

Environmental Protection Agency and Interior funding in its CR because it had an even larger allocation for this title. But it only accomplished that by shortchanging other important investments in other titles, including transportation, child care, education, health research, police, and firefighters.

Lest anyone be confused by the House's new-found commitment to the EPA and other environmental priorities, one should only review the devastating cuts it made to these programs in its initial FY 2013 committee-reported Interior Appropriations bill.

With the resources available and the challenges we face, I believe we in the Senate have funded all agencies in the Interior Appropriations title fairly, and we have still been able to achieve a number of important environmental goals.

As I have already noted, we have been able to provide a solid level of funding for infrastructure through the clean water and drinking water State revolving funds.

We were able to hold funding levels steady for grants that help States run their environmental programs at \$1.1 billion. These funds create jobs at the State level and provide for enforcement of our Federal pollution control laws.

As I mentioned, we also fully funded the 10-year average of fire suppression for both the Interior Department and Forest Service, in anticipation of a tough fire season.

We were able to include \$53 million in new funding to hire doctors, nurses, and support staff at newly constructed Indian Health Service facilities. These funds will allow seven facilities to open their doors to patients that would otherwise sit vacant.

I am pleased to say this bill also includes language to extend the authorizations of 12 national heritage areas so they will continue to receive their partnership grant funding from the National Park Service.

We want to make sure these heritage areas continue to thrive, so I am proud we were able to extend their authorizations in this bill. And it is worth noting that these grants don't require new funding they are already paid for with the existing National Park Service budget.

This is important in my State, with the John H. Chafee Blackstone River Valley National Heritage Corridor, but for many others, as well.

Finally, land and water conservation funding is sustained at the FY 2012 level of \$322 million.

Of course, there are tradeoffs within this bill, and places where we had to sustain cuts below the FY 2012 enacted level.

This is in part due to the hand we were dealt by the President in the budget he submitted for FY 2013. We accepted cuts proposed by the administration for several programs, including construction programs and Superfund.

The Senate bill funds the EPA at \$8.34 billion, which, while a reduction

of \$107 million from the FY 2012 level, is the amount requested by the President for FY 2013. Additionally, the Senate bill spares the agency from the debilitating cuts set in the FY 2013 House Interior bill, which funded the EPA at a level that is \$1.29 billion less than FY 2012. Yes, that is a billion.

Unfortunately, however, those reductions alone were not enough to meet our obligation to provide an approximately \$1 billion increase for fire. We had to make cuts to other operating programs in the bill cuts that I know will only be more difficult because they will come in addition to sequestration.

Before I conclude, I want to address a few other aspects of this bill and the consequences of continuing resolutions and the sequester.

A major reason we are now confronting such huge deficits is the utter collapse of our financial markets beginning in 2008. Some of this collapse occurred because parts of our financial system were either lightly or barely regulated such as our derivatives and subprime mortgage markets.

However, we also learned the severe costs of having an under-resourced and outmatched Securities and Exchange Commission and Commodity Futures Trading Commission.

I still remember an April 2008 hearing with former SEC Chair Christopher Cox, in which he stated the SEC didn't need more resources meanwhile Bernie Madoff was scamming more and more victims in the largest Ponzi scheme in history, and Lehmann Brothers was levered 30-1 and hiding its precarious financial condition through repurchase agreements.

By starving the SEC and CFTC of resources, we are repeating the mistakes of the recent past.

The CFTC is already suspending its examinations of key market participants and "shelving" enforcement actions because of budget constraints. The impact of static funding along with the sequester will further erode its oversight. Indeed, under the CR, the CFTC will operate with a budget that is 37 percent less than the administration says it needs.

The case of the SEC is more disturbing. While subject to appropriation, the SEC has no impact on the deficit since its expenditures are offset by transaction fees applied to the industry. With the impacts of the sequester, the SEC will operate at 20 percent less than the administration has requested. This failure to appropriately fund the SEC will do nothing to improve the fiscal situation. At the same time, our economy and our capital markets will be more vulnerable. That makes no sense.

