may overrule me, but it is worth arguing about to try to see if we can come to some reasonable compromise, which Leader REID has offered.

But there is already a crisis. For those who think this is manufactured, why don't they spend time this afternoon calling some of these small businesspeople who have shut down their operations?

They were building a road in Alaska, and they stopped because FEMA stopped their funding weeks and weeks ago. This isn't made up by MARY LANDRIEU. We can call Craig Fugate or anybody on this list if anyone thinks this is manufactured. They have stopped their projects because FEMA technically ran out of money months ago. They are operating on fumes. They stopped paying for all of their regular work that was going on rebuilding lots of places in America so they could give out their emergency aid to the east coast. They had no choice because we didn't give them enough money to make it through the year.

I sent a letter to the leadership on this issue months ago because I know this; I am the chair of the committee. They keep saying to me: Senator, we are running out of money. I have been saying this—and I will present letters for the RECORD. Anyone who follows this knows this is true. This is not a manufactured crisis.

This whole issue started when Representative CANTOR decided that the way to fix this problem was to cut something in the budget and have to offset something in order for us to move forward, and then the gears stopped. It was like he just threw a wrench in the gears. Everything was going along quite smoothly.

I know the American people are tired of the fighting and the name calling. I am, proudly, a centrist Democrat. I am still proud to say that. I have negotiated on probably every major deal that has been done—or compromised. I have been a part of almost every one for the 15 years I have been here. Some people don't like that about me, but I think that is good, and I am proud of it.

I most certainly am not one of the ones who like to start a partisan brawl just for the heck of it. This is an important principle. The principle is this: Should Americans have to scramble to find offsets while the water is rising and the wind is blowing, when we don't require the same for emergencies overseas? We don't scramble to find offsets when a famine happens or a drought hits in Africa. We send money because that is what Americans do. Yet our people are calling for help at home and somehow—this is on the tea party agenda—before we can send them help we have to find an offset in Washington, an offset that everybody agrees to. Good luck.

There are very few things here that two people agree to, let alone 535. If I had to do that, Mr. President, for Katrina and Rita, I don't know what I would have done.

We are in a crisis. It may not be for everybody in the country right now, like it could be next week if the government shuts down, which it will not. We are going to find a way forward. But for these people it has been a crisis for several months. Bridge projects are shut down, libraries are shut down, and all the workers have been sent home or told not to expect a paycheck on this project. I don't know how many people will continue to work without receiving a paycheck. Maybe some people are still doing that.

No. 2, we sent $1.3 trillion to Iraq and Afghanistan in the last 7 years—$1.3 trillion, not requiring one offset. Yet people in Florida are looking for help as are people in Vermont, and the Cantor doctrine says we have to find cuts in the budget.

The Senator from Florida wants to speak. I want to be accurate in this debate, so I want to correct one thing I said. I said that never before have we offset FEMA money. My staff corrected me and said that one time in history, in recent memory, we did that for a small amount of FEMA money when President Clinton was the President because the Republicans had just come into power and argued about it back then. President Clinton, to his credit, found an offset they could agree to, and they did it.

I don't think we should make this a routine exercise. It is not right for the flood victims or the taxpayers in the long run. Eventually, we will find a way to pay for these things, so let's reason together.

HARRY REID sent us a reasonable compromise. The House should focus on this and try to take this compromise—if we can. It has been worth discussing because this is going to go into law one way or the other, and we are going to be living with the consequences. Those of us on the gulf coast who are in hurricane alley—I will show this chart, and it is quite disturbing. I will put it up again.

This chart shows from 1851 to 2008. These lines represent every hurricane that has hit the lower 48. These large colored lines are Katrina, Gustav, Rita, and Ike. Most certainly, along the east coast people should know that this is just what happened. There was also a tornado chart that showed where the tornadoes hit, and there was one for the earthquakes. Every part of the country at some time experiences a disaster. We don't have to run up to Washington and gut the education programs overnight or gut our transportation programs overnight or try to call a special committee meeting to find out where we can come up with $1 billion by Friday to send to FEMA. We send it, and then we make those decisions over time. It is the way any corporation would operate, it is the way any family would operate, and it is the way our government should operate.

Again, if we take this Cantor doctrine to its ridiculous extreme, we would have firetrucks screaming down the street while a house is on fire, and before they turn the hose on, they would ask the family to come out and they would ask them what they should cut in the city budget before they turned on the water. We can only make reasonable assumptions about what disasters there will be—their frequency and their rate. If we go under a little bit, then we have to provide the money until we can fix it in the long run.

I am going to yield the floor. I thank the Members for engaging in this debate.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SMALL BUSINESS PROGRAM EXTENSION AND REFORM ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 2608, which the clerk will report.

The bill clerk read as follows:

Motion to concur in the House amendment to the Senate amendment to H.R. 2608, an act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with an amendment.

Pending:

Reid motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill, with Reid amendment No. 656 (to the amendment of the House to the amendment of the Senate to the bill), to provide continuing appropriations in fiscal year 2011 and additional appropriations for disaster relief in fiscal years 2011 and 2012.

Reid amendment No. 657 (to amendment No. 656), to change the enactment date.

Reid motion to refer the message of the House on the bill to the Committee on Appropriations with instructions, Reid amendment No. 658, to change the enactment date.

Reid amendment No. 659 (to (the instructions) amendment No. 658), of a perfecting nature.

Reid amendment No. 660 (to amendment No. 659), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 will be equally divided and controlled between the two leaders or their designees.

The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I want to comment before the Senator from Louisiana leaves the floor. It is kind of like we have seen this movie before. If I recall, it was Friday. The Senator from Louisiana and I were out here with this chart talking about the same thing, showing all of these paths of hurricanes and how those folks who live along the gulf and the Atlantic coast understand what natural disaster is.

We are playing with people's lives when we threaten not to fund FEMA,

which can respond to these. How many of these do we have to have to get through to these decisionmakers who are blocking the funding of FEMA because of some ideological position? There are people out there who are hurting in Tuscaloosa, AL; in Joplin, MO, all throughout New England, and along the Atlantic coast—and who knows what is going to happen? Hurricane season goes until the end of November.

I want to tell the Senator from Louisiana how much I appreciate her bringing this to our attention over and over again. We need to remind people that there are certain things that only the government can do, and this is one of them. When people are in need, they have to rely on emergency functions from their government. That is one of the main reasons of having a government. Hopefully, that message will get through.

Mr. President, I want to speak about, basically, this budget conundrum in which we find ourselves. In a little less than an hour, we are going to vote on a motion to cut off debate just to get to the bill that would continue to fund the government after this Friday so that the government can operate.

Speaking of movies that we have seen before, didn't we see this movie back in early August? Then it was over a different question of whether the government could continue to pay its bills. But in essence it was the same thing. In that case it was the lifting of the debt ceiling. In this case it is to keep the appropriations going, starting October 1.

So if we have seen this movie before, didn't Senators and Members of Congress go home in August? And didn't they hear from their people, and the people said: What in the world are you all doing? What are you thinking? Have you guys gone off the rails, that you would threaten the shutdown of the government and all the necessary functions of the government, which would then imperil our economy more already than it is now imperiled in this recession?

One would think Members of Congress got that message. Yet here we are again, in late September, after having gone through that drill in early August. We are going through the same thing again—this brinkmanship, this partisan ideological brinkmanship that has all the vestiges of being all balled up in electioneering politics and a Presidential election. That is not any way to run a country.

Let me tell you why I think—if the folks out across America will start letting their elected representatives know they have had enough—why we might see some change. With that cataclysmic confrontation we went through in early August, in order to get the government to pay its bills, we set up a structure—a process in law—where there was immediate debt reduction of some $1 trillion, but there is supposed to be—and I am rounding—another $1½ trillion done by this supercommittee that is supposed to report by Thanksgiving, and then we are to vote on it. Remember, a week and a half ago, the Presiding Officer and I and 34 other Senators—Republicans and Democrats alike—went to the Senate press gallery and we stood and said: We want a big deal of deficit reduction. A lot of us were suggesting what we want is tax reform in the process, getting rid of a lot of the clutter in the Tax Code that is so inefficient in the way of tax preference to individual special interests, which have grown exponentially over the last 20 years, since the last tax reform measure, which was 1986, and instead utilize that revenue, which would be revenue gained, to simplify the Tax Code and lower rates. The actuaries tell us that would, in fact, crank up the engine of growth and from that growth would come additional revenue.

Why is that so hard? Every constituent I have talked to seems to think that is a fairly good idea. You know what they say? They say it sounds like common sense.

Mr. President, I see other Senators on the floor who wish to speak. I want the Senator from New York to know I have been speaking to some of his constituents—the titans on Wall Street—who are saying the same thing: What in the world are you guys doing? Have you all lost your minds?

We have an opportunity to do something. If we will have as our north star some common sense, bipartisanship, and keeping in mind what is good for the country and not for our particular little ideology, then we can get something done.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. First, Mr. President, let me thank my colleague from Florida. He knew I was waiting, and I know he cut short his remarks, so I appreciate that. But more importantly than that, I appreciate his insight, his articulation of our situation, and his desire to help the people of Florida. Nobody works harder for the people of Florida than the Senator from Florida. They know disaster just about better than anybody else, given their geographic situation. So his fight for FEMA dollars is a fight for every citizen of that great State of Florida, where I must say many of my former constituents now reside, so I have a special care about Florida as well. I thank him for both his courtesy and his insightfulness.

