DEPARTMENT OF DEFENSE APPROPRIATIONS ACT—Continued

Ms. MIKULSKI. I ask unanimous consent that the Senate now resume consideration of H.R. 1, the legislative vehicle for the Hurricane Sandy supplemental.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill has been reported.

Ms. MIKULSKI. Mr. President, I would like to give a sense of the order of amendments so Senators may plan their time.

We are now back on the supplemental bill, and we have great cooperation in getting the pending amendments and debate done this evening so we could actually start voting tomorrow morning.

So that Senators can have an understanding of how we will start our work this evening, I want to lay out a bit of the schedule. This is not a unanimous consent request. It is kind of an outline.

Our intention is to have the following amendments called up after I yield the floor: Senator CARDIN to be recognized to call up his amendment No. 3393; Senator TESTER to be recognized for up to 2 minutes to call up his amendment No. 3350; Senator LANDRIEU to be recognized for up to 2 minutes to call up her amendment No. 3415; Senator COBURN to be recognized for up to 30 minutes to call up his six amendments: Nos. 3368; 3369; 3370, as modified; 3371; 3382; and 3383; following that, Senator MERKLEY to be recognized for up to 5 minutes to call up his amendment No. 3367; and then I have a few I will call up on behalf of other Senators.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 3393 TO AMENDMENT NO. 3395

Mr. CARDIN. Mr. President, I call up the Cardin amendment that was made in order, amendment No. 3393.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself and Ms. LANDRIEU, proposes an amendment numbered 3393 to amendment No. 3395.

The amendment is as follows:

(Purpose: To strike section 501)

Strike section 501.

Mr. CARDIN. Mr. President, this amendment is totally noncontroversial. In the bill, they increase the surety bond limits for small businesses from $2 million to $5 million. It was an amendment I worked with Senator LANDRIEU on in the Small Business Committee. It was included in the Recovery Act. It expired. It has been very successful. It has generated a lot more contracts than anticipated. Making the limit permanent has no cost.

This amendment would strike the provision from this bill since it has already been included in the National Defense Authorization Act, which has passed this body at $6.5 million, made permanent. So there is no need to include this provision in the supplemental appropriations bill.

I know of no controversy on this amendment. We do not need any debate time. I am hopeful we will clear this for a voice vote tomorrow.

I wish to thank Senator LANDRIEU for her work and Senator SNOWE on the Small Business Committee and thank Senator MIKULSKI for her work.

The Small Business Administration's surety bond program provides a guarantee on surety bonds, which are issued by contractors to assure customers that contract work will be completed.

The surety bond program gives small businesses critical support to secure work, which will be especially important during recovery and rebuilding efforts after Superstorm Sandy.

The underlying bill contains a provision, requested by the administration, which would increase the maximum surety bond guaranteed by SBA from $2 million to $5 million.

The Defense authorization conference agreement contains a provision that would raise the maximum to $6.5 million.

The amendment strikes the provision in the supplemental related to SBA surety bonds in order to avoid conflicting with the House and Senate's conference agreement in the Defense authorization bill.

This amendment is a simple but important technical fix supported by Chairwoman LANDRIEU and Ranking Member SNOWE of the Small Business Committee.

I urge my colleagues to support this amendment.

Mr. TESTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Ms. MIKULSKI. Mr. President, wait. Before the Senator from Montana speaks, why don't we voice vote the amendment now.

Mr. CARDIN. Fine. I know of no further requests for time and I am prepared for a vote.

I yield the floor.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

Ms. MIKULSKI. Would the Chair withhold?

There seems to be—Mr. President, if we could have order, I think it would be helpful for us.

The PRESIDING OFFICER. The Senate will come to order.

Ms. MIKULSKI. The Senator from Maryland may proceed.

Mr. CARDIN. I have no further debate. I am prepared to let it go on a voice vote.

The PRESIDING OFFICER. Is there any further debate on the amendment?

Mr. COBURN. Inquiry of the Chair, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. It was my understanding we were going to have ordered votes tomorrow rather than this evening, and I would ask, through the Chair, the chairwoman of the committee if my understanding is correct.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Replying to the Senator from Oklahoma, for those amendments we know we have cleared on both sides of the aisle that we can do by voice votes or by consent, we are going to get those done this evening.

Does the Senator have an objection to that?

Mr. COBURN. I would on this particular—I think we ought to have a recorded vote on this. That would be my request.

Ms. MIKULSKI. Senator CARDIN's amendment No. 3393 will be voted on tomorrow.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 3350 TO AMENDMENT NO. 3395

Mr. TESTER. Mr. President, I call up amendment No. 3350.

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

The legislative clerk read as follows:

The Senator from Montana [Mr. TESTER], for himself, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. BAUCUS, and Mr. JOHNSON of South Dakota, proposes an amendment numbered 3350 to amendment No. 3395.

The amendment is as follows:

(Purpose: To provide additional funds for wildland fire management)

On page 76, between lines 4 and 5, insert the following:

WILDLAND FIRE MANAGEMENT

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

Mr. TESTER. Mr. President, Senator UDALL of Colorado and I are offering this amendment to provide the Forest Service with sufficient resources to meet the demands of wildfire fighting this fiscal year.

Our amendment to the Sandy supplemental would close the gap between the budget request and the actual expected need for wildfire management this year. Over the last 15 years, the cost of wildfire suppression has increased fivefold, but the Forest Service's budget certainly has not. The reason we have had wildfire suppression increasing by fivefold is because the frequency and severity of fires have both increased.

The Forest Service, instead, has had to borrow money set aside for nonfire purposes, cutting into important programs such as timber production and watershed restoration. Borrowing

against other accounts is occasionally unavoidable, but it is generally bad policy. We have a chance to avoid this situation by adopting my amendment No. 3350.

The West experienced its worst fire season in decades this past year. Over 1 million acres burned in Montana and over 9 million acres burned across the country. Three States had major emergency disaster declarations due to fire. We cannot afford to get caught unprepared this coming summer. Nearly one-fifth of the West remains in extreme or exceptional drought, and over 60 percent of the High Plains remains in extreme or exceptional drought. Let's be prepared. Let's be responsible. I would urge a ''yes'' vote on this amendment tomorrow.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in support of amendment No. 3350 proposed by Senator TESTER. These funds are needed because the agency predicts it will spend more to fight these fires in fiscal year 2013, causing severe hardship on the agency.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 3415 TO AMENDMENT NO. 3395

Ms. LANDRIEU. Mr. President, I rise to discuss amendment No. 3415. It is my understanding there is no opposition to this amendment. We may be able to voice vote it tonight. But let me take 1 minute to explain it.

This is a technical correction to an underlying provision that is already in the bill we will be voting for.

In the current law, there is a perverse incentive for local governments, when they are recovering, to hire outside contractors as opposed to maybe working with the workers who are already on the payroll—firefighters and police officers. It was not intended to be that way. But because FEMA only reimburses for contractors and not for the local police or firefighters under certain circumstances, we believe and FEMA believes it is actually spending more money.

So the essence of this amendment is to save money, being neutral in the law, so the local officials can make the best decisions whether they want to hire either contractors, if it makes sense, or their own people, if it makes sense, so the recovery can go more efficiently and, hopefully, save money.

FEMA supports it. The firefighters support it. It is technical in nature, which is why I asked the chairwoman tonight if we could voice vote it. I do not think there is any opposition.

Ms. MIKULSKI. I say to the Senator, we have been advised that we will not be voice voting amendments tonight.

But I want to just comment that we support the Landrieu amendment No. 3415, which clarifies the intent of section 609(e) of the pending amendment to provide FEMA reimbursements for the first responders. This amendment clarifies the intent that first responders can be reimbursed for wages during a disaster response. But it does not change the conditions of reimbursement that already aid an effective disaster response.

We do want to reinforce that both the International Association of Fire Fighters and the International Association of Fire Chiefs support this amendment.

At such time a vote is taken, I will urge a ''yes'' vote.

Ms. LANDRIEU. Mr. President, I would like to call up the amendment, if I could. The staff reminds me I did not do that.

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

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 3415 to amendment No. 3395.

The amendment is as follows:

(Purpose: To clarify the provision relating to emergency protective measures)

On page 51, strike lines 8 through 23 and insert the following:

''(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.''.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that two letters—one from the International Association of Fire Chiefs and one from the International Association of Fire Fighters—be printed in the RECORD.

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

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS,
Fairfax, Va., December 27, 2012.

Hon. MARY LANDRIEU,
Chairman, Subcommittee on Homeland Security, U.S. Senate Committee on Appropriations, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LANDRIEU: On behalf of the nearly 12,000 members of the International Association of Fire Chiefs, I would like to express our support for S.A. 3415, an amendment to the supplemental appropriations bill for the relief of communities affected by Hurricane Sandy (H.R. 1). This amendment is technical in nature, but serves an important purpose.

The national emergency response system is based on mutual aid agreements in which neighboring fire departments help a community that requires assistance in its response to a disaster. These mutual aid agreements can be local-to-local, intra-state, or inter-state. Many of these agreements include provisions to ensure that the aiding jurisdictions will be reimbursed for their emergency response activities. Because many localities are facing shrinking emergency response budgets, it is important that they be reimbursed soon after they provide assistance through a mutual aid agreement.

This amendment makes it clear that the reimbursement provisions in H.R. 1 will not affect these mutual aid agreements. The amendment also will ensure that local jurisdictions receive some assistance for the extraordinary measures that they take to provide aid to their citizens during a disaster. In many cases, the local taxpayers cannot afford these costs on their own.

Thank you for offering this amendment that will help many jurisdictions around the nation provide an effective response to disasters in their communities. On behalf of the leadership of America's fire and emergency services, I urge the Senate to adopt this amendment.

Sincerely,

CHIEF HANK C. CLEMMENSEN,
President and Chairman of the Board.

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS,
Washington, DC., December 27, 2012.

Hon. MARY LANDRIEU,
U.S. Senate,
Washington, DC.

DEAR SENATOR LANDRIEU: On behalf of the nation's nearly 300,000 professional fire fighters and emergency medical personnel, I am writing to express our support for your amendment to the Disaster Relief Supplemental Appropriation which is scheduled for consideration by the full Senate.

Super Storm Sandy jeopardized the safety of thousands of Americans and required an extraordinary response from emergency workers throughout the region. The costs associated with this response cannot and should not be borne solely by the taxpayers of the affected jurisdictions.

Senate Amendment #3415 would ensure that municipalities are eligible to seek reimbursement for costs associated with emergency response operations directly related to Super Storm Sandy. The amendment also builds in protections that prevent federal tax dollars from being used for costs that would have normally been incurred by state and local jurisdictions. This careful balance serves the best interests of both communities impacted by the storm and American taxpayers.

We greatly appreciate your diligent efforts to address this important issue, and look forward to working with you to see S. Admt. 3415 become law.

Sincerely,

BARRY KASINITZ,
Director of Governmental Affairs.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask, through the Chair, if the chairwoman of the Appropriations Committee would like for me to begin calling up amendments.

Ms. MIKULSKI. Yes. I wish to thank the Senator from Oklahoma for being willing to debate these amendments

this evening. I know he has a pressing engagement, and he may proceed in whatever order he so chooses.

Mr. COBURN. I thank the chairwoman.

Mr. President, a little perspective before I offer these amendments.

We have before us a $60 billion-plus bill. There is no question there is great need in response to the devastation that occurred from Sandy. But what the American people need to know as this bill goes through the Senate is this bill is not going to be paid for. There is no amendment that has been approved that will allow offsets for this bill.

So as we clear this bill through the Senate—the $60-some billion we are going to clear—we are actually going to borrow that money. That is indisputable. I have spent the last 8 years outlining the waste, the duplication, and the fraud in the Federal Government. Those amendments were not made in order that would offset and actually pay for this by eliminating programs of the Federal Government that do not actually do anything to actually better the lives of Americans.

I am very appreciative of the opportunity to offer these amendments. I would also note we could have done these last week had we had an open and moving amendment process. We would not be here today working on Sandy. We would have finished it last week, but we chose not to do that.

