



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 156

WASHINGTON, WEDNESDAY, MAY 26, 2010

No. 81

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, we are in Your hands and may we rejoice above all things in being so. Do with us what seems good in Your sight. Only let us love You with all our mind, soul, and strength.

Today, show mercy to the Members of this legislative body. Let Your sovereign hand be over them and Your Holy Spirit ever be with them, directing all their thoughts, words, and works to Your glory. Lord, prosper the works of their hands, enabling them in due season to reap a bountiful harvest if they faint not. In all that they say and do, may they seek Your glory, striving for faithfulness in even the small matters of their labors.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 26, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will resume consideration of H.R. 4899, the emergency supplemental appropriations bill. There will be no morning business this morning. We will go directly to the bill.

Yesterday evening, I filed cloture on the committee-reported substitute amendment in the underlying bill. As a result, there is a 1 p.m. filing deadline for germane first-degree amendments.

Today, I will continue to work with the Republican leader on an agreement to complete action on the bill without cloture. If an agreement cannot be reached, a cloture vote would occur tomorrow morning. Rollcall votes are expected to occur throughout the day in relation to amendments on the supplemental appropriations bill.

We have had a number of conversations. Some amendments may have technical points of order against them. I think we are at a point now where we should arrange some votes on a number of these amendments and move forward on this bill. There are Senators on both sides who have amendments to offer. I will do my best over here to talk down the number of amendments. I know the Republican leader will do the same. We have to have some amendments. I am anxious to move to them. I have di-

rected my floor staff to try to work out arrangements so we can vote on some of those this morning.

We may be in a position where we would have to have a 60-vote threshold on all these amendments. A lot of them may require that anyway. I think that would be the appropriate thing to do.

### MEASURES PLACED ON THE CALENDAR

Mr. REID. Mr. President, I understand there are two bills at the desk due for a second reading, is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

The clerk will read the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3410) to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, and to direct the Secretary of the Interior to renegotiate the terms of the lease known as "Mississippi Canyon 252" with respect to claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations.

A bill (S. 3421) to provide a temporary extension for certain programs, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings on these bills at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

### ISSUES OF CONCERN

Mr. REID. Mr. President, we are waiting today to see the success of the efforts of BP to plug that well that is spilling into the gulf. This morning, it is reported that there is a 70- to 80-percent chance that they can be successful. I certainly hope the odds that favor the stopping the oilspill work.

It is very important that the American people understand, and the world

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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understands, that we have to be ready for the damage this has caused. BP has indicated they will pay for all damages. The people of Louisiana, Mississippi, and other Gulf States are waiting to see when the oil will stop flowing.

We have a number of issues that are concerning to the whole country as to our security. Of course, we have the cybersecurity issue, which, as the Pentagon mentioned, is a very important issue. We are working on that, and committees are doing legislation now to see what can be done to make us more secure in that regard.

The other thing is we will never be a secure nation as long as we are dependent upon foreign oil—or to drop it down a notch, dependent on oil, period. This is an opportunity for the country to move away from fossil fuel and do a better job at looking at the renewable energies that are available to us all over this country, including Sun, wind, geothermal.

I am very supportive of what Secretary Salazar did in approving the wind farm off the coast of Massachusetts. This is an opportunity for us to be independent and not have to depend so much on fossil fuels. It is no longer just the environment; it is also the security of this Nation. So as we wait with bated breath to see what is going to happen today in the gulf, I certainly hope it is successful and that we improve as a result of this terrible degradation of our environment, and improve our ability to use whatever domestic oil supply we have in a safer way.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### EXTENDERS PACKAGE

Mr. MCCONNELL. Mr. President, I will say just a word this morning about the still unfinished extenders package that is about to come over from the House.

The first thing to say is that Republicans are ready and willing right now to extend necessary benefits and to pay for them. We could get this done in literally no time. So any delay in passing this bill is coming from the other side of the aisle. I say this not to point fingers but because we have seen this Democratic playbook.

We know they will try to blame Republicans for their own inability to come to an agreement if we don't go along with their effort to add another \$130 billion to the deficit by the end of the week. Let me say that again. We know they will try to blame Republicans for their own inability to come to an agreement if we don't go along with their effort to add another \$130 billion to the deficit by the end of this week.

So let's be perfectly clear: There is one reason Democrats are having trou-

ble getting an agreement on this bill, and one reason only. That is because it is so blatantly reckless.

Europe is in the midst of what German Chancellor Angela Merkel describes as an existential crisis, all brought about by governments that spend money they don't have. Americans are watching this crisis play out, and they see Democrats doing the same thing here day after day after day. This extenders package is just the latest example, the latest evidence of a majority that simply is out of control.

As early as today, we will reach a dubious milestone in America: a \$13 trillion national debt—the first time in history we have crossed this frightening threshold.

This extenders bill would add another \$130 billion on top of that—more debt in one vote than the administration claimed their health care bill would save over 10 years. The majority would have us add \$130 billion to the \$13 trillion debt in 1 week that would eat up all the alleged savings from the health care bill over 10 years. This is fiscal recklessness, and that is why even some Democrats are starting to revolt.

The time is long since past to reverse this dangerous trend, the way Europe has been forced to reverse the trend. But far from doing anything about our own looming debt crisis, Democrats only seem interested in making it worse.

The true emergency here—if we are looking for one—is our national debt. That is the emergency. A line must be drawn somewhere. Americans are simply running out of patience.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4899, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid amendment No. 4174, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Sessions/McCaskill amendment No. 4173, to establish 3-year discretionary spending caps.

Wyden/Grassley amendment No. 4183, to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter.

Feingold amendment No. 4204, to require a plan for safe, orderly, and expeditious redeployment of the United States Armed Forces from Afghanistan.

McCain amendment No. 4214, to provide for the National Guard support to secure the southern land border of the United States.

Cornyn modified amendment No. 4202, to make appropriations to improve border security, with an offset from unobligated appropriations under division A of Public Law 111-5.

Lautenberg modified amendment No. 4175, to provide that parties responsible for the Deepwater Horizon oilspill in the Gulf of Mexico shall reimburse the general fund of the Treasury for costs incurred in responding to that oilspill.

Cardin amendment No. 4191, to prohibit the use of funds for leasing activities in certain areas of the Outer Continental Shelf.

Kyl/McCain amendment No. 4228 (to amendment No. 4202), to appropriate \$200,000,000 for a law enforcement initiative to address illegal crossings of the Southwest border, with an offset.

Coburn/McCain amendment No. 4232, to pay for the costs of supplemental spending by reducing Congress's own budget and disposing of unneeded Federal property and uncommitted Federal funds.

Coburn/McCain amendment No. 4231, to pay for the costs of supplemental spending by reducing waste, inefficiency, and unnecessary spending within the Federal Government.

Landrieu/Cochran amendment No. 4179, to allow the Administrator of the Small Business Administration to create or save jobs by providing interest relief on certain outstanding disaster loans relating to damage caused by the 2005 gulf coast hurricanes or the 2008 gulf coast hurricanes.

Landrieu amendment No. 4180, to defer payments of principal and interest on disaster loans relating to the Deepwater Horizon oilspill.

Landrieu modified amendment No. 4184, to require the Secretary of the Army to maximize the placement of dredged material available from maintenance dredging of existing navigation channels to mitigate the impacts of the Deepwater Horizon oilspill in the Gulf of Mexico at full Federal expense.

Landrieu amendment No. 4213, to provide authority to the Secretary of the Interior to immediately fund projects under the Coastal Impact Assistance Program on an emergency basis.

Landrieu amendment No. 4182, to require the Secretary of the Army to use certain funds for the construction of authorized restoration projects in the Louisiana coastal area ecosystem restoration program.

Landrieu amendment No. 4234, to establish a program, and to make available funds, to provide technical assistance grants for use by organizations in assisting individuals and businesses affected by the Deepwater Horizon oilspill in the Gulf of Mexico.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## HEALTH CARE

Mr. BARRASSO. Mr. President, I come to the floor today, as I have done each week for over a month now, to give a doctor's second opinion about the health care bill that has now been signed into law. I do this as somebody who has practiced medicine, taken care of families in Wyoming since 1983. During that time, I was medical director of something called the Wyoming Health Fairs, offering low-cost blood screening for people all around the Cowboy State, giving them an opportunity to take more personal responsibility for their own health, to learn about their health, to help get their blood pressure under control, get their cholesterol down, and get their blood sugar under control, and diagnose cancers early. All of this is aimed at early prevention, meaning better care, better survivability, which is what we need to do in this country—work on patient-centered health care.

Today, I bring to the floor of the Senate my second opinion because I think the bill that was passed into law has failed. It has failed and gotten the diagnosis and the treatment wrong.

The goal of health care reform should be to lower costs, increase quality, and increase access. I continue to believe the new health care law is bad for patients; it is bad for payers, the American taxpayers who are going to be footing the bill, and it is bad for providers, the nurses and doctors of this country who take care of those patients.

Fundamentally, I believe, unlike what the President said, this whole law is now going to increase the cost of care. The American people believe that overwhelmingly, that this is going to increase the cost of their care and it is also going to decrease the quality and availability of the care, to the point that a national poll released just this Monday shows 62 percent of Americans would like to repeal and replace the bill that has now been signed into law.

As the Speaker of the House, NANCY PELOSI, said: First you have to pass the bill to find out what is in it. As more and more Americans are finding out what is in the bill, they are finding there are more and more broken promises.

The President gave a speech, and he said: If you like your health care plan, you will be able to keep your health care plan, period.

He then went on to say: No one will take it away, period.

He said: No matter what, period.

But the Chief Actuary of Medicare and Medicaid says that 14 million Americans will lose their employer-sponsored health coverage under this law. The President is saying one thing, but the Chief Actuary for Medicare and Medicaid is saying something very different. That is why the American people do not feel this bill—now the law—was passed for them. It is for somebody else.

Most Americans have health insurance they like and are happy with, ex-

cept for the cost. Unfortunately, what this body passed and what the President signed is going to increase the cost and decrease the availability. For people who like what they have, they are not going to be able to keep it.

One might say: Where do you come up with that? There was a lengthy article written called "Documents reveal AT&T, Verizon, others thought about dropping employer-sponsored benefits." Why would that be? Because of a very different regime, it says, a "radically different regime of subsidies, penalties, and taxes." That is so much of what is involved in this health care law—penalties, subsidies, and taxes.

"Many large companies," it goes on to say, "are examining a course that was heretofore unthinkable, dumping the health care coverage they provide to their workers in exchange for just paying penalty fees to the government."

It goes on:

In the days after President Obama signed the bill on March 24, a number of companies announced big write downs due to the fiscal changes it ushered in. The legislation eliminated a company's right to deduct the federal retiree drug-benefit subsidy from their [companies].

As a result, AT&T, Verizon, and others "took well-publicized charges of around \$1 billion." This annoyed HENRY WAXMAN, Democrat from California, "who accused the companies of using the big numbers to exaggerate"—that is what he said, "exaggerate"—"health care reform's burden on employers." So he summoned top executives to hearings and he requested documents.

The bottom line is, taking a look at 1,100 pages of documents from four major employers—AT&T, Verizon, Caterpillar, and John Deere—"No sooner did the Democrats on the Energy Committee read" the documents "than they abruptly cancelled the hearings." Why? Because they found out that what the companies had said was true, and it was proper in accordance with the rules and the laws within which they have to operate.

All four of these companies are taking a look at the costs and the benefits of dropping health care coverage of people who like the coverage they have. What are the alternatives if you do not want to provide health care? You pay a fine. You pay a fee.

AT&T, a major company, employs up to 300,000 people with health care coverage they like, and they are in a situation where the company is saying: If we drop their coverage and pay the fine, we as a company can save \$1.8 billion.

Is that what this Congress intended? Is that what this Congress imagined? Is that what the people of this country deserve? No.

What this shows is a bill that was crammed through and down the throats of the American people by an administration desperate to have something passed into law, something that

many people never even read before they voted in favor of it. And the people who read the bill carefully could see what was coming down the line, came to the floor, and pointed out these things to the American people. The American people heard, but the Members of Congress did not.

There is a new study out that was reported today in the Associated Press. It talks about what other businesses are doing. It was a poll of 650 leading corporations talking about, what do you think this is going to mean for your business? What is this going to mean for the employees? What is this going to mean in terms of health care for those folks and the cost of doing business?

Here it is. What do the employers want? They want to have three goals, and they are the goals all Americans would have. They want to bring down the cost of care, whether you are an employer or an employee. No matter who you are, they want to bring down the cost of care. Contain costs—absolutely, at a minimum. They want to contain costs. Good. They want to encourage healthier lifestyles. Good. This bill hardly does that at all. There are very few, if any, individual incentives. And they want to improve quality of life.