FEMA runs out of money very soon. Already, recovery projects in more than 40 States have been halted so FEMA can focus their last dollars on responding to the latest disasters. To have FEMA not working in Joplin, MO, where we all saw the pictures, and because of the dangers that Hurricanes Irene and Lee created, is unheard of in this country. It is unheard of.

The Senate has already passed the bipartisan bill to replenish FEMA's coffers, providing $7 billion in immediate relief, not just for FEMA but the Army Corps. I can tell you that in my State we need Army Corps relief as well as FEMA relief because so many of our rivers have changed course. They have flooded. I think I mentioned earlier the Erie Canal—the locks—are no longer by the river because the storm's force changed the course of the Mohawk, so the river is here and the locks are here—the great historic Erie Canal. So we provided this $7 billion.

A reasonable person might say—all our constituents are saying—to get government to work, the most logical thing to do would be quick passage by the House so we could begin to get those dollars out the door. Instead, House Republicans decided to take emergency disaster aid and leverage it to force cuts to a jobs program they themselves used to support. If there has ever been a case of playing politics, that is it. If they don't like this jobs program, fine, fight it out in the regular course of business, but don't hold FEMA dollars hostage to cut jobs. The American people don't want that choice. Help those who are in the middle of a disaster. Is the only way we can help them to cut jobs in Michigan or Louisiana or other States, at a time when our country is hurting for jobs? That is not America, and that is not what our constituents have asked us to do. The jobs program they want to end, before they are willing to provide more disaster aid, is not some radical program. It was started under the Bush administration. It was passed with a bipartisan majority.

I understand their anguish. We have to cut funding. But we don't have to do it like this. We don't have to do it on the backs of the people of Schoharie County, whose homes have been blown away, or the people of Binghamton, who are in shelters because there is no rental housing for them. We don't have to do it on their backs. That is not fair. If our Republican colleagues want to have a fight over a program they used to support but now say the circumstances have changed, fine, we should have that. That is what we are here for. But don't hold disaster aid hostage.

I want to say this, lest people think the Democratic stand is some way-out-there, leftwing stand. Guess who supports us. The U.S. Chamber of Commerce and the National Association of Manufacturers. Because they know what we are doing is right. Those are groups that are almost always supporting Republican initiatives. So when they say we are right, doesn't that send a shot across the bow to my colleagues to back off this ideological, narrow, my-way-or-the-highway position?

Most importantly, the House Republican approach would require that we kill 40,000 jobs in order to help our fellow Americans put their lives and businesses back together after this year's record disasters. That is not right, it is

unprecedented, and I would say it is not the way we have done things in this country in the past.

The CR we will vote on this afternoon is a fail-safe measure. It is a bill that will keep the government running at funding levels agreed to by Democrats and Republicans in the debt ceiling negotiations. It is a good-faith effort to compromise and contains the same amount of disaster relief funding House Republicans supported.

It falls short of fully funding FEMA, as we did in the bipartisan bill passed 2 weeks ago, with 10 Republican votes, but we are working to meet our colleagues on the other side of the aisle in the middle in order to break the impasse. Will they move a little to the middle to meet us, or will they insist the only way to go is a bill that failed in this Chamber with a bipartisan vote against it of 59 to 36? Is Speaker BOEHNER saying to us a bill that fails in the Senate 59 to 36 is the only way to go, when it is so wrong and not supported by the Chamber of Commerce; when it is pitting jobholders, and the future of this country in terms of energy independence, against each other versus disaster assistance? That is not fair. The only difference between our bill and the House bill is it doesn't require the job-killing cuts the Chamber of Commerce opposes and that our fragile economy can't afford right now.

We know there has been a lot of pressure on the 10 Senate Republicans who joined us 2 weeks ago to fight full disaster funding. I hope they do not cave in to the pressure exerted by the extreme minority in the House that demands job cuts as a precondition for disaster relief. I would urge them not do it. If they can't resist that pressure, what is their solution? They know the House bill is a dead letter here.

The path forward is clear. The Senate has already spoken on the political bill sent to us by the House. We must pass this commonsense, middle-of-the-road compromise measure that is now before the Senate. It will provide disaster aid to hard-hit communities across the country immediately and prevent an unnecessary government shutdown.

We shouldn't even be talking about shutdown. Why are we? Because the other body decided to attach disaster relief to government funding. We are not just holding jobs hostage, we are holding government funding hostage in a my-way-or-the-highway presentation take it or leave it or your government shuts down, take it or leave it or 40,000 people lose their jobs. That is not fair and that is not right.

Every aspect of our plan has already received major bipartisan support. Voting for it is the right thing to do. We must put politics aside at a time when the economy of this country is so fragile. We must avoid even coming close to a government shutdown. We must do what is right for our country. And what is right for our country is to pass the compromise measure that has had bipartisan support in the past and vote for it on the floor of the Senate in the next half hour.

One other comment. My great colleague from Louisiana has done an incredible job. She has been showing this, but in case people missed it over the last hour, it is a great little cartoon. There is a nice lady with a gray bun and little glasses talking on the telephone. There is her TV on the roof of her house, which has, obviously, been flooded. This cartoon is humorous, but I have seen flood levels up to this level on house after house after house across large parts of the eastern part of New York. She is on the phone, saying: ''Welcome to the Republican disaster relief hot line. At the tone, please tell us the emergency and how you plan to offset the cost of your rescue.''

When the next disaster comes and people are struggling, are we going to have to debate how much to cut education funds? In the next disaster, when people have experienced an earthquake, are we going to have to debate how to help those people while we talk about how much to cut Border Patrol funds? In the next disaster, when fires are ravaging across Texas or New Mexico or California, are we going to debate how much we have to cut food safety inspectors? That is not our way, and that is why we need to support this bill which has bipartisan elements and has been supported by Members of both parties. That bill is a compromise bill. It is the middle-of-the-road bill that is on the floor of the Senate.

Mr. President, I yield my time, and I thank my great colleague from Louisiana for the great job she has done.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from New York, who has been a strong clarion voice on this issue. He has helped to crystalize what this is about. He is exactly right.

I want to read into the RECORD, as the Senator from Illinois comes to speak, from several articles around the country that have editorialized exactly on the position that he ended on, and it is the point of this whole debate—whether we accept the Cantor doctrine, which requires an offset before we send help to people who are stranded or flooded out or in an ice storm or in the middle of a tornado or whether we have to have Washington cut the budget first.

The central Pennsylvania newspaper said it well. They said:

> It is easy to generalize and say our government spends too much money and needs to cut all government programs. Then a tornado wipes out Joplin, MO, or a hurricane called Irene slams into the East Coast destroying countless homes and lives in Vermont or a flood devastates communities in Derry Township, Middletown and Harrisburg, PA. It is then we count on our local, state and federal governments for help and, in particular, for the federal government to support us with disaster relief. We have certainly seen this year through wind, fire and rain—the ice could be next to come—that FEMA's financial efforts cannot be tied to some sort of Congressional pay-by-the-disaster system.
>
> We cannot decide with each new catastrophe where we will find money, stripping funds from transportation this month and education the next.

That is what this debate is about. We did not choose this fight. It was started by Representative ERIC CANTOR. There was a moment in time when he said we must offset this disaster.

Some of us stood right up and said: No, we will not.

I see the Senator from Illinois, but I sent four letters as the chair of this committee as early as February. Please don't let anyone in the press criticize me for waiting until the last minute. February 16, 2011, I sent a letter saying: Heads up. This is going to be a problem.

Not many people listened. Then I sent another letter in March, then I sent another letter in May, and then I sent another letter May 11. We are now in September. One can accuse me of a lot of things. I most certainly make mistakes, but not being ahead of this one is not one of them. I knew this was going to happen.

Here we are. This was not started by HARRY REID. It was not started by Leader DURBIN from Illinois. It was started when ERIC CANTOR said, despite the fact that we sent $1.3 trillion to Iraq and Afghanistan to build cities and communities and houses in Iraq and Afghanistan, we cannot send any money to Vermont or to New Hampshire or to Virginia—his own State, which is mind-boggling to me—until we find a program to cut. Then they cut a program that has bipartisan support that is creating jobs in America.

I will yield the floor. The Senator from Illinois always has some interesting things to add to the debate, and I appreciate his support and leadership.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to speak for 10 minutes.

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

Mr. DURBIN. Mr. President, let me say to the Senator from Louisiana, she has been a clarion and consistent voice on this issue because she has seen it and lived it. Anyone representing the State of Louisiana can give a lesson to all of us about what happens when the unexpected occurs and people lose their homes, their businesses, their lives. They are uprooted.

We had some folks from New Orleans in Chicago. They were leaving New Orleans to come to one of our fabulous winters because they had nowhere to go, and I saw the look in their eyes. They did not know where to turn. At that moment in time, many people across America count on the American family. That is who we are and we represent that family in the Senate.

We stand for this country and for the families who are suffering through no fault of their own. When the Senator from Louisiana comes and tells us: Be

careful when we set a standard that says before we can send the first dollar to someone who has lost their home or their business or their farm or whatever we have to come back to Washington and go through a budget debate and decide where we are going to cut—out of money for education and medical research and the like. That is not the way it has ever happened. Emergency spending is emergency spending.