AMENDMENT NO. 3369 TO AMENDMENT NO. 3395

Mr. President, I ask that amendment No. 3369 be called up.

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

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3369 to amendment No. 3395.

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

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

The amendment is as follows:

(Purpose: To reduce the amount that triggers the requirement to notify Congress of the recipients of certain grants and to require publication of the notice)

Strike section 1003 and insert the following:

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

Mr. COBURN. Mr. President, this is a fairly straightforward amendment, and this is not to be construed as an amendment against the appropriators but, rather, an amendment for transparency.

What the underlying bill states is that 3 days before any grants are made under this process that the Appropriations Committee will be notified—not the whole Congress, not the American people but the Appropriations Committee. The reason for that is so the Members of the Appropriations Committee can then put out the information to the constituencies who are going to benefit from the grants that come through this.

Actually, the American people need to know the grants that are going to be granted through this process, the money that is going to be spent. So all this amendment does is change it to where the American people get notified of the grants that are going to be placed as a result of this bill.

This is about good government. This is about transparency. This is about letting all the Americans, who are actually going to pay for these grants, know what is going on, when it is going on, and how it is going on, who is going to get the money, and how much money they are going to get.

It is straightforward, very simple. It just says let everybody know—not a select group of Senators or House Members but everybody in this country who is footing the bill ought to know where this money is going to be spent. They ought to know it at the same time anybody else knows. It is just a transparency amendment so we all know where the money is spent, and we know it at the same time.

AMENDMENT NO. 3371 TO AMENDMENT NO. 3395

Mr. President, I ask unanimous consent that amendment be set aside and call up amendment No. 3371.

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

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] for himself and Mr. MCCAIN, proposes an amendment numbered 3371 to amendment No. 3395.

The amendment is as follows:

(Purpose: To ensure that Federal disaster assistance is available for the most severe disasters, and for other purposes)

At the appropriate place insert the following:

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

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

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

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

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

(1) a State;

(2) the District of Columbia;

(3) the Commonwealth of Puerto Rico;

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

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

Mr. COBURN. This is another good government amendment.

One of the things that has happened since FEMA was set up is that what has occurred has created a disparity between the States. Let me outline, in the last 6 years the State with the most disasters—most of you would not realize—is Oklahoma. We have had 25 certified disasters in my State.

Now, how did that happen? It has happened because the per capita damage calculation has not been updated through inflation on a regular basis. So what is the effect of that? The effect of that is a State such as New York or California or Texas can have exactly the same disaster as Oklahoma, but it will not be declared a disaster because Oklahoma has less than 4 million people but we have X amount of dollars, but because we have such a smaller population, we qualify for a disaster declaration, whereas if the same thing happened in any of those three larger populated States, they would not qualify.

So this is actually an amendment that will not be beneficial to my State but is beneficial to us as American citizens to create equality in how we describe and how we grant disaster declarations.

So all I am doing is saying that between now and 2016, FEMA has to update. It will not have any application to what we are doing today, but it is a good-government amendment so that we will actually have a uniform process throughout the country so that disaster declarations are appropriately granted to States that appropriately need the Federal Government's help.

Remember, our definition on this is when we have overwhelmed local resources. That is the key. Then we use a per capita damage assessment to grant the declaration of emergency. So what I am trying to do is to create some clarity and also equality among the States so that everybody is treated equally. Right now, they are not. Quite frankly, my State is much advantaged, to the detriment of the larger States, because of our lower population, with the same amount of damage.

I would ask for concurrence on that amendment.

AMENDMENT NO. 3382 TO AMENDMENT NO. 3395

Mr. President, I ask unanimous consent that amendment 3382 be called up.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3382 to amendment No. 3395.

Mr. COBURN. 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 is as follows:

(Purpose: To require merit-based and competitive awards of disaster recovery contracts)

After section 1105, insert the following:

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

(b) CURRENT NO-BID CONTRACTS.—

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

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

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

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

Mr. COBURN. This is an amendment some people do not like, I will grant you that. But I have some specific examples that are going on in New Jersey right now on why this amendment is needed. We have multiple contracts that were available that could have been utilized in New Jersey for debris removal. The company that got the contract actually is going to charge in excess of 20 percent more to the Federal Government for doing the same thing another competitive bid would have done. So we are going to spend at least 20 percent more on the contract for debris removal in New Jersey than we need to. That is because competitive bidding was not a requirement of Federal funds.

Here is some history. During Katrina, we know that $11 billion of U.S. taxpayer money was either defrauded or wasted. Let me say that again—$11 billion. Let me give the prime example of that. The Corps of Engineers was paid $62 per cubic yard to manage debris removal in Katrina. Through five layers of contracting, the people who actually did the debris removal in Katrina were paid $9 a cubic yard. So we paid six times what it actually cost to get the debris removal done because we did not have competitive bidding and we had multiple layers coming from the Corps of Engineers to national contractors, to regional contractors, to local contractors, to the actual guy with a backhoe and with a scoop and a dump truck. So we paid five to six times what it should have cost to actually get the debris removal taken care of. The same thing is going on in New Jersey right now. Right now.

So requiring competitive bidding—can there be exceptions to it? Yes. Are there times when you cannot do that? Yes. But as a general rule, especially since we are borrowing this money, we ought to be the best stewards of it that we can be. All this says is that we ought to require competitive bidding on these types of contracts to make sure we get value.

Why did New Jersey choose the more expensive contractor? Because the Federal Government is paying for it. This was a contract that was set that had been executed once in Connecticut. Because the Federal Government is paying for it, there is less decisionmaking about prudence and efficiency and effectiveness because there is not State money paying for it.

So what has happened is what was easiest, what was well-connected, what was well-heeled got the contract, and the one that would have cost considerably less did not get the contract. I would be happy to demonstrate for any of my colleagues showing them the difference between these two contracts on debris removal in New Jersey. So the same thing that happened in Katrina we are not learning from.

I agree that the debris needs to be picked up. We need to do it expeditiously. We had great opportunity to do that with both contractors, except we are going to pay a lot more because we chose to go a way that greased the sleds for those who were well connected.

AMENDMENT NO. 3383 TO AMENDMENT NO. 3395

Mr. COBURN. Mr. President, I ask unanimous consent that that amendment be set aside and amendment No. 3383 be called up.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3383 to Amendment No. 3395.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike a provision relating to certain studies of the Corps of Engineers)

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

Mr. COBURN. This amendment attacks one of the features of this bill that I think steals from the authorizing committees the authority they need to have on authorizing projects. Let me quote the language in the bill:

Provided further that any project that is under study by the Corps of Engineers for reducing flooding and storm damage risks in the future and that the Corps studies demonstrate will cost effectively reduce those risks is hereby authorized.

With one sentence, we have just taken away the total capability of the authorizing committee to hold the Corps accountable. All I am saying is that we at least ought to have authorizers say whether this is a priority. It does not mean they need to stop it, but they ought to at least be informed, and the authorization of that ought to go through a committee.

In this bill, 64 percent of the money is not going to even be started to be spent until 2 years from now, so there is plenty of time for us to create the authorization process rather than to deem the Corps of Engineers their own order and desire in terms of projects they wish to do. It is about good government. It is about good input. It is about good oversight. Allowing the Corps just to deem something authorized without the input of the appropriate committee of this Senate I think is inherently wrong and potentially very wasteful.

AMENDMENT NO. 3368 TO AMENDMENT NO. 3395

Mr. COBURN. Mr. President, I ask unanimous consent that that amendment be set aside.

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

Mr. COBURN. I ask unanimous consent that Amendment No. 3368 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an Amendment numbered 3368 to Amendment No. 3395.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify cost-sharing requirements for certain Corps of Engineers activities)

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

Mr. COBURN. Mr. President, the Sandy supplemental bill provides the

U.S. Army Corps of Engineers $3.5 billion in funding for new construction projects. Of that, $3 million from this account is directed toward future mitigation projects, future flood risks for areas associated with large-scale flood and storm events, and areas along the Atlantic coast within the boundaries of the North Atlantic Division of the Corps that were affected by Hurricane Sandy.

The legislation also increases the Federal cost share for these projects that are funded with this appropriation. It changes it from 65 percent to 90 percent. The purpose of this amendment is to bring that back to 65 percent. It is not about being a miser. It is not about wanting to save money. It is about prudence. It is about sound judgment. It is about common sense.

What do we know from the 1988 Stafford Act? Here is what we know. What we know is that when we changed the cost share to an appropriate level so that we did not get things done on the Federal Government's, the taxpayers' dime without significant participation of local input, what the studies show is that during that 1-year period, the Federal Government saved $3 billion because projects did not get funded that were not priorities because of the 65 percent Federal contribution and the 35-percent cost share. So what this does is reintroduce the 65-percent Federal payment and the 35-percent cost share to do that. Again, most of these projects are not going to start until 2015. So priorities are important.

So we are borrowing $60 billion—and this is just the first bill, I am told, and I am sure we are going to have to spend more, but shouldn't we be more prudent with how we spend dollars that are going to be borrowed against our children's future? All this says is revert it back to what has been done.

The second point I would make is that this is the first time in recent history where we have said—the people of Louisiana had a 65-percent cost share to the Federal Government, the people of Texas, the people of Mississippi, the people of Alabama, and all of a sudden, we are now going to say: No, that does not apply to the people in the Northeast. So it is unfair to the other areas that had major catastrophes that now all of a sudden, in time of extremis in terms of our debt and deficit, we are going to all of a sudden change that. Why are we changing that, especially since most of this money is not going to be spent—is not even going to be initialized—for at least 2 years?

AMENDMENT NO. 3370, AS MODIFIED, TO AMENDMENT NO. 3395

Mr. COBURN. I ask unanimous consent that that amendment be set aside and amendment No. 3370 be called up.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, proposes an amendment numbered 3370, as modified, to amendment No. 3395.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

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

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

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

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

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

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

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

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

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

SEC. 1108. PROHIBITION ON EMERGENCY SPENDING FOR FISHERIES.

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

Mr. COBURN. Per the further request of Senator SCHUMER, I put a division in this amendment so we would have two votes on it, separating out the fisheries. Because he felt that was important, I was glad to accommodate his needs.

Mr. SCHUMER. Would the Senator yield?

Mr. COBURN. I would be happy to yield.

Mr. SCHUMER. I thank the Senator. The Senator was gracious. There are two separate issues here, one of which I think most of us on this side would accept. The other we could not. To lump them together would have tied two issues together that were not fair. The Senator from Oklahoma was extremely gracious. He said right away: We will divide them. He did not have to do that. I very much appreciate that.

Mr. COBURN. I am happy to do that. Let me tell you what crux of this amendment is. When we have disasters, we have real, legitimate needs. We have families who are hurting. We have businesses that are belly-up. We have homes that are destroyed. We have lives that are never going to be put back together no matter how much money we spend.

But there are people in our country who do not play by the rules. This amendment is specifically designed to not grant any of this $60 billion to true tax cheats. That does not mean something that is under discussion or under litigation; that is the ones who have already been deemed tax cheats. And the second thing is to not pay money to people who are deceased already.

What did we learn from Katrina? We learned that nearly $1 billion of Katrina money went to people who owed billions of dollars to the Federal Government. These were not disputable facts, these were real facts. We also learned that we spent significantly over $100 million giving grants and money to people who were deceased. So all we are saying is, on this bill, let's learn from our mistakes and let's not do the same thing.

So this puts a prohibition on money going to people who have a legitimate, adjudicated claim by the IRS that they are not paying taxes that are due to the Federal Government; that they, in fact, will not participate because they did not participate.

The second thing is if, in fact, you really don't exist any more in life, you really shouldn't be collecting money off our kids to pay for something that isn't a real need.

The final point of it is to really focus this on the Sandy supplemental, and that is the division on which we will have a separate vote, is for funding fisheries. I have no problem with funding fisheries. I have a big problem with borrowing from my kids to fund those very fisheries.

It is about priorities. We refuse to make priorities, and now that we have a bill that we don't have to cut spending anywhere from—we are going to borrow it all—we decide that we are going to add everything into it we can. I am not saying there is not a need in Alaska or on the west coast for this. What I am saying is there is a need for us to start making choices. The choice has to be not whether we will pay for it, it is what is a lower priority than funding the fishery? We tend to want to not want to make those choices. I am saying, in this amendment, that we ought to have to.