If we want American markets to be the most liquid, transparent, efficient, and orderly in the world, we need to provide the cops on the beat—the SEC and CFTC with an adequate and stable source of funding.

I also want to speak about the impacts CRs can have on specific pro-

grams because they offer no nuance or flexibility. That has been shown to be the case this year with the Weatherization Assistance Program, a program that creates jobs and helps provide energy efficient retrofits to low-income individuals and families.

President Obama described the program this way in a 2009 interview: "[Y]ou're getting a three-fer. Not only are you immediately putting people back to work but you're also saving families on [their] energy bills and you're laying the groundwork for long-term energy independence. That's exactly the kind of program that we should be funding."

Under the Recovery Act, we invested \$5 billion in this program, which annually received only \$175 to \$200 million. As the program worked through this infusion, funding for the regular program was scaled back. In FY 2013, funding will be only \$68 million even before the sequester is applied. Since there will no longer be carry-over from earlier years, there will not be enough funding to mount a viable program in all 50 states. That's not only regrettable, it is also counterproductive to our goals to create jobs and increase energy efficiency. I hope we can work with the Department of Energy to find ways to sustain the program in 2013 as we seek to address the shortfall in 2014.

Finally, while this should be the case for all of our spending priorities, I want to note that this package includes a full defense appropriations bill that provides DOD with the funding for programs it needs. I am particularly pleased that the bill provides funding to build two Virginia-class submarines in FY 2013 and to purchase equipment for two submarines in FY 2014, which will ensure that we will have the capital resources and workforce in place to move forward. This also retains thousands of good paying jobs for highly skilled workers in my State and elsewhere.

There is much to comment on about the tough choices we have had to make in this bill and the sequester cuts that loom over every discretionary program. Given the very challenging circumstances we face, Chairwoman MIKULSKI has done her best to craft a bill that can clear the Senate and hopefully get to the President's desk so that we can avoid a government shutdown, which would be even more disastrous.

TRIBAL SCHOOL CONSTRUCTION

Mr. FRANKEN. Madam President, I rise today to discuss tribal school construction funding—an issue that is central to the academic wellbeing and intellectual development of tribal children across the country.

It goes without saying that all kids need clean, safe places to study.

And making sure that every child gets a good education, in a safe, clean environment will benefit our economy and our society as a whole. Unfortunately, many Indian kids attending

schools run by the Bureau of Indian Education are forced to study in aging facilities that should be replaced.

As Senators, we have responsibilities to all children in our States to ensure that they all have access to safe and clean school buildings. The Federal Government has a particular responsibility to the tribes that includes taking care of tribal schools. That is why I offered an amendment to the continuing resolution with Senators TOM UDALL, TIM JOHNSON, KLOBUCHAR, HEITKAMP, and HEINRICH, to secure funding for tribal school buildings that need to be replaced.

In these times of tight budgets, everyone is making sacrifices. Programs across the Federal Government are forced to make difficult cuts and to do more with less. School construction is one small but vital program that I believe should continue to be funded. I was disappointed that the administration's fiscal year 2013 budget did not include funding for Indian school replacement construction.

I ask the Senator if it would be fair to say that the absence of funding for tribal school construction replacement in this CR should not be seen as a lack of support for this activity in future appropriations bills?

Mr. REED. Yes, that is correct.

Mr. FRANKEN. The continuing resolution we are now considering is needed to get us through the last 6 months of this fiscal year. It is my hope that as we return to a more regular appropriations process for fiscal year 2014, we can refocus on this important priority to support Indian school construction. I ask the Senator, would he be willing to work with me and our colleagues on that?

Mr. REED. Yes, I will welcome the opportunity to work with the Senator and our colleagues here in the Senate on priority needs within the Interior bill, including American Indian and Alaska Native health and education issues, to the extent possible given the overall budget constraints we face.

Mr. FRANKEN. I thank the Senator for committing to work with us.

WEATHERIZATION ASSISTANCE PROGRAM

Mr. REED. Madam President, I would ask my colleague, Senator MIKULSKI, Chairwoman of the Appropriations Committee, if she would join me and our colleague Senator COLLINS in a colloquy on the Weatherization Assistance Program.