I have lived through it—nothing like what my colleague went through in Louisiana, but the floods of 1993 in downstate Illinois, I was in pretty decent shape when it was over for all the sandbags I filled and pushed around with thousands of volunteers. We saw what happened. There were terrible things that happened, and I think the Senator from Louisiana would agree with me that flooding is one of the worst. It doesn't go away. It sits there destroying people's homes and everything they own, and when it finally goes away, what a mess. Also, in the Midwest, we have a little thing called a tornado. I grew up as a kid in downstate Illinois listening for the siren and heading for the basement. We did that I don't know how many times, sometimes in the middle of the night. But look at what happened to Joplin, MO. This beautiful town in Missouri was almost wiped off the map by a tornado.

What do we tell the people who survive the next day? Sorry, Congress has to meet and debate and we will get back to you? Of course not. We stand and help people—scores of volunteers, hundreds of volunteers who come in for the Red Cross and so many other agencies and all the first responders. Governors don't say: We will see if the Federal Government will pay for this before we go in and help and provide lifesaving efforts. They do it, anticipating we will stand with them.

Now Congressman CANTOR of Virginia decides there should be a new approach: We need Congress to get together and debate before we help people who are victims of disasters.

That is a serious mistake. We have to stand by people, whether they live in red States or blue States, whether they are Democrats, Republicans, Independents. We stand by one another and that is critically important.

Let me say to the Senator from Louisiana, I think the thing I noticed over the weekend in Illinois, as I traveled around, was how fed up people are with what is going on in Washington on Capitol Hill. When they see us break down into another cussing match over shutting down the Government, they say: For goodness' sake, grow up—grow up and accept your responsibility.

We are here today accepting a grown-up responsibility. The House of Representatives is not here today. I hope they are going to send a message to us that they found a solution or, if not, I hope they are planning on returning this week because we have work to do.

On Saturday, the spending for the Government ends. Once again, we face a shutdown, a shutdown which would cause unnecessary hardship to innocent people all across America. If you think you have heard this script before or watched this movie before, you have. This is the third time this year the House leadership has pushed a shutdown in front of us and said: That is it. Take it or leave it.

That is no way to run a Congress, and it is no way to run a great nation. We need to come together and agree. I will tell everyone what Senator REID, the leader on the Democratic side, did to try to reach an agreement. We had originally asked for $7 billion additional money for FEMA for next year. I will bet we need it. But Senator REID said: In an effort to compromise, I will cut that request in half. We can get back together if we need it. There was an effort in consensus and compromise. It was totally rejected by the House. That is not a good way to act.

I also wish to add to what the Senator from New York, Mr. SCHUMER, said earlier about this idea that the only way to pay for disasters is to eliminate jobs in America. How wrong is that? To go from a natural disaster to making our economic disaster worse? But that is what the House wanted to do. They wanted to eliminate jobs that are created by programs that have worked. Let me give an example.

This intelligent, fuel-efficient vehicle program has put money into major automobile manufacturers to create more manufacturing jobs in Illinois, where we have had more jobs, good-paying American jobs for workers, that cannot be shipped overseas, with a good salary and good benefits. What is wrong with that picture? Isn't that what we are hoping for the rest of America as well?

All across the Midwest, these car manufacturers have used this program and more than 40,000 jobs have been created and the House Republicans have said: Let's eliminate that and pay for disasters with it—totally upside-down thinking. We have to be thinking about helping those in distress, and we have to be thinking about creating jobs. We can do both.

I take no backseat when it comes to tackling the deficit and debt in this country. I have been engaged in this debate for quite a while now and intensely over the last year and a half. But every economist and every clear-thinking person has said, before we start serious deficit reduction, take care of our immediate needs—that would be the defense of America and responding to disasters—and make certain this recession is behind us. We cannot balance the budget with 14 million Americans out of work. So get busy creating jobs. And we are going to. The President has come up with a proposal which I think makes sense, giving a payroll tax cut to working families. In my State of Illinois, where the average family makes about $53,500 a year, President Obama's payroll tax cut would mean an additional $1,500 a year for them, which is going to be about $125 a month in their paychecks. I bet they can use it as they watch the price of gasoline go up to $4.50 and go back down and go up again. They can use it.

It also said: Let's give small businesses a tax credit and a tax incentive to hire the unemployed. I know, we all know, creating jobs in America has to start with small business. The Senator from Louisiana heads up that committee. She knows it. She has been the most aggressive spokesperson for that cause of any in the Senate.

The same is true of where we are spending our money. We should be investing in America. In the suburbs of Chicago, in Morton Grove, IL, at the Golf Middle School, they took me on a tour of the 60-year-old school, and it is hard to imagine how they keep it going. They took me down to the boiler room. I don't think too many Senators spend too much time in boiler rooms in schools today, but I did, looking at a 60-year-old boiler. The fellow, Jim Burke, who keeps it running, said it cost them $180,000 last year to keep this old, antique system going. They need a new HVAC system for the hundreds of kids going to this school. That is an example of buying products in America, installing them in America, and investing in America, so kids can be educated and can succeed in America. That is a plan we all should endorse in both political parties.

In just a few minutes, we will have a vote on the floor, and I hope we will vote in a bipartisan fashion in a clear voice to say we are going to stand behind the victims of disasters across America, the American family can come together, and we are not going to cut jobs in order to reduce the pain people feel in disasters.

We can do both, create American jobs and make certain those who are struggling through those disasters have the help they need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from Illinois. I continue to be amazed at his energy, in terms of leadership and what he does in Washington and his home State of Illinois. I appreciate the comments he has brought to this debate.

I wish to say the vote we are going to have in a few minutes is going to decide whether we are going to change the way we help disaster victims. We are either going to do it the way we have pretty much always done it—when a disaster strikes, the Federal Government steps up; we are there. We encourage our Governors and mayors and local elected leaders to roll up their sleeves, work side by side with people, and take care of business, basically, get people out of harm's way, move them into shelters, comfort them, console them, keep families together, and then work with them in

weeks and months and sometimes it takes years to get these communities back up and operating—or we are going to adopt the Republican sort of tea party/Cantor doctrine, which is ''my way or the highway,'' which is why we are having this debate a week before the end of the fiscal year, which says we are going to have to find money with each new catastrophe. We are going to have to find money by stripping money from either education or transportation or, in this particular case, stripping money from a program that creates private sector jobs—a public/private partnership, a lending program that helps new and emerging companies get the financial wherewithal to manufacture new automobiles in America and puts Americans to work.

In fact, what is amazing about this offset that the Republicans have chosen to have this whole debate about is, it is an offset of a program that is supported by Republicans themselves. In fact, many Republicans in the Senate and in the House have actually sent letters—and I am going to read one or two of those right now—to the Secretary of Energy asking for funding out of this exact program for creating jobs in one State, which is a legitimate thing to do. It is done all the time. There is nothing wrong with that. What is wrong is then turning around and coming to Washington and voting to gut this program under the guise that we need to do so to help disaster victims.

I have a number of letters and I ask unanimous consent they be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Ms. LANDRIEU. I am going to read a letter written by the Members of the Indiana delegation. At least three Republicans have signed this letter: Senator LUGAR from Indiana, Representative DAN BURTON from Indiana, and Representative MIKE PENCE from Indiana.

They wrote, on June 25:

> We write today to highlight the remarkable automotive innovation occurring in Indiana—and the tremendous potential for Hoosiers to lead our national effort in transforming the automotive sector. Indiana is uniquely qualified and prepared to lead the nation and the world in the development and commercialization of advanced battery, electric drive vehicles and other innovative transportation technologies.
>
> Hoosiers are committed to reaching our national goal of reducing our dependence on foreign oil, and they are actively researching, developing, and manufacturing technologies that will be cleaner and create lasting jobs.
>
> The Hoosier state is the most manufacturing-intensive state in the union and is home to some 700 automotive related companies which employ more than 130,000 workers. Moreover, Indiana's broad diversity of domestic and international companies, its long experience manufacturing light duty, heavy duty, recreational and military vehicles, and its rich legacy pioneering the development of the electric power train makes the state a national hub for automatic automotive technology development.

They go on and on. They say:

> Indiana already is home to a number of established and emerging battery and electric vehicle technology companies. . . .
>
> In addition, Indiana's world-class research universities including Purdue University, Indiana University-Purdue University Indianapolis, and the University of Notre Dame have formed an active research and development partnership.

The letter goes on to say what a great job they are doing. ''We strongly encourage you to give full consideration to the innovative applications for federal investment made by Indiana companies'' through the electric drive vehicle battery component manufacturing initiative and the $25 billion Advanced Technology Vehicle Manufacturing Loan Program. That is the exact loan program Republicans from Indiana have written to ask funding for that they are now eliminating to pay for disasters. If this were a program that was not working, if this were a program that did not create jobs in America, if this were a program that Republicans privately and publicly acknowledged was not a good program, that would be one thing. But to run home and cut ribbons, to say you are creating jobs in Indiana or in New York or in Illinois and then run up here and cut the program, claiming you have to do so to help disaster victims when it is just about unprecedented in the history of our country, there is something terribly wrong.

We do not need to be destroying jobs; we need to be creating them. We do not need to be making excuses about how we do not have to help victims of disasters; we need to be helping them.

