION

For an additional amount for “Construction” for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, \$348,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OIL SPILL RESEARCH

For an additional amount for “Oil Spill Research” for necessary expenses related to the consequences of Hurricane Sandy, \$3,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL OPERATIONS

OFFICE OF THE SECRETARY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Departmental Operations” and any Department of the Interior

component bureau or office for necessary expenses related to the consequences of Hurricane Sandy and for other activities related to storms and natural disasters, \$150,000,000, to remain available until expended: Provided, That funds appropriated herein shall be used to restore and rebuild parks, refuges, and other public assets; increase the resiliency and capacity of coastal habitat and infrastructure to withstand future storms and reduce the amount of damage caused by such storms; protect natural and cultural values; and assist State, tribal and local governments: Provided further, That the Secretary may transfer these funds to any other account in the Department and may expend such funds by direct expenditure, grants, or cooperative agreements, including grants to or cooperative agreements with States, Tribes, and municipalities, to carry out the purposes provided herein: Provided further, That the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spending plan for the amounts provided herein within 60 days of enactment of this Act: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for “Environmental Programs and Management” for necessary expenses related to the consequences of Hurricane Sandy, \$725,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for “Hazardous Substance Superfund” for necessary expenses related to the consequences of Hurricane Sandy, \$2,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

LEAKING UNDERGROUND STORAGE TANK FUND

For an additional amount for “Leaking Underground Storage Tank Fund” for necessary expenses related to the consequences of Hurricane Sandy, \$5,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for “State and Tribal Assistance Grants”, \$810,000,000, to remain available until expended, of which \$700,000,000 shall be for capitalization grants for the Clean Water State Revolving Funds under Title VI of the Federal Water Pollution Control Act, and of which \$110,000,000 shall be for capitalization grants under section 1452 of the Safe Drinking Water Act: Provided, That notwithstanding section 604(a) of the Federal Water Pollution Control Act and section 1452(a)(1)(D) of the Safe Drinking Water Act, funds appropriated herein shall be provided to States that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for Hurricane Sandy: Provided further, That no eligible state shall receive less than two percent of such funds: Provided further, That funds appropriated herein shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3) or 202 of the Federal Water Pollution Control Act nor the matching requirements of section 1452(e) of the Safe

Drinking Water Act: Provided further, That notwithstanding the requirements of section 603(d) of the Federal Water Pollution Control Act, for the funds appropriated herein, each State shall use not less than 50 percent of the amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these: Provided further, That the funds appropriated herein shall only be used for eligible projects whose purpose is to reduce flood damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or a natural disaster at treatment works as defined by section 212 of the Federal Water Pollution Control Act or any eligible facilities under section 1452 of the Safe Drinking Water Act, and for other eligible tasks at such treatment works or facilities necessary to further such purposes: Provided further, That notwithstanding the definition of treatment works in section 212 of the Federal Water Pollution Control Act, and subject to the purposes described herein, the funds appropriated herein shall be available for the purchase of land and easements necessary for the siting of eligible treatment works projects: Provided further, That the Administrator may retain up to \$1,000,000 of the funds appropriated herein for management and oversight of the requirements of this section: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for “Capital Improvement and Maintenance” for necessary expenses related to the consequences of Hurricane Sandy, \$4,400,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER RELATED AGENCY

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$2,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VIII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Training and Employment Services”, \$50,000,000, for the displaced workers assistance national reserve for necessary expenses resulting from Hurricane Sandy, which shall be available from the date of enactment of this Act through September 30, 2013: Provided, That the Secretary of Labor may transfer up to \$3,500,000 of such funds to any other Department of Labor account for other Hurricane Sandy reconstruction and recovery needs, including worker protection activities: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