Ms. MIKULSKI. Madam President, I would be pleased to join my colleagues.

Mr. REED. I thank the Chairwoman.

I know a major reason that the Chairwoman wants to get back to regular order is that continuing resolutions are blunt instruments that do not allow for the adjustments for specific programs. One place where that has played out is in the Energy and Water Development bill, specifically with respect to the Weatherization Assistance Program.

I know the chairwoman has long supported the weatherization program, which helps provide energy efficient retrofits to low-income individuals and families. It also provides jobs, which is so important given the continuing challenges in our economy.

President Obama described the program this way in an interview in 2009, "[y]ou're getting a three-fer. Not only are you immediately putting people back to work but you're also saving families on [their] energy bills and you're laying the groundwork for long-term energy independence. That's exactly the kind of program that we should be funding."

Under the Recovery Act, we made a one-time investment of \$5 billion in this program, which has historically received \$175 to \$200 million in annual appropriations. As the program worked through this infusion, funding for the regular program was temporarily scaled back. In FY 2013, funding for the program will be only \$68 million even before the sequester is applied. Since there will no longer be carry-over funds available, there will not be enough funding to mount a viable program in all 50 States. That is regrettable, particularly when the Senate bill contained \$145 million, \$6 million more than the budget request. It is also counterproductive to our goals to create jobs and increase energy efficiency.

I would ask the Chairwoman if she would work with us and the Department of Energy to find ways to sustain the program through appropriate reprogramming so that it does not cease to be a 50-State program. I would also ask if she would work with us in fiscal year 2014 to see how we can support this important initiative. Before I yield to the Chairwoman to respond, I would ask Senator COLLINS if she would like to comment.

Ms. COLLINS. I would like to echo Senator REED's comments and thank the Chairwoman for her support of the Weatherization Assistance Program.

This program is currently facing significant funding challenges and its viability in many States is threatened. Weatherization plays an important role in permanently reducing home energy costs for low-income families and seniors, lessening our reliance on foreign oil, and training a skilled workforce. The current funding level represents a substantial reduction for the program, and the ability of the program to continue to deliver services is in serious jeopardy.

I too would like to ask the Chairwoman if she would work with us and the Department of Energy to find ways to sustain the program through appropriate reprogramming, so that low-income families and seniors in every State can continue to receive the energy savings from the weatherization of their homes.

Ms. MIKULSKI. I thank the Senators for their comments and would be pleased to work with them on this important issue and ways to maintain a 50-State weatherization program.

Mr. REED. I thank the Chairwoman for that response. I look forward to working with her, Senator COLLINS, and others to support this program in fiscal year 2013 and during the fiscal year 2014 funding cycle.

PLANT PROTECTION ACT

Mr. TESTER. Madam President, I wish to engage my colleague, Chairwoman MIKULSKI, in a colloquy. I thank the Senator for her important work in bringing this bill to the Senate.

However, I would like clarification on Section 735 of Division A of the bill. This provision requires that the Secretary of Agriculture, if requested, issue temporary permits or temporary deregulation in the event a genetically engineered crop deregulation is set aside or vacated as unlawful. As you know, I oppose this provision and have deep concerns about its impact. I wish to confirm my understanding, even though this provision does not operate through a restriction of funds in this act, it is in effect only for the duration of the continuing resolution.

Ms. MIKULSKI. The Senator is correct.

Mr. TESTER. I thank the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader is recognized.

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

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

Mr. REID. Madam President, I ask unanimous consent that at 11:15 a.m. tomorrow, all postcloture time on the Mikulski-Shelby substitute amendment be considered expired, the Durbin second-degree amendment to 115 be withdrawn with no other second-degree amendment in order; that the Senate proceed to vote in relation to the Toomey amendment No. 115; that upon disposition of the Toomey amendment, the Senate then proceed to vote on the Mikulski-Shelby substitute amendment, as amended; that upon disposition of the substitute amendment, the Senate proceed to the cloture vote on the underlying bill; finally, if cloture is invoked, the 30 hours postcloture begin to run as if cloture were invoked at 1 a.m. on Wednesday, March 20.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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