S. 1388

At the request of Ms. CANTWELL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1388, a bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

S. 1438

At the request of Mrs. GILLIBRAND, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1438, a bill to express the sense of Congress on improving cybersecurity globally, to require the Secretary of State to submit a report to Congress on improving cybersecurity, and for other purposes.

S. 1507

At the request of Mr. CARPER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1507, a bill to amend chapter 89 of title 5, United States Code, to reform Postal Service retiree health benefits funding, and for other purposes.

S.J. RES. 16

At the request of Mr. DEMINT, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S.J. Res. 16, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

S. RES. 195

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 195, a resolution recognizing Bishop Museum, the Nation's premier showcase for Hawaiian culture and history, on the occasions of its 120th anniversary and the restoration and renovation of its Historic Hall.

S. RES. 210

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

AMENDMENT NO. 1701

At the request of Mr. JOHANNS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 1701 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR (for himself and Mr. REED):

S. 1523. A Bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals and families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I join my colleague, Senator BURR, in reintroducing the Services for Ending Long-Term Homelessness Act, SELHA.

It is estimated that between 2.5 and 3.5 million Americans experience a period of homelessness in a given year. With the current economy, with more Americans losing their jobs and their homes, it is likely that the total has risen. While the majority of these individuals will only be homeless for a brief period of time, a growing segment is experiencing prolonged periods of homelessness. Roughly 124,000 Americans fall under the category of chronically homeless. In my state of Rhode Island, approximately ten percent of homeless individuals cycle in and out of homelessness.

In March 2003, former Department of Health and Human Services Secretary Tommy Thompson issued a report that defined the issues and challenges facing the chronically homeless and developed a comprehensive approach to bringing the appropriate services and treatments to this population of individuals who typically fall outside of mainstream support programs.

The same year, the New Freedom Commission on Mental Health also recommended the development of a comprehensive plan to facilitate access to permanent supportive housing for individuals and families who are chronically homeless. Affordable housing, alone, is not enough for many chronically homeless to achieve stability. This population also needs flexible, mobile, and individualized support services to sustain them in housing.

Since the Commission made the recommendations, approximately 60,000 units of permanent supportive housing have been developed and currently another 30,000 are under development. Numerous studies conducted by cities and states across the country demonstrate that supportive housing can save local governments between $15,000 and $30,000 that would otherwise be spent in publicly funded shelters, hospitals—including VA hospitals—and prisons. The savings nearly pays for the cost of supportive housing and the outcome is much different; indeed it is much improved. Permanent supportive housing results in better mental and physical health, employment, greater income, fewer arrests, better progress toward recovery, self sufficiency, and less homelessness.

However, funding for supportive services to complement these housing efforts continues to be an issue. The legislation we are introducing today is critical to the development and implementation of more effective strategies to combat chronic homelessness through improved service delivery and coordination across federal agencies serving this population. It directs the Substance Abuse and Mental Health Services Administration, SAMHSA, to coordinate its Federal efforts with the Department of Housing and Urban Development, other Federal departments that provide supportive housing, and various agencies within HHS that provide supportive services.

This bipartisan measure is designed to help improve coordination and ensure access to the range of supportive services that the growing number of chronically homeless Americans need to get back on their feet. Our bill brings together permanent supportive housing and services, the essential tools to enable these individuals to begin to take the steps necessary to once again become productive and active members of our communities.

I look forward to working with my colleagues toward passage of this legislation.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. MENENDEZ, Mr. CORKER, Mr. RISCH, and Mr. CARDIN):

S. 1524. A bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes; to the Committee on Foreign Relations.

Mr. KERRY. Mr. President, for the past 6 months, the administration has been busy laying the groundwork for a new development agenda.

First, the President issued a bold 2010 international affairs budget that significantly increases funding for vital programs in Pakistan and Afghanistan, begins to rebuild our diplomatic and development capacity, and renews our commitment to essential programs from education to HIV/AIDS and hunger.

Then, earlier this month, President Obama and other G8 leaders announced a $20 billion food security partnership to provide small farmers in poor countries with the seeds, fertilizers, and equipment they need to break a decades-long cycle of hunger, malnutrition and dependency. Finally, the State Department unveiled plans for a ''Quadrennial Diplomacy and Development Review,'' a comprehensive assessment designed to improve policy, strategy, and planning at the State Department.

While we are still awaiting a nominee to head the U.S. Agency for International Development I am confident that a name will soon be forthcoming.