I guess I take this a little bit personally because while the rest of the Members sort of say things like: Well, FEMA is not really running out of money, and they can probably make it until Friday—there is some talk about that going on. There are some technical ways that could be done—I wish to remind everyone here that this is already an emergency for over 400 projects that were shut down weeks ago. If you are a small business owner who had a subcontract building a road in Alaska, it is an emergency for you because you were shut down and you cannot make payroll. You already bought the supplies to build the bridge, and nobody on the Republican side is caring about your crisis.

FEMA is technically out of money as we speak. The only way they are continuing to operate is because they have shut down these projects.

This is the third time in the last 6 years, to my knowledge, that projects have been shut down across the country. Why is that right? Many of those projects are in Louisiana, some of them are in Mississippi, and some of them now are in Joplin. If you were in a disaster that happened a few years ago, because Republicans either will not budget the money or will not budget enough money or every time you go to ask for a dime, they require an offset somewhere else—truly what is happening is disaster victims in other parts of the country are subsidizing this foolishness.

This does not fall equally on the backs of Democrats and Republicans. I know people are tired of hearing it, but it does not. HARRY REID did not start this fight. MARY LANDRIEU did not start this fight. DICK DURBIN did not start this fight. ERIC CANTOR of Virginia, a Republican leader, started this fight when he said: We cannot fund the 2011 disasters without an offset.

So in this whole debate, what they have done is shut down projects in Louisiana and Mississippi despite the fact that I have said: We don't really need an offset. We have made arrangements in next year's budget. It is unprecedented, Representative CANTOR. Your State is going to be hurt as well.

He doesn't seem to care. But I do care, and I do think it is worth talking about.

I don't know if we will win this battle today. I don't know if we will win this vote this afternoon. I am not the whip. I do not count the votes. All I do is keep my eyes on the people who are in disasters because I have had to for the years I have been, unfortunately, the Senator from Louisiana who has been through the worst natural disaster our country has ever known. I have walked through too many destroyed neighborhoods, I have cried with too many people, and I have watched what they go through.

For me, this is not a simple change. This is a major change which we cannot afford in this country and which our people do not deserve. We cannot have a budget meeting every time there is a disaster in America and try to run up here and in 30 minutes or 2 days or a week decide what program we are going to slash that everybody can agree to so we can send help, whether it is to West Virginia or to Florida or to Michigan or Louisiana. That is no way to run a government.

Now tea party people and Republicans want to bring change to Washington. I welcome some of that change but not this. This is not a change we need. This is not a good policy for America. I am not opposed to change. I am adaptable. I am a centrist. I am a moderate. I can listen to what Republicans and Democrats say, and I am proud of that. It is a strength. I consider it a strength, not a weakness. This is not a change I can support lightly, and that is what this fight is about. We may be forced to change, but if we are, I want the people of America to know this was ERIC CANTOR's idea. This is on the tea party agenda. I do not think it should be on America's agenda.

EXHIBIT 1

CONGRESS OF THE UNITED STATES,
Washington, DC, June 25, 2009.

Hon. DR. STEVEN CHU,
Secretary of Energy, James Forrestal Building, Independence Avenue, SW., Washington, DC.

DEAR SECRETARY CHU: We write today to highlight the remarkable automotive innovation occurring in Indiana—and the tremendous potential for Hoosiers to lead our national effort in transforming the automotive sector. Indiana is uniquely qualified and prepared to lead the nation and the world in the development and commercialization of advanced battery, electric drive vehicles and other innovative transportation technologies.

Hoosiers are committed to reaching our national goal of reducing ow dependence on foreign oil, and they are actively researching, developing and manufacturing technologies that will be cleaner and create lasting jobs.

The Hoosier state is the most manufacturing intensive state in the union and is home to some 700 automotive related companies which employ more than 130,000 workers. Moreover, Indiana's broad diversity of domestic and international companies, its long experience manufacturing light duty, heavy duty, recreational and military vehicles, and its rich legacy pioneering the development of the electric power train makes the state a national hub for automotive technology development. Indiana's proven experience positions it to be the leader in next-generation batteries and electric drive vehicles. Hoosier companies like Delco Remy and later Delphi were ahead of their time in producing batteries systems for advanced technology vehicles, leading the development of the battery system for the EVI, GM's first and only electric vehicle.

Indiana already is home to a number of established and emerging battery and electric vehicle technology companies. Our state is also a national hub for battery systems development and testing for the defense and national security industry with unique assets like the U.S. Navy's Naval Surface Warfare Center Crane, which has forged strong partnerships around energy storage technologies with several top defense contractors across Indiana.

In addition, Indiana's world-class research universities including Purdue University, Indiana University-Purdue University Indianapolis and the University of Notre Dame have formed an active research and development partnership around next-generation battery technology and are working with a network of industry partners to accelerate technology transfer. These university partners are also collaborating with Indiana's statewide community colleges to develop new degree programs and curriculums needed to prepare the Hoosier workforce for advanced battery technology jobs.

Most importantly, Hoosiers have committed themselves to the goal of transforming our transportation sector. Diverse stakeholders recognize that no one company has all the answers and that success requires collaboration and partnership that crosses multiple industry boundaries. Hoosier companies have forged a number of joint partnerships involving Fortune 500 companies, innovative start-ups anti leading research institutions to leverage their assets and accelerate the development of advanced battery and energy technology solutions. Likewise, community support is palpable, with a steady stream of interest from local governments, schools, universities and non-government groups.

We strongly believe that Indiana is the smart choice for investment of grants, loans and other federal support for the research, development and commercialization of advanced automotive technologies and fuels. In particular, several Hoosier companies have applied for existing grants and loans through the $2 billion Electric Drive Vehicle Battery and Component Manufacturing Initiative and the $25 billion Advanced Technology Vehicle Manufacturing Loan Program. As you evaluate these proposals, we encourage you to remember the strong multiplier effect that will come by investing in a state already committed and with a broad base of support and experience.

Indiana's automotive and energy technology industries are uniquely positioned to participate in these new programs. Their experience, technical expertise, and commitment to collaboration would provide significant leverage for any federal investment. Investing in Hoosier innovation will make America safer, make our economy stronger and make our environment cleaner.

We strongly encourage you to give full consideration to the innovative applications for federal investment made by Indiana companies and institutions to accelerate the commercialization of high performance, safe, and cost effective advanced battery technologies.

Thank you for your consideration.

Sincerely,

Richard G. Lugar, Evan Bayh, Dan Burton, Peter J. Visclosky, Steve Buyer, Mark E. Souder, Mike Pence, Baron P. Hill, Joe Donnelly, Brad Ellsworth, André Carson.

UNITED STATES SENATE,
Washington, DC, February 16, 2011.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I was pleased on August 29th, 2010 when you spoke at Xavier University on the fifth anniversary of Hurricane Katrina about the will to keep up the fight to recover from that catastrophic event. During the speech, you spoke right to the survivors of the disaster and said, ''My administration is going to stand with you—and fight alongside you—until the job is done. Until New Orleans is all the way back, all the way.''

I am asking you to stand with me now. Based on the latest estimates from the Federal Emergency Management Agency (FEMA), the Disaster Relief Fund is expected to be exhausted in June. I understand that a minimum of $1.565 billion is needed just to meet the costs of eligible projects for the balance of this fiscal year. This shortfall is largely the result of past catastrophic and major disasters, such as Hurricanes Katrina, Rita, Gustav, Ike, the Midwest floods of 2008, and the Tennessee floods of 2010.

In the absence of an emergency supplemental request from you, the House Republican Leadership has decided to include $1.565 billion of non-emergency funding in H.R. 1, now pending before the House. In order to pay for this funding, H.R. 1 reduces funding for the Coast Guard, FEMA, and State and local first responders and emergency managers, the very agencies that are responsible for preparing for and responding to future disasters. It is true that in these tough economic times, it is critical that we make disciplined funding decisions, but it makes no sense to strip agencies of the resources they need to prepare for future disasters in order to pay for the costs of past disasters. We simply cannot return to the days when FEMA could not do its job. Therefore, I ask you to submit, without delay, a request for emergency supplemental funding.

Without your request for the needed amount of funding, I am concerned that history will soon repeat itself. Last year, FEMA was forced to stop making payments for over five months to my State and States across the Nation for recovery efforts from past disasters. In addition to the $1.565 billion that is necessary to continue disaster recovery this year, FEMA estimates that $6 billion will be required in FY 2012–2014 to pay for the recovery costs of past catastrophic disasters. Such funding simply cannot be accommodated within the existing budget of the Department of Homeland Security. I am concerned that if only the amount to cover known costs for FY 2011 is requested, $1.565 billion, then FEMA and OMB will once again have to stop making payments to States. There is no reason for this to happen again. It is imperative that in this and future budgets you request a sufficient amount of funding for both the known costs of past disasters and the estimated costs of future disasters.

In your August 29th speech, you said, ''I wanted to make sure that the federal government was a partner—not an obstacle—to recovery here in the Gulf Coast.'' Unfortunately, the budget process applied to the Disaster Relief Fund is an obstacle to recovery in Louisiana and the whole Nation. Your Administration has done a lot to help my State of Louisiana recover. I ask for your renewed commitment to continue that effort.

With kindest regards, I am

Sincerely,

MARY L. LANDRIEU,
United States Senator.