We will see what the will of the Senate is. I probably already know the answer to it. But the fact is that all we are doing is stealing from our kids. All of you know I can document over $200 billion a year in duplication, fraud, and waste in the Federal Government. We are not offering any of that to eliminate to be able to pay for this.

So if we are going to do the $150 million for fisheries, ought we not to cut spending somewhere else to pay for it? That is the whole point of this.

I would ask unanimous consent that amendment be set aside.

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

Mr. COBURN. I believe I am through, Mr. Chairman, and I would make the following point—

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Again, I wish to thank the Senator from Oklahoma for offering all those amendments.

I would like to comment on Coburn 3370, division 1 on the tax cheats. I certainly want to compliment him on that amendment. Every single Senator wants to prevent tax cheaters from receiving any funding in this bill. I am for all of those prohibitions on tax cheats. I carry a similar provision in my usual customary Commerce-Justice bill.

The Senator from Oklahoma also was very tentative about modifying it, but he still covers the tax cheats, and also dead people can't get Federal funds. The Senator modified it to cover funeral expenses. But we are also being told that this—by the Finance Committee—that this amendment is not a blue slip issue.

I support the Senator's amendment, and if it is agreeable with the Senator from Oklahoma, on this side, we would like to take his amendment tonight.

Mr. COBURN. I am happy to have you take it. I have no objection.

Ms. MIKULSKI. Now on the fisheries part, we don't take the fisheries part.

Mr. COBURN. I understand that.

Ms. MIKULSKI. I oppose the division 2, the fisheries amendment. I understand the Senator's intention, but his point is that he tries to say that fishery disaster funding should be for communities affected primarily by Stafford Act requirements. The Stafford Act covers FEMA-certified disasters. So in order to get help from FEMA, which is governed by the Stafford Act, it has to be certified by the President.

Fisheries are different because fisheries are covered under an agency called NOAA, the National Oceanic and Atmospheric Agency. It is under the Department of Commerce. So if you think you have a fisheries disaster, you take that to the Secretary of Commerce, who has an explicit criteria in order to qualify. You just can't say: Well, I don't have the fish I used to. Oh, my lobster pots are a little rusty. No. You have to have real criteria that you have been hit. Therefore, you cannot get fisheries assistance unless a fishery disaster has been declared by the Secretary of Commerce.

Fishery disasters are necessary and urgent. Coastal fisheries, our coastal communities—our fisheries are part of their identity, and they are certainly part of our economy. They certainly are in my State. And those are the disasters that are covered here. So I hope the amendment of the Senator from Oklahoma is defeated.

His other amendments, I could comment upon, but I didn't know if the gentlelady from Louisiana, who chairs the Subcommittee on Homeland Security, of which FEMA is a member—I presume she would want to comment on the Senator's amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I would like to just say a word broadly in response to Senator COBURN's statement and his offering of several amendments to substantially in some cases and in other cases not so substantially change this bill.

I thank the Senator from Michigan for yielding just a minute, and I know the Senator from New York wants to respond as well.

Generally, I would like to say that I know the Senator from Oklahoma is very sincere. Literally no one in this Chamber has worked harder to try to get more reform and eliminate duplication. But I just wish to say one thing in response. When we have emergencies in this country, like when we go to war, no one comes to the floor to debate how we are going to offset $1.4 trillion worth of expense for two wars, Iraq and Afghanistan. When we came to the floor a couple of years ago to vote for tax cuts, many of us claimed and said at the time there would not be enough money to cover them, we had to borrow money to do that. The other side sat quietly and didn't say a word. Why is it that when Americans—when a building is blown up in Oklahoma or when the levees break in Louisiana or when the worst storm in 50 years comes, we have to debate an offset?

Now, this bill is not going to be offset; it is going to pass, I hope. And I understand Senator COBURN's comments, but I want to say that when Americans are hurting, people can recover if we give them the adequate response early enough in the disaster.

Secondly, and then I am going to sit down, the thresholds, the debris, and the contracting—there are some legitimate concerns, but there are reforms in the underlying bill that will help to do better contracting, better debris removal, and more efficient cleanup and recovery after a disaster.

So I ask the Senator, please, I understand we have a big budget issue, but this is not the time to debate the cost of this bill. What it is time to debate is what should be in it and what shouldn't, and I think the Senator from New York has more specifics about some of the recommendations.

But I thank the chairlady from Maryland for organizing this effort tonight, and I will submit more for the record in the morning.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I have a lot I want to say in reference to my good friend from Oklahoma, but I know my colleagues from Oregon and Michigan have a time commitment, so I am just going to ask unanimous consent that they be allowed to offer their amendment and then I, using our time on this amendment.

Mr. COBURN. I would object to that at this point in time. I would have liked to have had 5 minutes. I have to be somewhere at 7:30. I came down here, but I wanted to make some points before I leave. I was trying to sum up.

Mr. SCHUMER. Then I will go after the Senator from Oklahoma as well.

Mr. COBURN. That is fine.

Ms. MIKULSKI. Did I inadvertently interrupt you?

Mr. COBURN. That is fine. I have to leave, but I want to make some points.

Mr. SCHUMER. Let me ask unanimous consent that first, for 5 minutes, the Senators from Michigan and Oregon introduce their amendment, then the Senator from Oklahoma sums up, and then that I be given time to rebut their amendments.

Mr. MENENDEZ. Reserving the right to object—I am not going to object, but I would like to amend the request so that I would be recognized after him.

Mr. SCHUMER. No problem.

Mr. MENENDEZ. After the Senator from New York.

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

AMENDMENT NO. 3367 TO AMENDMENT NO. 3395, AS FURTHER MODIFIED

Mr. MERKLEY. Mr. President, I call up amendment No. 3367 and ask that it be further modified with the changes at the desk.

Mr. MERKLEY. Mr. President, I ask that Senator BLUNT be added as a cosponsor.

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

The clerk will report the amendment, as further modified.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY] proposes an amendment numbered 3367, for himself, Mrs. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, Mr. UDALL, and Mr. BLUNT, as further modified.

The amendment is as follows:

At the end of title I, add the following:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PRODUCER ON A FARM.—

(A) IN GENERAL.—The term ''eligible producer on a farm'' means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

(B) DESCRIPTION.—An individual or entity referred to in subparagraph (A) is—

(i) a citizen of the United States;

(ii) a resident alien;

(iii) a partnership of citizens of the United States; or

(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

(2) FARM.—

(A) IN GENERAL.—The term ''farm'' means, in relation to an eligible producer on a farm, the total of all crop acreage in all counties that is planted or intended to be planted for harvest, for sale, or on-farm livestock feeding (including native grassland intended for haying) by the eligible producer.

(B) AQUACULTURE.—In the case of aquaculture, the term ''farm'' means, in relation

to an eligible producer on a farm, all fish being produced in all counties that are intended to be harvested for sale by the eligible producer.

(C) HONEY.—In the case of honey, the term ''farm'' means, in relation to an eligible producer on a farm, all bees and beehives in all counties that are intended to be harvested for a honey crop for sale by the eligible producer.

(3) FARM-RAISED FISH.—The term ''farm-raised fish'' means any aquatic species that is propagated and reared in a controlled environment.

(4) LIVESTOCK.—The term ''livestock'' includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) poultry;

(D) sheep;

(E) swine;

(F) horses; and

(G) other livestock, as determined by the Secretary.

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) PAYMENTS.—For fiscal year 2012, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to make livestock indemnity payments to eligible producers on farms that have incurred livestock death losses in excess of the normal mortality, as determined by the Secretary, due to—

(A) attacks by animals reintroduced into the wild by the Federal Government or protected by Federal law, including wolves; or

(B) adverse weather, as determined by the Secretary, during the calendar year, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

(2) PAYMENT RATES.—Indemnity payments to an eligible producer on a farm under paragraph (1) shall be made at a rate of 65 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(3) SPECIAL RULE FOR PAYMENTS MADE DUE TO DISEASE.—The Secretary shall ensure that payments made to an eligible producer under paragraph (1) are not made for the same livestock losses for which compensation is provided pursuant to section 10407(d) of the Animal Health Protection Act (7 U.S.C. 8306(d)).

(c) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) ESTABLISHMENT.—There is established a livestock forage disaster program to provide 1 source for livestock forage disaster assistance for weather-related forage losses, as determined by the Secretary, by combining—

(A) the livestock forage assistance functions of—

(i) the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

(ii) the emergency assistance for livestock, honey bees, and farm-raised fish program under section 531(e) of the Federal Crop Insurance Act (7 U.S.C. 1531(e)) (as in existence on the day before the date of enactment of this Act); and

(B) the livestock forage disaster program under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) (as in existence on the day before the date of enactment of this Act).

(2) DEFINITIONS.—In this subsection:

(A) COVERED LIVESTOCK.—

(i) IN GENERAL.—Except as provided in clause (ii), the term ''covered livestock'' means livestock of an eligible livestock producer that, during the 60 days prior to the beginning date of an eligible forage loss, as determined by the Secretary, the eligible livestock producer—

(I) owned;

(II) leased;

(III) purchased;

(IV) entered into a contract to purchase;

(V) was a contract grower; or

(VI) sold or otherwise disposed of due to an eligible forage loss during—

(aa) the current production year; or

(bb) subject to paragraph (4)(B)(ii), 1 or both of the 2 production years immediately preceding the current production year.

(ii) EXCLUSION.—The term ''covered livestock'' does not include livestock that were or would have been in a feedlot, on the beginning date of the eligible forage loss, as a part of the normal business operation of the eligible livestock producer, as determined by the Secretary.

(B) DROUGHT MONITOR.—The term ''drought monitor'' means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.

(C) ELIGIBLE FORAGE LOSS.—The term ''eligible forage loss'' means 1 or more forage losses that occur due to weather-related conditions, including drought, flood, blizzard, hail, excessive moisture, hurricane, and fire, occurring during the normal grazing period, as determined by the Secretary, if the forage—

(i) is grown on land that is native or improved pastureland with permanent vegetative cover; or

(ii) is a crop planted specifically for the purpose of providing grazing for covered livestock of an eligible livestock producer.

(D) ELIGIBLE LIVESTOCK PRODUCER.—

(i) IN GENERAL.—The term ''eligible livestock producer'' means an eligible producer on a farm that—

(I) is an owner, cash or share lessee, or contract grower of covered livestock that provides the pastureland or grazing land, including cash-leased pastureland or grazing land, for the covered livestock;

(II) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by an eligible forage loss;

(III) certifies the eligible forage loss; and

(IV) meets all other eligibility requirements established under this subsection.

(ii) EXCLUSION.—The term ''eligible livestock producer'' does not include an owner, cash or share lessee, or contract grower of livestock that rents or leases pastureland or grazing land owned by another person on a rate-of-gain basis.

(E) NORMAL CARRYING CAPACITY.—The term ''normal carrying capacity'', with respect to each type of grazing land or pastureland in a county, means the normal carrying capacity, as determined under paragraph (4)(D)(i), that would be expected from the grazing land or pastureland for livestock during the normal grazing period, in the absence of an eligible forage loss that diminishes the production of the grazing land or pastureland.

(F) NORMAL GRAZING PERIOD.—The term ''normal grazing period'', with respect to a county, means the normal grazing period during the calendar year for the county, as determined under paragraph (4)(D)(i).

(3) PROGRAM.—For fiscal year 2012, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide compensation under paragraphs (4) through (6), as determined by the Secretary for eligible forage losses affecting covered livestock of eligible livestock producers.

(4) ASSISTANCE FOR ELIGIBLE FORAGE LOSSES DUE TO DROUGHT CONDITIONS.—

(A) ELIGIBLE FORAGE LOSSES.—

(i) IN GENERAL.—An eligible livestock producer of covered livestock may receive assistance under this paragraph for eligible forage losses that occur due to drought on land that—

(I) is native or improved pastureland with permanent vegetative cover; or

(II) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

(ii) EXCLUSIONS.—An eligible livestock producer may not receive assistance under this paragraph for eligible forage losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), unless the land is grassland eligible for the grassland reserve program established under subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.).