SOCIAL SERVICES BLOCK GRANT

For an additional amount for “Social Services Block Grant”, \$500,000,000, for necessary expenses resulting from Hurricane Sandy in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, notwithstanding section 2003 and paragraphs (1) and (4) of section 2005(a) of the Social Security Act: Provided, That, notwithstanding section 2002 of the Social Security Act, the distribution of such amount shall be limited to States directly affected by these events: Provided further, That section 2002(c) of the Social Security Act shall be applied to funds appropriated in this paragraph by substituting succeeding 2 fiscal years for succeeding fiscal year: Provided further, That funds appropriated in this paragraph are in addition to the entitlement grants authorized by section 2002(a)(1) of the Social Security Act and shall not be available for such entitlement grants: Provided further, That in addition to other uses permitted by title XX of the Social Security Act, funds appropriated in this paragraph may be used for health services (including mental health services), and for costs of renovating, repairing, or rebuilding health care facilities (including mental health facilities), child care facilities, or other social services facilities: Provided further, That notwithstanding paragraphs (2) and (8) of section 2005(a) of the Social Security Act, a State may use up to 10 percent of its allotment of funds appropriated in this paragraph to supplement any other funds available for the following costs, subject to guidelines established by the Secretary, for health care providers (as defined by the Secretary): (a) payments to compensate employees of health care providers for wages lost as a direct result of Hurricane Sandy, and (b) payments to support the viability of health care providers with facilities that were substantially damaged as a direct result of Hurricane Sandy: Provided further, That funds appropriated in this paragraph are also available for costs incurred up to 3 days prior to Hurricane Sandy's October 29, 2012, landfall, subject to Federal review of documentation of the cost of services provided: Provided further, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or insurance: Provided further, That, with respect to the Federal interest in real property acquired or on which construction or major renovation of facilities (as such terms are defined in 45 CFR 1309.3) is undertaken with these funds, procedures equivalent to those specified in Subpart C of 45 CFR Part 1309 shall apply: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHILDREN AND FAMILY SERVICES PROGRAMS

For an additional amount for “Children and Families Services Programs”, \$100,000,000, for making payments under the Head Start Act in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of Hurricane Sandy: Provided, That funds appropriated in this paragraph are not subject to the allocation requirements of section 640(a) or the matching requirements of section 640(b) of the Head Start Act: Provided further, That funds appropriated in this paragraph shall be available through September 30, 2014 for activities to assist affected Head Start agencies, including technical assistance, costs of Head Start services (including supportive services for children and families, and provision of mental health services for children affected by Hurri-

cane Sandy), and costs of renovating, repairing, or rebuilding those Head Start facilities damaged as a result of Hurricane Sandy: Provided further, That none of the funds appropriated in this paragraph shall be included in the calculation of the “base grant” in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of the Head Start Act: Provided further, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or by insurance: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund” for disaster response and recovery, and other expenses related to Hurricane Sandy, and for other disaster-response activities, \$200,000,000, to remain available until expended: Provided, That these funds may be transferred by the Secretary to accounts within the Department of Health and Human Services, and shall be available only for the purposes provided in this paragraph: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act: Provided further, That obligations incurred for the purposes provided herein prior to the enactment of this Act may be charged to this appropriation: Provided further, That funds appropriated in this paragraph may be used to make grants for renovating, repairing, or rebuilding non-Federal research facilities damaged as a result of Hurricane Sandy: Provided further, That funds appropriated under this paragraph shall not be available for costs that are eligible for reimbursement by the Federal Emergency Management Agency or are covered by insurance: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCY

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for “Limitation on Administrative Expenses”, \$2,000,000, for necessary expenses resulting from Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IX

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for “Military Construction, Army National Guard”, \$24,200,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for “Medical Services”, \$21,000,000, to remain available until September 30, 2014, for necessary expenses related to

the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL FACILITIES

For an additional amount for “Medical Facilities”, \$6,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL CEMETERY ADMINISTRATION

For an additional amount for “National Cemetery Administration”, \$1,100,000, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL ADMINISTRATION

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for “Information Technology Systems”, \$500,000, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for “Construction, Major Projects”, \$207,000,000 to remain available until expended, for renovations and repairs to the Department of Veterans Affairs Medical Center in Manhattan, New York, as a consequence of damage caused by Hurricane Sandy: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE X