These are welcome changes that demonstrate this Administration's commitment to a vigorous reform process and a bold development plan. Congress will be a strong partner in those efforts—providing the resources, legislation, and authorities to ensure that our development programs are funded and designed to meet our priorities.

While there is some debate on what form foreign aid reform should take, there is a broad consensus in the development community about why reform matters.

Experts agree that the strength of our development programs is directly linked to success or failure in frontline states like Afghanistan and Pakistan.

They agree that USAID is more critical to achieving our foreign policy objectives than ever before—yet it lacks the tools, capacity and expertise to fulfill its mission.

They agree that too often decisionmakers lack basic information about the actual impact of our development programs.

They also agree that excessive bureaucracy and regulations and fragmented coordination are hampering our efforts to swiftly and effectively deliver assistance.

And they agree that even as we plan for broad, fundamental reform, there are many steps we can take in the interim to dramatically improve the effectiveness of our foreign aid efforts.

We assembled a small bipartisan Senate working group to formulate legislation that makes short-term improvements while setting the stage for longer-term reform. Senators LUGAR, MENENDEZ, CORKER and I have been developing initial reform legislation that we believe goes a long way towards improving our short-term capacity to deliver foreign aid in a more accountable, thoughtful and strategic manner.

One provision in the bill that we believe is particularly important establishes an independent evaluation group, based in the executive branch, to measure and evaluate the impact and results of all U.S. foreign aid programs, across all departments and agencies. This new institution—the Council on Research and Evaluation of Foreign Assistance—can address a fundamental knowledge gap in our foreign aid programs—quite simply, it will help us understand which programs work, which do not, and why.

I want to emphasize, this legislation only represents the first step in a longer reform process. But we believe it sends an important bipartisan signal that foreign aid reform will be a priority for this committee in the years ahead. I am pleased that Senators RISCH and Cardin will join as original cosponsors to the bill.

When John F. Kennedy spoke at the founding of USAID, in 1961, he articulated a basic truth about our foreign policy. We cannot escape our moral obligation to be a wise leader in the community of free nations. Kennedy warned that—''To fail to meet those obligations now would be disastrous; and, in the long run, more expensive. For widespread poverty and chaos lead to a collapse of existing political and social structures which would inevitably invite the advance of totalitarianism into every weak and unstable area. Thus our own security would be endangered and our prosperity imperiled.''

Just substitute violent extremism for totalitarianism and the quote is as accurate today as it was then. Just as we did in Marshall's time and Kennedy's time, America today has a chance to return to a foreign policy that is not just seen by people everywhere, but felt and lived, one that translates our promises into real value and real progress on the ground—one that improves people's daily lives, inspires them, and earns their respect.

The good news is that, as we rebuild our civilian institutions, there will so many chances to lead in the process. We are living in a moment of volatility, but also—emphatically—a moment of possibility.

Infant mortality rates dropped by 27 percent worldwide since 1990. By 2015, let us cut under-five mortality by 2/3. Life expectancy is eight years higher than it was in 1990—but we can do better by cutting hunger and poverty in half and reversing the spread of HIV/AIDs, malaria and other major diseases. Primary school enrollment has increased by 10 percent—it is time we made it universal. While we are at it, let us eliminate gender disparity in education once and for all.

History teaches us that America is safest and strongest when we understand that our security will not be protected by military means alone. It must be protected as well by our generosity, by our example, by powerful outreach, and by instilling a palpable sense in the people of the world that we understand—and share their destiny. That has always inspired people, and it always will. It undercuts our enemies, it empowers our friends—and it keeps us safer.

Mr. LUGAR. Mr. President, I am pleased to join my colleague, Senator JOHN KERRY, in introducing the Foreign Assistance Revitalization and Accountability Act of 2009. Our colleagues, Senators CORKER, MENENDEZ, RISCH, and CARDIN, join us in this effort as original cosponsors.

The role of foreign assistance in achieving U.S. foreign policy objectives has come into sharper focus since 2001. President Bush elevated development as a third pillar of the U.S. National Security Strategy. President Obama pledged to double foreign assistance, and announced new initiatives on global food security and health. Secretary Clinton announced a quadrennial review of diplomacy and development. These initiatives are likely to have far reaching implications for foreign assistance policy and organization.