A mere 14 percent of all responding—650 companies—think health care reform will help contain health care costs. An overwhelming majority—90 percent—of employers believe health care reform will increase their organization's health care costs. Why should they be any different from what the government Actuary says? The government Actuary, who took a look at the bill, also said the cost curve is going to go up. The cost is going to go up. The amount Congress promised the American people this would cover in terms of the costs—Congress said: Oh, we are going to save money. No, that is not what the people who actually added up the figures said. They said this is going to cost money.

Yesterday, when the President visited with the Republican Members of the Senate, I specifically asked him about this point. He still takes the tact that ultimately the cost curve will go down. The American people, and certainly someone who has practiced medicine now since 1983, and the Actuary, who takes a look at these issues, who actually does the addition and puts a line and puts the total numbers at the bottom, all say: Sorry, Mr. President, that is not true. The cost is going to go up. Insurance costs are going to go up. Quality of care and availability of care will go down.

I come to the floor as a physician offering my second opinion just to tell my colleagues and to tell the American people what I have been hearing from talking with people all around the country. A majority of Americans are pleased with the health care coverage they get from their employers. But now, because of the President's new

law, companies are considering canceling employees' coverage because it would be cheaper for them to pay the government's penalty than to provide health care coverage for their employees. This is not the change Americans want. This is not the change Americans can believe in. This is the change that makes Americans lose sleep at night. In this economy, with 9.9 percent unemployment, the last thing Americans need is a new law that makes it easier for companies to pay a penalty instead of providing health coverage for their employees.

This is not the companies' fault. It is the administration's fault. It is misguided incentives, and that is why the American people are sick of Washington. What we have seen now with regard to the incentives, if you are a big company, is to drop insurance and pay the fine. If you are a small company and you want the tax relief and a tax credit that has been offered, the incentive is to actually fire workers and pay those workers who are still working with you less. That is the way to get a better tax credit.

If you are an individual with a pre-existing condition and you have been living by the rules, paying those higher insurance rates through some of the State-authorized funds that have been set up, programs that have been set up to help people with preexisting conditions, to help people who need extra help, so they get their health care covered and even pay more, if you are one of those individuals, the incentive is to drop that coverage, stop paying, and basically go uninsured for 6 months. And if you take that risk of being without insurance for 6 months, only then do you qualify for what is included in this new health care law.

We need a health care law that actually lowers the cost of health care and allows Americans to keep the coverage they have. That is why I come to the floor every week to tell the American people it is time to repeal this legislation and replace it with legislation that delivers more personal responsibility and more opportunities for individual patients; that is, patient-centered care that allows Americans to buy insurance across State lines; that gives people their own health insurance and the same opportunities and the same tax relief for people who get insurance through their jobs; that provides individual incentives for people to stay healthy, exercise more, eat a little less, get their blood sugar under control and blood pressure under control and deal with health care needs as they come along; that deals with lawsuit abuse and the incredible expense of all the defensive medicine practiced in this country; and that allows small businesses to join together to provide less expensive insurance to their employees. Those are the things we need. Those are the things we need to allow us as a nation to deliver high-quality care, available care, at a more affordable cost.

This health care bill that has been crammed through the Senate with a lot of gimmicks and things such as the "Cornhusker kickback" and the "Louisiana purchase" and "Gator aid"—those are the things that make the American people look at this city and say: We have had enough. That is why today I come to the Senate floor and offer, again, my second opinion that it is time to repeal and to replace this health care law with something that will actually work in the best interest of the American people.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### DEPARTMENT OF INTERIOR IG REPORTS

Mr. NELSON of Florida. Mr. President, yesterday, the inspector general for the Department of the Interior came out with their report—this investigative report—which followed another inspector general report of just a month ago. These two inspectors general reports talk about what is wrong in the Minerals Management Service. The most recent report is quite disturbing, and it comes on the heels of the one a month ago where they found a culture where the acceptance of gifts from oil and gas companies was widespread throughout the Office of the Lake Charles District Minerals Management Service in Louisiana.

That information, of course, came on the heels of what we discovered years ago in reports about the incestuous, cozy relationship between the oil industry and the regulators who are supposed to see that the oil industry is doing its job, and doing it safely, and collecting all of the revenues from the royalties that the oil industry is supposed to pay, having drilled on Federal lands, which is the sea bottom of the Gulf of Mexico.

This latest investigative report points out:

Of greatest concern is the environment in which these inspectors operate—particularly the ease with which they move between the industry and the government.

That is called the revolving door. That is somebody in the industry who comes into the government as a regulator, and then the revolving door turns, and they go back into the industry. How in the world can we have a regulator who is coming from the industry into regulation of that industry, and then turn in the revolving door and go right back into that industry? That is the problem, and that is what we have to fix.

My office is talking with Senator MENENDEZ's office, and it is my intention that we will file a bill today that will do a number of things. It will stop

this revolving door by requiring the same thing we require for ourselves in the Senate—that when we leave the Senate, we can't go to an entity that lobbied us as a business and that would then lobby the Senate for a period of 2 years. That is the minimum we should expect.

This legislation will also insist on things that are common sense: that the regulators can't accept gifts from the industry they are regulating, and they have to have a financial disclosure that would show what the regulator owns, if they are in any way compromised with the very industry they are trying to regulate. If they have any outside interest—for example, stock in oil companies they are regulating—they would have to divest from that; and, furthermore, in the egregious case that they would be partially employed by the outside industry they are regulating, clearly that could be prohibited.

These are just commonsense things. Why isn't this in the law? Senator MENENDEZ and I offered this law 2 years ago when all of these revelations came out in that inspector general report back then. But, of course, there was enormous push-back on the legislation. Sadly, it has come to this great tragedy of thousands and thousands of barrels of oil gushing into the Gulf of Mexico to bring us to the point where we ought to have a willing recipient in this Senate to this legislation we are filing that will stop this cozy, incestuous relationship between the oil industry and the regulators.

I know Secretary Salazar is trying to clean it up, and he is doing what he should do. But what we want to do is to etch it into the statutes so there is no question about what is the requirement—not just for today but forever.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I would like to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### KAGAN NOMINATION

Mr. KAUFMAN. Mr. President, I rise to speak about the nomination of Elena Kagan to be Associate Justice of the Supreme Court of the United States.

Ms. Kagan is, without a doubt, an exceptionally well-qualified nominee. In every job she has held, including associate White House counsel, dean of the Harvard Law School, and Solicitor General, she has distinguished herself through her work ethic, intelligence, and integrity.

I was part of 10 confirmation hearings during my time with then-Senator BIDEN, and during that time, I witnessed Ms. Kagan's talents firsthand, when she served as special nominations counsel to the Judiciary Committee during the nomination of Justice Ginsburg in 1993.

She is also a woman of many "firsts"—the first woman to serve as dean of Harvard Law School as well as the first to serve as Solicitor General. She now stands to be the fourth in history to serve on the Supreme Court. When she is confirmed, for the first time in history three women would take their seats on the Nation's highest Court.

I have consistently called on President Obama to nominate candidates to the bench who expand, and not contract, the breadth of experiences represented on the Supreme Court.

Every one of the current Justices came to the Court from the Federal appellate bench. While this experience can be valuable, I believe the Court should reflect a broader range of perspectives and experience.

Ms. Kagan brings valuable non-judicial experience and a freshness of perspective that is currently lacking.

Prior judicial experience has never been, nor should it be, a pre-requisite to be a Supreme Court Justice. In the history of the Supreme Court, more than one-third of the Justices have had no prior judicial experience before nomination.

History further shows that a nominee's lack of judicial experience is no barrier to success as a Supreme Court Justice.

When Woodrow Wilson nominated Louis Brandeis in 1916, many objected on the ground that he had never served on the bench.

Over his 23-year career, however, Justice Brandeis proved to be one of the Court's greatest members. His opinions exemplify judicial restraint and his approach still resonates in our judicial thinking more than 70 years after his retirement.

This list of highly regarded Justices without prior judicial experience is not insignificant.

Felix Frankfurter, William Douglas, Robert Jackson, Byron White, Lewis Powell, Hugo Black, Harlan Fiske Stone, Earl Warren and William Rehnquist—they all became Justices without having previously been judges, yet we consider them to have had distinguished careers on the Supreme Court.

In fact, Justice Frankfurter wrote in 1957 about the irrelevance of prior judicial experience. He said:

One is entitled to say without qualification that the correlation between prior judicial experience and fitness for the functions of the Supreme Court is zero.

That is a point that some of my Republican colleagues have recognized when addressing the qualifications of other nominees.

Ms. Kagan's lack of prior judicial experience should not be a determining

factor in assessing her qualifications to be a Justice.

Indeed, if significant prior experience as a judge were a prerequisite, where would that leave Justices like John Roberts and Clarence Thomas? Thomas had served on the DC Circuit for less than 16 months before his nomination, and Roberts for just over 2 years.

I have an insightful article on this subject by Joel Goldstein, published in the *Kansas City Star*. I ask unanimous consent it be printed in the RECORD.

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

[From *KansasCity.com*, May 11, 2010]

HISTORY SAYS LACK OF TIME ON BENCH IS NO PROBLEM

(By Joel K. Goldstein)

Critics are already attacking President Obama's nomination of Elena Kagan for the Supreme Court on the grounds that she has never been a judge. But if lack of judicial experience disqualifies someone from a spot on the court, many distinguished justices never would have served.

Take Louis Brandeis, the person many consider to have been the outstanding justice of the 20th century. Brandeis had never served on the bench when Woodrow Wilson nominated him in January 1916.

Critics complained that he lacked judicial temperament. They could not have been more wrong. During 23 years on the court, Brandeis proved himself a model judge. His opinions guide judicial thinking more than 70 years after his retirement. He became a leading apostle of judicial restraint but used his opinions to teach relevant constitutional principles in a way that surpassed every justice other than John Marshall.

Many other examples reveal judicial experience to be a false requirement. John Marshall's career had been political, not judicial. Yet, most regard him as the greatest justice to serve on the court. He was learned in the law, yet his political skills proved critical in allowing the court to develop as an equal institution of government during a precarious period.

The same was true of Charles Evans Hughes when named an associate justice in 1910. He had been a lawyer and governor of New York. Most regard him as one of the greatest chief justices, a position he assumed when he returned to the court in 1930, after resigning to run for president in 1916.

Earl Warren lacked judicial experience, but his political skills helped produce the court's unanimous decision in *Brown v. Board of Education*, one of the most important decisions in our history.

Harlan Fiske Stone had served as a law school dean and attorney general, a resume in some respects similar to Kagan's but never as a judge. Felix Frankfurter, William Douglas, Robert Jackson, Byron "Whizzer" White, Lewis Powell and William Rehnquist were thought by many to have been distinguished justices, although each lacked prior judicial experience. Hugo Black had spent about a year on the police court when Franklin Roosevelt nominated him from the U.S. Senate.

Even recent experience cautions against overstating the relevance of judicial service. Two conservative judicial heroes, Clarence Thomas and John Roberts, had served very brief stints on the appellate court, roughly two years or less before the two Bush presidents nominated them.

There have been distinguished justices who came from the bench, such as Benjamin Cardozo, John Marshall Harlan II and Wil-

liam Brennan. On the other hand, some unsuccessful justices also had judicial experience. John Hessin Clarke, Fred Vinson and Charles Evans Whittaker are among those whose service on the court was not happy despite their experience as judges.

Kagan has had a distinguished career as an academic, as a high-level staffer in the Clinton White House, as a successful dean of Harvard Law School and as U.S. solicitor general. It is impossible to know whether she will be a distinguished justice, but her success in her other professional work certainly counts in her favor.

History suggests that her lack of judicial experience is simply irrelevant.

Mr. KAUFMAN. Another attack on Elena Kagan, equally unjustifiable, focuses on military recruiting while she was dean at Harvard Law School.

Most of the charges about the Harvard Law recruiting ban are distortions. The university policy reflected a policy preference for nondiscrimination against gays, but Dean Kagan never denied military recruiters physical space at the law school or access to the student body.

Just as important, military veterans at Harvard have high praise for Kagan's role as dean.

In February 2009, several Iraq War veterans who graduated from Harvard Law School when she was dean wrote a letter to the *Washington Times* describing their "appreciation for Miss Kagan's embrace of veterans on campus. During her time as dean, she has created an environment that is highly supportive of students who have served in the military."

I was pleased to see this view echoed by our colleague from Massachusetts after his meeting with Solicitor General Kagan last week.

He said:

It was very clear to me after we spoke about it at length that she is supportive of the men and women who are fighting to protect us and very supportive of the military as a whole. I do not feel that her judicial philosophy will be hurting men and women who are serving.

The best answer to these charges comes from the nominee herself.

In 2007 while serving as dean of Harvard Law, she addressed cadets at West Point. She said:

I am in awe of your courage and your dedication, especially in these times of great uncertainty and danger. I know how much my security and freedom and indeed everything else I value depend on all of you.