(B) MONTHLY PAYMENT RATE.—

(i) IN GENERAL.—Except as provided in clause (ii), the payment rate for assistance for 1 month under this paragraph shall, in the case of drought, be equal to 60 percent of the lesser of—

(I) the monthly feed cost for all covered livestock owned or leased by the eligible livestock producer, as determined under subparagraph (C); or

(II) the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer.

(ii) PARTIAL COMPENSATION.—In the case of an eligible livestock producer that sold or otherwise disposed of covered livestock due to drought conditions in 1 or both of the 2 production years immediately preceding the current production year, as determined by the Secretary, the payment rate shall be 80 percent of the payment rate otherwise calculated in accordance with clause (i).

(C) MONTHLY FEED COST.—

(i) IN GENERAL.—The monthly feed cost shall equal the product obtained by multiplying—

(I) 30 days;

(II) a payment quantity that is equal to the feed grain equivalent, as determined under clause (ii); and

(III) a payment rate that is equal to the corn price per pound, as determined under clause (iii).

(ii) FEED GRAIN EQUIVALENT.—For purposes of clause (i)(II), the feed grain equivalent shall equal—

(I) in the case of an adult beef cow, 15.7 pounds of corn per day; or

(II) in the case of any other type of weight of livestock, an amount determined by the Secretary that represents the average number of pounds of corn per day necessary to feed the livestock.

(iii) CORN PRICE PER POUND.—For purposes of clause (i)(III), the corn price per pound shall equal the quotient obtained by dividing—

(I) the higher of—

(aa) the national average corn price per bushel for the 12-month period immediately preceding March 1 of the year for which the disaster assistance is calculated; or

(bb) the national average corn price per bushel for the 24-month period immediately preceding that March 1; by

(II) 56.

(D) NORMAL GRAZING PERIOD AND DROUGHT MONITOR INTENSITY.—

(i) FSA COUNTY COMMITTEE DETERMINATIONS.—

(I) IN GENERAL.—The Secretary shall determine the normal carrying capacity and normal grazing period for each type of grazing land or pastureland in the county served by the applicable Farm Service Agency committee.

(II) CHANGES.—No change to the normal carrying capacity or normal grazing period established for a county under subclause (I) shall be made unless the change is requested by the appropriate State and county Farm Service Agency committees.

(ii) DROUGHT INTENSITY.—

(I) D2.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having a D2 (severe drought) intensity in any area of the county for at least 8 consecutive weeks during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph in an amount equal to 1 monthly payment using the monthly payment rate determined under subparagraph (B).

(II) D3.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having at least a D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph—

(aa) in an amount equal to 3 monthly payments using the monthly payment rate determined under subparagraph (B);

(bb) if the county is rated as having a D3 (extreme drought) intensity in any area of the county for at least 4 weeks during the normal grazing period for the county, or is rated as having a D4 (exceptional drought) intensity in any area of the county at any time during the normal grazing period, in an amount equal to 4 monthly payments using the monthly payment rate determined under subparagraph (B); or

(cc) if the county is rated as having a D4 (exceptional drought) intensity in any area of the county for at least 4 weeks during the normal grazing period, in an amount equal to 5 monthly payments using the monthly rate determined under subparagraph (B).

(iii) ANNUAL PAYMENT BASED ON DROUGHT CONDITIONS DETERMINED BY MEANS OTHER THAN THE U.S. DROUGHT MONITOR.—

(I) IN GENERAL.—An eligible livestock producer that owns grazing land or pastureland that is physically located in a county that has experienced on average, over the preceding calendar year, precipitation levels that are 50 percent or more below normal levels, according to sufficient documentation as determined by the Secretary, may be eligible, subject to a determination by the Secretary, to receive assistance under this paragraph in an amount equal to not more than 1 monthly payment using the monthly payment rate under subparagraph (B).

(II) NO DUPLICATE PAYMENT.—A producer may not receive a payment under both clause (ii) and this clause.

(5) ASSISTANCE FOR LOSSES DUE TO FIRE ON PUBLIC MANAGED LAND.—

(A) IN GENERAL.—An eligible livestock producer may receive assistance under this paragraph only if—

(i) the eligible forage losses occur on rangeland that is managed by a Federal agency; and

(ii) the eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland due to a fire.

(B) PAYMENT RATE.—The payment rate for assistance under this paragraph shall be equal to 50 percent of the monthly feed cost for the total number of livestock covered by the Federal lease of the eligible livestock producer, as determined under paragraph (4)(C).

(C) PAYMENT DURATION.—

(i) IN GENERAL.—Subject to clause (ii), an eligible livestock producer shall be eligible to receive assistance under this paragraph for the period—

(I) beginning on the date on which the Federal agency excludes the eligible livestock producer from using the managed rangeland for grazing; and

(II) ending on the last day of the Federal lease of the eligible livestock producer.

(ii) LIMITATION.—An eligible livestock producer may only receive assistance under this paragraph for losses that occur on not more than 180 days per year.

(6) ASSISTANCE FOR ELIGIBLE FORAGE LOSSES DUE TO OTHER THAN DROUGHT OR FIRE.—

(A) ELIGIBLE FORAGE LOSSES.—

(i) IN GENERAL.—Subject to subparagraph (B), an eligible livestock producer of covered livestock may receive assistance under this paragraph for eligible forage losses that occur due to weather-related conditions other than drought or fire on land that—

(I) is native or improved pastureland with permanent vegetative cover; or

(II) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

(ii) EXCLUSIONS.—An eligible livestock producer may not receive assistance under this paragraph for eligible forage losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), unless the land is grassland eligible for the grassland reserve program established under subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.).

(B) PAYMENTS FOR ELIGIBLE FORAGE LOSSES.—

(i) IN GENERAL.—The Secretary shall provide assistance under this paragraph to an eligible livestock producer for eligible forage losses that occur due to weather-related conditions other than—

(I) drought under paragraph (4); and

(II) fire on public managed land under paragraph (5).

(ii) TERMS AND CONDITIONS.—The Secretary shall establish terms and conditions for assistance under this paragraph that are consistent with the terms and conditions for assistance under this subsection.

(7) NO DUPLICATIVE PAYMENTS.—An eligible livestock producer may elect to receive assistance for eligible forage losses under either paragraph (4), (5), or (6), if applicable, but may not receive assistance under more than 1 of those paragraphs for the same loss, as determined by the Secretary.

(8) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this subsection shall be final and conclusive.

(d) EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—

(1) IN GENERAL.—For fiscal year 2012, the Secretary shall use not more than $5,000,000 of the funds of the Commodity Credit Corporation to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses due to disease, adverse weather, or other conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under subsection (b) or (c).

(2) USE OF FUNDS.—Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

(3) AVAILABILITY OF FUNDS.—Any funds made available under this subsection shall remain available until expended.

(e) TREE ASSISTANCE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ORCHARDIST.—The term ''eligible orchardist'' means a person that produces annual crops from trees for commercial purposes.

(B) NATURAL DISASTER.—The term ''natural disaster'' means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

(C) NURSERY TREE GROWER.—The term ''nursery tree grower'' means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.

(D) TREE.—The term ''tree'' includes a tree, bush, and vine.

(2) ELIGIBILITY.—

(A) LOSS.—Subject to subparagraph (B), for fiscal year 2012, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance—

(i) under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary; and

(ii) under paragraph (3)(B) to eligible orchardists and nursery tree growers that have a production history for commercial purposes on planted or existing trees but lost the trees as a result of a natural disaster, as determined by the Secretary.

(B) LIMITATION.—An eligible orchardist or nursery tree grower shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist or nursery tree grower, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

(3) ASSISTANCE.—Subject to paragraph (4), the assistance provided by the Secretary to eligible orchardists and nursery tree growers for losses described in paragraph (2) shall consist of—

(A)(i) reimbursement of 65 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist or nursery tree grower to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

(4) LIMITATIONS ON ASSISTANCE.—

(A) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this paragraph, the terms ''legal entity'' and ''person'' have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

(B) AMOUNT.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this subsection may not exceed $100,000 for any crop year, or an equivalent value in tree seedlings.

(C) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive payments under this subsection may not exceed 500 acres.

(f) PAYMENT LIMITATIONS.—

(1) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this subsection, the terms ''legal entity'' and ''person'' have the meanings given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

(2) AMOUNT.—The total amount of disaster assistance payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this section (excluding payments received under subsection (e)) may not exceed $100,000 for any crop year.

(3) DIRECT ATTRIBUTION.—Subsections (d) and (e) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) or any successor provisions relating to direct attribution shall apply with respect to assistance provided under this section.

(g) EMERGENCY DESIGNATION.—This section is designated by Congress as being for an emergency requirement pursuant to—

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

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

SEC. 102. NONINSURED CROP ASSISTANCE PROGRAM.

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

(1) in subsection (a)—

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

''(1) IN GENERAL.—

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

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

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

''(B) ADMINISTRATION.—The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the 'Agency').''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

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

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

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

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

(ii) in subparagraph (B)—

(I) by inserting ''(except ferns)'' after ''floricultural'';

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

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

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

(3) in subsection (k)(1)—

(A) in subparagraph (A), by striking ''$250'' and inserting ''$260''; and

(B) in subparagraph (B)—

(i) by striking ''$750'' and inserting ''$780''; and

(ii) by striking ''$1,875'' and inserting ''$1,950''; and

(4) by adding at the end the following:

''(l) PAYMENT EQUIVALENT TO ADDITIONAL COVERAGE.—

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

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

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

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

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

''(I) harvested;

''(II) planted but not harvested; or

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

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

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

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

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

''(i) the product obtained by multiplying—

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

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

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

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

''(ii) 5.25-percent premium fee.

''(3) LIMITED RESOURCE, BEGINNING, AND SOCIALLY DISADVANTAGED FARMERS.—The additional coverage made available under this subsection shall be available to limited resource, beginning, and socially disadvantaged producers, as determined by the Secretary, in exchange for a premium that is 50 percent of the premium determined for a producer under paragraph (2).

''(4) ADDITIONAL AVAILABILITY.—

''(A) IN GENERAL.—As soon as practicable after October 1, 2013, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

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

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

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

(b) TERMINATION DATE.—

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

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

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

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

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

Mr. MERKLEY. Mr. President, I would like to thank very much Senator BLUNT and Senator STABENOW, who have worked so hard to bring together a common vision in how we can address the terrible disasters of drought and wildfires that ravaged many parts of the country this last summer.

Now, we are no longer in the summer, so we are months late but better now than to wait a single additional day.

With that, I yield to Senator STABENOW from Michigan and thank her so much for working so hard and well on this.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I first wish to thank Senator MERKLEY, who has been tireless in bringing forward the issues of farmers and ranchers in Oregon. And to my colleagues who are here on the floor from New York and New Jersey, I had the opportunity to be in New Jersey with Senator MENENDEZ and to see firsthand, also with Senator LANDRIEU and Senator TESTER. It is very, very clear that this is a horrific situation and deserves our attention and support.

What we are doing with this amendment, as modified—and I want to thank Senator BLUNT for working with us and cosponsoring the amendment—is to basically take what we have done and already passed in the farm bill and putting it into this very important disaster assistance bill.

In the spring, we experienced late freezes that wiped out many fruit crops in a number of States, including Michigan, New York, and Pennsylvania. In my home State, we had a 98-percent loss of cherry crops, and they don't have access to any crop insurance. We are talking about those who don't have that option to be able to help mitigate their losses.

In the summer, we saw the worst drought since 1956. It left crops withering in the field. All across our country, over 80 percent of the contiguous United States experienced drought conditions. Eleven States still have exceptional drought conditions, and there are 17 States with severe drought conditions.

I can't imagine having a disaster assistance bill come through this Senate without including help for our farmers and ranchers who have been hit so very hard this year.