UNITED STATES SENATE,
Washington, DC, March 17, 2011.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Based on the latest estimates from the Federal Emergency Management Agency (FEMA), the Disaster Relief Fund is expected to be exhausted in June, at the very beginning of the hurricane season. A minimum of $1.565 billion is needed just to meet the costs of eligible projects for the balance of this fiscal year. This shortfall is largely the result of past catastrophic and major disasters, such as Hurricanes Katrina, Rita, Gustav, and Ike, the Midwest floods of 2008, and the Tennessee floods of 2010.

There are currently 49 States that are recovering from major disasters that you have declared under the Robert T. Stafford Act. All of these recovery efforts would be put on hold if FEMA is forced to stop disaster payments. Last year, FEMA was forced to stop such payments for five months, delaying recovery and increasing costs across the Nation. We should not allow history to repeat itself.

Further complicating this funding problem is the imminent onset of the flood season. The National Weather Service is projecting that the country is at risk of, ''moderate to major flooding this spring'', particularly in the Midwest. The tragic events in Japan have reminded us of the potential consequences of a catastrophic disaster. In responding to a catastrophic disaster such as Hurricane Katrina, the current Disaster Relief Fund balance would be exhausted in three days.

In the absence of an emergency supplemental request from you, the House Republican Leadership decided to include an additional $1.565 billion of non-emergency funding for the Disaster Relief Fund in H.R. 1. In order to pay for this shortfall, H.R. 1 reduces funding for the Coast Guard, FEMA, and State and local first responders and emergency managers, the very agencies that are responsible for preparing for and responding to future disasters. It is true that in these tough economic times, it is critical that we make disciplined funding decisions, but it

makes no sense to strip agencies of the resources they need to prepare for future disasters in order to pay for the costs of past disasters. This problem only gets worse next year. FEMA estimates the additional shortfall in FY 2012 to be $3 billion.

We simply cannot return to the days when FEMA could not do its job. Therefore, we ask you to submit, without delay, a request for emergency supplemental funding. H.R. 1, as it passed the House, contains $159 billion of emergency funding for Overseas Contingencies because the Department of Defense cannot absorb the cost of the wars within its base budget. Similarly, the Department of Homeland Security cannot absorb the costs of catastrophic disasters in its base budget.

Funding shortfalls in the Disaster Relief Fund with an emergency designation is consistent with past practice, by Democrats and Republicans alike. Since 1992, $110 billion out of $128 billion appropriated to the DRF has been emergency spending, primarily for Hurricanes Katrina, Rita, Gustav, and Ike, and 9/11. In your budget estimates, you have included an allowance for disaster costs, a responsible recognition of the potential costs of disasters. However, absent an emergency supplemental request, this allowance is nothing more than an unfilled promise to communities recovering from disasters.

We thank you for your consideration of this important matter.

Sincerely,

Mary Landrieu, Sheldon Whitehouse, Tom Harkin, Dianne Feinstein, Al Franken, Joe Lieberman, Barbara Boxer, Richard Durbin, Jack Reed, Kent Conrad, Amy Klobuchar, Frank Lautenberg, Ron Wyden, Jay Rockefeller.

UNITED STATES SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 2, 2011.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On February 18, 2011 and March 17, 2011, I wrote you urging that you request an emergency FY 2011 supplemental to address the shortfall in funding in the Department of Homeland Security Disaster Relief Fund. The $1.2 billion shortfall for FY 2011 was largely the result of past Presidentially-designated catastrophic disasters, such as Hurricanes Katrina, Rita, Gustav, and Ike, the Midwest floods of 2008, and the Tennessee floods of 2010. Regrettably, no request was submitted to the Congress. The recent tornados make this request all the more urgent demonstrating once again that natural disasters are indeed unpredictable, expensive, and require our compassionate and effective response.

In the absence of an emergency supplemental funding request, Congress had to make the difficult decision to cut the base budget for the Department of Homeland Security by $1 billion to accommodate the shortfall in fiscal year 2011. The only other alternative was for the Federal Emergency Management Agency (FEMA) to stop making payments for past disaster recovery efforts when they were estimated to run out of money in July of 2011, the beginning of the hurricane season. Congress determined that it made no sense to compound the pain of communities devastated by past disasters by stopping the recovery process.

As Chairman of the Homeland Security Appropriations Subcommittee, I am now drafting the FY 2012 Homeland Security Appropriations bill. We have scrutinized your $43.6 billion request. With one glaring exception, I find the request to be balanced and responsive to the many threats that this Nation faces. Regrettably, as in FY 2011, the request does not include any funding to address what FEMA estimated before the most recent disaster to be a $3 billion shortfall for the Disaster Relief Fund for FY 2012.

This past week, you told the victims of the tornados in Alabama that you would make sure that they were not forgotten. You made a similar promise in New Orleans on the fifth anniversary of Hurricane Katrina. These promises cannot be fulfilled without funding for the recovery effort, efforts that often take many years of sustained investment.

It is true that in these tough economic times, we must make disciplined funding decisions, but it makes no sense to strip agencies of the resources they need to deter, prepare for, and respond to future disasters in order to pay for the costs of past disasters. Yet without leadership from the Administration, we were forced, in the full-year continuing resolution, to cut funding below your request for first responder equipment and training grants, cyber security, port security, transit security, and aviation security. Frankly, given the increased threat of homegrown terrorism that you eloquently spoke of in your State of the Union Address, and the evolving threat that Secretary Napolitano has testified to, these cuts were neither responsible nor cost-effective.

Your FY 2012 request of $1.8 billion, which is based on a projection of the five-year average of disaster costs excluding catastrophic disasters, includes no funding for the known costs of past catastrophic disasters. As a candidate, you rightly criticized your predecessor for hiding known costs from his budget.

I urge you to seek emergency funding for the documented $3 billion shortfall for FY 2012. As you know, it is consistent with past practice, by Democrats and Republicans alike, to fund Disaster Relief Fund (DRF) shortfalls with an emergency designation. Since 1992, $110 billion out of $131 billion appropriated to the DRF has been true emergency spending. You include in your budget an allowance for disaster costs, which is a responsible recognition of the potential costs of disasters. However, absent an emergency funding request, this allowance is nothing more than an unfilled promise to communities recovering from disasters.

The Department of Homeland Security simply cannot absorb a $3 billion shortfall in the proposed budget of $43.6 billion for fiscal year 2012. Absent an emergency request, the priorities that you have identified in your request to secure the homeland will all regrettably be jeopardized.

Congress will begin drafting fiscal year 2012 appropriations bill this month. In the continued uncertainty of how the Administration will address the shortfall, I fear the House will make the same irresponsible cuts it proposed in H.R.1, only deeper, including cuts in FEMA, the Transportation Security Administration, United States Coast Guard, United States Secret Service, cyber, port, and transit security, and grants to State and local governments to equip and train first responders. In light of the threats this Nation faces, such cuts make no sense.

I ask that you submit an emergency funding request for the estimated shortfall for fiscal year 2012 without delay. Disaster victims in 49 States, including the victims of the recent tornados that have crossed this Nation, would be impacted if FEMA were forced to stop disaster recovery payments next spring.

With kindest regards, I am

Sincerely,

MARY L. LANDRIEU,
Chairman,
Subcommittee on Homeland Security.

U.S. SENATE,
Washington, DC, May 11, 2011.

Hon. BARACK OBAMA,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As the waters of the Mississippi River continue to rise each day, communities in the lower Mississippi River valley are bracing for widespread flooding. In my state of Louisiana, farms and towns along the Mississippi and in the Atchafalaya Floodway are busy preparing to safeguard lives and property from devastation, and we need your help.

The U.S. Army Corps and FEMA should continue their ongoing efforts to notify individuals of the impending risk and help them to escape from harm. I urge you to also move swiftly to approve the pending and anticipated requests for disaster declarations in the affected parishes of Louisiana, While I appreciate the emergency declarations that have already been issued for Louisiana and other states, more help will be needed to fight the flood waters and help communities to recover.

Specifically, I believe that public and individual assistance from FEMA, crop disaster, conservation, and watershed assistance from USDA, fisheries disaster assistance from NOAA, disaster loans from SBA, and housing vouchers and recovery grants from HUD will be needed in some communities. Further, I urge you to instruct all of these agencies to perform expedited damage assessments in order to determine eligibility for Federal assistance.

By all accounts, the Mississippi River and Tributaries (MR&T) Project is performing as intended and critical investments over many decades have paid huge dividends in reducing damage. However, not all communities in the path of these flood waters have adequate protection, and additional system upgrades will ultimately be required. According to the U.S. Army Corps of Engineers, only 88 percent of the MR&T Project has been completed since its initiation after the Great Flood of 1927. I call on you to join me in analyzing these remaining needs and developing a strategy to address them as soon as possible.

Sincerely,

MARY L. LANDRIEU,
United States Senator.

Ms. LANDRIEU. I see the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I think we all appreciate so much the passion and compassion our colleague from Louisiana has for the people of America—not just the people of Louisiana but all over America. I thank her for taking this fight and making sure people understand what we are fighting for. Being one of the other centrists in this body—and I think we have a majority right now—three of us—I appreciate all of us being in attendance.

I rise today to address the enormous frustration the American people must feel witnessing their government and their leaders engaging in another futile political exercise. Our government is being driven—and I agree with the Senator from Louisiana that we are not going to shut down over this, but it is unbelievable to get into the fuss we are in right now, to make people believe we could come to the brink of another when we just went through this bloody mess in August.