For development to play its full role in our national security structure, the U.S. Agency for International Development, USAID, must be a strong agency with the resources to accomplish the missions we give it. Earlier this month, Secretary Clinton stated: ''I want USAID to be seen as the premier development agency in the world, both governmental and NGO. I want people coming here to consult with us about the best way to do anything having to do with development.'' I share the sentiments expressed by Secretary Clinton, and I have confidence in the extraordinary development expertise housed at USAID.

But during the last two decades, decision-makers have not made it easy for USAID to perform its vital function. Even as we have rediscovered the importance of foreign assistance, we find ourselves with a frail foundation to support a robust development strategy. We have increased funds for development and elevated its priority, while allowing USAID to atrophy. Many new programs have been located outside USAID with roughly two dozen departments and agencies having taken over some aspects of foreign assistance, including the Department of Defense. Each of these agencies naturally considers itself the lead agency in its sector, provoking competition among agencies rather than coordination and coherence. We do not really know whether these programs are complementary or working at cross-purposes.

USAID's staffing and expertise have declined markedly since the 1980s. There are only five engineers left; 23 education officers are tasked with overseeing different programs in 84 countries. Decisions to reorganize in pursuit of better coordination between the Department of State and USAID resulted in the latter's loss of evaluation, budget, and policy capacity. Much of the work of running America's development programs is now farmed out to private contractors.

I believe the starting point for any future design of our assistance programs and organization should not be the status quo, but rather the period in which we had a well-functioning and well-resourced aid agency. To be a full partner in support of foreign policy objectives, USAID must have the capacity to participate in policy, planning, and budgeting. The migration of these functions to the State Department has fed the impression that an independent aid agency no longer exists.

It the administration pursues the goal of doubling foreign assistance over time, it is crucial that Congress has confidence that these funds will be used efficiently. USAID must have the capacity to evaluate programs and disseminate information about best practices and methods and it must have a central role in development policy decisions.

The legislation that we introduce today promotes capacity, accountability, and transparency in U.S. foreign assistance programs. It has received strong initial support from outside groups led by the Modernizing Foreign Assistance Network. There are three deficiencies we are trying to address.

First, the evaluation of assistance programs and the dissemination of knowledge have deteriorated in the last couple of decades. While USAID was a respected voice in this regard during the 1980s, its evaluation capacity has been allowed to wither. The bill strengthens USAID's monitoring and

evaluation capacity with the creation of an internal evaluation and knowledge center. The bill also re-establishes a policy and planning bureau. It is crucial that USAID be able to fully partner with the State Department in decisions relating to development.

Second, U.S. foreign assistance programs are littered among some two dozen agencies with little or no coordination. We do not have adequate knowledge of whether programs are complementary or working at cross-purposes. The bill requires all government agencies with a foreign assistance role to make information about its activities publicly available in a timely fashion. It designates the USAID Mission Director as responsible for coordinating all development and humanitarian assistance in-country. It creates an independent evaluation and research organization that can analyze and evaluate foreign assistance programs across government.

Third, staffing and expertise at USAID have declined since the early 1990s, even as funding for foreign assistance programs has increased. This decline in capacity has resulted in other agencies stepping in to fill the gap. While Congress has begun to provide the necessary resources to rebuild this capacity, the agency does not have a human resources strategy to guide hiring and deployment decisions. The bill would require such a strategy and a high-level task force to advise on critical personnel issues. The bill also encourages increased training and inter-agency rotations to build expertise and effectiveness.

It is especially important that Congress weigh in on this issue because the Administration has yet to appoint a USAID Administrator or fill any confirmable positions in the agency. Without an Administrator in place, USAID is likely to have less of a role in the current State Department review than it should have. The State Department review process should include strong voices advocating for an independent aid agency.

Both Congress and the State Department should be offering proposals on how to improve development assistance. Our legislation does not rule out any options that the State Department may propose as a result of its review. But ultimately, Congress will have to make decisions on resources for development programs. Given budget constraints, it is essential that Congress has confidence in how development resources are spent. Building capacity at USAID will be an important part of this calculation.

The issues that we face today—from chronic poverty and hunger to violent acts of terrorism—require that we work seamlessly toward identifiable goals. I look forward to working with colleagues to improve and support the development mission that benefits our long-term security.

Mr. MENENDEZ. Mr. President, I am pleased to introduce today, with my colleagues Senators KERRY, LUGAR, and CORKER, legislation that will help strengthen the foreign assistance efforts of the United States. We have put together a piece of legislation that helps move our collective foreign assistance efforts in the right direction.

