

rich history, McLaughlin has continued to be a strong reflection of South Dakota's greatest values and traditions. The city of McLaughlin has much to be proud of and I am confident that McLaughlin's success will continue well into the future.

I would like to offer my congratulations to the citizens of McLaughlin on this milestone anniversary and wish them continued prosperity in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED IN EXECUTIVE ORDER 13159 OF JUNE 21, 2000, WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—PM 24

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared in Executive Order 13159 of June 21, 2000, with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation, is to continue beyond June 21, 2009.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament

agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, June 18, 2009.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2043. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the Average Procurement Unit Cost for the E-2D Advanced Hawkeye Program; to the Committee on Armed Services.

EC-2044. A communication from the Senior Counsel for Regulatory Affairs, Office of Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TARP Standards for Compensation and Corporate Governance; Interim Final Rule" (RIN1505-AC09) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2045. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Missile Launch Activities at San Nicolas Island, California" received in the Office of the President of the Senate on June 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2046. A communication from the Inspector General of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the audit of the financial statements of the Federal Trade Commission (FTC) for fiscal year 2009; to the Committee on Commerce, Science, and Transportation.

EC-2047. A communication from the Office Director of the Office of Congressional Affairs, Office of Nuclear Reactor Regulations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Consideration of Aircraft Impacts for New Nuclear Power Reactors" (RIN3150-AI19) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Energy and Natural Resources.

EC-2048. A communication from the Director of Regulatory Management, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oil Pollution Prevention; Non-Transportation Related Onshore and Offshore Facilities" (RIN2050-AG49) received in the Office of the President of the Senate on June 16, 2009;

to the Committee on Environment and Public Works.

EC-2049. A communication from the Director of Congressional Affairs, Office of the Chief Financial Officer, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Fee Schedules; Fee Recovery for Fiscal Year 2009" (RIN3150-AI52) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Environment and Public Works.

EC-2050. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Plug-in Electric Vehicle Credit" (Notice 2009-54) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Finance.

EC-2051. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds" (Notice 2009-50) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Finance.

EC-2052. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Board's Annual Railroad Unemployment Insurance System Report; to the Committee on Health, Education, Labor, and Pensions.

EC-2053. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2054. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2055. A communication from the Acting Senior Procurement Executive, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-33; Introduction" (FAR Case 2009-0001, Sequence 4) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2056. A communication from the President of the United States, informing the Senate of the removal of the Inspector General of the Corporation for National and Community Service, effective 30 days from June 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2057. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmits, pursuant to law, a report relative to the best practices in reducing the use of illicit drugs by chronic hardcore drug users; to the Committee on the Judiciary.

EC-2058. A communication from the Associate Special Counsel for Legal Counsel and Policy, Office of Special Counsel, transmitting, pursuant to law, the report of a vacancy in the position of Special Counsel in the Office of the Special Counsel; to the Committee on the Judiciary.

EC-2059. A communication from the Staff Director, U.S. Commission on Civil Rights,

transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the New Hampshire Advisory Committee; to the Committee on the Judiciary.

EC-2060. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the District of Columbia Advisory Committee; to the Committee on the Judiciary.

EC-2061. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Offering of United States Savings Bonds, Series I" (31 CFR Part 359) received in the Office of the President of the Senate on June 17, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2062. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalty Inflation Adjustment" (12 CFR Part 747) received in the Office of the Senate on June 17, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2063. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Procedures for Treating Intercompany Transactions on a Separate Entity Basis Under Treas. Reg. Section 1.1502-13(E)(3)" (Rev. Proc. 2009-31) received in the Office of the President of the Senate on June 17, 2009; to the Committee on Finance.

EC-2064. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice No. 2009-56) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2065. A communication from the Acting Administrator, General Services Administration, Department of Defense and National Aeronautics and Space Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2066. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 4th Quarter of the Fiscal Year 2008"; to the Committee on Homeland Security and Governmental Affairs.

EC-2067. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Audit of Advisory Neighborhood Commission 6C for Fiscal Years 2005 through 2008, as of March 31, 2008"; to the Committee on Homeland Security and Governmental Affairs.

EC-2068. A communication from the Secretary of Veterans Affairs, transmitting proposed legislation relative to the Department of Veterans Affairs major facility construction projects and major facility leases for Fiscal Year 2010; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and

were referred or ordered to lie on the table as indicated:

POM-49. A joint resolution adopted by the Legislature of the State of Maine urging the President, the Secretary of Energy, and Congress to review national policy on used nuclear fuel; to the Committee on Energy and Natural Resources.