There is not a State in this great Nation that has not suffered the terrible tragedy and cost of a natural disaster. While there are many government programs and issues we should vigorously debate, we surely cannot question the responsibility of government to help our communities in their darkest moments. In the America I believe in, we don't look the other way when a community is suffering from the pain of a natural disaster. We stand to offer a helping hand. It is this spirit of helping each other that has defined this Nation since its very beginning, and we cannot let politics destroy that spirit.

Our belief in helping each other is a bedrock value for this country, and it runs much deeper than a belief in a political party. We are Americans, and for the sake of this great Nation I know we all love, these petty squabbles that define this place must end. That is why we must fund FEMA disaster relief and why I voted for a Senate bill that would fund FEMA through the end of the fiscal year.

Yes, we all agree that funding for disaster relief should be paid for in these most difficult times and especially now that we are looking at these deficits we have accrued. Yes, we must save and set aside that money. My grandfather once told me, Mr. President—and I think you can appreciate this, being a small businessperson—you can't give someone the shirt off your back if you don't have a shirt to give them. We have to plan and work hard to make sure we can put ourselves in position to help others.

Yes, we must return to the path of fiscal responsibility where we manage our budgets wisely and put away enough money for the eventual disasters we know will strike. In my great State of West Virginia, we have a contingency fund. We know we are going to have floods and challenges throughout our State, and we set aside, every budget year, X amount of dollars, and we accumulate that to use for a crisis. We can do the same right here in this great country of ours and in the Nation's Capital.

It is absolutely wrong—no ifs, ands, or buts about it—to pay for disaster relief out of funds that are creating jobs, with the potential of creating more jobs. Are there problems with some of the programs? Absolutely. Can we fix those programs? Absolutely. Should we eliminate programs that cost too much and offer little return? Absolutely. But are we so desperate to score political points that we eliminate a program—the Advanced Technology Vehicles Manufacturing Loan Program—which is actually helping to bring jobs back to America? For the record, that program is credited with saving or creating 39,000 American jobs, most with the Ford Motor Company, an American manufacturer. It is something we need more of in this country. It is a program with support from both the chamber of commerce and the National Association of Manufacturers. In fact, Ford actually moved a hybrid battery facility from Mexico to Michigan because of this loan program. I can think of a lot of loan programs we should fight over, but are we really going to defund a program that has helped bring jobs back to America? I don't think so.

So where do we go from here? Well, of my Republican and Democratic leaders, I respectfully ask them to consider how simple a choice we face. We can rebuild America or we can afford to pay for it. We can choose to fund FEMA or afford to pay for it. We can do all of this if we face the fact that we cannot continue to go into debt and spend billions in Afghanistan while suggesting that in order to fund FEMA, we must cut a program that actually helps to create jobs in America.

As I have said before, we must choose between rebuilding Afghanistan or rebuilding America. Today, we can make that choice. I, along with many of you, choose to rebuild America. At a time when our economy is strugglingly and our deficit is exploding, I cannot believe we in Washington would choose to rebuild another nation at the expense of our own. We can do better for this, and for the sake of our Nation's future, we must to better than this. We should not engage in a political theater that makes the false choice between funding disaster relief or eliminating a jobs program that actually helped create American jobs.

It is time for us to set our priorities. It is time for us to rebuild America, not to rebuild Afghanistan or Iraq. Helping America to rebuild during times of natural disaster must be a priority that cannot be defined by partisanship.

In West Virginia alone, several projects worth nearly $½ million have now been put on hold because of the bickering and squabbling that goes on. Those projects include funding to help individuals whose property was damaged in the severe snowstorms in 2009, flooding in 2010, as well as critical equipment that monitors waterflow in areas prone to flooding, equipment that is vital for forecasting river levels during our floods. This doesn't make any sense to me, and I know it doesn't make any sense to the people of West Virginia.

I cannot believe that any American would choose to lose billions more in waste and corruption in Afghanistan while we ignore the needs of our neighbors here at home—our neighbors who just this year survived tornadoes, floods, and hurricanes, and who need shelter and food.

I would like to offer the following amendment to offset the cost of funding FEMA by eliminating $1.6 billion from programs that will fund nation building in Afghanistan and instead direct that money to FEMA, to programs that rebuild America.

I yield the floor.

AFFORDABLE CARE ACT

Mr. BINGAMAN. Mr. President, I thank Senator STABENOW for her work in protecting children's dental coverage. I want to clarify any confusion about the Finance Committee's intent when we adopted her amendment, C–7, on pediatric dental coverage. As I understand it, her intent was to ensure that commercial stand-alone dental plans could participate fairly in an exchange and could also operate outside an exchange. The Senator expressly provided that these stand-alone dental plans could operate outside State or Federal exchanges.

Ms. STABENOW. That is correct and I thank the Senator for all his efforts in support of children's dental coverage as well and for this opportunity to clarify the intentions of my amendment. I offered this amendment to allow competition in the marketplace for dental benefits by allowing traditional stand-alone dental plans to participate both in and outside an exchange, just like health plans that provide coverage for medical care. The amendment ensured that stand-alone dental policies may fulfill the requirements of the essential health benefits package when paired with a qualified health plan covering all benefits other than pediatric oral health services within the exchange. To quote directly from the amendment, it indicated that ''required pediatric dental benefits in the non-group and small group markets (in and outside an exchange) may be separately offered and priced from other required health benefits.''

Many American families today receive dental coverage through stand-alone dental plans. Failure to properly implement the amendment as it was intended could result in serious disruptions in the dental coverage these families receive. That is why it is important that we get this right, and I appreciate the opportunity to make this clarification.

Mr. BINGAMAN. I thank the Senator for clarifying this issue.

Also Senator STABENOW and I want to thank the Chairman for working so closely with us and a number of our colleagues to ensure that the Affordable Care Act includes children's oral health care as part of the essential benefits package that health insurers must offer in order to participate in health insurance exchanges. In doing so, we fully recognized that too many children suffer needlessly from dental problems that are overwhelmingly preventable and that oral health is integral to their overall health.

Ms. STABENOW. Yes, I completely agree, Senator BINGAMAN. In fact our colleagues on the Finance Committee also overwhelmingly agreed that children must have access to oral health care, which is so critical to their overall well-being. We talked about the story of Deamonte Driver, a 12-year-old Maryland boy who died from a brain infection caused by tooth decay. He couldn't get access to an $80 dental procedure that would have saved his life. When his condition got worse, he ended up enduring two emergency surgeries, weeks of hospital care, and

$250,000 worth of medical bills—but it was all too late. Stories like this remind us of the importance of dental care for children, which is why the pediatric element of the essential health benefits package expressly includes oral care.

Mr. BINGAMAN. Senator STABENOW, I want to be sure that we clarify any confusion about the Finance Committee's intent when we adopted your amendment, C–7, on pediatric dental coverage. As I understand it, the Senator's intent was to ensure that commercial stand-alone dental plans could participate fairly in an exchange. When we adopted the Senator's amendment, we understood that children receiving coverage through an exchange would have the same level of benefits and consumer protections, including all cost sharing and affordability protections, with respect to oral care. This holds true whether they received pediatric oral care coverage from a stand-alone dental plan or from a qualified health plan.

Ms. STABENOW. That is correct, Senator BINGAMAN, and I thank you for this opportunity to clarify my intentions. The amendment ensured that stand-alone dental policies may fulfill the requirements of the essential health benefits package when paired with a qualified health plan covering all benefits other than pediatric oral health services within the exchange. To be clear, I intended for stand-alone dental plans to fully comply with the same level of relevant consumer protections that are required of qualified health plans with respect to this essential benefit. To quote directly from my modified amendment C–7 that was adopted in committee, ''. . . stand-alone dental plans must be allowed to offer the required pediatric dental benefits directly and to offer coverage through the Exchange and must comply with any relevant consumer protections required for participation in the Exchange.''

Mr. BINGAMAN. I thank the Senator for clarifying this point.

Mr. BAUCUS. I wish to thank Senator BINGAMAN for raising this issue, and Senator STABENOW for clarifying the intentions. I would like to echo the Senator's comments and reiterate the importance of ensuring that a full and affordable oral health benefit and the consumer protections we so carefully drafted apply equally to the pediatric oral care benefit whether offered by a stand-alone dental plan or a qualified health plan in an exchange.

Mr. BINGAMAN: I thank Senators BAUCUS and STABENOW for their assistance in clarifying this issue.

Mr. PAUL. Mr. President, I rise today to speak against the process by which this body is passing major legislation as we approach the end of this fiscal year. Last week we were asked, without debate or amendment, to pass at least a half dozen bills reauthorizing or extending expiring laws and spending authorities—some of which authorize the expenditure of billions of dollars over the next year.

Actions such as this are a big part of what gives Washington a reputation for being dysfunctional. The fact that authorizations for many programs expire on September 30 each year is not a secret. Nor is it a secret when September 30 will come around each year. But instead of planning ahead, working for weeks or months to address a foreseeable need, and actually doing its work on time, Congress resorts to passing massive bills at the last minute when there is not time for serious scrutiny or changes.

It is unconscionable this body would avoid debating such programs in a meaningful way. I would ask my colleagues, can you be sure these programs are working as efficiently as possible? Can you assure the American people the Federal Government is maximizing value for their tax dollars? Are these bills taking meaningful steps to eliminate waste and duplication within these programs?