I am pleased that we have worked very closely and in a bipartisan fashion on this legislation and I want to thank my colleagues for their work. Foreign assistance is something that is of great interest to many members of the Foreign Relations Committee. While we may disagree on the overall resources that should be devoted to development assistance, I think we all agree that the resources we do provide should be used in the best way possible.

I also want to thank the broader community of people who have been supportive of these efforts for years. I cannot tell you how many letters from people in New Jersey and from around the country I have received on these issues. These individuals, and the groups who help advocate for these issues are an important voice in the process.

President Obama has pledged to double foreign assistance by 2012. In this context, it is now more important than ever for the Congress to know which U.S. Government programs are the best investments. Right now, we have too little evidence that is objective and independent about which U.S. Government Agencies should have their budgets increased and which should be held constant or decreased. This legislation will help provide a more objective basis for this kind of decisionmaking. It will help both the Congress and the administration to make smarter, more analytical decisions about which agencies should carry out what programs, and help build more rigorous analysis across U.S. Government programs that may be working on similar issues.

Foreign assistance is not just an issue of morality or an issue that is driven by a sense of doing what is right for the most disenfranchised around the world—these issues are directly in our national interests and our national security interests. Every time we provide credit to a farmer who is displaced or training to a woman who wants to run a business out of her home, we are making inroads to the bread and butter issues that people care about. When we provide an effective alternative to illicit economic activity, we are dealing a blow against drugs coming to the streets of New Jersey, and helping to build the institutions around the world that will provide the framework for stable and prosperous societies. We all want to live in a community where we can walk freely without fear of persecution, and without fear of our personal safety. No matter where you come from, these are a basic set of principles that resonate with all of us.

Congress needs to see results, the American people need to see results, and so do the millions of people around the world whose lives literally depend on our ability to carry out these programs in the smartest way possible. This is why we have included an independent monitoring mechanism to evaluate the impact of our foreign assistance programs. It's one thing to say that we handed out 500 textbooks or trained 200 teachers, but it's far different to say that we improved the aptitude of school children and that these improvements help connect them to meaningful employment, which raised their household income, which allowed them to eat better, access medical services, and so on . . . it's the difference between outputs and outcomes that we are trying to get at with the independent evaluation unit, as outlined in the legislation we are introducing today.

I have long believed that foreign assistance is a critical part of our overall engagement overseas and I have been a consistent advocate of stepping up our efforts in this area. In recent years, I have focused on building up the United States Agency for International Development, USAID, from the inside out—I have called for building-up the staff of USAID in a coherent and strategic manner—this bill will help do that.

Now that USAID is working alongside the Department of Defense in places like Iraq and Afghanistan, and immersed in complex situations like those in Pakistan, Sudan, or Sri Lanka, we need an agency that is nimble, responsive, and ahead of the curve. From staffing, resources, and training, our development tools need to be, at the very least at par, if not ahead of our diplomatic and defense efforts.

One way to start us along this path is to focus on USAID's leadership. It needs credible and high-profile leadership that can work in partnership with the Congress, the Department of State, the Department of Defense, and the National Security Council. The ''development voice'' in our Government needs to be a ''heavyweight voice'' that commands respect both in Washington and around the world.

I believe USAID needs to take back resources and programs that have slowly been moved over to the Department of Defense. Having the Department of State or the Department of Defense control development strategy and resources, with USAID simply serving as an implementing agency, has caused confusion and ambiguity. We ask our military to plan and execute a lot of missions; development should not be one of them. Civilian resources should be appropriated to civilian agencies.

Staff at USAID needs to be rebuilt—not just with more people, but we need to make sure we have the right people and make sure we are attracting and retaining the best possible candidates. This bill will help us get there with the comprehensive human resource strategy that is mandated for human resources. We need to build up our foreign assistance programs not just where they used to be, but to where they need to be.

I look forward to continuing our work on these programs. This legislation is a start, but there is much more work to be done. Let me be clear—this bill, combined with additional resources is not going to fix everything—foreign assistance has its limits. However, I believe we have not yet approached this limit. More resources, and better-spent resources, combined with active diplomatic and economic engagement will help build the institutions that will create more stable political, social, and economic systems.

Only until we recognize that the success of those systems is deeply connected to the success of our own, will we begin to adequately address the joint challenges that threaten our national security, our economy, our way of life.