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for “Facilities and equipment”, \$30,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, \$921,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for the Secretary to make grants to the National Railroad Passenger Corporation for costs and losses incurred as a

result of Hurricane Sandy and to advance capital projects that address Northeast Corridor infrastructure recovery, mitigation and resiliency in the affected areas, \$336,000,000, to remain available until expended: Provided, That the Administrator of the Federal Railroad Administration may retain up to one-half of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL TRANSIT ADMINISTRATION

PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

For the Public Transportation Emergency Relief Program as authorized under section 5324 of title 49, United States Code, \$10,783,000,000, to remain available until expended, for recovery and relief efforts in the areas most affected by Hurricane Sandy: Provided, That, of the funds provided under this heading, the Secretary may transfer up to \$5,383,000,000 to the appropriate agencies to fund programs authorized under titles 23 and 49, United States Code, in order to carry out mitigation projects related to reducing risk of damage from future disasters in areas impacted by Hurricane Sandy: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified at least 15 days in advance of any such transfer: Provided further, That notwithstanding any other provision of law, the Federal share for all projects funded under this heading for repairs, reconstruction or mitigation of transportation infrastructure in areas impacted by Hurricane Sandy shall be 90 percent: Provided further, That up to three-quarters of 1 percent of the funds retained for public transportation emergency relief shall be available for the purposes of administrative expenses and ongoing program management oversight as authorized under 49 U.S.C. 5334 and 5338(i)(2) and shall be in addition to any other appropriations for such purposes: Provided further, That, of the funds made available under this heading, \$6,000,000 shall be transferred to the Office of Inspector General to support the oversight of activities funded under this heading: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the “Community Development Fund” for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), due to Hurricane Sandy, for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), \$17,000,000,000, to remain available until expended, of which at least \$2,000,000,000 shall be used for mitigation projects to reduce future risk and vulnerabilities: Provided, That the Secretary shall establish a minimum allocation for each eligible State declared a major disaster due to Hurricane Sandy: Provided further, That of the amount provided under this heading, \$500,000,000 shall be used to address the unmet needs of impacted areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief Act (42 U.S.C. 5121 et seq.) or for small, economically distressed areas with

a disaster declared in 2011 or 2012: Provided further, That funds shall be awarded directly to the State or unit of general local government as a grantee at the discretion of the Secretary: Provided further, That the Secretary shall allocate to grantees not less than 33 percent of the funds provided under this heading within 60 days after the enactment of this Act based on the best available data: Provided further, That prior to the obligation of funds, a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas: Provided further, That the Secretary shall by notice specify the criteria for approval of such plans within 45 days of enactment of this Act: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That the final paragraph under the heading Community Development Block Grants in title II of Public Law 105–276 (42 U.S.C. 5305 note) shall not apply to funds provided under this heading: Provided further, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to 42 U.S.C. 5306: Provided further, That a grantee may use up to 5 percent of its allocation for administrative costs: Provided further, That the Secretary shall require that grantees have established procedures to ensure timely expenditure of funds and prevent any duplication of benefits as defined by 42 U.S.C. 5155 and prevent fraud and abuse of funds: Provided further, That the Secretary shall provide grantees with technical assistance on contracting and procurement processes and shall require grantees, in contracting or procuring for management and administration of these funds, to incorporate performance requirements and penalties into any such contracts or agreements and to maintain information with respect to performance on the use of any funds for management and administrative purposes: Provided further, That in administering the funds under this heading, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), pursuant to a determination by the Secretary that good cause exists for the waiver or alternative requirement and that such action is not inconsistent with the overall purposes of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.): Provided further, That notwithstanding the previous proviso, recipients of funds provided under this heading that use such funds to match or supplement Federal assistance provided under sections 402, 403, 406, 407, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval, or permit: Provided further, That, notwithstanding 42 U.S.C. 5304(g)(2), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the project is categorically excluded from further review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided further, That a waiver granted by the Secretary may not