I urge my colleagues to support our amendment and thank my colleague very much for allowing us to offer it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I am sorry that the Senator from Louisiana has left the floor because if she would have checked my voting records, I have not voted for

extending the Bush tax cuts because they weren't paid for. I said that on the floor. I have not voted to fund the wars in Iraq and Afghanistan because they weren't paid for.

So when we hear blanket statements that the other side—''the other side'' does not tow the line, as would be expected by the Senator from Louisiana, I have to object. The fact is, I have been very consistent on those issues.

I don't think you give a tax cut without cutting spending in the Federal Government. That is what the debate is all about.

The reason we are here tonight—and we have a $60 billion bill that is not going to be paid for except by our grandkids, with interest, which is going to become $120 billion by the time it is ever paid back—is because we don't have the courage to actually go through and make hard choices about what works and what doesn't, what is a priority and what is not.

Now, I don't have any illusions about my amendments passing. I am very thankful that a couple of them have been accepted. But the real problem that America sees at the end of this year is a problem with us, that we think we can continue to do business the way we have always done it. You know what. We can't.

We are going to pass this bill, and it is going to die because the House isn't going to take it up this year, and we are going to have to come back and do it again. Hopefully, we are going to do it in the best way that helps the most people in New York and New Jersey and everybody else who was involved there.

Right now, the FEMA money is flowing, and we need to increase the money. I am all for that. We need to make sure the flood insurance money goes out right away. But we better get hold of ourselves as a Senate and as a nation. We can say we have always done it this way. We can say we can spend $60 billion and not pay for it. We can add all sorts of things. We have a crop insurance program for apples, but we are not going to cover it. We are going to go—even the people who weren't covered are going to get covered even though they didn't participate. Under this bill, they are going to get covered. So what we are going to do is actually undermine the crop insurance program for apples.

But the point is that we are doing the same thing that got us into the trouble we are in. We are at $16.4 trillion in debt. When you include all the debt the country has in terms of municipalities and States, that is how you compare apples to apples with everybody else. We are at 120 percent debt to GDP ratio. It is killing our economy right now. Multiple studies show that it is probably hurting our GDP by 1.5 percent. That is 1.5 million jobs every year, and we are sitting here talking about we are in a different time, that we don't have $16 trillion worth of debt, that we are not going to have trillion-dollar deficits as far as the eye can see. We are totally disconnected from reality.

So I am not going to win. I understand that. I understand there is a need, and I want to supply that need, but how we do it is important for the future of this country. It is also important for our kids.

So we can rationalize and say that we have always done it this way, that this is the way the rules work, but there is going to be a very big price to pay, and when that price comes, those who are sitting in opposition to my amendments are going to see the consequences of that opposition played out in the worst possible way.

The debt bomb in this country is going to explode, and we are going to be held accountable for it whether we are still here or not. Our lineage, our reputation, our history as Senators in this Congress is going to come back to us that we weren't up to the task of making the hard decisions that would actually save this country, that would fix the problems and put us on track to grow again and be the America we can be.

I thank the Presiding Officer for the time and the chairwoman for her consideration. I thank Senator SCHUMER for his consideration on the amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank my colleague and very much appreciate my colleague from Oklahoma. He has left, but we do have a friendship. I do believe he is a person of integrity. His views about government and politics are quite different from mine. He has put his money where his mouth is in a number of places when he has not asked to pay for things that many on the other side did, et cetera. So I thank him.

I don't agree with almost anything—well, I agree with maybe one or two of his amendments. And Senator MIKULSKI summed up the amendment on fisheries very well, so I will talk about some of the other amendments and why we object to them. It will take a few minutes, but I think it is important to set the record straight.

Let me take them in numerical order—first, amendment No. 3368, to strike enhanced cost share for the Army Corps. Well, Mr. President, in past supplementals we established an important precedent for local cost share on Army Corps projects that this amendment will strike. We have crucial projects with the Army Corps. As my colleague from New York, Senator GILLIBRAND, knows, and Senators MENENDEZ and LAUTENBERG from New Jersey, we are naked in heavily populated areas after the storm. This storm was huge. But you would have to be foolish to think there won't be another one, and we need the Army Corps. They are brilliant in the way they are able to protect our coasts. So this needs to be done.

If the local cost share were to go to 35 percent—we don't have just one big State government, we have lots of little localities. Take Long Beach, a city of 35,000. It was wiped out—gone, basically. If they were to have to come up with 35 percent of the project, it would be hopeless.

Now, Katrina got 100 percent. We are not even asking for that. But the 90 percent that has traditionally been given to Army Corps projects when the damage is so large that it is realized the locality cannot pay for it alone makes eminent sense. The village of Lindenhurst, the village of Massapequa, the villages on Fire Island all do not have the wherewithal.

If we were to pass the amendment of the Senator from Oklahoma, we would get no Army Corps relief. Then when storms much smaller than Sandy come along, we would be wiped out again. So it doesn't make sense. The Long Beach Storm Damage Reduction Project, for instance, has a local cost share of $35 million. That is more than a quarter of the entire city's annual budget. If they had to pay this share, it wouldn't get built. The same thing for the little village of Asharoken, which was terribly damaged.

Again, in the past, when there has been large damage, the Army Corps has paid 90 percent, localities 10 percent. To change those rules now for New York, after New York taxpayers and New Jersey taxpayers paid hundreds of millions of dollars toward projects on the Mississippi or the Missouri River or down in the gulf at a 90–10 percent ratio, would be totally unfair.

This amendment would be a crippling amendment, and I strongly urge its rejection.

On fisheries, again, my colleague from Maryland, our wonderful new chair—off to a great start, and I might say, Madam Chair, this being your first bill, you are going like gangbusters, but we didn't expect anything less—has laid out the arguments for those fisheries. The only thing I would say about them is, hey, that is a disaster too. As she said, this is not just a case of needing new lobster pots, this is a disaster, and traditionally we have funded disaster relief in supplemental bills, and it doesn't have to be just one area.

So I thank my colleagues, particularly those from Maine and from Alaska, who put such good work into this, and I also again thank Senator COBURN for separating out the tax cheat provisions. Nobody behind in their taxes should get Federal aid. That is a provision I can accept and I think most of us on this side will accept.

Amendment No. 3371 is the Coburn amendment on the per capita damage thresholds. The amendment would require FEMA to actually change the indicator by which FEMA determines the locality's eligibility for FEMA public assistance. It would make it much harder for States and local governments in the future to get Federal aid after a disaster. It sounds benign, but

this is a choke hold on FEMA for many localities and particularly for larger States, such as those we represent.

As my colleagues know, the current per capita damage thresholds are pegged to the Consumer Price Index, and CPI measures the average change over time in the prices paid by urban consumers for a specific market of basket goods.

For New York, the per capita threshold that has to be reached for a county to be declared a major disaster area is $1.37. The amendment of my colleague would peg the per capita threshold starting at the timeline of 1986. There would have to be such enormous damage in so many localities to get money, and in effect it would double the per damage threshold needed to be declared a disaster area.

In every State, we have watched as disasters occurred and kept our fingers crossed to see if the Federal Government would declare that area a disaster. It is based on a formula. The formula is not easy to reach. I have had countless counties disappointed, asking me: Why didn't we meet the threshold? But to now make the threshold almost doubly hard to meet wouldn't work.

I say to my good friend from Oklahoma—and I know this may not change his view on the amendment because, as I said, he is a person of integrity—for the six major disaster declarations declared in Oklahoma over the last 2 years, the damage per person would have had to be double its current level. I imagine those in Oklahoma who were impacted by severe winter storms, tornadoes, and floods wouldn't be happy to hear it is harder now—if this amendment were to pass—to repair roads, remove debris, and support emergency response efforts.

So I would say to every one of my colleagues in every State, if you want to pull back on Federal disaster assistance by changing to an arcane formula when there is substantive damage, support this amendment. I hope we will reject it.

The next amendment is No. 3382, and I urge my colleagues to vote no on this. This would place a lot more bureaucratic redtape between disaster victims and the Federal assistance they deserve.

Our good friend from Louisiana coached Senator MENENDEZ, Senator GILLIBRAND, Senator LAUTENBERG, and myself about what went wrong with Katrina, and one of those things was that the contracting procedure had become so arcane and so rigid and so difficult that contracts either never happened or they took much too long to do. Now, should we expect every contract to be competitively bid? What about emergency contracts? Do we want to have a 6-month bidding process when the damage needs correction in 90 days—picking up debris, building back a beach that might face a storm in 30 days? Second, we in New York have our own competitive bidding requirements. Those can suffice. Why have double sets of them? And sometimes the States and localities have to waive them when there are true emergencies.

So sometimes our colleagues are placing us in a catch-22. They say: You don't spend disaster relief fast enough; you stretch it out over such long periods of time. Then they impose requirements that make sure we don't spend the money fast enough. It doesn't make sense.

If the amendment by Senator COBURN passes, it will guarantee disaster aid could be delayed for months and years, and the consequences of that—the economic cost, the danger to our coastlines, our localities, our small businesses, and the human cost—would be a terrible, terrible way to go. I believe this is a Trojan horse that will cripple efforts to bring quick, efficient, and honest disaster aid to our localities, and I urge its defeat.

Amendment No. 3383. This strikes ACOE studies and authorization. Now, again, we don't want the rules changed on us. Sometimes we have improved the rules to make sure we learn from the mistakes of past disasters, but to just change the rules from past supplementals makes no sense.

As many of us here know, the project of getting coastal protection built by the Army Corps can be mired in redtape and delays. Every one of us has experience there. What is taking you so long, Army Corps? The provision being struck by amendment No. 3383 is designed to accelerate critical protection projects and get rid of the redtape.

I know my colleague from Oklahoma believes in less bureaucracy and more efficiency. Well, if this passed, we would be giving the people of Staten Island or Massapequa more bureaucracy. For a decade, for instance, the Corps had delayed a protection project for the South Shore of Long Island due to lack of funding and authorizations from Congress. They decided and they said it made sense, but they didn't get it done. Had these seawalls been built, it is almost certain lives would have been saved and millions of dollars in property damage avoided.

So in this bill, such as with Katrina, we are accelerating the ability to do that. We are accelerating it in Long Beach. In 2005 Long Beach rejected a project I helped to push to build dunes to protect that flat, low-lying area with low-lying homes from storms. The Army Corps has done the study. The Army Corps has said: Here is what is right; let's move forward. Under the amendment of my friend, we could not, even though all the preliminary work has been done.

So I urge a ''no'' vote on this amendment.

OK, I think I have addressed the major amendments to which I object. As I said, I don't object to every one of my colleagues' amendments, but I object to the major ones, and I hope we can have a bipartisan amendment.

Mr. President, for 100 years, when disaster has struck, we have been one America. We have said: We know any locality, even large localities such as New York, New Jersey, and Maryland, won't be able to handle that sort of disaster relief on its own. And in wisdom, we have said: We are one united people. And the people of the other regions, the other States, will come to the aid of this area that has been crippled. We can't change the rules now.

Those of us from New York and New Jersey say: Aha. Some of my constituents and I am sure some of the constituents of Senator MENENDEZ are saying: Aha—now that it is New York and New Jersey, they are changing the rules. Not fair. We have been there. We have been there for our colleagues whenever they have had disasters, and praise God, we haven't had that many until recently, but we need you.

You will need us. Given all the changes in the world, there will be disasters that strike everywhere else. We want to be with you, and we don't want to see the process so encumbered and so weighted down that relief cannot come. The sum total of these amendments would be to do that.

I strongly urge my colleagues, hopefully in a bipartisan vote, to reject them.

I yield the floor to my colleague from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. First, I wish to thank the distinguished chairwoman of the Appropriations Committee for the work she and her staff have put together. It is remarkable considering the timeframe they were in. Of course, the late Senator Inouye, with his staff as well that the chairwoman has inherited, did an exceptional amount of work along with Senator LANDRIEU. Certainly the people of the Northeast thank you very much.

I think Senator SCHUMER has done a good job overall of talking about our concerns about these amendments, but I want to give a little greater depth and certainly a New Jersey perspective to them.