By Mrs. FEINSTEIN (for herself, Mr. DURBIN, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mrs. GILLIBRAND, and Mr. SCHUMER):

S. 1526. A bill to establish and clarify that Congress does not authorize persons convicted of dangerous crimes in foreign courts to freely possess firearms in the United States; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the No Firearms for Foreign Felons Act of 2009. This bill would close a loophole that currently exists in law, by ensuring that people convicted of foreign felonies and crimes involving domestic violence cannot possess firearms. I imagine that most Americans may be surprised—as I was—to learn that foreign felons actually have greater gun rights than American citizens convicted of felonies and crimes of domestic violence in our own courts.

In 1968, Congress passed the landmark Gun Control Act, ensuring that it was illegal for felons to possess firearms. I have been working since 1994 to build upon that legacy and protect American families from senseless gun violence.

Unfortunately, in 2005 the Supreme Court created a gaping loophole in this longstanding felon-in-possession law. In the case of Small v. United States, a majority of the Court held that foreign felony is not a bar to gun possession when those felons come to the U.S.

At the time, the Supreme Court was very much aware that its ruling could lead to unintended consequences. Justice Clarence Thomas noted in his dissent, ''the majority's interpretation permits those convicted overseas of murder, rape, assault, kidnapping, terrorism and other dangerous crimes to possess firearms freely in the United States.''

The majority of the Court identified a fundamental flaw in the Gun Control Act of 1968. Simply put, Congress was not clear enough. Although the law states that a person convicted of a felony ''in any court'' could not possess a firearm, the Court said that the phrase, ''any court,'' applied only to American courts.

The federal felon-in-possession laws outlined in the Gun Control Act of 1968 has been applied to foreign felons from 1968 until the Small decision in 2005. However, the Court found these arguments unpersuasive.

In their dissent, Justices Thomas, Scalia and Kennedy accused the majority of creating a novel legal construction that would ''wreak havoc'' with established rules of extraterritorial construction. But whatever we may think of the Court's legal analysis, there is no doubt that the Small decision is now the law of the land.

We must now make every effort to close this dangerous loophole and the only way to do that is to pass the No Firearms for Foreign Fellons Act of 2009. The bill I am introducing today would do just that. Under this bill, the Gun Control Act of 1968 is amended to ensure that convictions in foreign courts are included. Similar changes would be made in other sections of the Gun Control Act, where there are references to ''state offenses'' or ''offenses under state law''—the bill would expand these terms to include convictions for felony offenses committed abroad.

In other words, the bill would make it clear that if someone is convicted in a foreign court of an offense that would have disqualified him from possessing a firearm in the U.S. the same laws relating to gun possession would be applied.

As introduced, the only exception would involve a conviction in a foreign court that was invalid. In that specific situation, this bill would allow a person convicted in a foreign court to challenge its validity. Under the bill, a foreign conviction will not constitute a ''conviction'' for purposes of the felon-in-possession laws, if the foreign conviction either: resulted from a denial of fundamental fairness that would violate due process if committed in the United States, or, if the conduct on which the foreign conviction was based would be legal if committed in the U.S.

I expect that these circumstances will be fairly rare, but the bill does take them into account, and will provide a complete defense to anyone with an invalid foreign conviction under these specific circumstances.

The need for action is clear. In 2001, U.S. law enforcement outfitted in bullet proof vests raided the New York City hotel room of Rohan Ingram. Ingram was found with 13 different firearms, had an extensive criminal background, including at least 18 convictions for crimes such as assault and use of deadly weapon. He was known to law enforcement as ''armed and dangerous'' and they rightfully took all of the necessary precautions to protect themselves. However, because all of his crimes had occurred in Canada, his felon-in-possession of a firearm charge was eventually thrown out of court. This is a direct result of the Supreme Court case and illustrates a very dangerous loophole in our criminal justice system.

What we need to do as an institution is clear. We cannot keep in place a policy that allows felons convicted overseas to possess firearms. It simply makes no sense. In a country filled with senseless gun violence, we cannot continue to give foreign-convicted murderers, rapists and even terrorists an unlimited right to buy firearms and U.S. assault weapons in the U.S. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORDD, as follows:

S. 1526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Firearms for Foreign Felons Act of 2009''.

SEC. 2. DEFINITIONS.

(a) COURTS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term 'any court' includes any Federal, State, or foreign court.''.