reduce the percentage of funds which must be used for activities that benefit persons of low and moderate income to less than 50 percent, unless the Secretary specifically finds that there is a compelling need to further reduce or eliminate the percentage requirement: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: Provided further, That funds provided under this heading to for-profit enterprises may only assist such enterprises that meet the definition of small business as defined by the Small Business Administration under 13 CFR part 121: Provided further, That notwithstanding the previous proviso, funds may be provided to a for-profit enterprise, that does not meet such definition of small business, but which provides a public benefit, is publicly regulated, and is otherwise eligible for assistance under 42 U.S.C. 5301 et seq., and the implementing regulations at 24 CFR Part 570.201(i): Provided further, That of the funds made available under this heading, up to \$10,000,000 may be transferred to "Program Office Salaries and Expenses, Community Planning and Development" for technical assistance and administrative costs (including information technology costs), related solely to administering funds available under this heading or funds made available under prior appropriations to the "Community Development Fund" for disaster relief, long-term recovery, or emergency expenses: Provided further, That, of the funds made available under this heading, \$10,000,000 shall be transferred to "Office of Inspector General": Provided further, That the amounts provided under this heading are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 1001. For fiscal year 2013, upon request by a public housing agency and supported by documentation as required by the Secretary of Housing and Urban Development that demonstrates that the need for the adjustment is due to the disaster, the Secretary may make temporary adjustments to the Section 8 housing choice voucher annual renewal funding allocations and administrative fee eligibility determinations for public housing agencies in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), to avoid significant adverse funding impacts that would otherwise result from the disaster.

SEC. 1002. The Departments of Transportation and Housing and Urban Development shall submit to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of the enactment of this Act a plan for implementing the provisions in this title, and updates to such plan on a biannual basis thereafter.

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

TITLE XI

GENERAL PROVISIONS—THIS ACT

SEC. 1101. Each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1102. Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 1103. (a) Not later than March 31, 2013, in accordance with criteria to be established by the Office of Management and Budget (OMB), Federal agencies shall submit to OMB and to the Committee on Appropriations of the House of Representatives and of the Senate internal control plans for funds provided by this Act.

(b) All programs and activities receiving funds under this Act shall be deemed to be "susceptible to significant improper payments" for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) (IPIA), notwithstanding section 2(a) of IPIA.

(c) In accordance with guidance to be issued by the Director of OMB, agencies shall identify those grants for which the funds provided by this Act should be expended by the grantees within the 24-month period following the agency's obligation of funds for the grant. In the case of such grants, the agency shall include a term in the grant that:

(1) requires the grantee to return to the agency any funds not expended within the 24-month period; and

(2) provides that the head of the agency may, after consultation with the Director of OMB, subsequently issue a waiver of this requirement based on a determination by the head of the agency that exceptional circumstances exist that justify an extension of the period in which the funds must be expended.

SEC. 1104. (a) In carrying out activities funded by this Act, Federal agencies, in partnership with States, local communities and tribes, shall inform plans for response, recovery, and rebuilding to reduce vulnerabilities from and build long-term resiliency to future extreme weather events, sea level rise, and coastal flooding. In carrying out activities funded by this title that involve repairing, rebuilding, or restoring infrastructure and restoring land, project sponsors shall consider, where appropriate, the increased risks and vulnerabilities associated with future extreme weather events, sea level rise and coastal flooding.

(b) Funds made available in this Act shall be available to develop, in partnership with State, local and tribal officials, regional projections and assessments of future risks and vulnerabilities to extreme weather events, sea level rise and coastal flooding that may be used for the planning referred to in subsection (a), and to encourage coordination and facilitate long-term community resiliency.

SEC. 1105. Recipients of Federal funds dedicated to reconstruction efforts under this Act shall, to the greatest extent practicable, ensure that such reconstruction efforts maximize the utilization of technologies designed to mitigate future power outages, continue delivery of vital services and maintain the flow of power to facilities critical to public health, safety and welfare. The Secretary of Housing and Urban Development as chair of the Hurricane Sandy Rebuilding Task Force shall issue appropriate guidelines to implement this requirement.