Addressing the controversy regarding the military recruiters she said:

I have been grieved in recent years to find your world and mine, the U.S. military and U.S. law schools, at odds, indeed, facing each other in court—on one issue. That issue is the military's "don't ask, don't tell" policy. Law schools, including mine, believe that employment opportunities should extend to all their students, regardless of their race or sex or sexual orientation. And I personally believe that the exclusion of gays and lesbians from the military is both unjust and unwise. I wish devoutly that these Americans could join this noblest of all professions and serve their country in this most important of all ways. But I would regret very much if anyone thought that the disagreement between American law schools and the

U.S. military extended beyond this single issue. It does not. And I would regret still more if that disagreement created any broader chasm between law schools and the military. It must not. It must not because of what we, like all Americans, owe to you.

In consulting with leadership, as well as with me and my colleagues on the Judiciary Committee, President Obama honored the Senate's advisory role in the selection process.

As the Senate process moves from advice to consent, I look forward to a confirmation process that is orderly and filled with an honest exchange of views, not partisan bickering.

The vote for a Justice of the U.S. Supreme Court is one of the most important votes a Senator can cast. That is because a Justice serves for a lifetime appointment and will continue to have an impact long after the vote is made.

Since her nomination, Solicitor General Kagan has already met with dozens of Senators and has many more meetings scheduled.

My meeting with her strengthened my belief that President Obama has selected a nominee with both impeccable credentials and a superior intellect. Her ability to bridge disagreement and find common ground among disparate voices, as well as her experience in all three branches of government, would be a tremendous asset on the current Court.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, we are on the supplemental appropriations bill. I understand. I have been chairing a hearing, and I understand I have not missed very much. It appears to me yesterday and today this supplemental appropriations bill on the floor of the Senate has been moving very slowly. In fact, while amendments have been filed and some discussed, we have had no votes. I know the majority leader would very much like to move forward to get this done. In fact, it is the case that if the supplemental bill is not done, my understanding is there will be soldiers who will not receive paychecks in June. So there is an urgency for us to replenish the funding that is necessary in the defense portion of this bill especially.

There are other pieces of it that are equally important. For example, the money for the Federal Emergency Management Agency is provided as a result of disasters that are occurring that require some supplemental funding, and other issues are addressed as well.

But what I want to mention on the floor of the Senate is a request that

has been made about DOE loan guarantees. I got a call from the Secretary of Energy, Secretary Chu, requesting \$90 million in this legislation or support in some legislative form to allow them to provide loan guarantees for three nuclear plants that are to be built. They want to begin a process to move down the road on some nuclear energy. I will support these loan guarantees. I think we should do a lot of things and do them well in the energy field, and nuclear energy will be one of those areas.

But in order to do the loan guarantees for three nuclear energy facilities that would be built, they need another \$90 million in authority. My understanding is that request has been made. However, I have a letter from Peter Orszag, the head of the Office of Management and Budget, that he sent to the Speaker, and he did request, on behalf of the administration, the \$90 million for the Energy Department to be able to provide those loan guarantees. Again, I indicated I would support that request.

They also have requested an additional \$90 million on the renewable energy loan guarantees. Again, there was \$2 billion that was removed from renewable energy and has not been restored. So there needs to be some restoration of that, and I would support these as well. But as I indicated, when discussing this with the Energy Secretary and others, there needs to be either an emergency request by the administration or a pay-for. The letter from Mr. Orszag, the head of the OMB, indicates they would request the \$90 million for the loan guarantee for a nuclear facility, a third nuclear facility, and \$90 million for renewable energy, and they say a separate request will be transmitted in the future to Congress to reduce the fiscal year 2011 budget by the amounts in the supplemental request. Well, that doesn't quite work. I think they understand that concern of mine. You can't offset spending you are going to do now with the reduction in a spending request for some future budget. That is not an appropriate offset.

I simply wanted to say that my understanding is the House of Representatives will likely include this request that Secretary Chu says is very important, and I would agree with him that he should be able to have that loan authority to proceed. The House of Representatives will likely include that request, or have included it, including the appropriate offset in this fiscal year so that it does not increase the budget deficit.

I have received some calls in the last day or so wondering why I am holding it up here. I am not holding it up here, but it cannot be considered here unless: A, the President has requested it as an emergency, and he has not done that; or B, there is an offset, and the offset being proposed in the letter from the head of the OMB is not an offset, as I said. A promise to submit a budget request that would reduce a future budg-

et is not an offset for something that is done here.

In any event, I hope this gets done. I support the Secretary's request. I believe it would be good for us to be able to proceed to have that loan guarantee for the third nuclear energy facility the Secretary wishes to do. If it can't get done here in the Senate with an offset, then at least it will come to conference between the Senate and the House. I hope very much that the House, with the provision of the offset, will make this possible for the Secretary. I wanted to explain that to the Senate. It is a little bit convoluted, but I wanted to explain it because somebody here thought I was blocking this loan guarantee request, and that is not the case. It is not the case that there is opposition to it, in fact. It is just the case that it needs to meet the rules in terms of an offset for the supplemental appropriations bill.

Mr. President, let me ask unanimous consent to speak as in morning business.

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

#### ENERGY

Mr. DORGAN. Mr. President, I wish to speak for a moment about energy more generally. I spoke in Dallas, TX, on Monday of this week at the National Wind Energy Conference. I think they said they had 20,000 people there. Wind energy, of course, is a very important part of our country's energy future. We need to take steps to gather energy from the wind and the Sun, where the Sun shines and the wind blows. We need to use these resources for energy, and then put them on a wire and move them to the load centers that need that energy. Such actions will provide more energy here at home, and it makes us less dependent on foreign oil. These are all of the things that I commend. I was thinking today that there has been a lot of discussion in recent weeks on what may or may not happen on the floor of the Senate with respect to energy and/or climate change, and I wish to comment on that a bit.

First, I believe something is happening to our climate. I believe we ought to reduce the carbon emissions that are going into the atmosphere, so I am in support of capping carbon. I have indicated, however, I don't support what is called cap and trade, which would effectively be a process by which we provide probably a \$1 trillion carbon trading securities market for Wall Street. I have no interest in being a part of that and would not support speculation of carbon markets. However, I think there is something happening to our climate, and we would be wise at the very minimum to do a series of no-regrets things that move us down the road to limit carbon and develop opportunities to reduce carbon emissions and protect our climate.

We have been considering whether we get that done now in some sort of climate bill or focus only on an energy

bill. My colleagues Senator KERRY and Senator LIEBERMAN and others have worked hard on a comprehensive climate bill. The question of what we focus on now is an important issue. The climate change bill they are working on is something that is very substantial, and I commend them for their work. I think they have put an enormous amount of time into that legislation. However, that legislation has not gone through a committee process. They need to find a way to do that at some point. If there are not 60 votes in the Senate, then it will be difficult to move forward on their bill. That is what would be required to bring a climate change bill to the floor of the Senate. If there are not 60 votes, then the very least we should do is work on the energy bill. This is the piece of legislation that has already passed the Senate Energy Committee in June 2009. That was a long time ago, and it passed on a bipartisan basis. We should bring it to the floor of the Senate and move it so that we actually provide substantial improvement to our energy policy in a way that addresses our national security and reduces carbon emissions. It is one thing to talk about it; it is another thing to put a plan together. It is another thing—and more important, in my judgment—to actually reduce carbon emissions.

What have we done on the Energy Committee under the leadership of Senator BINGAMAN? I played a role, and many others, Republicans and Democrats, worked with him in writing that energy bill. What have we done? We have written a bill that does several things. No. 1, it is bipartisan, and No. 2, it would create a new federal national electricity standard. It is a national goal that says here is where we are headed and would put in place a pathway to maximize the production of electricity from wind, solar and other renewable energy sources. That is exactly the sort of thing we should do.

So while we do that, we also include provisions for building retrofits and building efficiency provisions which are very important. We would provide the process by which you help construct the interstate highway of transmission capability. By doing that, you can find places in the country where you can collect energy from the Sun or the wind and put it on a wire and move it to the load centers.

My State of North Dakota is one of the windiest States in America. Department of Energy has called North Dakota the Saudi Arabia of wind. Our kids are born leaning to the northwest against that prevailing wind. But we don't need more wind energy for ourselves. We can put up towers and turbines. We produce far more energy than we need in North Dakota. What we need is a modern day interstate highway transmission capability that can produce energy from the wind in North Dakota and solar from the rural areas of Arizona and so on, and put it on the wire and move it to the load centers

where they need the electricity. That is the way you maximize the use of renewable energy for the benefit of the country.

It is not hard to get energy from the wind. We have sophisticated, new, better technology in wind turbines. We put up a tower, especially in areas where you find these wind chutes, and you produce electricity virtually forever. Those blades turn around and you make electricity. It makes a lot of sense for us to maximize that.

I am in favor of using fossil energy as well. I am not suggesting we use wind and solar energy in exchange for shutting down oil and gas and coal. We are going to continue to use fossil energy, but use it in a different way. We are going to move towards decarbonizing the use of coal, that requires targets and timetables and the ability and research to make that happen. I am convinced we will be able to move in that direction.

Every day I have people coming to my office with the new ideas and solutions that is going to make this happen. I have had a guy visit and tell me about a new microbe that he discovered. It was a lollipop-shaped microbe, that was 30 percent more efficient at breaking down cellulose than anything known to mankind. Therefore, this new microbe will be able to break down cellulose and turn it into cellulosic ethanol, reducing the cost from \$3 to \$2 a gallon. Big deal? Maybe so. I don't know. He has to develop that, and then we will see whether the market beats a path to his door.

There are dozens of examples like that. Last night I saw Craig Venter on television. I think Craig Venter is extraordinary. He and Francis Collins led the human genome project. They created the first owners manual for the human body, and it is changing everything in medicine. He has now turned his attention to energy. Now Craig Venter is trying to develop synthetic microbes that could be used to chew away at coalbeds, in layman's term. The microbe will eat its way through the coalbed and turn coal into methane fuel. Is that the solution? Maybe so. Maybe that is the way to use coal in the future; I don't know.

There is a guy in California who testified at a committee I chaired who has patented a process that takes the entire fuel gas from a coal plant and, through his patented process, mineralizes it and turns it into something that is harder and more valuable than concrete that contains all of the emitted CO<sub>2</sub>. This man says the process creates a value-added product that brings the price of carbon down to near zero. Maybe. I don't know.

Another guy delivered a presentation to me and insists he has a 100-mile-per-gallon diesel engine. Does he? I don't know; maybe. If he does, I hope the world beats a path to his door. The list of innovators goes on and on.

A woman with a Ph.D. from Sandia National Laboratory, testified at a

hearing I chaired. She said they are working on a heat engine in which you put CO<sub>2</sub> in one side and water in the other. The molecules are then fractured and chemically recombine to produce a fuel. Produce a fuel out of essentially air, CO<sub>2</sub>, and water.

We also have begun doing a lot of work on the issue of algae, I am now talking about how you would perhaps use coal in the future. Coal emits CO<sub>2</sub>. You capture the CO<sub>2</sub> and use it to grow algae, which is a single-cell pond scum, or, the green stuff you see in standing water. CO<sub>2</sub>, water, and sunlight produce this single-cell pond scum. After growing the algae, you harvest it and produce diesel fuel. Wouldn't it be interesting if you could get rid of the CO<sub>2</sub> by producing a new fuel. These are all just a couple of examples of the things I think could be breathtaking in terms of what kind of energy we use and how we use it in the future.

Oil and natural gas. In my State of North Dakota we have more oil rigs drilling than anywhere in the country. We have discovered how to find oil 2 miles below the Earth in a shale formation called the Bakken shale that is 100 feet thick, I asked the U.S. Geological Survey to do an assessment of what is there. 2½ years ago they came back with an assessment that said there is up to 4.3 billion barrels of oil recoverable using today's technology. The Bakken shale formation is 2 miles down. They drill down with one rig, 10,000 feet down, searching for the middle third of a 100-foot seam. They find the seam then, drill out 2 miles. So, they drill down 2 miles, then out 2 miles to search for a 30-foot seam. Then they use hydraulic fracturing so the oil drips. They then pump the oil, and that oil will pump from that well for 30 or 40 years. By the way, there are right now about 117 drilling rigs, drilling wells in North Dakota. They drill a new well every 30 days and they strike oil virtually every time, because with core samples they know exactly where this huge shale formation is. This is the largest assessment of oil the U.S. Geological Survey has ever assessed in the history of the lower 48 States; and in the western part of North Dakota it is unbelievable the amount of drilling that is occurring.

So, oil, natural gas and coal, all fossil energy, and we are going to continue to need them and use them. We want to be less dependent on foreign oil so that means producing more here.

The terrible disaster that has occurred in the Gulf of Mexico means we are not going to lease new properties in the Gulf until we understand the consequences of deep well drilling, but we have drilled tens of thousands of productive wells. One-third of the domestic oil production comes from the Gulf, so that is not going to be shut down at the moment. The question is: What happens in deep well drilling, what has happened that has caused this disaster? As Secretary Salazar and others indicated, they are not going to proceed

with new drilling permits or under new circumstances until we understand what happened with the BP well, because this is an unmitigated disaster. There is no question about that.