(b) EXCLUSION OF CERTAIN FELONIES.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''any Federal or State offenses'' and inserting ''any Federal, State, or foreign offenses'';

(2) in subparagraph (B), by striking ''any State offense classified by the laws of the State'' and inserting ''any State or foreign offense classified by the laws of that jurisdiction''; and

(3) in the matter following subparagraph (B), in the first sentence, by inserting before the period the following: '', except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States''.

(c) DOMESTIC VIOLENCE CRIMES.—Section 921(a)(33) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''subparagraph (C)'' and inserting ''subparagraph (B)''; and

(2) in subparagraph (B)(ii), by striking ''if the conviction has'' and inserting the following: ''if the conviction—

''(I) occurred in a foreign jurisdiction and the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States; or

''(II) has''.

SEC. 3. PENALTIES.

Section 924(e)(2)(A)(ii) of title 18, United States Code, is amended—

(1) by striking ''an offense under State law'' and inserting ''an offense under State or foreign law''; and

(2) by inserting before the semicolon the following: '', except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States''.

By Mr. UDALL, of New Mexico.

S. 1527. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the Secretary of Agriculture to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. UDALL of New Mexico. Mr. President, I rise today to introduce the Unsafe Meat and Poultry Recall Act, to grant the Secretary of Agriculture the authority to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe.

Sadly, and in some cases tragically, in recent years recalls of unsafe food products has seemingly become a regular occurrence in our Nation. Last week, a Denver-based grocery chain recalled 466,236 pounds of ground beef products that were distributed to stores in Colorado, Kansas, Missouri, Nebraska, Utah, Wyoming, and my State of New Mexico. The tainted meat is blamed for fourteen cases of salmonella and 6 hospitalizations.

Last year, the USDA requested a recall of 143 million pounds of beef from a slaughterhouse that was being investigated for unsafe practices. In this instance, like most, the recalled beef had been distributed throughout the country, including to my state of New Mexico where the U.S. Department of Agriculture's Commodity Foods Program had sent 3,000 cases of the questionable beef to the state's Human Services Department to be distributed to school lunch programs. Luckily, most of the beef was found before it was served, but putting New Mexico's children at such a risk is clearly unacceptable.

The number of people affected annually from ingesting tainted meat and poultry products illuminates this proposition: 5,000 people die from foodborne illnesses each year; nearly 76 million people get sick annually from eating tainted food, of these individuals, 325,000 require hospitalization.

Shockingly, the USDA does not have the authority to issue mandatory recalls of tainted meat and poultry products. Complying with agency recalls, therefore, is at the industry's discretion. The meat industry says that it has never failed to cooperate with a recall request from the USDA, rendering mandatory recalls of tainted meat unnecessary. However, when the USDA asks for a recall, a negotiation process ensues between the agency and the industry. Meanwhile, thousands of people are at risk of eating the potentially harmful meat in the marketplace during the ongoing negotiations.

It is the responsibility of the USDA to see that the poultry and meatpacking industry produces only safe meat products. It is the right of American consumers to feel safe purchasing the meat sold in their grocery stores. And it is the right of our cattle producers to know that the beef they produce is being handled properly and sent into the market safely.

My bill would finally give the Secretary of Agriculture the power to ensure that the meat in our Nation's markets is clean and safe.

By Mr. FEINGOLD:

S. 1528. A bill to establish a Foreign Intelligence and Information Commission and for other purposes; to the Select Committee on Intelligence.

Mr. FEINGOLD. Mr. President, the legislation I am introducing today would establish an independent, bipartisan Foreign Intelligence and Information Commission to significantly reform and improve our intelligence capabilities. On July 16, the bill was approved, on a bipartisan basis, by the Senate Intelligence Committee as an amendment to the Fiscal Year 2010 Intelligence Authorization bill. The bill is similar to the one I introduced in the last Congress with Senator Hagel, which also had bipartisan support in the Intelligence Committee, and it is my hope and expectation that it will soon become law. The New York Times has also expressed its support for the commission.

The work of this commission is critical to our national security. For years, our intelligence officials have acknowledged that we lack adequate coverage around the world and that we have gaps in our ability to anticipate threats and crises before they emerge. The 2006 Annual Report of the Intelligence Community described how current crises divert resources from emerging and strategic issues. In 2007, the Deputy Director of National Intelligence for Collection testified that we need to ''pay attention to places that we are not.'' In 2008, the DNI testified that current crisis support ''takes a disproportionate share'' of intelligence resources over emerging and strategic issues. Earlier this year, during his confirmation process, the current CIA Director expressed his concern about the broad set of issues to which insufficient resources are being devoted. The problem, in other words, is not new, nor is it unique to any administration. It is systematic and it results from structural problems in how we develop priorities and allocate resources.