VEHICLES USE IN THE WAKE OF HURRICANE SANDY

SEC. 1106. (a) REPORT.—Not later than 7 days after the date of enactment of this Act, the Department of Justice and Department of Homeland Security shall identify and relocate any vehicles currently based at the Washington, D.C., headquarters of such agencies used for non-operational purposes to replace vehicles of those agencies damaged by Hurricane Sandy. The Department of Justice and Department of Homeland Security shall provide copies of a report summarizing the actions taken to carry out this subsection to the House and Senate Committees on Appropriations and Judiciary.

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

INCREASED EMBASSY SECURITY

SEC. 1107. Funds appropriated under the heading "Administration of Foreign Affairs" under Title VIII of Division I of Public Law 112-74 and as carried forward under Public Law 112-175, may be transferred to, and merged with, any such other funds appropriated under such title and heading: Provided, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION ON EMERGENCY SPENDING FOR PERSONS HAVING SERIOUS DELINQUENT TAX DEBTS

SEC. 1108. (a) DEFINITION OF SERIOUSLY DELINQUENT TAX DEBT.—In this section:

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

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

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

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

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

PROHIBITION ON EMERGENCY SPENDING FOR DECEASED INDIVIDUALS

SEC. 1109. None of the amounts appropriated by or otherwise made available under this Act may be used for any person who is not alive when the amounts are made available. This does not apply to funeral costs.

This Act may be cited as the "Disaster Relief Appropriations Act, 2013".

Amend the title so as to read: "An Act making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes."

AMENDMENT NO. 3440

Mr. REID. Mr. President, I ask unanimous consent that an amendment to the title of H.R. 1, the text of which is at the desk, be agreed to.

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

The amendment (No. 3440) was agreed to, as follows:

Amend the title to read:

"An Act making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes."

CHANGE OF VOTE

Mr. PRYOR. Mr. President, on roll-call vote 248 I voted no. It was my intention to vote aye. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. REID. Mr. President, first of all, I congratulate the people who worked

so hard on this bill. We appreciate the new chair of the Appropriations Committee and the good work she did; the work done by the New York delegation, led by Senator SCHUMER; and the work done by the New Jersey delegation. This is extremely fine legislation. I really appreciate all their hard work, and the cooperation we got from the Republicans was wonderful.

The people in New England suffered a tremendous blow caused by nature. As has happened during the entire history of this country when that sort of devastation has occurred, Congress stepped in to do something to help the beleaguered people. In this case, it is New York, New Jersey, and some other States, but they were the ones hit the hardest. Even now, hundreds of thousands of people are without homes, so I hope the House takes this up very quickly.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now move to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SUPPLEMENTAL APPROPRIATIONS

Mr. MERKLEY. Mr. President, I wish to make a few comments on what has transpired today on the floor of the Senate.

First, some enormously important work has been done in regard to addressing the disaster caused by Hurricane Sandy. I know that in a number of States unprecedented devastation has occurred, and we should respond extremely quickly—more quickly than we have. I hope the House will immediately take up this package. Certainly, disaster relief delayed is disaster relief denied. So I hope the House will indeed move extremely quickly to address the devastation throughout the Northeast.

I also wanted to note that tonight 55 Senators stood and said: As we assist the victims of Hurricane Sandy, we should also assist the victims of unprecedented drought and fires that devastated much of our country this last summer.

How is it, we might wonder, that we had devastating fires in July and August and into September and devastating drought and we still haven't approved the disaster assistance? I must say it is 100 percent unacceptable.

If you lost your ranch in a fire, if you lost your fencing, if you lost your corn,

if you lost your livestock, and a program that would have helped that has always been in place for disaster assistance wasn't reauthorized, then you have been stranded since June or July or August. Perhaps in that interim you have lost your farm, perhaps you have lost your ranch, perhaps you have mortgaged everything to hold on. Yet here is the Senate saying: Hey, it is OK that we are not helping you now because, you know what. We are going to help you in the farm bill.