All of these things are important and a part of our energy future. The bill we drafted in the Energy Committee last June, that passed on a bipartisan vote, is a bill that does a lot of everything and does it well. The bill includes a renewable electricity standard, and builds and creates the opportunities to build new transmission lines.

I didn't mention previously, but in the last decade we have built 11,000 miles of natural gas pipeline and at the same time we have built only 660 miles of high-voltage interstate transmission lines. Why? Because it is very hard to build a transmission interstate. There are three things needed to build a transmission interstate: planning, pricing, and siting. You have to get them all right. What we have done in this energy bill is to create the menu by which we are finally going to get an interstate transmission capability built. We give FERC backstop authority, and we are careful on the planning and pricing side to try to get all of this right. I think in addition to the things I have described, the renewable electricity standard, the opportunity for an interstate highway of transmission capability that modernizes our grid, provides greater reliability, and maximizes the production of renewable energy, and building retrofits and building efficiency, there is a whole series of other things. I have so much to support.

This piece of energy legislation will actually reduce carbon. I think it would be unthinkable to end this year without taking up a bipartisan piece of legislation that actually reduces carbon and actually reaches the goal of those who are wishing to have a climate change bill come to the floor this session.

Again, let me end by saying that I think what Senator KERRY and others are working on is very important for our country. We have disagreements here and there, but the disagreement is not about whether there is something happening to our climate; I think there is. There is no disagreement about whether we ought to restrain carbon; we should. There is no disagreement about those central tenets. So I commend the work they have done.

I think it is going to be very hard, frankly, to bring a very large piece of legislation to the floor soon that has not been through a committee process. Plaudits to the people who are working hard on this. It is also the case that even if they got their climate bill through, you would have to have another bill, like the bill the Energy Committee has already developed, to actually reduce carbon. On the one side, you set up targets, timetables, and goals; and on the other side, you set up policies that result in the reduction of carbon.

My hope is the Energy bill that Senator BINGAMAN and I and others have worked on will be on the floor of the Senate at some point this summer. I think the Energy bill will do a couple things that are very important. No. 1, substantially reduce our dependence on foreign oil. Do you worry about our economy? I do as well, but it is not just the large banking institutions that steered this country into the ditch. I worry about how vulnerable we are to foreign governments and countries for our oil. We get up in the morning and flick a switch, turn off the alarm and turn on the light, make some hot coffee and take a hot shower, get in a car and turn a key. We use energy in so many ways without ever thinking about it. Oil is so central. Yet, over 60 percent of our oil comes from outside of our country, from some very troubling parts of the world. We need to be less dependent on foreign oil.

This legislation we have written makes us less dependent on foreign oil. But as important as that is, this legislation begins to address the issue of climate change in a very real and very significant way. By maximizing the development of renewable energy for this country's future, and doing the things that are necessary to reduce the emission of carbon.

As I said when I started, when I spoke in Dallas, TX, on Monday, at the National Wind Energy Conference, you could see and feel and hear the excitement of the people who understand that there is now a new opportunity to contribute to this country's energy supply, with renewable, clean, green energy.

We have given very interesting incentives in this country to try new things. Early in the past century, in the nineteen-teens, our country said: If you go look for oil and gas, try to find some, produce some, explore for some, we are going to give you long-term, good, and permanent tax incentives.

That is what we did. Why? Because we wanted people to find oil and gas. Those tax incentives still exist. What we did for renewable was very different. In 1992, we said: Here are some tax incentives for renewable energy if you are willing to develop some. But the tax incentives were shallow and temporary. They were extended six times and allowed to expire three times. It was stutter, stop, start, and nobody knew what to think. Invest now, don't invest next. It didn't make sense.

I think what we ought to do is plan a menu for our energy future and say here is where America is headed for the next decade. Believe in it and invest in it. That is where we are going. We have done that with other forms of energy, oil and gas, but not with renewable energy, and we should. The ability to gather energy from the Sun that shines on this planet and from the wind. The ability to gather energy from wind is a source of energy that will last forever and will make a significant contribu-

tion, in my judgment, to our planet's health.

Again, my hope is that in the coming weeks, as some colleagues work on a very broad piece of climate change legislation—and I think it is good that they are doing that and I commend them—if it is clear that the climate change legislation doesn't have the 60 votes, it is very important that we bring to the floor the product that came from the Energy Committee. That will advance this country's energy interests, with less dependence on foreign oil and clean, green energy for maximizing renewable energy sources.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

#### FINANCIAL REFORM

Mr. DORGAN. Mr. President, yesterday, one of my colleagues, Senator KAUFMAN, from Delaware, came to the floor and expressed some concern about the issues that will now be followed with respect to financial reform. I wanted to simply say I share many of the concerns he expressed.

There are some who are worried about financial reform going too far. I am worried that financial reform still doesn't go far enough. As we go into a conference, I note the conferees who have been appointed, and I note some of the conversations in the media about those who will be in the conference. I am worried. I think in order to address the issues that need to be addressed—and as my colleagues know, I have spoken about this many times, I think too big to fail has to be addressed. I don't think it is yet addressed adequately.

I think that if we, in the future, have financial firms that are so large they cause a moral hazard, or unacceptable risks, and whose failure could bring down the entire economy, those firms that are in that situation of too big to fail have to be pared back to a point where they would no longer bring down the economy should they fail. I don't think that has been yet adequately addressed.

I also think we have not addressed the issue of the toxic assets that have been traded and essentially wagered in our economy to the tune of trillions of dollars. Some of that wagering, by the way, has turned some bank lobbies into not noticeable but certainly express casinos because of the trading of what are called naked credit default swaps, which are instruments of gaming that have no insurable interest on either

side. The growth of these kinds of things and the gaming that is still going on is far afield from the investing and lending that used to be the central functions of our major financial institutions. Sources of capital for the purpose of buying trillions of dollars of naked credit default swaps is not a way to address the ills of our country.

I attempted here to get an amendment offered that would simply ban the use of naked credit default swaps. I note that some other countries have now done that. I was not able to get a vote on it. We had a vote on a tabling motion to a second-degree amendment I offered. My hope is that will still remain an opportunity to be corrected in a conference.

The issue of proprietary trading is still, I think, a significant issue. I have described banks trading derivatives on their own accounts. I wrote an article about this in 1994, which was the cover story of the Washington Monthly magazine. My story article was titled "Very Risky Business." I was describing then the risk of having proprietary trading by banks on their own accounts of very risky derivatives. That was 16 years ago. On the other hand, the legislation that has just passed this Congress doesn't shut down these issues. They have grown. They have not diminished.

I think if we want to give the American people some comfort that somehow, in the end, financial reform will have addressed the issues that caused the near crash of this economy—the deepest recession since the Great Depression—more still needs to be done.

I commend my colleagues who worked on this. But we do still have some disagreements and some concerns that this doesn't go far enough. As I said—and I noticed this in the papers this morning—some think there is a danger of this going too far. It does not, in my judgment. Much of it has been watered down in a way that doesn't provide the adequate protection that is needed going into the future.

I note that today, Secretary Geithner is going to stop in Europe. He is making two stops in Europe, because he is concerned about the different approaches that are being taken by European countries, and some of the suggestions are that, well, the Europeans aren't doing as much here and there and, therefore, American financial institutions will move their business offshore. Look, I think most of us want to have a financial system that relates to the ways of doing finance that represent the safety and soundness of the financial industry. That was not the case in most recent years. We securitized almost everything—almost anything that could be. We got rating agencies who acted as though they were inebriated, to give AAA ratings to securities that turned out to be almost nothing. Then they sold the risks up so that those who originally placed loans, for example, didn't have to underwrite

the loans, because they weren't going to get stuck with the bill. They would sell them to hedge funds and investment banks, and everybody was making a massive amount of money—big bonuses.

When the collapse came, Wall Street, according to New York authorities, had \$35 billion in losses in 1 year and paid \$17 billion in bonuses. That describes how everybody was awash in money. Everybody was making a lot of cash and big bonuses. What was happening is that all of this greed—this cesspool of greed—was steering this country into the ditch, and the American people suffered mightily as a result of it. Millions of people lost their jobs, millions more lost their homes, millions have lost hope, and there are millions of kids coming out of our colleges last year, the year before, and this year, who still cannot find work. That is the carnage and wreckage that occurred. The question in financial reform is: Will we tighten the laces and get it right, and do what is right on too big to fail, proprietary trading, and other issues? I wanted to say, when I read Senator KAUFMAN's statement, that he and I had many of the same concerns, as others do.

I hope when the conference is held on financial reform, this bill gets tightened, not loosened, and that we make sure we do enough. Don't be too worried about going too far. We are a long way away from that finish line.

I commend my colleague, Senator KAUFMAN, and others who have expressed concerns. I wanted to add my concern as well. The American people deserve to know the Congress is going to get this right. We have now had plenty of understanding and experience about what happened, and we should have the knowledge and the ability to decide we are not going to let it happen again, ever.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4229

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 4229.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself and Mr. REID, proposes an amendment numbered 4229.

Mr. ENSIGN. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

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

The amendment is as follows:

(Purpose: To prohibit the transfer of C-130 aircraft from the National Guard to a unit of the Air Force in another State)

At the end of chapter 3 of title I, add the following:

SEC. 309. No funds appropriated or otherwise made available by this Act may be obligated or expended to transfer a C-130 aircraft from a unit of the National Guard in a State to a unit of the Air Force, whether a regular unit or a unit of a reserve component, in another State.

AMENDMENT NO. 4230

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 4230.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself and Mr. REID, proposes an amendment numbered 4230.

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

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

The amendment is as follows:

(Purpose: To establish limitations on the transfer of C-130H aircraft from the National Guard to a unit of the Air Force in another State)

At the end of chapter 3 of title I, add the following:

SEC. 309. (a) LIMITATIONS ON TRANSFER OF C-130H AIRCRAFT FROM NATIONAL GUARD TO AIR FORCE UNITS IN ANOTHER STATE.—No funds appropriated or otherwise made available by this Act may be obligated or expended to transfer a C-130H aircraft from a unit of the National Guard in a State to a unit of the Air Force, whether a regular unit or a unit of a reserve component, in another State unless each of the following is met:

(1) The aircraft shall be returned to the transferring unit at a date, not later than 18 months after the date of transfer, specified by the Secretary of the Air Force at the time of transfer.

(2) Not later than 180 days before the date of transfer, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the members of Congress of the State concerned, and the Chief Executive Officer and adjutant general of the National Guard of the State concerned the following:

(A) A written justification of the transfer.

(B) A description of the alternatives to transfer considered by the Air Force and, for each alternative considered, a justification for the decision not to utilize such alternative.

(3) If a C-130H aircraft has previously been transferred from any National Guard unit in the same State as the unit proposed to provide the C-130H aircraft for transfer, the transfer may not occur until the earlier of—

(A) the date following such previous transfer on which each other State with National Guard units with C-130H aircraft has transferred a C-130H aircraft to a unit of the Air Force in another State; or

(B) the date that is 18 months after the date of such previous transfer.

(b) RETURN OF AIRCRAFT.—Any C-130H aircraft transferred from the National Guard to a unit of the Air Force under subsection (a) shall be returned to the National Guard of the State concerned upon a written request by the Chief Executive Officer of such State for the return of such aircraft to assist the

National Guard of such State in responding to a disaster or other emergency.

Mr. ENSIGN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4221

Mr. ISAKSON. Mr. President, I ask unanimous consent the pending business be set aside so I can call up Isakson amendment No. 4221.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. ISAKSON], for himself and Mr. CHAMBLISS, proposes an amendment numbered 4221.

The amendment is as follows:

(Purpose: To include the 2009 flooding in the Atlanta area as a disaster for which certain disaster relief is available)

On page 35, line 7, insert "FEMA-1858-DR," before "FEMA-1894-DR,".

Mr. ISAKSON. This is a technical language amendment that references the FEMA money that is proposed in this legislation to ensure that Georgia is included in consideration of the dispersing of that funding based on the flood experience in 2009. That is all it does. It is a language amendment.

I ask it be considered, and I yield my time.

I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

AMENDMENTS NOS. 4232 AND 4231

Mr. INOUE. Madam President, the Senator from Oklahoma has proposed two amendments, both of which are designed to offset the cost of the supplemental bill before us. He argues that the Nation needs to find ways to use existing funds to meet these needs. He even argues that some of the items were not unforeseen and, therefore, do not qualify as emergencies.

I would respond, do not tell the people of Rhode Island and Tennessee that the floods in their States are not emergencies. I would say any of us watching television are aware of the emergency which is occurring now on the gulf coast. I would even say those in Oklahoma whose forests and towns have been damaged by tornadoes are aware of what an emergency is.