I do not question the motives of our distinguished colleague from Oklahoma. He has been consistent in that. I don't question his consistency. Even though I haven't checked the record, I will take his word that even on tax cuts and war spending he has been consistent. But I do question the consequences of some of his amendments—consequences to the people of the Northeast, consequences to the people of New Jersey, consequences in the future as it relates to other disasters.

At one point, he talked about courage in a fiscal sense. Let me tell you, courage is what people in New Jersey are looking at each and every day when they find their businesses closed and are trying to sum up the courage to open again. Courage is those who have lost their homes and are trying to reopen their homes, which they could not even do for the holidays. They were certainly not home for Christmas.

Courage is looking at that every day and trying to figure how you move forward. Courage is many of the small municipalities, many that lost their police and fire departments and are working with others to create public safety as they rebuild the very essence of their departments. That is courage, real courage in the face of incredible challenge.

Two of the amendments dealing with the Army Corps go straight to that courage. I came to the floor over the last 2 weeks several times and showed a host of visuals to our colleagues to understand that we are at the lowest level of protection. It is akin to an individual whose immune system is virtually gone. I said then, all we need is a nor'easter to come through and we will see the consequences of having no defenses.

Unfortunately, yesterday we suffered a nor'easter. It wasn't the worst of what we could have received, but for several parts of New Jersey it was certainly bad news because those communities that are defenseless as a result of not having Army Corps-engineered beaches caught the worst of it again. In Sea Bright and Mantoloking and a host of other communities along the Jersey shore, they caught the worst of it again and all the fears and all the nightmares of what they went through under Sandy were relived once again.

When you talk about changing the rules on the Army Corps' participation in terms of what he wants as a 90–10 split, No. 1, that changes the rules. Just to make sure I was right about this, I asked Senator LANDRIEU of Louisiana: Wait a minute. In Katrina, wasn't there a 90–10 split? She said, Yes; and in some cases up to 100.

The people of the Northeast, the people of New Jersey and New York, deserve no less in their disaster. There are a whole host of communities even with a 90–10 split that are going to find it incredibly difficult—when 20 or 25 percent of their ratable base is gone—to fund the 10 percent that we are asking them. We believe they should have skin in the game. But even at that 10 percent, they are going to have enormous difficulties funding that 10 percent to get the lifesaving, property-saving, fiscally responsible solution in having Army Corps-engineered beaches.

So 90–10 is still a challenge to a whole host of communities. Go to the proposition that our colleague from Oklahoma has, and we basically nullify their ability to protect their citizens. I always thought the No. 1 priority of any government—Federal, State or local—was to protect their citizens. Certainly, the Senate should be protecting its citizens, whether it is abroad or at home. In this respect, we cannot protect our citizens along the New Jersey coastline if, in fact, we cannot have these engineered beaches and if, in fact, we cannot afford to have those engineered beaches.

So talk about being fiscally responsible. Instead, we will pay billions in repetitive-loss damages, and we will lose lives as we lost in New Jersey. I want to save lives and I want to save property and I want to save the Federal Government from paying repetitive losses. That is why that amendment is certainly not one we can accept by any stretch of the imagination. It is unfair to the people of the Northeast because it changes the rules of the game, and it is unfair in terms of our obligation to the public safety. I, for one, do not want to be casting a vote that ultimately leaves my fellow New Jerseyans or fellow Americans at risk when I could have saved their lives. I am certainly not going to do that, and I hope this Chamber is not going to do that.

Secondly, with reference to the other Army Corps of Engineers amendment, which would suggest that those projects that are already well underway to being determined and that, in fact, are cost-effective and can save lives and save property and save ratables and save repetitive losses cannot be approved, would be, in essence, to guarantee that at the lowest rate of our defenses we will just suffer an entire winter of incredible misery, no, we cannot have that amendment pass.

Thirdly, with reference to the question of acquisition, the Governor of New Jersey made that decision. I can't speak for him, but my understanding is he made that decision from FEMA-approved contracts. If FEMA needs a better process to go ahead and negotiate and/or bid in advance of a generic contract, so be it. But a delayed recovery is a failed recovery. I want my colleagues to remember that 10 days after Hurricane Katrina, this Chamber passed two separate bills amounting to $60 billion. It has been nearly 2 months since we had Superstorm Sandy and nothing has passed. Who among us would be content with the counsels of patience and delay if, in fact, we were shivering in the cold; if, in fact, our families had no home; if, in fact, they had been displaced from their schools; if, in fact, their businesses that they worked a lifetime and took out debt and now are closed may never open, who among us would be happy with the counsels of patience and delay? So we cannot have a set of circumstances that creates a series of delays.

I am all for the good governing amendments of saying to those who are in debt to the Nation that they, in fact, cannot receive any benefits or those who are deceased. Of course, they should not receive any benefits. But the rest of this is about creating delay after delay that is in the midst of a biting winter. We just had the first nor'easter yesterday. We cannot ultimately accept those types of changes that put us in a process in which, in fact, we will not be able to successfully move the elements of being able to recover.

This constant reference that a great part of the money—the overwhelming part of the money will not be spent, I think I heard 2015, is simply not the case. Whether it be Army Corps of Engineers projects that have already been approved and authorized but not funded that are critical to our defenses, those are ready to go. They just need money. The flexibility we have sought in this bill, working with an incredible insight from what happened in Hurricane Katrina and what worked and did not work, that flexibility will allow money to flow to business people are at the crucial point of trying to decide: Can I open? Because I need to know what the government is going to do for me, as part of my equation as to whether I open this business. Because low-interest loans from the SBA, even a long-term proposition, is still more debt. Many of these businesspeople that I have met up and down New Jersey have told me: Senator, I took out money to start this business. I took a debt to start this business. I took out further debt through the great recession. More debt doesn't necessarily mean I will succeed, but a grant, as we authorize through CDBG block grants, can very well make the difference between me reopening and not and hiring back people and being able to have and be part of that ratable base and paying toward the greater good of the State and the Nation. That is what is at stake as well. That money is going to flow if we do this the right way as this bill envisions. So this suggestion that it is going to take years down the road is simply not true.

Secondly, I think we lose sight that while, yes, this is about New Jersey and New York and Connecticut, it is about a region—a region that employs 10 percent of the Nation's workforce and accounts for 11 percent of the entire Nation's GDP. That is 12.7 million workers and $1.4 trillion in productivity. If we want to see that region continue to contribute to the gross domestic product growth of this country, to continue to contribute to the employment, to continue to contribute to the Federal coffers, we need to help it to be able to help themselves, not to turn our back on them. That is what is at stake.

Finally, I would just say there is a whole host of other disasters, and the committee has been very focused on saying nothing goes into this bill that isn't disaster related, one disaster or another. Because there has been no other disaster funding that there has been a vehicle for, whether it be wildfires or crop disasters—I personally welcome that, because as I have said many times, this is the United States of America. There is a reason we call it the United States of America. It is so we are all in this together. So I welcome the fact that we can help other fellow Americans through this vehicle, whether it be about wildfires or crop disasters or estuaries and fisheries that were hurt in other parts of the country at different times. So be it. Because that is what being the United States of America is all about.

But we need to pass this bill tomorrow. We need to reject these amendments—particularly the ones that I and Senator SCHUMER have talked about—because they will fail us in our recovery. It will undermine our ability to protect our people.

Finally, I would just simply say we need to pass it so the House can consider this bill as its vehicle when they come back on Sunday. This bill has been out there for weeks. The President's proposal has been out there for over 1 month. Everybody knows what has been asked. Everybody knows what is involved. Everybody has seen that the Senate already voted for cloture; therefore, there is going to be a bill here at the end of the day. There is no reason why the House cannot seek to pass this and respond to our fellow citizens in the Northeast. That is what being the United States of America is all about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I seek recognition to rebut the Coburn amendment and also to offer two amendments. But before I do, I just wish to thank my colleagues, particularly those who have amendments. I wish to thank them for their cooperation and being willing to offer them and speak tonight, on both sides of the aisle.

I would also note the Senator from New York and the Senator from Connecticut also wish to speak. Senators whose States have been very hard hit should have the opportunity to speak, and I am going to take my rebuttal of the Coburn amendments and just abbreviate them.

With the exception of being willing to accept the amendment where you cannot get emergency assistance if you are a tax cheater or if you passed away, with the exception of a funeral benefit, I object to the Coburn amendments. My objections have been so well articulated by the Senator from New York, Mr. SCHUMER, and by the Senator from New Jersey, Mr. MENENDEZ.

Mr. President, I rise in opposition to the Coburn amendment No. 3369. This amendment makes no sense. It would require the Departments of Transportation and Housing and Urban Development to make public any grant announcement three days before either department announces the grant. In other words, do something three days before you are going to do it.

I understand the Senator's intent, which is to eliminate the ability of Members to have a brief advance notice of pending grant announcements. However, in trying to weaken Congress' legitimate oversight role, the amendment overreaches. More importantly, I don't agree with this effort to cede Congress' role in these notifications. Therefore, I ask my colleagues to vote against this amendment.

Mr. President, not everything in the Senator's amendment No. 3371 is objectionable. Unfortunately, it is loaded down with at least two provisions that make it impossible to support related to FEMA efforts to aid disaster victims and help communities rebuild.

First, returning funds appropriated in this bill that have not been obligated and spent within two years to the Treasury is unreasonable. FEMA will of course obligate the funds provided in this bill in less than two years. However, spending the funds to complete the rebuilding of schools, hospitals, police stations, surge barriers, floodgates, and levees will take longer. Communities will need time to do the proper planning, competently bid for projects, fulfill State action plans, do site selection and development, complete audits and then request for the federal government to reimburse the eligible costs in the right amount. To do this responsibly and within the bounds of proper oversight, it will take more than two years to reimburse the eligible expenditures.

On the one hand, the Senator wants FEMA to spend the money faster while on the other hand he imposes more restrictive and time consuming Federal standards for competition.

The second objectionable provision in this amendment is to cap FEMA's recovery assistance to States at 75 percent of the costs of damages. This ties the hands of the Nation to support the needs of the victims of the most severe disasters.

The Stafford Act currently requires that FEMA provide assistance at 75 percent of the cost of the recovery. However, in cases where damages have proven to be extremely severe FEMA can increase its share to 90 percent. The adjustment to 90 percent is based on an objective formula that considers per capita damage, which must reach over $131 per person. The threshold is difficult for states to reach unless they experience a severe event.

I oppose this amendment.

AMENDMENT NO. 3382

This amendment would require merit-based and competitive awards of disaster recovery contracts. This amendment would prohibit the use of any disaster funds for contracts not competitively awarded pursuant to the Federal Acquisition Regulation FAR. This would appear unnecessary, because the FAR already limits non-competitive contracts to one year, in general.

The amendment would also require a review of disaster recovery contracts that were awarded prior to enactment of the Supplemental that weren't competitively bid. For any contracts not competitively bid, agencies would be required to achieve cost savings or to award a new competitive contract, and discontinue the original contract.

The requirement for retroactive review of contracts that were awarded before the date of enactment for which other than competitive procedures were used for the purpose of determining if additional cost savings can be achieved or whether a new contract should be pursued would pose a significant burdensome and disruptive task.

The amendment would require hiring up additional contracting staff to handle the ''looking back review'' and potential ''re-competition'' envisioned in order for the current staff to contract for the supplies and services needed to respond to and recover from Hurricane Sandy. Since there is a limited number of contracting officers available to Federal agencies, complying with this provision, should it be enacted, has the very real potential to limit DHS's ability to meet ongoing mission requirements.

Furthermore, no date or parameters are established for conducting and completing these reviews, so agencies would not know how far back to review. One could assume the amendment means only those currently operating contracts, but it does not specify.

For those agencies in the midst of recovery efforts for Hurricane Sandy, is the intent that they stop ongoing efforts (to include obligating those additional funds that are coming) to undertake such a review? How can the workforce still supporting the disaster be handling the ongoing efforts to support the disaster and at the same time be reviewing what they did in November?

Complying with this mandate, should it be enacted, has the very real potential to adversely impact the Government's ability to meet their ongoing disaster recovery missions.

This amendment requires agencies to terminate contracts if cost savings can be realized. The burden of the analysis alone would be daunting especially since no threshold is specified. This amendment would require agencies to review even purchase card orders. Terminating contracts for convenience is not inexpensive—there significant administrative costs, and it is labor-intensive.