These structural problems afflict the Intelligence Community, but they are also much broader. Around the world, information our government needs to inform our foreign policy and protect our country is obtained openly by State Department officials. Yet there is no interagency strategy that integrates the capabilities of our diplomats and other embassy personnel with the activities of our clandestine collectors. The result is big gaps in what we know about the world—gaps that don't necessarily require more spying.

This information pertains to instability and civil conflict, threats to democratic institutions, human rights abuses and corruption, and whether we can count on the support of a country for our policies. This information is also directly related to the threat from al Qaeda, its affiliates and other terrorist organizations. The 9/11 Commission recommended that our government identify and prioritize actual or potential terrorist sanctuaries. Yet, as the Director of the National Counterterrorism Center testified to the Senate Intelligence Committee, ''much of the information about the instability that can lead to safe havens or ideological radicalization comes not from covert collection but from open collection, best done by Foreign Service Officers.'' The solution, then, is to ensure that, if State Department or other U.S. officials are best suited to gather this kind of critical information, they have the capabilities and resources to do so.

At the core of the commission's mandate is the need for an interagency strategy that asks and answers four key questions: ''What is it that the U.S. Government needs to know?'' ''How do we best anticipate threats and crises around the world, before they emerge?'' ''Who in our government, within and outside of the Intelligence Community, is best equipped to get this information, report on it, and analyze it?'' ''And how do we develop missions and provide resources so that we are using all of our capabilities on behalf of our national security?'' The commission will provide recommendations on how the government can and should develop this strategy and whether new legislation is needed to clarify the authority of existing executive branch entities or create a new one. And it will provide recommendations on how to ensure that the budget process reflects the best and most efficient means to collect, report on and analyze intelligence and information, rather than the influence of individual bureaucracies.

The reform recommendations made by this commission will provide a critical and welcome boost to everyone, in the executive branch and in Congress, responsible for defending our national security. The Intelligence Community, as its own leadership has attested, needs guidance if it is to reprioritize global coverage and long-term threats. It also needs help in areas that need not be its top priorities: if State Department or other U.S. officials outside the Intelligence Community are best equipped to obtain certain information and are given sufficient resources, the IC can focus on areas where clandestine collection is most needed. The State Department will benefit from an interagency process that recognizes the critical reporting capabilities of the diplomatic service and allocates resources accordingly. The President will be provided with recommendations on interagency reforms that extend beyond the purview of any one department or agency.

Implementation of the commission's recommendations will allow the congressional intelligence and foreign relations committees to conduct oversight of the Intelligence Community and the State Department in the context of a clearly defined strategy. The

budget committees and the appropriators as well as authorizers will have an interagency strategy that explains the rationale for the President's budget request. Congress as a whole will be provided recommendations on whether new legislation is needed to reform the process.

This is not just a step toward good governance. It will ensure that taxpayer dollars are used more efficiently and effectively. Most of all, it will make us safer. This bill is not partisan, and it has nothing to do with who is in the White House. The commission will not investigate anyone, nor cast blame for long-standing structural problems. It seeks only to identify the reforms still needed and to provide recommendations, to the executive branch and to Congress, on how to achieve them.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WEBB, and Mr. WARNER):

S.J. Res. 19. A joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; considered and passed.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 19

Whereas Congress in title VI of the Passenger Rail Investment and Improvement Act of 2008 (section 601, Public Law 110–432) authorized the Secretary of Transportation to make grants to the Washington Metropolitan Area Transit Authority subject to certain conditions, including that no amounts may be provided until specified amendments to the Washington Metropolitan Area Transit Regulation Compact have taken effect;

Whereas legislation enacted by the State of Maryland (Chapter 111, 2009 Laws of the Maryland General Assembly), the Commonwealth of Virginia (Chapter 771, 2009 Acts of Assembly of Virginia), and the District of Columbia (D.C. Act 18–0095) contain the amendments to the Washington Metropolitan Area Transit Regulation Compact specified by the Passenger Rail Investment and Improvement Act of 2008 (section 601, Public Law 110–432); and

Whereas the consent of Congress is required in order to implement such amendments: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS TO COMPACT AMENDMENTS.