The Senator suggested we should not declare the cost of war as an emer-

gency since we have known about the costs of war since September 11, 2001. I would remind the Senator and my colleagues that the current administration did its best to foresee the costs of war and included funding for those costs as part of its budget request, and the Congress acted to meet these needs.

But circumstances change. The deteriorating conditions in Afghanistan led our military leaders to recommend, and the President to conclude, that we needed to increase our forces in Afghanistan. The funds in this bill are that unforeseen portion of the cost of war. For someone to argue they do not qualify as an emergency is most unfortunate.

The Senator suggests we should cut unobligated balances. Several others have suggested we should cut from the stimulus bill. Nearly every dollar remaining in the stimulus bill has been committed to a particular project if not yet obligated. If we look at what is left, the largest item that is unobligated at the moment is for high-speed rail—approximately \$7.9 billion—but those funds have been awarded to specific projects. We know where the funds are going, and they will all be awarded on contracts soon.

There is some \$6 billion in unobligated Pell grant funding. But that amount is already assumed in the fiscal year 2011 budget. We already have a \$5.7 billion shortfall in this great scholarship funding program. If we rescind this \$6 billion, we will need to find nearly \$12 billion in fiscal year 2011 to meet the shortfall.

More than \$6 billion remains available to pay the States for fiscal stabilization. Thirty-four States have written budgets assuming these funds would be available to them. States such as Texas are scheduled to receive more than \$1 billion of this amount. These funds are unobligated, but that does not mean they are not wanted.

More than \$4 billion remains unobligated for education reform. The funds are ready for award and will be obligated in the next 4 months. Is this the program we want to stop?

Several Senators have proposed specifically rescinding funds from the Recovery Act. Senator COBURN also suggests this is one possible area of savings. Well, unless we want to cut the programs I have listed above, there are no funds to rescind from the stimulus bill.

The Senator from Oklahoma is indiscriminate in his suggestion we cut unexpanded balances. Let me say this to my colleagues, in a trillion dollar discretionary budget, we better hope we have unobligated balances because if we did not, we would be terminating government services with a third of the year still remaining to be funded. For example, there would be no one to send out Social Security checks, no one to keep our national parks open, and no funds to maintain a terrorist watch list or fight our wars.

But unobligated does not mean unneeded. On Monday, I noted we have \$8.3 billion in unobligated balances in the Joint Strike Fighter Program, but the Senator does not say what programs he would propose for the bulk of the cuts he is mandating.

In one amendment, he says, do not cut defense spending. In the other, it is, do not cut veterans funding. I share that sentiment, but if we are talking about cutting discretionary funding, the large unobligated balances are in the Defense Department.

As of last month, the Defense Department had nearly \$400 billion in unobligated balances. There are plenty of unobligated balances to pay for the supplemental. But what sense does it make to cut defense spending so we can increase funds to cover the cost of war? Even the Senator seemingly agrees it would make no sense.

The \$80 billion rescission authority in the Senator's amendment is virtually unworkable. In fiscal year 2010, the Federal funds unobligated balances, excluding the Defense Department and the Veterans' Administration, are about \$597 billion. More than half of that—\$330 billion—is unobligated balances for Treasury which are mostly financing mechanisms such as credit reform balances. These cannot be rescinded. That leaves only about \$267 billion for the \$80 billion of proposed rescissions.

Nearly one-third of the funds available to continue government operations for the remainder of the fiscal year would have to be eliminated. And, under the amendment, the Congress would defer to the unelected OMB Director to determine where to make the cuts. Not only is this a terrible concept, it is an abrogation of our responsibility to make spending decisions for the Nation. And, you can be sure, were we to adopt this amendment, the first thing to be cut would be congressional priorities.

It is always easy to suggest we should cut unobligated balances, or waste, fraud, and abuse, or someone else's earmarks. What is much harder to identify is specific programs which should be cut.

By way of example, if we cut funding for NOAA, it will mean reducing our capabilities to track the devastating oil spill washing up on our gulf coast communities at this moment. Slashing unobligated funding would curtail the efforts to restore wetlands and beaches that are vital to the environment and the local economy and to our fishermen who are banned from fishing, evidenced by the fishing disaster just declared by Secretary Locke.

In the case of homeland security, most of the unobligated balances which remain available are for acquisitions such as the national security cutter, aircraft for border security, border station construction, explosive detection equipment for our airports, radiation portal monitors, and border technology such as sensors, cameras, and x-ray

machines. This amendment would force us to curtail spending on these programs at the same time other Senators are urging the Senate to increase funding for them.

The Senator's two amendments fall short in identifying reasonable offsets for the cost of these bills. Does this body want to penalize all civil servants by not allowing any cost-of-living adjustment for the coming year? Do we want to encourage our most skilled workers to leave Federal service because their pay, which already doesn't match the employment cost index when comparing similar jobs in the private sector, would be frozen? What sense does it make to encourage our best workers to quit? That is not good management. Few successful private enterprises would suggest freezing pay for all their workers.

There are items that I believe have merit in the Senator's proposal, and I hope the committee can work with him as we move forward into fiscal year 2011 to identify them. Cutting overhead and saving funding through taxpayer compliance are good ideas which I know our appropriations subcommittees share. The government should rid itself of excess real property, and it should be encouraged to do so. But to set an arbitrary target of cutting \$15 billion seems unrealistic, unwarranted, and unwise.

All my colleagues should be advised that it is very difficult to make significant reductions in spending 7 months into the fiscal year. At this point, we have made commitments to our agencies, and they, in turn, have made commitments to contractors and grant recipients. No, they haven't spent all their funding for the entire fiscal year, but nor do they have large unneeded balances that can be reapplied to cover the cost of emergent requirements.

If the Senate were to agree to cut \$100 billion from the legislative budget at this juncture, the Congress would have two choices: lay off our staffs so that we are unable to meet the legislative demands of the institution or stop work on maintenance.

The Architect of the Capitol, Mr. Stephen Ayers, just testified that the Capitol Complex faces a growing backlog of deferred maintenance projects totaling over \$1.6 billion which must be funded in the near future. Many of these projects are fire- and life-safety related. The Architect has received numerous citations about the urgency of the needed repairs to the aging infrastructure in the historical buildings within our complex. The Russell, Cannon, Capitol, and the Thomas Jefferson Library of Congress buildings are all in violation of current fire safety codes. The longer this work is delayed, the more it will ultimately cost. Each year, the Appropriations Legislative Branch Subcommittee attempts to whittle away at this backlog by funding a handful of these projects in the annual appropriations bill.

So we could cut \$100 million from the legislative budget, but it would be

penny wise and pound foolish, as the old adage says.

One suggestion made by the Senator from Oklahoma is to cut the administrative expenses of the Federal agencies by 5 percent. Again, it is an idea that sounds good. Surely every bureaucracy can be cut back. I would note that on the Appropriations Committee, we look for such cuts every year, but setting arbitrary targets would be irresponsible. For example, in the case of the State Department and the USAID, which lost large percentages of their professional staff during the 1990s or had them transferred from Washington to other embassies in Iraq or Afghanistan after 9/11, it will exacerbate an already unsustainable situation. Some of our embassies are 20 percent short of staff. USAID is being asked to do more and more, especially in key countries such as Pakistan, without nearly half the staff to manage the funds and conduct the necessary oversight.

Here are a few examples of what a 5-percent cut means. The Indian Health Service medical services would be cut by \$185 million. This means 10,000 fewer inpatient admissions, 195,000 fewer dental patient visits, 55,000 fewer mental health patient visits, and 85,000 fewer public health nursing visits. The National Park Service base operations would be cut by \$115 million and result in a loss of 1,130 park rangers nationwide. This would necessitate the closure of most national parks where security and health and safety maintenance could not be maintained, such as the Statue of Liberty, the Washington Monument, the Grand Canyon, Yosemite, and the Yellowstone National Park. Just think of the impact of such an action as we head into the busy summer months. The American people would be incensed by such a recommendation.

This amendment would cut the childhood immunization program by \$25 million, preventing more than 30,000 children from being vaccinated this year.

Mr. COBURN. Madam President, would the chairman yield for a question?

Mr. INOUE. Yes, I will be glad to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. The reduction is in overhead expense; it is not in labor. The definition the Senator is using is an across-the-board cut. That is not in this amendment at all. Does the chairman realize that the 5-percent reduction is in overhead—not direct labor, not actual employees, but the management costs to run the different agencies?

Mr. INOUE. We have looked into that, and I can assure my colleague that all the statements I have made have been verified.

Further, it would eliminate childcare subsidies for 35,000 low-income children and their working families who depend on subsidies in order to be able to

work. It would eliminate over 40,000 Head Start slots that provide comprehensive early childhood services to low-income children. It would more than double the number of people waiting on their disability decisions from the Social Security Administration and delay benefits for everyone waiting on a decision. It would eliminate 13 million meals for older Americans, many of whom are low income, disabled, and depend on these meals for the majority of their daily food intake.

On another matter, these amendments would also arbitrarily cap voluntary payments to the United Nations by \$1 billion. No matter how important to U.S. security, no matter how much our allies are contributing, no matter that our influence is often the function of how much we contribute, the amendment picks a round number out of the air and prohibits spending \$1 more. Those calculations must be made program by program, agency by agency, whether for UNICEF, the World Food Programme, the International Atomic Energy Agency, or some other U.N. organization. The decisions should be based on the merits and the national security and foreign policy interests of the United States, not on some arbitrary amount proposed in this amendment.

Let's stop trying to legislate by formula. If there are U.N. programs that do not deserve to be funded, I am all for cutting our contributions, but this amendment does not name a single one.

Placing a cap on new Federal employees would create problems for several agencies. If Homeland Security needs to increase the number of Border Patrol agents to secure the border or the number of TSA operators to screen passengers for explosives under their clothes, does that mean we must cut the number of Secret Service agents or Coast Guard personnel or customs inspectors or FEMA personnel who are now helping to respond to disasters in Tennessee, Louisiana, Oklahoma, and Mississippi?

The same point can be made for the IRS and the HHS because most fraud, abuse, and waste is in the Tax Code and in Medicare. We need additional personnel to uncover this waste.

For the Veterans' Administration, when the agency is seeing an increasing number of veterans suffering from complex combat-related injuries and mental health problems due to numerous deployments, this is exactly the type of government action our veterans do not need or deserve. Congress has consistently, on a bipartisan basis, increased funding for the VA to build its capacity to handle these types of disorders. This type of zero sum amendment would ensure that in order to adequately serve veterans suffering from mental health and other combat-related injuries, the VA would have to decrease its capacity to handle other services, including addressing the backlog of claims processing.

This is a small point, but since the Senator chose to raise it yesterday, I wish to respond. I find it to be a clear example of the way the Senator misunderstands the work of the Appropriations Committee.

In his remarks yesterday, the Senator noted that the bill includes \$1.8 million for the work of the Financial Crisis Inquiry Commission and stated that it was inappropriate to include \$1.8 million in emergency funding to continue the efforts of this Commission. Several Members of this Chamber disagree with the judgment of the Senator that the Commission is unnecessary, but on one point I agree with the Senator. I share his views that the continuation of the Commission does not constitute an emergency, and for that reason, the Financial Services Subcommittee has been directed to identify an offset in discretionary funds to pay for this Commission, and they did. The cost of the Commission is fully offset with discretionary rescissions.

I will reiterate what I said on Monday. The vice chairman and I worked to ensure that only emergencies were funded in this act. In the few cases where nonemergency projects were funded, we insisted that these programs be offset. This may be the first time in decades that the committee has followed such a strict policy. Collectively, it was the judgment of the members of the committee that these are, indeed, tough times and we have to be very stingy with our taxpayers' funds. But let me repeat: The fiscal crisis the country faces cannot be overcome by failing to invest in those programs which are essential to our Nation.

The amendments offered by the Senator are unworkable. They represent a classic case of robbing Peter to pay Paul. Should we cut the pay of our employees at the same time we are asking them to be more efficient? That makes little sense.

Should we cap the number of Federal employees when demands for veterans services, border security, and ferreting out waste are on the rise?

Again, in sound bites, it does sound good. But in implementing the concept, we see it is unworkable.

Finally, I think the Senate should thank the Senator from Oklahoma for drawing attention to the matter that we need to do more with less.

As chairman of the Appropriations Committee, I can see the belt tightening that will be required in the coming years as we get our fiscal house in order. There are elements of this proposal I intend to have our subcommittees incorporate as we move bills for fiscal year 2011.

I can assure the Senator and all members of the committee that the committee will continue to stress the requirement to uncover waste and cut it. We will scrutinize all aspects of the Federal budget to identify the duplication and unnecessary spending, and we will use these savings to invest in the shortfalls the Nation faces.

I urge my colleagues to reject these amendments because, on balance, they are the wrong approach to solving our Nation's emergency needs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I am taken aback by the chairman's remarks. We now sit at \$13 trillion worth of debt, we have 10 percent unemployment, we are 4 years away from being Greece, and we are going to do what we have always done. The reason we can freeze Federal pay is because there is absolutely no inflation in this country. So instead of giving the raise, we don't. Every private sector business out there today is getting extremely more with less—to the tune that the productivity in the private sector was up 6.8 percent. If we had that same productivity in the Federal Government, we could lose 150,000 employees and do the same thing. But we would not accept what is necessary—the necessary pain—to protect this country for its future.