We would know the answers to those questions if these bills had gone through the normal process of consideration in committees and on the Senate floor. Senators would have the chance to ask questions to the officials administering the programs and propose changes to them. Instead, we are faced with bills that have had very little—if any—process in the Senate at a time where even a week's delay to consider the bills will result in the programs expiring. That is unacceptable and should be embarrassing to the Senate as an institution.

We need to change the way Congress does its business. Part of that is reining in excessive spending and having more robust debates regarding the allocation of scarce taxpayer dollars. We must do better in the future.

Mr. LEVIN. Mr. President, over the last week or so I have outlined, here and in a letter to the Joint Select Committee on Deficit Reduction, a seven-part plan to reduce the deficit in ways that do not overburden American working families or damage economic growth. In my letter and in three previous speeches on the Senate floor, I have pointed out that revenues, and not just spending cuts, are necessary if we are to achieve significant deficit reduction. And I have discussed four proposals for restoring revenues: combating offshore tax havens; ending the corporate stock option loophole; and ending loopholes for hedge fund managers and derivatives traders.

Today I want to discuss three additional changes to our tax system that will make it more efficient and more equitable. We should make two tax rate changes: ending the unsustainable Bush-era tax cuts for the wealthiest Americans, and restoring capital gains tax rates to something approaching the rates in place under President Reagan. Also, we should replace the IRS's antiquated tax lien system. These proposals, combined with the other points of my plan, could reduce the deficit on the order of $1 trillion over the next 10 years.

Now, some of my colleagues may balk at the notion of reversing years of tax breaks for the wealthiest Americans. But I believe if we take off our ideological blinders, if we look at facts—hard, stubborn facts—the need for these reforms is clear.

First, we should allow Bush-era tax cuts to end for those making more than $250,000. The case for this change is straightforward: It would restore a measure of fairness to the tax code that has been sadly lacking for more than a decade, and it would reduce the deficit by hundreds of billions of dollars.

Supporters of the tax cuts in 2001 and 2003 made a number of promises. President Bush said his cuts ''will bring real and immediate benefits to middle-income Americans.'' And yet in the decade since they began, the incomes of middle-class Americans have stagnated. According to the U.S. Census Bureau, the typical American household's income, when adjusted for inflation, actually fell more than 8 percent from 2001 to 2010. President Bush said his tax cuts would increase the pace of job creation. And yet during the Bush years, jobs grew at roughly one-third the rate that we enjoyed during the Clinton administration. President Bush said ''we can proceed with tax relief without fear of budget deficits, even if the economy softens.'' And yet just those tax cuts going to the wealthiest 1 percent of Americans have added hundreds of billions of dollars to the deficit since 2001. So, these tax cuts have failed to deliver the promised benefits, and they have driven us deeper and deeper into debt. Ending them will bring down the deficit; President Obama's proposal to end the cuts for high-income earners would reduce the deficit by an estimated $866 billion over 10 years.

What these tax cuts did deliver is a striking and continuing rise in income inequality. It's no coincidence that as we passed a series of tax cuts whose benefits overwhelmingly flow to the wealthiest Americans, those wealthy individuals have seen their fortunes rise. A few decades ago, the wealthiest 1 percent of Americans took home 10 percent of all income. Today, they get 24 percent of all income. As those at the top have prospered greatly, middle-class wages have stagnated—again, down more than 8 percent, for the median American household, since the Bush tax cuts took effect.

A second proposal also would bring down the deficit and bring more fairness to the tax code: restoring capital gains tax rates closer to those in place during the Reagan administration. Capital gains are income from the increase in value of an asset, such as a stock. Today, thanks to the Bush-era tax cuts, the top rate on capital gains is 15 percent. That's substantially lower than the 28 percent rate included

in President Reagan's Tax Reform Act of 1986.

The theory in slashing capital gains tax rates was that lower rates would encourage investment, job creation and economic growth. But as has been the case with slashing ordinary income tax rates for the wealthy, cutting capital gains taxes simply has not delivered what supporters promised. Given the stagnation in middle-class living standards that we have seen since the 1980s, it is difficult to argue to middle-class Americans that reducing capital gains rates made them better off.

Instead, this is another benefit that flows overwhelmingly to the wealthiest among us. According to the Tax Policy Center, more than 75 percent of the benefit from lower capital gains taxes goes to those with incomes over $1 million a year, and 94 percent of the benefit to those above $200,000.

This tax break for the most fortunate of our citizens also adds tens of billions of dollars each year to the deficit. The Congressional Budget Office earlier this year estimated that raising the capital gains rate by just 2 percentage points would reduce the deficit by about $50 billion over 10 years. Raising the top rate closer to Reagan-era levels would bring far more deficit reduction.

Those who fight to preserve these high-income tax cuts call attempts to end them ''class warfare.'' Ending these tax breaks won't start a class war. It will help end one—a war that, for more than a decade, has taken a devastating and immediate toll on the middle class, and created huge new deficits that damage their future prospects as well.

The simple fact is that if we are to ensure that the burden of deficit reduction falls equitably, and that all our citizens are asked to contribute toward this goal, we must address these upper income tax cuts that have helped balloon the deficit. Deficit reduction will require spending cuts, and some of those cuts will fall hard on working families. But we can't ask them to carry the entire burden. That would be contrary to common sense, because spending cuts alone cannot achieve real deficit reduction. And it would be contrary to any sense of fairness. We all have to contribute.

Our constituents are speaking, and speaking loudly, on this topic. And they are speaking eloquently. Let me tell you about an email I received from a constituent a few weeks ago about our deficit.

This Michigan resident and her husband consider themselves upper middle class—though she wrote that ''many would call us wealthy.'' She wrote to me that we need to cut spending, and to compromise to do it. ''I will like some cuts and hate others and that is OK with me!'' she wrote.

But she also wrote: ''I also strongly urge you to consider passing what many would call tax hikes. . . . We are willing to pay a bit more to help our country and safeguard our children's futures.'' Upper income Americans, she wrote, ''aren't paying taxes at a fair and just rate. Fix this.''

And we should fix it. This constituent of mine said she was part of a ''silent majority'' in favor of increasing revenue. I am not sure how silent they are, but she is certainly part of a majority. In a recent Washington Post-ABC News poll, 72 percent of Americans—and 54 percent of Republicans—said they favored increasing taxes on those who make more than $250,000 a year as part of our deficit reduction strategy. Americans are strongly in favor of a balanced approach to deficit reduction that protects working families. They are asking us to fight for the middle class, and it is time we did so.

Let me discuss briefly the tax lien proposal. Tax liens are a basic tool to collect unpaid taxes. Today, Federal law requires liens to be filed on paper in more than 4,000 locations around the country, determined by the location of the lien. The IRS maintains a service center that does nothing but monitor dozens of varying local requirements for lien filings, track filings, and release liens once they are paid.

I have introduced legislation, S. 1390, along with Senator BEGICH, to replace this antiquated system with an electronic federal tax lien registry available to the public on the Internet at no cost. The IRS estimates that this change would not only save millions of dollars in administrative costs, but also enable the IRS to release liens more quickly once they have been paid and free up employees and resources for other work. Equally important, a public electronic registry could help encourage those who owe taxes to settle their bills and take enormous pressure off taxpayers who have paid what they owe.

Let me come back to where I started last week. Congress faces a difficult task in the weeks ahead. We must agree to $1.2 trillion or more in deficit reduction over the next decade. Failure to agree on a plan means automatic budget cuts through the sequestration process—including greatly damaging cuts to defense and other important Federal programs.

In my letter to the Joint Select Committee and here on the floor, I have outlined ways to avoid that outcome, proposing commonsense changes that bring equity to our Tax Code and restore lost revenue. If we reject that course, it almost certainly means damaging cuts in important programs—programs that keep our nation safe, that keep our faith with senior citizens and veterans, and that prepare our children for the future. Rejecting that course almost certainly means a failure to significantly reduce the deficit, because spending cuts alone are not enough to accomplish the deficit reduction we need.

The choice is ours. I hope we will not allow ideology to blind us to the reality of our budget situation, to the needs of middle-class families, or to the strong and consistent message from Americans who are demanding a balanced approach to reducing the deficit.

Mr. LEAHY. Mr. President, how much time remains?

The PRESIDING OFFICER. There is no time remaining on the Democratic side.

Mr. LEAHY. Mr. President, the Senator from West Virginia is absolutely right. We have tens of billions of unspent dollars sitting in accounts for Iraq and Afghanistan for rebuilding roads and such there. Let's spend it in America. Let's spend it on America. It is American tax dollars. Let's spend it on America.

I yield the floor.

Mr. REID. Has the time arrived for the vote?

The PRESIDING OFFICER. Yes.

Mr. REID. In fact, before we do that, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that if cloture is not invoked on the pending Reid motion to concur with an amendment, the majority leader be recognized to withdraw the pending motion to refer and the pending motion to concur with an amendment; that the majority leader be recognized to offer a new motion to concur with an amendment, the text of which is at the desk—amendment No. 665; that there be no amendments, points of order, or motions in order to the Reid motion to concur other than budget points of order and the applicable motions to waive; that there be up to 10 minutes of debate equally divided between the two leaders or their designees prior to vote a vote on adoption of the Reid motion to concur with an amendment; further, that the Reid motion be subject to a 60-vote affirmative threshold; that if the Reid motion to concur with an amendment is agreed to, the Senate proceed to the consideration of H.R. 2017 and that the majority leader be recognized to offer an amendment, the text of which is at the desk; that it be the only amendment in order to the bill; that the amendment be agreed to, the bill, as amended, be read the third time, and the Senate proceed to vote on passage of the bill, as amended, all with no intervening action or debate; and that if the Reid motion to concur with an amendment is not agreed to, the majority leader be recognized.