(a) CONSENT.—Consent of Congress is given to the amendments of the State of Maryland, the amendments of the Commonwealth of Virginia, and the amendments of the District of Columbia to sections 5, 9 and 18 of title III of the Washington Metropolitan Area Transit Regulation Compact.

(b) AMENDMENTS.—The amendments referred to in subsection (a) are substantially as follows:

(1) Section 5 is amended to read as follows:

''(a) The Authority shall be governed by a Board of eight Directors consisting of two Directors for each Signatory and two for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia, by the Council of the District of Columbia; for Maryland, by the Washington Suburban Transit Commission; and for the Federal Government, by the Administrator of General Services. For Virginia and Maryland, the Directors shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with their term on the appointing body. A Director for a Signatory may be removed or suspended from office only as provided by the law of the Signatory from which he was appointed. The nonfederal appointing authorities shall also appoint an alternate for each Director. In addition, the Administrator of General Services shall also appoint two nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only in the absence of the Director for whom he has been appointed an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of the absent Director. Each alternate, including the federal nonvoting Directors, shall serve at the pleasure of the appointing authority. In the event of a vacancy in the Office of Director or alternate, it shall be filled in the same manner as an original appointment.

''(b) Before entering upon the duties of his office each Director and alternate Director shall take and subscribe to the following oath (or affirmation) of office or any such other oath or affirmation, if any, as the constitution or laws of the Government he represents shall provide: 'I, , hereby solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of the state or political jurisdiction from which I was appointed as a director (alternate director) of the Board of Washington Metropolitan Area Transit Authority and will faithfully discharge the duties of the office upon which I am about to enter.' ''.

(2) Subsection (a) of section 9 is amended to read as follows:

''(a) The officers of the Authority, none of whom shall be members of the Board, shall consist of a general manager, a secretary, a treasurer, a comptroller, an inspector general, and a general counsel and such other officers as the Board may provide. Except for the office of general manager, inspector general, and comptroller, the Board may consolidate any of such other offices in one person. All such officers shall be appointed and may be removed by the Board, shall serve at the pleasure of the Board and shall perform such duties and functions as the Board shall specify. The Board shall fix and determine the compensation to be paid to all officers and, except for the general manager who shall be a full-time employee, all other officers may be hired on a full-time or part-time basis and may be compensated on a salary or fee basis, as the Board may determine. All employees and such officers as the Board may designate shall be appointed and removed by the general manager under such rules of procedure and standards as the Board may determine.''.

(3) Section 9 is further amended by inserting new subsection (d) to read as follows (and by renumbering all subsequent paragraphs of section 9):

''(d) The inspector general shall report to the Board and head the Office of the Inspector General, an independent and objective unit of the Authority that conducts and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the Board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action.''.

(4) Section 18 is amended by adding a new section 18(d) to read as follows:

''(d)(1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized under title VI, section 601, Public Law 110–432 regarding funding of capital and preventative maintenance projects of 1 the Authority shall be made from amounts derived from dedicated funding sources.

''(2) For the purposes of this paragraph (d), a 'dedicated funding source' means any source of funding that is earmarked or required under State or local law to be used to match Federal appropriations authorized under title VI, section 601, Public Law 110–432 for payments to the Authority.''.

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is expressly reserved. The consent granted by this Act shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region that forms the subject of the compact.

SEC. 3. CONSTRUCTION AND SEVERABILITY.

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

SEC. 4. INCONSISTENCY OF LANGUAGE.

The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the State of Maryland, Commonwealth of Virginia and District of Columbia.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 225—RECOGNIZING AND CELEBRATING THE 50TH ANNIVERSARY OF THE ENTRY OF HAWAII INTO THE UNION AS THE 50TH STATE

Mr. INOUYE (for himself and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 225

Whereas August 21, 2009, marks the 50th anniversary of Proclamation 3309, signed by Dwight D. Eisenhower, which admitted Hawaii into the Union in compliance with the Hawaii Admission Act (Public Law 86–3; 73 Stat. 4), enacted into law on March 18, 1959;

Whereas Hawaii is a place like no other, with people like no other, and bridges mainland United States to the Asia-Pacific region;

Whereas the 44th President of the United States, Barack Obama, was born in Hawaii on August 4, 1961;

Whereas Hawaii contributed to a more diverse Congress by electing—