The chairman mentioned unobligated balances, but he spoke about obligated balances. We are not talking about money that has been obligated; we are talking about hundreds of billions of dollars that is not obligated. Last year, at the end of the fiscal year, there was in excess of \$700 billion from the previous year that was unobligated, sitting there.

So it is about managing our money properly. That is like saying if you have \$30,000 in a savings account and you want to buy a new home, you are going to leave it there and go borrow \$60,000. No, you are going to use part of that to buy your new home. So we have the same approach that is disgusting America: We can't, we can't. What we can do is borrow against the future of our children. That is what this bill does.

So the first time we come out here with two good amendments that will offer a choice for the Senators of this body to actually make a downpayment on change in this country, to make a true downpayment on change, we get the same thing I have heard for 5½ years: We can't.

Let me tell you what we can do. We can cap Federal employees. We have added 180,000 Federal employees in the last 17 months in this country. By the way, their average salary is \$30,000 more a year than in the private sector. Their benefits are \$40,000 a year, which is twice what it is in the private sector. So capping Federal employees is a great way to start slowing down the growth and cost of government.

If the bureaucracy isn't responding, then it requires management changes rather than adding more people. The worst managers in the world always give the excuse: I need to have more people, rather than: I need to be creative about getting more out of the people I have today.

We need to change the standard under which we operate our govern-

ment. We need to expect more, and we need to pay less. The American people cannot afford the government we have. We are unaffordable.

The chairman brings to the floor a bill that is more of the same. You can be critical of what we have offered. We don't have the advantages of the staff the chairman has. But this is an honest attempt to pay so we don't charge it to our children.

Notice he didn't say anything about the savings of \$4.6 billion for not printing this paper every day that nobody reads but reads on the Internet. Yet we are going to spend \$460 million a year printing government reports from this body and the White House that nobody looks at in hard copy. I would assume you would take by unanimous consent that we would cut \$4.6 billion from the American Government. We didn't hear about that. That is not one of the bad ideas. We weren't attacked on that.

This Federal Government has to change if our kids are going to have a future. It isn't going to change until we have the courage and the fortitude to start making the hard choices. What the Appropriations Committee has said is that we are not going to make hard choices, we are just going to borrow the money. How many of you think the war is an emergency? How long have we known, or how long have we been in Afghanistan? It is not an emergency. Here on the chart is the definition of our own rules for emergencies. Nothing in this bill meets that except FEMA—nothing. Yet we have the gall to bring to the floor a bill called an "emergency" because we don't want to have to pay for it. We don't want to make tough votes or make choices between competing priorities.

We are just kicking the can down the road, and we are kicking the soup that was in the can all over our kids. We lack courage. It is not popular, it is not fun to make the hard choices, but we don't have any leadership that will bring the hard choices. That is why you have this amendment. Had we brought this amendment and we made the choices, we probably would not have gotten much kickback. But we decided we are just going to charge it to our children.

Guess what is coming after this. Another \$200 billion that isn't paid for. Since the chairman of this committee voted for pay-go, we have borrowed \$173 billion outside of pay-go because we voted and said it didn't count, and we had this wonderful celebration that we are not ever going to borrow money again. We are going to live within pay-go. But every time it has been there, we kicked it down the road. Pay-go means nothing. It means the American people will pay and we will go spend it. That is what it means. That is what this bill does. American people—you kids, you grandkids—you are going to pay, and we are going to go spend it. How are you going to pay? Your standard of living will decline.

This body—Republicans and Democrats alike—is complicit in ruining the

future for our children. It is time we change. We have a committee that makes fun of attempts to try to change things; actually, it stretches the truth. This isn't going to cost one TSA person their job or one FBI person. This government is so fat and so overlaid with excess that any smart manager can come in and streamline it and we can save 10 percent and the American people know that.

We have 12 million people on SSI and SSDI. Do you know what we have discovered? We have discovered that 6 out of 100,000 of them are operating commercial vehicles right now, but they are "disabled."

We have all sorts of fraud going on. We will not address that. We will not fix that. There is waste—at least \$350 billion the American public—maybe not this body—would agree we can cut out of the discretionary in fraud and Medicare tomorrow, and nobody would feel a thing. Yet we have a stoic Appropriations Committee that comes to the Senate floor and tells us we can't pay for it. It is not that we wanted to pay for it, we didn't want to pay for it because the staff on the Appropriations Committee knows where the dollars are, but they weren't told to pay for it. They are not going to be told to pay for the extenders bill that is coming either. What will have happened since February 12 when we passed pay-go? I will tell you what will have happened: \$500 billion—\$½ trillion—more in spending that is unpaid for and charged to our kids, and that will happen before July 1. So in 4½ months, after we say we are going to put in the discipline, that we are not going to spend money we don't have, we are going to spend another \$½ trillion.

No wonder the country is sick of Washington. Our behavior causes them to wonder about the future of our country. I don't apologize for offering this amendment. I hope you vote against it because the voters, this time around, are going to be looking at how you vote and whether you are voting to make the hard choices, willing to eliminate things—maybe some things that are good but not as good as what we need to be doing—and make this a priority.

We don't have that courage. My challenge to my colleagues in the Senate is, let's buck up. It is OK to take heat from the special interests, the well-connected and well-endowed. Let's do what is the best and right thing for the country, not the easy thing for us, because this bill, the way it is written now, is easy for us.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

AMENDMENT NO. 4173

Mr. JOHNSON. Madam President, I will speak for a few minutes regarding amendment No. 4173, offered by Senators SESSIONS and McCASKILL.

While I understand the imperative of balancing the budget, an across-the-board amendment that sets an artifi-

cial ceiling for all discretionary spending is not the solution. If Sessions-McCaskill is adopted, the Senate will be forced to slash funding for the Department of Veterans Affairs and its related agencies—including Arlington National Cemetery—by \$1.1 billion below the requested level.

If we take medical care off the table—and I for one am not willing to cut medical care for vets—we put every other VA program at risk, including claims processing, medical and mental health research, and hospital and clinic maintenance and renovation. This would translate into an \$862 million cut below this year's appropriation for non medical care VA programs. We are talking about a serious funding shortfall for essential VA programs.

This year, the VA's budget request includes \$460 million over fiscal year 2010 to hire more than 4,000 new claims processors. After years of budget requests that ignored the backlog of claims and the unacceptable wait times for vets to get disability benefits, we finally have a responsible budget request that doesn't simply expect Congress to fill the holes.

The current wait time for a vet to have a disability claim processed is 160 days, and because of new benefits coming on line that will stress the system even more, the wait time is expected to spike next year. Asking a combat vet to wait 6 to 7 months before receiving payments for injuries they suffered while defending this Nation is wholly unacceptable. We cannot afford to delay the hiring of more claims processors.

Likewise, we cannot afford to defer critical research into combat-related medical and mental health conditions, such as traumatic brain injury and post-traumatic stress disorder. To do so while this Nation is at war would be the height of irresponsibility.

For construction, the VA's request already reduces these accounts by \$293 million from fiscal year 2010. Further reductions in the program will only increase the backlog of construction projects.

I hope the authors of this amendment did not intend to reduce funding for veterans, but this amendment does nothing to protect them, and the subcommittee will only be able to fund programs to the level to which funding is available.

I urge my colleagues to reject this amendment and pass a sensible budget resolution that tackles the Federal deficit in a holistic approach rather than simply attempting to balance the Federal budget on the discretionary side of the ledger.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Madam President, I thank and commend my friend for his presentation. He is one of the hardest working subcommittee chairmen of the Appropriations Committee.

If I may, I wish to be a bit personal. As some of my colleagues are aware, I

did put on the uniform of this land and served in a war that was fought about six decades ago—ancient times. A few things happened between that time and this war. For example, although the regiment I was privileged to serve in had about the highest casualties per capita in the European conflict, it may be hard to believe but there was not a single double amputee survivor.

Today, if one goes to Walter Reed Hospital, one will see dozens of double amputees. Why? Because of high tech. For example—I am being personal now—in my case, it took 9 hours to evacuate me. Nine hours? That is a long time. But in Italy, they have hills. We had no helicopters in those days. You had to be carried by hand. As a result, no brain injuries survived and no double amputees survived. So the families did not have the problem then that they are having now.

There is another big difference. For example, if I wrote a letter as a soldier in Italy, that letter was censored by my commanding officer. I could not say anything about the war. All I could say is: Italy is a beautiful place. The food is fabulous. Nothing else. You could not say that my buddy Tom was shot. What they received at home were pleasant notes.

Today we have what is known as cell phones and other technology. You can communicate with your spouse every day. And these items are not censored.

I have had members on my staff with husbands fighting in Iraq and Afghanistan. They communicate all the time. Imagine if you are communicating with your husband in Iraq and suddenly you see that evening on CNN a program with that outfit in combat and your husband does not call you the next day. The stress disorder complex is not only hitting the GIs, it is hitting families. And now we are trying to cut VA, the Veterans' Administration, when the need is much greater? I cannot understand that.

I concur with the chairman that, if anything, if we are to show appreciation and gratitude, we should not be cutting, we should be helping. I commend the Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I feel honored that I was on the floor and able to hear the chairman of the Appropriations Committee reflect on his own service and also compare the differences between World War II and the experience of our soldiers, our sailors, our airmen, and marines in the current conflicts.

My own father is a World War II veteran who was wounded twice in the Battle of the Bulge. The second time he was wounded was when he was waiting to be evacuated. I can relate slightly, from the experience of my own father, to what we just heard from the distinguished chairman of the Appropriations Committee. I cannot imagine being so badly wounded and waiting for 9 hours to be evacuated.

It is a good reminder to all of us, as we engage in the day-to-day debates and arguments and, at times, contentiousness, that we have true heroes in our midst. Certainly, the Senator from Hawaii is one of those. I thank him for his service—his lifelong service. It was an honor to be on the floor and to hear him talk about it because, like many of our World War II veterans, he does not talk about it very often.

I wanted to say that before beginning my remarks.

AMENDMENT NO. 4253

Madam President, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 4253, which is at the desk.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. ALEXANDER, Mr. BOND, Mr. VOINOVICH, Mr. INHOFE, Ms. SNOWE, Mr. BEGICH, Mr. THUNE, Mr. COBURN, Mr. GREGG, and Ms. MURKOWSKI, proposes an amendment numbered 4253.

Ms. COLLINS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the imposition of fines and liability under certain final rules of the Environmental Protection Agency)

On page 79, between lines 3 and 4, insert the following:

PROHIBITION ON FINES AND LIABILITY

SEC. 20. None of the funds made available by this Act shall be used to levy against any person any fine, or to hold any person liable for construction or renovation work performed by the person, in any State under the final rule entitled "Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet; Notice of Availability; Final Rule" (73 Fed. Reg. 21692 (April 22, 2008)), and the final rule entitled "Lead; Amendment to the Opt-out and Record-keeping Provisions in the Renovation, Repair, and Painting Program" signed by the Administrator on April 22, 2010.

Ms. COLLINS. Madam President, this is a modified version of an amendment I offered yesterday. I am joined by Senators ALEXANDER, INHOFE, BOND, VOINOVICH, SNOWE, BEGICH, GREGG, BROWN of Massachusetts, MURKOWSKI, COBURN, THUNE, and CORKER in supporting this amendment.

On April 22, the EPA's new lead paint rule went into effect. As I explained to my colleagues yesterday, unfortunately the EPA completely botched the implementation of this important rule. This rule is intended to make sure that lead-based paint is removed safely from our homes and, thus, it requires those involved in house renovations to participate in a training course in the proper removal of lead-based paint, and then be certified.

Unfortunately, the EPA did not plan well for the implementation of this new rule. Across our country, it did not

have in place the necessary trainers and classes so that individuals could be trained to comply with this new rule.

What our amendment would do is to delay the fines that would apply in cases of violations of this new rule until September 30. Indeed, it would prohibit the EPA from imposing these fines, which are as high as \$37,500 per day per violation for violating this rule.

I want to make clear that I support efforts to rid our homes of toxic lead-based paint in a safe manner. But it is simply not fair to impose these burdensome, onerous fines on contractors who have been unable to get the EPA-provided training because the EPA did such a lousy job in planning for implementation of this new rule.

In my State, for example, as of last week, we have only three EPA trainers to certify contractors for the entire State. As a result, only about 10 percent of the State's contractors have been certified. Hundreds of home renovators have had their names on waiting lists, some for as long as 2 months, but they simply cannot get the necessary training, and that is through no fault of their own.

I note that my amendment has been endorsed by the National Federation of Independent Business, our Nation's leading small business advocacy organization. It has been endorsed by the Window & Door Manufacturers Association and the National Lumber and Building Material Dealers Association.