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

Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid motion to concur in the House amendment to the Senate amendment to H.R. 2608, with an amendment No. 656.

Harry Reid, Daniel K. Inouye, Tom Udall, Charles E. Schumer, Richard J. Durbin, Mary L. Landrieu, Patty Murray, Patrick J. Leahy, Richard Blumenthal, Benjamin L. Cardin, Sheldon Whitehouse, Sherrod Brown, Maria Cantwell, Daniel K. Akaka, Jack Reed, Debbie Stabenow, Kay R. Hagan.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 2608, with an amendment No. 656, offered by the Senator from Nevada, Mr. REID, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL) and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), the Senator from Texas (Mrs. HUTCHISON), the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. MORAN), and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''nay.''

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

The yeas and nays resulted—yeas 54, nays 35, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—54

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

NAYS—35

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

NOT VOTING—11

Burr	Cornyn	Moran
Cantwell	DeMint	Murkowski
Chambliss	Hutchison	Webb
Coburn	Kirk	

The PRESIDING OFFICER. On this vote, the yeas are 54 and the nays are 35. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Under the previous order, I now withdraw my pending motion to refer and motion to concur with an amendment.

The PRESIDING OFFICER. The motions are withdrawn.

MOTION TO CONCUR WITH AMENDMENT NO. 665

Mr. REID. I move to concur in the House amendment to the Senate amendment to H.R. 2608 with an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment to H.R. 2608, with an amendment numbered 665.

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

Mr. REID. Mr. President, under the previous order, there will be now up to 10 minutes of debate, equally divided between the two leaders.

The PRESIDING OFFICER. The Senator is correct.

The majority leader.

Mr. REID. Mr. President, I know everyone is in a hurry, and I will be as fast as I can.

Tonight can best be summed up by JOHNNY ISAKSON, the Senator from Georgia, who said: It is only worth fighting when there is something to fight for.

We have basically resolved this issue. I wish to recognize the leadership of Senator LANDRIEU. She chairs the Homeland Security Subcommittee on Appropriations. She is our expert on disaster. She has done a wonderful job of maintaining this in the eyes of the public.

In Friday morning's vote, we established, beyond a shadow of a doubt, that the Senate can't pass the House-passed CR. It got 36 votes. We couldn't pass it no matter what happens. With today's vote, Senate Republicans are showing they will back up the House vote on the question of offsetting spending in 2011. That is the vote we just took. But today's news also points a way that is more understanding and certainly a way out. Today's news story has come out saying FEMA disaster aid has enough money to last through this fiscal year. This afternoon, I received word from Jack Lew, of OMB, and FEMA that they will be able to get through the week without additional funding. That means they can get through the fiscal year without more money. I think it is very clear this is the right way to go. It shows us the way out and means we no longer have to fight 2011 funding.

I repeat what I said at the very beginning; that is, the way out is to focus on 2012. If we no longer need 2011 funding, then we can pass a bill that funds just 2012. This compromise should satisfy Republicans. It includes their own 2012 FEMA funding number, and it should satisfy the Democrats because it does not include the offsets we have talked about so much. It would be a win for everyone because we could end without another government crisis.

I appreciate Senator MCCONNELL for being understanding and working with us in this regard. But I end this from where I started, Senator JOHNNY ISAKSON: Let's fight when there's something to fight about. There is nothing to fight about tonight.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I am going to very briefly walk us through where we have been and where we are.

After tonight's vote, I think the best path forward is clear. The quickest and surest way to get FEMA all the disaster funds it needs and to put an end to any talk of government shutdown would have been for the Senate to take up and pass the House-passed CR right away.

As we know, our friends on the other side will not agree to that. However, earlier today, as we all know, FEMA indicated it already has the funds it needs for the duration of the current CR—which is, basically, this week—without the billions more in funding Democrats have been calling for.

Quite frankly, I think this is a vindication of what Republicans have been saying all along: Before we spend the taxpayers' money, we should have a real accounting—a real accounting—of what is actually needed.

We also believe that, in these days of huge deficits, we need to prioritize our spending around here.

That said, with this next vote, I think the majority leader has found a path forward, one that will continue to fund the government and which gives FEMA the funds it needs without any added emergency spending for the rest of this current fiscal year—in other words, this week—emergency funds that FEMA now says it doesn't need.

So tonight we will have had, after the next vote, two votes: One to reject deficit finance disaster spending without necessary spending cuts elsewhere and one to keep the government operational and to provide responsible disaster funding into November.

The CR, should it pass, will be within the top line we agreed to last summer. We have already basically voted on this top line. It will provide FEMA $2.65 billion in funding next fiscal year to continue the recovery efforts. It will not contain any emergency spending for this current fiscal year—the rest of this week. So it will drop both the

emergency spending and the provisions paying for that spending from the House-passed bill.

Again, my preferred path forward would have been to pass the House bill. But since our friends on the other side have rejected that approach, I believe this is a compromise that is a reasonable way to keep the government operational.

So now that we have demonstrated that there aren't enough votes to support more on offset spending, I am going to vote, and would encourage my colleagues to vote, in favor of the clean CR, which is the next vote we are going to have.

In my view, this entire fire drill was completely and totally unnecessary, but I am glad a resolution appears to be at hand.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. This, tonight, is the JOHNNY ISAKSON solution.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendment to the Senate amendment with an amendment No. 665, offered by the Senator from Nevada (Mr. REID).

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kansas (Mr. MORAN), the Senator from Illinois (Mr. KIRK), the Senator from Texas (Mrs. HUTCHISON), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. COBURN), the Senator from Georgia (Mr. CHAMBLISS), and the Senator from North Carolina (Mr. BURR).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''yea.''

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

The result was announced—yeas 79, nays 12, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—79

Akaka	Coons	Landrieu
Alexander	Corker	Lautenberg
Barrasso	Durbin	Leahy
Baucus	Enzi	Levin
Begich	Feinstein	Lieberman
Bennet	Franken	Lugar
Bingaman	Gillibrand	Manchin
Blumenthal	Graham	McCain
Boozman	Grassley	McCaskill
Boxer	Hagan	McConnell
Brown (MA)	Harkin	Menendez
Brown (OH)	Hoeven	Merkley
Cantwell	Inouye	Mikulski
Cardin	Isakson	Murray
Carper	Johanns	Nelson (NE)
Casey	Johnson (SD)	Nelson (FL)
Coats	Kerry	Portman
Cochran	Klobuchar	Pryor
Collins	Kohl	Reed
Conrad	Kyl	Reid
Roberts	Snowe	Warner
Rockefeller	Stabenow	Webb
Sanders	Tester	Whitehouse
Schumer	Thune	Wicker
Sessions	Udall (CO)	Wyden
Shaheen	Udall (NM)	
Shelby	Vitter	

NAYS—12

Ayotte	Heller	Paul
Blunt	Inhofe	Risch
Crapo	Johnson (WI)	Rubio
Hatch	Lee	Toomey

NOT VOTING—9

Burr	Cornyn	Kirk
Chambliss	DeMint	Moran
Coburn	Hutchison	Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 79, the nays are 12. Under the previous order requiring 60 votes for the adoption of this amendment, the motion to concur with an amendment is agreed to.

(The bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2017, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2017), making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes.

Thereupon, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

DEPARTMENTAL OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $135,433,000: Provided, That not to exceed $51,000 shall be for official reception and representation expenses, of which $20,000 shall be made available to the Office of Policy solely to host Visa Waiver Program negotiations in Washington, D.C., and for other international activities: Provided further, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary: Provided further, That consistent with the requirements specified within Presidential Policy Directive-8, dated March 30, 2011, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives not later than October 15, 2011, the National Preparedness Goal and not later than January 15, 2012, the description of the National Preparedness System: Provided further, That $35,000,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive plan to initiate implementation of a biometric air exit capability in fiscal year 2012, or a written certification to the Congress that it is the position of the administration that the statutory requirement for biometric air exit be repealed.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $237,131,000, of which not to exceed $2,500 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, $5,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and $14,172,000 shall remain available until expended for the Human Resources Information Technology program.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $51,000,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $267,972,000; of which $105,578,000 shall be available for salaries and expenses; and of which $162,394,000, to remain available until September 30, 2014, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: Provided, That the Department of Homeland Security Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for all information technology acquisition projects funded under this heading or funded by multiple components of the Department of Homeland Security through reimbursable agreements, that includes—

(1) the proposed appropriations included for each project and activity tied to mission requirements, program management capabilities, performance levels, and specific capabilities and services to be delivered;

(2) the total estimated cost and projected timeline of completion for all multi-year enhancements, modernizations, and new capabilities that are proposed in such budget or underway;

(3) a detailed accounting of operations and maintenance and contractor services costs; and

(4) a current acquisition program baseline for each project, that—

(A) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline;

(B) aligns the acquisition programs covered by the baseline to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how each increment will address such known capability gaps; and

(C) defines life-cycle costs for such programs.