Where is the farm bill? It is not on the President's desk. It is not en route to the President's desk. It has not even been brought up on the floor of the House. A bipartisan group of Senators in this body approved the farm bill and had the disaster relief for our ranchers and farmers in it and sent it over to the House, and it has never been discussed. That is completely unacceptable. It is a moral failure to leave those struck by disaster stranded.

Tonight 55 Senators agreed that it is unacceptable. We should help right now. But you know what. Under the budget point of order that was put forward, you needed 60 votes. We needed 60 votes tonight to help our ranchers and farmers. We only had 55.

Here is the interesting point. This budget point of order is supposed to be about saving money, but this body already approved all of those disaster relief programs in the farm bill, and when that farm bill is done, we are assured tonight that these provisions will be maintained, that we will assist our ranchers and farmers. Thus, we will not save a dime. There is not a dime saved because the same program will eventually be approved. But the relief will be coming so late to the victims of the drought and the victims of the fire who lost their livestock and their forage and their fences.

Tonight, what happened for those 40 who voted against helping our ranchers and farmers is they did not save a penny, but they did enormous damage to citizens across this country, ranchers and farmers who were counting on us.

I rise to say that I deeply regret the Senate's decision tonight. I deeply regret the 40 votes against our ranchers and farmers. I deeply regret that 40 said: Even though it will not save a dime, we are going to hold them hostage to the farm bill, to its eventual passage someday. Holding people hostage who have been victims of disaster is morally unacceptable.

Again, I thank the 55 tonight who voted on the bipartisan amendment. My partner on the Republican side of the aisle, Senator BLUNT, should be profoundly complimented for stepping in to help carry this charge. I was pleased to be his partner. I was pleased to be a partner with Senator STABENOW, chair of the Agriculture Committee, who worked closely with us to arrange for this Senate amendment to be possible tonight, to be able to have this vote. I thank her, and I thank Sen-

ator BLUNT. I thank the other Senate cosponsors, and I thank everyone who voted tonight to say that disaster relief should no longer be delayed for the victims of the fires and droughts of the summer of 2012.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REMEMBERING DANIEL K. INOUE

Ms. SNOWE. Mr. President, I rise today with a heavy heart to bid "Aloha" to an extraordinary colleague and a dear friend, Senator Daniel K. Inouye.

I want to first and foremost offer my most sincere condolences to Dan's exceptional wife, Irene, who has been a pillar of unending strength and courage, as well as Ken and Jennifer, both of whom he spoke of with boundless love, and of course, his entire family, as our hearts go out to them during this most difficult time.

On an occasion of such a large and historic loss, finding the appropriate words to capture the immense depth and breadth of this moment, as well as the magnitude of its meaning, represents the most daunting of challenges. As Dan was the most senior member of this esteemed Chamber, and the second longest serving Senator in its history, every Senator here never known this institution without him—and so it is difficult to comprehend that these hallowed halls will never again witness his presence or hear his deliberative, compassionate, and measured approach.

Like all my colleagues, I profoundly admired Dan for his devotion to this country and the steadfast, irrepressible determination that he exhibited day in and day out, as he sought to better our Nation not only for his constituents in his beloved home State of Hawaii, but for all who called America home. But that is who Dan was, and throughout his remarkable life, he placed the highest of premiums on service above self.

He did on the shores of Honolulu when, having heard the clarion call of sirens ringing out across the island as Japanese planes attacked American naval forces at Pearl Harbor, he rushed toward the battle to volunteer as a Red Cross medic. He did on the battlefields in Italy during the Second World War, when having taken sniper fire and enduring a gruesome explosion that would later claim his right arm, he refused to evacuate, pressing forward to neutralize enemy positions so that he could lead his men to safe ground—an act of heroism and valor which later rightfully earned him the Distinguished Service Cross and the Medal of Honor.