JOINT RESOLUTION

Whereas, nuclear utility ratepayers have committed more than \$31,000,000,000 in fees and interest, as mandated under the federal Nuclear Waste Policy Act of 1982, for the purpose of establishing a permanent repository for storage of used nuclear fuel from commercial reactors and defense-related high-level radioactive waste; and

Whereas, the ratepayers of Maine Yankee, Maine's former nuclear power facility, now decommissioned, paid \$65,500,000 into the federal Nuclear Waste Fund for nuclear fuel used after the Nuclear Waste Policy Act was enacted in 1982 and are continuing to make payments into the Spent Nuclear Fuel Disposal Trust Fund to fund a \$185,000,000 obligation for the disposal of spent nuclear fuel used prior to 1983; and

Whereas, the United States Government failed to begin accepting commercial used fuel by 1998 as required by the Nuclear Waste Policy Act of 1982 and by contracts with used fuel owners, and only in 2008 did the United States Department of Energy finally submit an application to the federal Nuclear Regulatory Commission to construct a permanent used fuel repository; and

Whereas, the expected funding levels for the permanent fuel disposal program in the fiscal year 2009 federal budgets and statements by the Federal Government concerning the fiscal year 2010 federal budgets point to continuing chronic delays for the Yucca Mountain repository, if not the outright termination of the project; and

Whereas, the Federal Government's failure to meet its 1998 statutory and legal obligations to accept used fuel has led to the Federal Government's being found in partial breach of the contracts with nuclear utility owners, leading to federal taxpayer payments to the utilities of about \$1,000,000,000 thus far; and

Whereas, in light of the Federal Government's failure to meet its responsibility, the commercial nuclear industry has embraced an integrated nuclear fuel management program incorporating:

1. Continued safe and secure storage of used fuel at commercial plant sites;

2. Development of 2 Nuclear Regulatory Commission-licensed private or government-owned centralized interim storage facilities in communities that would host such facilities voluntarily;

3. Continued public and private sector efforts on research, development and deployment of technologies to recycle used fuel in a safe, environmentally responsible, proliferation-resistant and commercially viable way; and

4. Continued review of the permanent repository license application by the Nuclear Regulatory Commission and continued policymaker engagement to ensure the safety and security of whatever facilities or sites ultimately are chosen for permanent disposal of the by-products of the once-through or close nuclear fuel cycle; and

Whereas, several prominent national state officials' organizations, the National Conference of State Legislatures, the National Association of Regulatory Utility Commissioners and the American Legislative Exchange Council, have all endorsed immediate establishment of centralized Nuclear Regulatory Commission-licensed interim fuel storage facilities in voluntary host commu-

nities and continued research on the recycling of fuel and other advanced fuel management technologies: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request the United States Government to protect nuclear utility ratepayers by immediately reducing the fee that sustains and overfunds the Nuclear Waste Fund to a level that will cover only the costs incurred by the Department of Energy, Nuclear Regulatory Commission and local Nevada government units that provide oversight of the permanent used fuel repository program; and be it further

Resolved, That We, your Memorialists, also respectfully urge the United States Government to immediately enact legislation expediting the establishment of 2 Nuclear Regulatory Commission-licensed, private or government-owned interim storage facilities for used commercial nuclear fuel, with community incentives funded by the Nuclear Waste Fund, and requiring the Department of Energy to take possession of, safely transport and store used fuel at these facilities by leasing space at these facilities, and giving first priority to moving fuel from decommissioned plants; and be it further

Resolved, That We, your Memorialists, also respectfully urge the United States Government to enact legislation creating an independent panel of esteemed public policy, scientific, environmental, engineering and affected community leaders that would be charged with conducting a long-term strategic assessment of the Nation's used fuel and defense waste management practices and developing specific recommendations on how to proceed in the future while interim storage facilities are being developed; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the United States Secretary of Energy, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM-50. A resolution adopted by the Senate of the General Assembly of the State of Tennessee urging the President and Congress to oppose legislation relative to the Employee Free Choice Act; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 26

Whereas, the right to private elections is the cornerstone of American democracy; and

Whereas, private ballot elections are the most democratic way to determine employees' wishes and guarantee an outcome unaffected by outside pressures; and

Whereas, federally supervised elections conducted by the National Labor Relations Board have been the accepted law governing union recognition campaigns for sixty years, providing detailed procedures that ensure a fair election, free of fraud, where employees may cast their vote confidentially without peer pressure or coercion from unions or employers; and

Whereas, limiting union recognition to signing authorization cards ("card check") in the presence of union officials, coworkers, and employers does not reflect the unbiased will of employees; and

Whereas, in recent years, the vast majority of businesses targeted by union organizing campaigns have been small businesses with fifty or fewer employees; and

Whereas, small businesses are more likely to be held captive at the will of union organizing efforts, as they have less resources for the lengthy legal process of union recognition campaigns; and