These groups have endorsed it because they are hearing from their members of the tremendous burden and the tremendous fines that their members are potentially at risk of receiving through no fault of their own.

As the NFIB pointed out in its letter, the new EPA lead rule applies to virtually anyone who is involved in home renovations involving lead-based paint. That includes painters, plumbers, window and door installers, carpenters, electricians, and other specialists. Its reach is very broad.

What we found throughout the country is the EPA completely underestimated the number of people who would have to be trained. They also seem to be operating under the false assumption that contractors either do new construction or renovation. Madam President, I don't know about your State, but that is not true in my State. In my State, the home renovators do all sorts of work, particularly in this economy.

This imposes a tremendous burden on those of us who represent large rural States. In my State, most of the courses were held in the southern part of the State, requiring painters and other contractors to travel hundreds of miles to get the training they need. There are three States where EPA does not have any certified trainers available.

This is a commonsense amendment attempting to put some sense in the decisionmaking at the EPA by extend-

ing, until the end of this fiscal year, the time for compliance.

I want to make clear that I believe we should try to proceed with the removal of lead-based paint and that we need strict safety standards. But it does not make sense to impose huge fines on contractors who are unable to get the required training, the mandatory classes because the EPA did not have the trainers in place before putting the rule into effect.

In my State, the building industry is still struggling, and for a lot of individuals who are involved in the building industry, their only work is to do home renovations.

My State also has an old housing stock, one of the oldest in the Nation. Ironically, this new rule may result in not having anyone who is qualified to remove lead-based paint from homes because of the way this rule has been implemented.

I talked at some length about this issue yesterday. I am not going to repeat what I said yesterday. But let me point out that a lot of the contractors in my State who are struggling already financially do not earn in a whole year the \$37,500 they can be fined for one violation by the EPA. It is simply unfair that these heavy fines can be imposed when it is the EPA's fault that the classes have not been made more readily available.

All I am attempting to do is to provide the EPA with more time to increase the number of certified trainers. This is a matter of fairness.

Madam President, I ask unanimous consent to have printed in the RECORD the endorsement letters from the NFIB, from the National Lumber and Building Material Dealers Association, and from the Window & Door Manufacturers Association.

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

NATIONAL FEDERATION OF  
INDEPENDENT BUSINESS,  
Washington, DC, May 25, 2010.

DEAR SENATOR: On behalf of the National Federation of Independent Business, the nation's leading small business advocacy organization, I am writing in strong support of the Collins Amendment to H.R. 4899, the Supplemental Appropriations bill, to delay the enforcement of the Environmental Protection Agency's (EPA) lead rule until September 30, 2010. The NFIB will consider a vote in support of this amendment as an NFIB Key Vote for the 116th Congress.

On April 22, 2010, the EPA's lead rule went into effect requiring home renovation contractors to complete a mandatory training class at an accredited facility. The new EPA lead rule applies to virtually any industry affecting home renovation including: painters, plumbers, window and door installers, carpenters, electricians, and similar specialists. The penalty for non-compliance can be up to \$37,500 per violation per day. NFIB appreciates the intent of the law to ensure lead-free painting, home renovation, and repairs. However, we continue to be concerned that the tight enforcement deadline unfairly punishes contractors who have not been able to become accredited through no fault of their own.

NFIB has recently heard from several of our members in the home renovation industry who were unaware of their responsibilities under the new law. EPA did little to plan for the implementation of the rules until it was too late, and many home renovators had little information about how to comply, where to comply, and the resources needed to comply. Those that became aware of the rules have had difficulty signing up for classes due to limited or no availability in their area. In addition, several members have mentioned that scheduling conflicts made it almost impossible to find time to become accredited before the April 22 deadline.

We are concerned that the high penalty for non-compliance should be enforced without first taking every step possible to make sure the small business community is fully aware of its responsibilities. The Collins Amendment extends the deadline until September 30, allowing the EPA to get more information to home renovators about how to comply with the new rule. This time period will allow the home renovation industry to schedule an appointment with an accreditor in their area and make sure they have the necessary resources together to be in compliance.

NFIB supports the Collins Amendment to help small businesses comply with the new lead rule. I look forward to working with you to reduce regulatory burdens on the small business community.

Sincerely,

SUSAN ECKERLY,  
Senior Vice President, Public Policy.

WINDOW & DOOR  
MANUFACTURERS ASSOCIATION,  
Washington, DC, May 25, 2010.

Re Collins LRRP Amendment to Supplemental Appropriations Bill.

Hon. DANIEL K. INOUE,  
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. THAD COCHRAN,  
Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INOUE AND RANKING MEMBER COCHRAN: On behalf of the Window and Door Manufacturers Association (WDMA), we are writing to urge your support of Senator Collins' Lead: Renovation, Repair and Painting (LRRP) amendment to the emergency supplemental. As you know, EPA's new LRRP rule, which took effect April 22, 2010, requires all renovation work that disturbs more than six square feet and all window replacements in housing built before 1978 must be supervised by a certified renovator and performed by a certified renovation firm.

WDMA has consistently supported measures to protect those most vulnerable to potential lead poisoning if lead-based paint is disturbed during renovation and repair of existing homes and buildings. Our members have made a concerted effort independently and in cooperation with other organizations to ensure that window replacements and other remodeling activities they engage in are performed in compliance with the certification requirements, work practice standards, and all other requirements of the final LRRP rule.

However, we continue to remain concerned that there are an inadequate number of certified renovators to implement the LRRP rule. This is having a serious impact on the remodeling construction industry at a critical time in our economic recovery, and when consumers are attempting to respond to the call for reducing their carbon footprint and green house gas emissions by renovating their homes to make them more energy efficient. Window replacement is essen-

tial to that effort. The targeted housing stock (pre-1978 homes) is estimated to be 80 million homes nationwide. Currently, there are only 204 trainers and 140,000 EPA-certified lead rule renovators across the country, with some states having no trainers at all. EPA estimates that 300,000 renovators will be needed for targeted housing. The availability of EPA trainers is insufficient to meet contractor demand.

We believe the new lead rule cannot be effectively implemented until there are enough certified renovators to meet the rule's compliance goals. We therefore strongly urge you to allow Senator Collins' LRRP amendment for consideration to the emergency supplemental, which would delay enforcement of the LRRP rule until September 30, 2010. This delay in implementation will allow the EPA to devote more resources to compliance assistance, increasing public awareness and accelerating the approval of trainers.

WDMA will continue its efforts to ensure compliance but we strongly urge that Senator Collins' LRRP amendment to include this needed delay in enforcement of the LRRP rule until September 30 is allowed for consideration. Once the amendment is under consideration, we urge your support for its passage.

Thank you for your attention to this matter.

Sincerely,

JEREMY STINE,  
Manager of Government & Public Affairs.

NATIONAL LUMBER AND BUILDING  
MATERIAL DEALERS ASSOCIATION,  
Washington, DC, May 25, 2010.  
Re Sen. Collins EPA Lead Rule Amendment to Emergency Supplemental.

Hon. DANIEL K. INOUE,  
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. THAD COCHRAN,  
Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INOUE AND RANKING MEMBER COCHRAN: On behalf of the National Lumber and Building Material Dealers Association (NLBMDA), we are writing to urge your support of Senator Collins' Lead: Renovation, Repair and Painting (LRRP) amendment to the emergency supplemental. As you know, the Environmental Protection Agency's (EPA) new LRRP rule, which took effect April 22, 2010, requires all renovation work that disturbs more than six square feet in housing built before 1978 must be supervised by a certified renovator and performed by a certified renovation firm, as outlined in 40 CFR §745.85.

NLBMDA represents over 6,000 members operating single or multiple lumber yards, building material supply companies and component plants serving homebuilders, subcontractors, general contractors, and consumers in the new construction, repair and remodeling of residential and light commercial structures. Many of our members engage in installed sales operations, such as window and door replacement and insulation installation, that are covered by the LRRP rule.

NLBMDA supports reasonable measures to protect those most vulnerable to potential lead poisoning if lead-based paint is disturbed during renovation and repair of existing homes and buildings. Our members have made a concerted effort independently and in cooperation with other organizations to ensure that remodeling activities performed in target housing will be done in compliance with the certification requirements, work practice standards, and all other requirements of the final LRRP rule.

However, NLBMDA also believes that despite the progress that has been made, the

numbers of certified trainers, firms, and renovators is still too limited, and that when coupled with the current lack of accurate test kits and public awareness, EPA is not fully prepared to effectively implement and administer the program established by the final rule. Our members are reporting that it is taking up to four months for EPA to process their applications to have their firm certified by EPA as required under the rule. We therefore wholly agree with Senator Collins and her amendment, which would delay enforcement of the LRRP rule by EPA until September 30, 2010. We believe this new date of enforcement will provide enough time for our members to become registered with the EPA for lead certification.

NLBMDA will continue its efforts to ensure compliance but we strongly urge you to delay enforcement of the LRRP rule until September 30 by allowing Senator Collins' LRRP amendment for consideration to the emergency supplemental. Once the amendment is under consideration, we urge your support for its passage.

Thank you for your attention to this matter.

Sincerely,

MICHAEL P. O'BRIEN, CAE,  
President & CEO.

Ms. COLLINS. Mr. President, I ask for the yeas and nays on this amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There does not appear to be a sufficient second.

Ms. COLLINS. Mr. President, I understand that the chairman has temporarily stepped off the Senate floor, so I will withhold that request.

I suggest the absence of a quorum. The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I was not on the floor when the Senator from Maine made her remarks about the EPA's lead paint rule, but she and I have discussed it numerous times, and I wanted to congratulate her for her leadership and persistence on seeing the impracticality of what the Environmental Protection Agency is trying to do.

She discussed this in the Appropriations Committee, she has discussed this with Senator FEINSTEIN, the Chairman of the Interior Appropriations Subcommittee, and with me—I am the ranking member on the Appropriations Subcommittee on Interior—and as more of us paid attention to what Senator COLLINS was saying, we found a significant problem in our own States.

Of course, the lead paint rule is a good idea. The idea is that for structures that were built before 1978—they mostly have lead paint—any work done by a repairman or contractor or painter that disturbs 6 square feet of lead paint must be done by someone who knows how to do it safely. This is especially important to children under 6

and to pregnant women. So we want to do that.

But in the State of Tennessee, it is a special problem to impose and enforce this new rule requiring contractors to be certified where we have just had severe flooding in our State that affects 52 counties, from Nashville to Memphis. This is the single largest natural disaster since President Obama took office.

People who hear me say that, say: Well, Senator ALEXANDER, haven't you heard about the gulf oilspill? Yes, I have heard about that, but that wasn't a natural disaster. The biggest natural disaster we have had since President Obama took office is the flood in Tennessee, affecting 52 counties.

One of the reasons you haven't heard as much about it is because a lot of other things have been going on in the world, including the gulf oilspill, but another reason you have isn't because Tennesseans are busy cleaning up and helping each other and not complaining and looting, so it doesn't make a lot of news. But the mayor of Nashville says there is \$2 billion of damage just in that city alone. There was water 10 feet high in the huge Opryland Hotel, where 1,500 people had to be rescued and taken to a high school gym. There was 2 feet of water on the Opryland stage.

There are 11,000 structures in Nashville alone which have to be repaired as a result of the flood. So I think you can see where I am going, Mr. President. This isn't just a problem in certifying these EPA inspectors in ordinary times. We have 11,000 structures in Nashville, 900 in Millington, 300 in Dyersburg—maybe it is the reverse, but those are 2 other small towns and counties. People are going into their basements, they are taking down drywall, they are repairing their air-conditioning, they are repainting, they are cleaning up and getting back on their feet. This is a special problem because we only have 3 EPA trainers to certify up to 50,000 contractors who might have to be working on these homes.

In fact, we have over three-quarters of a million structures in Tennessee—that is, 750,000—which are homes or childcare centers or schools or other buildings that were built before 1978 that would be covered by this rule. So having a good rule is one thing; having a thoroughly impractical application and implementation period is another. And then to do it in the middle of a flood which is the largest natural disaster since President Obama took office is tone-deaf to reality.

So I have asked the EPA to delay the implementation and enforcement of its rule until September if a contractor registers for a training class. I am a cosponsor of Senator COLLINS' amendment, and I think it is very important that the Environmental Protection Agency hear what Senators from all around the country are saying, especially in our State of Tennessee where

we have thousands of repairmen, painters, and workmen who need to go to work on tens of thousands of homes, and we don't want to have a risk where they may have to pay a fine of \$37,500 for each violation. There are a lot of them who don't make \$37,500 in a year. We are not talking about Wall Street financiers here; we are talking about workmen, repairmen, and painters who are helping people dig out after a huge natural disaster.