This amendment would be onerous and costly and will hinder the recovery and repair effort. Therefore, Mr. President, I recommend that this amendment be opposed.

AMENDMENT NO. 3383

Mr. President, I rise in opposition to amendment No. 3383. The proviso that my friend proposes to strike authorizes projects for the Corps to construct that would reduce the impacts from flooding and provide storm damage reduction. I agree with my friend that the provision that he proposed to strike could be read as overly broad and authorized projects for construction that were not intended nor could they be constructed with the amount of funding that was provided.

Senators FEINSTEIN and BOXER have addressed the shortcoming of that provision by striking it with an earlier amendment—No. 3421 and replacing 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 impacts from

Hurricanes Sandy and Isaac. This provides a defined scope for the work that the Corps can construct with the funds provided.

The provision requires that the projects to be undertaken must be cost effective, technically feasible and environmentally acceptable. I think my friend would agree that should be the goal of all of the Corps projects that we fund. Voting for this amendment would undo the defined requirements and scope for these projects that we previously voted for.

I urge my colleagues to vote against this amendment.

AMENDMENT NO. 3370

Mr. President, I oppose Division 2 of amendment No. 3370. Division 2 of this amendment tries to steer fishery disaster funding for communities only affected by Hurricane Sandy by citing Stafford Act requirements and limiting funding for area within ½ mile from shore.

But the Stafford Act overseas disasters on land. The Act has absolutely no bearing on fishery disasters, fishery disasters are declared by the Secretary of Commerce according to Federal Fishery and Commerce laws at the request of the State Governors.

Fishery disaster needs are necessary, urgent, unanticipated and these coastal fisheries are not bound by some arbitrary ½ mile boundary.

Under this amendment all federally declared fishery disasters would miss out on much needed financial assistance, even those communities affect by Hurricane Sandy. Fishery disaster funding is not just about fixing damaged boats and waterfronts. It is about rebuilding smarter fisheries so that businesses and coastal communities stand a better shot of avoiding future disasters. I strongly urge my colleagues to oppose this amendment.

Mr. President, in the interest of time, I think we all agree why the very intent to save money by adding delay and bureaucracy will cost money and will cost time, in terms of getting people back on their feet, both in their home and in their livelihood. Remember what we seek: helping people get their life back and helping them get their livelihood back. I think that has been very well articulated.

I would now also like to take the opportunity to call up and dispose of two amendments.

AMENDMENT NO. 3403

I call up, on behalf of Senator LEAHY, amendment No. 3403.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. LEAHY, proposes an amendment numbered 3403.

Ms. MIKULSKI. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide authority to transfer previously appropriated funds to increase security at United States embassies and other overseas posts)

At the appropriate place, insert the following:

SEC. _____. INCREASED EMBASSY SECURITY.

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.

Ms. MIKULSKI. Mr. President, this amendment simply provides authority to the State Department to transfer up to approximately $1 billion in Overseas Contingency Operations funds appropriated in Fiscal Year 2012 for operations. in Iraq, which are no longer needed in Iraq due to reduced operations there, and to use these funds for increased security at U.S. embassies and other overseas posts identified in the Department's security review after the Benghazi attack.

Making additional funds available for these purposes is one of the recommendations of the Accountability Review Board chaired by Ambassador Pickering and Admiral Mullen.

The amendment permits the transfer of funds between the Diplomatic and Consular Programs and Embassy Security Construction and Maintenance accounts, which would otherwise be precluded due to percentage limitations on such transfers.

According to CBO the amendment has no outlay scoring impact.

We all want to do what we can to prevent another tragedy like what occurred in Benghazi. The State Department has done a review, and these funds will be used to expedite construction of Marine security guard posts at overseas posts, and to build secure embassies in Beirut, Lebanon and Harare, Zimbabwe.

There is nothing controversial about this amendment. These are existing funds. There is no new appropriation. The amendment has no scoring impact. It is simply a matter of allowing unobligated, prior year funds to be used for a different purpose of higher priority—protecting our diplomats stationed in dangerous places around the world.

That amendment will be voted on tomorrow.

AMENDMENT NO. 3426 TO AMENDMENT NO. 3395

Ms. MIKULSKI. Mr. President, I have an amendment on behalf of Senator HARKIN. I call up amendment No. 3426.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. HARKIN, proposes an amendment numbered 3426.

Ms. MIKULSKI. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make a technical correction)

On page 81, strike lines 9 through 13 and insert the following: ''*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-Fed-''.

Ms. MIKULSKI. Mr. President, this amendment makes two very technical corrections that are necessary for proper implementing of funding for the Department of Health and Human Services in the supplemental. First, it deletes the term ''response activities for hurricane Sandy'' and replaces it with ''the purposes provided herein.'' That is a small verbal change but ''response activities'' has a limited meaning. This change does clarify that funds may also be used to cover additional recovery and related costs connected to Hurricane Sandy. Second, it adds the phrase ''to make grants'' to clarify that the Department of HHS has specific grant-making authority for renovating, repairing, and rebuilding non-Federal facilities involved in NIH research. For example, an academic center of excellence, well known for its work, particularly in cancer research, will have the opportunity to rebuild.

I recommend support of this amendment. Senator SHELBY has signed off on it. I believe it is not controversial. CBO says it does not score at all, and I understand the minority staff on the Labor-HHS Appropriations Committee has also signed off on those changes.

Mr. President, that amendment, too, will be voted on tomorrow if not accepted. Tonight we are just not accepting amendments and we are not voice voting them.

I also want to note we have two Members on the floor whose States were hard hit. One is the Senator from New York about whom Senator SCHUMER has spoken. I know Senator GILLIBRAND wishes to speak. The order we will follow is Senator GILLIBRAND will speak for such time as she may consume to be followed by the Senator from Connecticut and such time as he may consume in speaking on behalf of the bill.

Before the Senator speaks, though, a word to the Senator from Connecticut. Connecticut has been hit twice—first by the hurricane and then by what happened at Sandy Hook Elementary. For those of us who join with you, we just want the people of Connecticut to know they are not alone. As the Senator from New Jersey who spoke earlier said, you know we are the United States of America. Where there was a disaster in one State, we all have to respond as if it were a disaster in all States. The attack on one child in Connecticut—we have to protect all children, in Connecticut and in every single State in this Union. I hope, as we find those solutions, we do act as a union, the United States of America.

Once again, our sympathy and condolences, and I yield the floor to these very able Senators.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I thank the chairwoman for her leadership on this essential bill. I can't thank her enough for her tenacity and determination to meet the needs of so many affected families in our State.

I also thank Senator LANDRIEU for her leadership to help craft this bill in a way that has transparency and accountability and to learn from the mistakes of the past with Hurricane Katrina. She has worked overtime to make this bill a reality and I thank her.

Of course, I thank my colleague Senator SCHUMER for his extraordinary leadership and Senators MENENDEZ and LAUTENBERG on behalf of their State. It makes a huge difference. But I do want to start where Senator MIKULSKI left off and give recognition to Senator BLUMENTHAL.

During the holidays, we often reflect on our blessings. We think about what is going well in our lives. We are very thankful for what has been given to us, whether it is the health of our children, being in a safe, warm home, whether it is having a good job, whether it is having a business that is profitable—whatever those blessings are, that is what the holidays are about, being grateful for them.

This holiday will be a very difficult time for so many families in New York and New Jersey and Connecticut. There were many loved ones lost during Hurricane Sandy. There were many children lost in Connecticut. When a loved one is no longer around the dining room table, when there are gifts that were bought that were not able to be given, it is a very sad time for our country.

What I am urging my colleagues to remember is what that loss feels like in their own States. We have seen so many tragedies this last year. We have seen so many disasters over the last several years. As Senator MIKULSKI has said and Senator SCHUMER has said: This country always stands together in these times of disaster and grave need. When it was Hurricane Katrina, we stood by that State, that region; immediately, within 10 days, we delivered $60 billion of aid and relief to the families in need. We did the same thing for Florida. Hurricane Andrew left devastation in its wake. We did the same thing when tornadoes hit Joplin, MO, and Tuscaloosa, AL. We stand by families in times of need. It is the job of the Federal Government to keep our families and communities safe. It is what we do. It is that gratitude we have when others come to our side in that moment of great need that draws this body together.

What I am urging most is that we all do count our blessings during these holidays, we do look to what we have and know there are many families who are going without—without a warm home, without that loved one who has been lost. We know from this disaster children were taken, grandparents were taken, husbands and wives were lost. So the least we can do is help a community rebuild from that devastation.

It starts with homes. We saw so much loss in our State. We worked out that we needed about $17 billion to rebuild the homes in New York and we asked for a community development block grant to cover that. Our colleagues on the other side of the aisle will have a substitute bill, a substitute bill that will cut funding drastically. It is akin to, if you have 5-alarm fire, you are just sending one firetruck because that is all you want to pay for today.

They have cut that money for housing from $17 billion to $2 billion, so what you are saying to the families in New York, New Jersey, and Connecticut in the region: We are just not going to rebuild your house.

FEMA right now provides individual assistance up to $31,000 for each homeowner. You cannot rebuild a home for $31,000—particularly not in New York. If you did not have insurance that covered or your insurance claims didn't pay out or your insurance companies said, sorry, it was a flood, you are not covered, what are you supposed to do? You are homeless. You have nowhere to go with your family.

That is what we have to address in this bill. We have to provide the resources for these families to rebuild. The businesses are suffering. I can tell you, I saw many businesses where the structures were in rubble, but every business owner I talked to said to me: I am a New Yorker. I am going to rebuild. I am going to rebuild better. I was born here. I am going to stay here.

That determination and that gratitude for what they have and what they will have is what is going to make the difference.

I thank you, Mr. President, for giving us a chance to advocate on behalf of our families. We do need the help of everyone in this Chamber to do the right thing, to stand by others in their gravest time of need. That is what we have always done and that is what we must do now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I wish to begin by thanking my colleague from Maryland, Senator MIKULSKI, for her kind and generous words about the recent tragedies we suffered in Connecticut and her sense of compassion and kindness. I also thank her for her vision, courage, and leadership on the legislation that is before us.

I want to associate myself with the very eloquent and powerful remarks made by both Senators from New York and the Senator from New Jersey today.

I strongly oppose the amendments that would constrict and delay aid that is as vital to Connecticut as it is to the other States of the region that were hammered and pummeled by Superstorm Sandy on the night it hit our area. The scope and scale of destruction made it one of the largest natural disasters to affect our Nation. It left millions of people without homes or electricity, and it cost tens of billions of dollars in damages to governments, businesses, and residents. The sweep and depth of destruction in human impact and financial effect was simply staggering. Our response should match its historic magnitude. We must think big, act big, and go forward with a vision to meet the needs of the people in America.

As has been said, we are the United States of America. We meet catastrophe with the resources and commitment that is necessary to make sure people are treated fairly. Delay or reduction in resources is unfair. In effect, delay is denial, just like justice delayed is justice denied. It would be unjust to delay the resources by the kinds of amendments and proposals that have been offered and in effect reduce the amount of resources that can be available.

The estimates about the disaster can occupy much time on this floor, and I am going to be brief in describing what I think is necessary because I have spoken previously before committees of this body. Suffice it to say that right away we need to redouble our efforts to reduce the personal costs and property damage from this storm and also to prevent that kind of damage in future storms. We can invest now or pay later. We will pay much more later if we fail to invest now.

The path toward enlightened protection and preparation must include infrastructure improvements for Stamford's floodgate, the efforts on the Housatonic River to stop flooding, and electricity security measures such as the establishment of microgrids and increased availability of generators for senior citizen housing. These are examples of what can be done if we invest wisely now, and that is part of what this supplemental can do.

It is vitally necessary that we are prepared because these kinds of disasters are, in fact, becoming the new normal. This storm is the fourth major disaster for the State of Connecticut in the past 19 months, and it is the fourth major disaster declaration for our State in that time. There was record snowfall in January of 2011, and later in 2011 Tropical Storm Irene hit our State, as well as a highly unusual October snowstorm. Now we have Superstorm Sandy. These kinds of natural disasters demand the kind of response that the Senate can do if it approves this measure without these amendments that restrict and delay these efforts.

We are building our infrastructure to 100-year storm levels, but unfortunately 100-year storms are happening just about every year. We have to be

prepared for the new normal by hardening critical infrastructure and taking time and spending money to construct an infrastructure assessment that will allow States and municipalities to know what infrastructure is at risk and what needs to be done to mitigate that risk. Failing to meet the immediate needs of these areas is not only unkind, it is unwise.

As the Senator from New York just remarked, sending one firetruck to a 5-alarm fire is not only unkind, it is unwise. Rebuilding a house for a family that had three bedrooms and restricting it to one bedroom or no bedrooms is unkind and unwise because it will fail to provide housing for that family.

I urge this body to provide the funding that Connecticut, New York, and New Jersey need to mitigate flooding and other damage from this storm and from future storms and make sure these States receive the kind of aid that is necessary so we can not only repair and rebuild but also prepare and prevent this kind of catastrophe in the future.

Again, I thank all of my colleagues who have been so instrumental in reaching this point. I urge my colleagues to come together in the spirit that the United States has always done when it has faced these kinds of catastrophes. We have always done the right thing even in the face of fiscal austerity for regions and areas of our country that have been hard hit through no fault of their own and that need this kind of immediate relief.

Mr. UDALL of Colorado. Mr. President, I rise to speak in favor of two critical issues for my state—much-needed Emergency Watershed Protection Funds in the Supplemental Appropriation for Disaster Assistance and a Udall-Tester amendment that would add $653 million for U.S. Forest Service firefighting and wildfire prevention.

Let me begin by making one point absolutely clear: this is an emergency. Some have questioned the need for this funding and have asked why we wouldn't limit dollars just to Hurricane Sandy areas. The short answer is that it is the smart thing to do, the right thing to do and the fair thing to do. I know these fires may seem like just another story on CNN for some folks, but they have had devastating impacts in my state and throughout the west. Wildfires destroy communities and their devastation persists for decades.

The country faced the third worst wildfire season in the nation's history last year, with more than 9.2 million acres burned—including the Waldo Canyon and High Park fires, the two most destructive fires in Colorado history. Next year is projected to be much worse, yet the U.S. Forest Service will enter the 2013 fire season with a projected budget shortfall for preparing for and fighting these fires. They will also have only eight large air tankers compared to 44 in 2000—which puts them at a serious disadvantage in being able to attack these blazes. The Udall-Tester amendment would address this critical issue and provide $653 million to close the budget gap between what the Forest Service has and what they absolutely need. This is nothing to sneeze at, but for perspective this amounts to only one percent of the emergency funds that would be sent to support Hurricane Sandy recovery.

These funds will enable pre-positioning of ground crews, hot shots, and air support in places where wildfire risk is very high. This is a smart investment because early attack is critical to stop fires from becoming megafires that devastate communities, take lives and property, and threaten water supplies. It also helps ensure that the Forest Service doesn't have to rob other accounts such as timber, watershed, and wildlife programs. Raiding other Forest Service funds is robbing Peter to pay Paul: These other funds help eliminate dead wood and other fuels in our national forests, thus reducing future fire risks.

And the risks wildfires pose persist long after the final embers are extinguished. That is why we also are seeking to fully fund the Emergency Watershed Protection Program. Communities across this country—including many impacted by Hurricane Sandy—are at risk of catastrophic flooding and contaminated drinking water. This investment of $125 million in the bill before us is critical to help ensure that these communities do not face further debilitating and life-threatening impacts from these recent disasters.

In my state, the Emergency Watershed Protection Program is essential to protecting and restoring critical watersheds that are damaged by wildfires. This is especially true of the most devastating wildfires in Colorado's history last summer—which, if left unaddressed, could cause serious flooding, landslide and other risks that threaten the lives of residents in my state.

The High Park and Waldo Canyon fires tragically took lives, burned more than 100,000 acres, and led to catastrophic loss of property, including well over 300 homes in Colorado's second-largest city. But the initial impact could pale in comparison to the long-term impacts.

Without rehabilitation and restoration, the watersheds that provide municipal and agricultural water supplies are at risk from landslides, flooding and erosion, which could result in serious infrastructure damage, water supply disruptions and even loss of life. Stabilizing and protecting these communities' watersheds is not only the right thing to do, it is also fiscally responsible.

If we do not quickly address these watersheds, taxpayers could face hundreds of millions of dollars in costs from what otherwise would have been a minor storm.

We need to fix what is wrong, and give these communities the peace of mind they deserve.

And I want to remind my colleagues that Congress has historically provided Emergency Watershed Protection (or EWP) assistance for earlier disasters before moving on to confront the needs created by subsequent events. As of December 10, 2012, an estimated $47 million is needed to mitigate damaged watersheds in the aftermath of other presidentially-declared Stafford-Act disaster areas in Arizona, Colorado, Louisiana, Florida, Minnesota, Mississippi, New York, Utah, and Wisconsin. This is in addition to the $40 million needed for communities affected by Hurricane Sandy. We cannot leave these communities behind to suffer the effects of less recent disasters—whether they faced disaster from wildfire, hurricane or flood.

Mr. President, Coloradans unfortunately have already experienced some of these effects. For example, the usually crystal-clear Poudre River has been flowing black due to ash and runoff from the fire. This forced the downstream city of Fort Collins to shut off their water intake for over 100 days. Further downstream, the city of Greeley shut off their water intakes for 36 days and are still only able to take a small fraction of their normal intake.

This photo shows a water main that supplies 75 percent of the backup drinking water supply for the City of Colorado Springs—our second largest city. This pipe used to be buried 8 feet deep but is now exposed due to runoff from the fire area.

How much more of an emergency do we need, when our most basic resource—drinking water supplies for three of Colorado's largest cities and its families and businesses—is threatened?

I'll give you one more example. The flood potential in the burned areas is now 20 times higher than before the fire, which means that areas are experiencing 100-year floods from the same amount of rainfall that would have caused a 5-year flood before the wildfires.

Look at this photo. This is Highway 14, which is the major east-west artery through northern Colorado. This mudslide is one of many that occurred during one very minor rainstorm after the High Park fire. These mudslides on our major roads put people, property, and commerce at risk. Already, families in the Colorado Springs vicinity have received at least four flash-flood warnings since the Waldo Canyon fire. The need for stabilizing this ground and restoring the burned areas on both federal and private land is critical to public safety, public health and the prevention of another disaster.

I stand to support the recovery of the communities devastated by Hurricane Sandy. But, I want to ensure that my colleagues here understand the gravity of the situation we're facing in Colorado and other states that are also confronting disaster needs. If we do not act right away, communities across this nation will see unnecessary flood

risks, contaminated water supplies, and even tragic deaths caused by our inaction.

So when someone asks whether EWP is necessary or critical, the answer emphatically is yes! For many of our communities in Colorado, this is their #1 priority in Congress and I'm not going to let their critical needs go unmet. I ask each of my colleagues to support this important funding in the bill before us today.

I thank you for your attention and request that my statement appear in the appropriate place in the RECORD.

Mr. REED. Mr. President, I rise in support of the Emergency Supplemental Appropriations bill for Hurricane Sandy. This is a critically important bill for the States that were affected by this storm—not only New York and New Jersey, which saw almost unimaginable devastation and loss of life, but States like my home State of Rhode Island, which experienced significant damage.

There has been a long tradition in the Senate in working together to respond to major disasters in our States. The Appropriations Committee has been an important venue for the kind of bipartisan cooperation that has made these efforts possible. In large part that has been the result of the efforts of members like our late-Chairman Dan Inouye who created, by his example, an environment of comity and respect. That has been the unique ethos of our committee. Under the leadership of our new chairwoman, Senator MIKULSKI, it will continue.

As chairman of the Subcommittee on the Interior, Environment, and Related Agencies, I also want to take a moment to talk about the $1.45 billion included in the bill for environmental recovery and restoration needs.

We must fund recovery efforts and rebuild public facilities that were damaged. But we also need to look ahead to projects that will allow our communities and our public lands to withstand future storms and natural disasters. I am pleased that the Interior section of this bill addresses both needs.

The bill contains $435 million in essential funding to rebuild national parks, wildlife refuges, national forests, and other public facilities damaged by Hurricane Sandy.

I particularly want to call attention to the $348 million included to fund immediate construction needs at more than 25 Park Service units that were damaged during the storm. These funds will help the Park Service take necessary steps to reopen a number of heavily visited units to the public—including the Statue of Liberty and Ellis Island, which suffered extensive damage during the storm.

We need to get this work started now so that we can get these parks reopened. And because the need is so great—the amount requested by the President is nearly five times the annual line-item construction budget—it's imperative that we give the service the funds in this supplemental as soon as possible.

I also want to note that the bill also provides $78 million for immediate reconstruction and recovery needs for the more than 30 wildlife refuges that also sustained tremendous damage during the storm.

These funds will be used for emergency stabilization needs, to replace or reconstruct facilities, roads, and trails, and to fund improvements needed to lessen anticipated damage from future storms.

The bill also provides $810 million for the EPA State Revolving Fund programs, including $700 million for clean water needs and $110 million for drinking water needs, for States that faced the greatest impact from Hurricane Sandy. These funds will complement funds from other Federal agencies and provide targeted funding to upgrade water infrastructure to protect against future flooding, storm damage, and other natural disasters.

Already, there is a huge estimated need for these funds. In fact, EPA estimates that there are approximately 700 drinking water and wastewater facilities in States affected by Sandy that need to make infrastructure upgrades that will make them less susceptible to flooding and extreme weather events.

This is exactly the kind of work that needs to be undertaken so that we can get ahead of the curve and prepare for the next storm or natural disaster. I understand that there are some who believe that some of these investments do not constitute an emergency, but as those who lived in the path of storms from Andrew to Katrina to Sandy can attest, there is no time to waste or wait. I hope that this chamber can move swiftly to pass this supplemental appropriations bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New York.

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

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

Mr. SCHUMER. Mr. President, I ask unanimous consent that on Friday, December 1, when the Senate resumes consideration of H.R. 1, the legislative vehicle for the Sandy supplemental, the Senate proceed to vote in relation to the amendments to the bill under the previous order; that all remaining time under the previous order with respect to the amendments be yielded back; that there be 2 minutes equally divided prior to each vote, with the exception of the following: 4 minutes equally divided prior to each of the votes in relation to the Coburn amendments; 10 minutes equally divided prior to the votes in relation to each of the Paul amendments; 8 minutes equally divided prior to the vote in relation to the McCain amendment No. 3355; and 10 minutes equally divided prior to the vote in relation to the Lee amendment; and that all other provisions of the previous order remain in effect.

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

Mr. SCHUMER. I said December 1—wishful thinking. The order should say Friday, December 28.

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

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

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

MORNING BUSINESS

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

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

TRIBUTES TO DEPARTING SENATORS

DANIEL AKAKA

Mr. LEAHY. Mr. President, the great State of Hawaii has been represented in the United States Senate by two of the longest serving Senators, and they happen to have shared the name Daniel. This year, Senator AKAKA—with more than 3 decades of service in Congress—now the Senior Senator from Hawaii will return to his native State and enjoy retirement.

Senator AKAKA has represented the people of Hawaii in a variety of ways. Most recently, as Chairman of the Committee on Indian Affairs, he has worked tirelessly to support vital programs that provided education, healthcare, housing and other basic services for tribes across the country. Having attended college on the GI bill, he has been an advocate for improving education for all students. He also has been a strong supporter of veterans and a proponent of protections for whistleblowers seeking to expose waste, fraud and abuse in government.

On a personal note, I have always appreciated Senator AKAKA's strong support for the National Guard, and in particular the Hawaii Guard. His military roots go back to his own distinguished service in World War II. But he was one of the earliest and most senior adopters of the Guard empowerment legislation when I teamed with Senator Bond, Senator GRAHAM, and so many others to enact. Senator AKAKA stood with the men and women of the National Guard in demanding representation among the Nation's most senior