So Senator COLLINS has not only done the State of Maine a service by her persistence, intelligence, and leadership on this issue, but she has done a service for every citizen in the State of Tennessee in 52 counties who have been damaged by the severe flooding of the year 2010. So I thank her for her leadership and say to her that I am proud to be a cosponsor of her amendment, and I pledge to her—insofar as I am able as the ranking member of the Appropriations Interior Subcommittee—to work with other Senators on both sides of the aisle to try to get some common-sense implementation plan for this lead paint rule—a good rule, a bad plan.

Thousands of people are going to find that they can't repair their homes or that if they do, it will cost them thousands of dollars more because the repairmen they need to work on their homes can't get certified by the EPA because there are only three trainers in the whole State of Tennessee to do the job.

I thank the Presiding Officer, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I want to thank my colleague and friend from Tennessee for his comments and his support. We have been working on this since we first began discussing it during the appropriations markup, and he has illustrated what truly can be a devastating impact of this rule. It could prevent the renovations, the cleanup, the reconstruction work from going forward in his State. In his State even more than most States, the impact could truly be devastating. It is serious everywhere but truly devastating in Tennessee.

I have also commented to my colleague from Tennessee how proud he must be of the residents of his State. You hardly have heard of any complaints from Tennessee even though this has truly been a devastating flood. I sometimes worry that perhaps because they are trying to help one another, they are not getting enough attention in the press or from Congress. Fortunately, they have a very fine advocate in Senator ALEXANDER and Senator CORKER, and they are continuing to look out for them by cosponsoring this amendment.

I thank the Senator for his support.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Maine, and I

see the Senator from Mississippi here. I would be remiss if I did not thank him and the chairman of the committee for including within the supplemental appropriations bill several provisions that will make it easier for the people of Tennessee, the important one being \$5.1 billion in money for the Federal Emergency Management Agency. That helps everybody who has had a disaster. FEMA is out of money. That account is dry. Whether it is a flood in Iowa, a drought in Oregon, a river in Georgia, a flood in Tennessee, or what is happening in the gulf coast today in Mississippi, that account needs to be furnished.

But there are other provisions in the supplemental appropriations bill. The President didn't ask for these, but he mentioned that in his visit with us yesterday in the Republican caucus. He mentioned the flooding in Tennessee, which I appreciate.

I should also say that the FEMA representatives who have come to Tennessee since the flood have done a first-class job. As of last week, about \$100 million had already been delivered to more than 30,000 Tennesseans who have been damaged by the flood. This has happened in just 10 days. The very experienced director of FEMA for Tennessee, Gracia Szczech, said she had her breath taken away by the amount of damage and the number of individuals affected and how rapidly it has gone out.

Tennesseans understand that Federal money is not going to make anybody whole. We are going to have to rebuild our own homes and our own buildings. But the actions of the supplemental appropriations bill will help.

Most impressive, though, as I have mentioned—and I appreciate the Senator from Maine saying something about it—is the spirit and attitude of Tennesseans. In Clarksville, where Fort Campbell is—the most deployed troops in America—they got a day off. They do not have many days off. Five hundred of them went out and cleaned up three neighborhoods in Clarksville, Montgomery County.

I visited the Bellevue Community Center in Nashville, and it was terrific to see so many volunteers walking in and asking to help. Whole congregations in Tennessee—a 1,500-person congregation—went en masse to help other counties and other neighborhoods.

I would say to the Senator from Mississippi, during the Katrina episode a few years ago, our church, the Westminster Presbyterian Church, sent dozens and dozens of Tennesseans down to help out at the gulf coast. Well, now our church is the headquarters for many Mississippians and others who are returning to Tennessee to return the favor and help Tennesseans get back on their feet.

This is going to be a long, several-year recovery for us, but this supplemental appropriations bill will help, just as it will help disasters all over the country.

It would be another big help if the EPA did not make it worse. That means stepping back to take a look and realizing that we have maybe 50,000 contractors who would need to be certified to work on up to 750,000 buildings in Tennessee. Many of them are flooded; many of them are not flooded. But we cannot get all that done in the next few days, and people cannot afford \$37,500 fines for a violation. Most Tennesseans do not want to pay a few thousand more dollars to fix their flooded basement or their flooded house.

The repairmen and contractors and painters need the work. The construction industry that has about a 22-percent unemployment rate right now—that is more than twice what the overall unemployment rate is nationwide. So the EPA rule needs to adjust the implementation or execution in some sensible way so we can endorse the lead paint rule, but we can do it in a way that does not seriously disadvantage Tennesseans damaged by the flood.

The Collins amendment deserves the support of the Senate, and I am glad to have the opportunity to add my support to her efforts.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Tennessee for his kind comments about yielding time. I congratulate him and the Senator from Maine on their aggressive move to make sure the Federal rules and laws do not get in the way of humanitarian efforts that are extremely important in a time of natural disaster.

The flooding in Tennessee is a horrible mess. It has been overlooked in the wake of the gulf oil spill and other things that have probably claimed center stage in terms of its national publicity and television coverage that has been occasioned by these disasters. But my assurances are that we will continue to try to be active in a way that will be a constructive influence in the interpretation and application of Federal rules in these situations.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I have five amendments I would like to speak briefly about that I will not call up at this point. I was advised they are still trying to see if there is any objection to these being called up. I would still like to discuss them and explain to people why I would like to see these amendments adopted.

The first amendment I want to discuss is amendment No. 4279 related to bark beetles. This is a serious problem all of us in the West have observed. This amendment is cosponsored by Senator MURKOWSKI, who is the ranking member on our Energy and Natural Resources Committee, Senator UDALL of Colorado, and Senator BENNET of Colorado. We are, of course, looking for additional cosponsors.

This amendment addresses an important issue we have in our forests in the West. Bark beetles have affected some 6.5 million acres of these forests. The epidemic has resulted in a dangerous situation where dead trees are falling onto roads, trails, campgrounds, utility lines, and other infrastructure, posing a substantial risk of personal injury or death and property damage.

The Forest Service and National Park Service already have had to redirect tens of millions of dollars of funds that were appropriated for other projects and priorities in order to remove trees killed by bark beetles.

This amendment provides \$50 million to help address the unbudgeted needs of the Forest Service and the National Park Service to remove bark-beetle-killed trees around roads, trails, campgrounds, and utility lines to protect public health and safety.

While the bark beetle epidemic has most significantly affected the forests and agency budgets in the central and northern Rockies, the need to redirect funds to address these needs has an adverse affect on other projects around the country.

The amendment is fully paid for. As I mentioned before, I appreciate that Senator UDALL of Colorado—who has been a strong advocate for doing this work—has cosponsored the amendment, along with Senators MURKOWSKI and BENNET of Colorado. Senators JOHNSON and BAUCUS also have advocated for emergency funding for this work.

I hope we can quickly get approval to go ahead and call up this amendment so it can be considered as part of this legislation.

The next amendment I wanted to discuss briefly is No. 4266, regarding Coast Guard funding.

This amendment looks around the corner, or beyond the horizon a little bit, at a problem that is likely to hit us in the future. Under the Oil Pollution Act, if BP denies the claim for damages associated with the Deepwater Horizon disaster, the rejected claimant has the right to file a claim with the Federal Government through the National Pollution Funds Center. I can see a virtual inevitability that this will occur and perhaps occur reasonably soon. Then the National Pollution Funds Center could find itself swamped with claims. They do not have adequate funds in their annual appropriation to deal with it.

The amendment simply allows them, for this one incident, to access further appropriations for these administrative costs. I think it is prudent for us to do this in light of what may well transpire in the reasonably near future.

The third amendment I want to talk about deals with the abandoned mine lands legislation we have on the books. I added Senator BUNNING as a cosponsor. It is amendment No. 4187.

This amendment would clarify that certain funds provided to the States under the Abandoned Mine Lands Pro-

gram, administered by the Department of the Interior, could be used for two purposes: No. 1, for high-priority noncoal reclamation as well as coal reclamation; and, second, for State set-aside programs for the remediation of acid line drainage. The funds involved are those that have accrued to the States under the formula in the Surface Mining Control and Reclamation Act but had not been previously appropriated. Use of these funds for noncoal reclamation and acid mine drainage had been allowed prior to amendments made by the Tax Relief and Health Care Act of 2006. There was no intent at that time to change that result.

However, in 2007, the Solicitor in the Department of the Interior interpreted the amendments that we adopted in 2006 as limiting the ability of States to use these funds under the Abandoned Mine Lands Program for these purposes.

With respect to the use of funds for noncoal reclamation, while activities on noncoal sites have consumed a relatively insignificant portion of the funding provided for the overall AML Program, use of targeted funds for high-priority noncoal abandoned mines in the West is essential in terms of public health and safety.

With respect to the use of funds for acid mine drainage, allowing the funds to again be used for State set-aside programs for remediation of acid mine drainage has considerable benefits in terms of the environment and water quality, particularly in Appalachian States such as Kentucky and Pennsylvania and West Virginia.

This amendment does not score. It does not increase any funding to the States or to the tribes. It simply clarifies that States have the flexibility to use AML funds for these two uses, as was the case prior to the 2006 amendments, and at the appropriate time I will offer that amendment as well.

Let me discuss one other amendment. I have two other amendments I want to discuss. The first is amendment No. 4267.

The amendment I have mentioned contains a number of process improvements to help the DOE Loan Guarantee Program to operate more efficiently and effectively. I am pleased to have Senators MURKOWSKI and SHAHEEN as cosponsors of this amendment.

The amendment does six important things:

No. 1, it provides the flexibility to allow applicants to pay a portion of the credit subsidy cost, in concert with the use of appropriations for other parts of the cost. This feature will allow us to make more effective use of the appropriations provided to the program.

No. 2, it drops the requirement for expensive third-party credit reports in cases where the projects are small and are being proposed by start-up firms, which generally do not have a credit rating. The Department would treat these firms as having the lowest credit rating, which is what start-up firms

without a balance sheet generally have in any case.

No. 3, it provides enhanced hiring authorities for the DOE loan guarantee office and for professional advisors to help analyze projects being proposed for support through the program and the related advanced vehicle technology loan guarantee program.

No. 4, it fixes a glitch in DOE's rules for the loan guarantee program that prevents a project being guaranteed from being located on more than one site.

No. 5, the amendment also removes a requirement that keeps an applicant from submitting more than one application to the program.

No. 6, finally, the amendment allows the loan guarantee appropriation made as part of the Recovery Act to be used for energy efficiency projects, in addition to renewable energy and electricity transmission projects.

These proposed changes have substantial bipartisan and bicameral support. They do not add to the score of this bill, but will greatly help move the loan guarantee program forward.

I urge the adoption of this amendment.

The final amendment I want to speak briefly about is amendment No. 4268.

Amendment No. 4268 contains an important process improvement to help the Department of Energy Loan Guarantee Program to operate more efficiently and effectively. It sets a 30-day limit for dealing with or reviewing loan guarantee applications by the Office of Management and Budget once they are approved for conditional commitments by the Department of Energy. The time consumed by OMB reviews and the delays this has engendered in the program have been a substantial impediment to the effective functioning of the program.

This amendment would provide for a much greater degree of certainty and clarity in the operation of the program.

Again, I am pleased to have Senator MURKOWSKI as a cosponsor of the amendment. I hope we can adopt it as part of this legislation.

I will wait until I am advised by the floor managers that it is appropriate to call up these amendments, and at that time I will hope to be able to do so. I hope we can get the necessary support to adopt the amendments.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I would like to speak today on an amendment I filed, amendment No. 4222, which I hope at the appropriate time will be called up on my behalf. Actually, I suggest and hope this will become a part of the managers' package.

It is a relatively simple amendment, but I think it is very important in terms of clarifying the role of the Congress versus the role of the executive branch in a lot of decisionmaking.

Last October, the Secretary of Veterans Affairs announced his intention to establish a presumption of service connection for three medical conditions, including ischemic heart disease, for veterans who were exposed to Agent Orange. He stated this rulemaking was necessary as a result of the Agent Orange Act of 1991, which requires the Secretary of Veterans Affairs to promulgate regulations establishing a presumption of service connection once he finds a positive association of exposure to herbicides in the Republic of Vietnam and the subsequent development of any particular disease.

The Department of Veterans Affairs made a request on the basis of this rulemaking. It is contained in this supplemental. It is an amount of about \$13.6 billion for the service connection, principally of coronary heart disease, to Agent Orange in Vietnam.

I think we need to proceed very carefully in terms of our role in the Congress in examining this presumption. It is not yet official policy in the Department of Veterans Affairs. It is still in the review process. The Congress is going to have 60 days beginning at some point this summer to examine this decision that General Shinseki made.

My amendment basically says: We should fence this money. And I think it is appropriate that, no pun intended, the Appropriations Committee honor the request of the DVA in this issue. But we should fence this money until the review process is complete.

This is the difficulty here. When the Agent Orange legislation was passed in 1991, it created two different sorts of presumptions. The first was that everyone who had been in Vietnam, everyone who had served in Vietnam, was presumed to have been exposed to Agent Orange. I would say, as a committee counsel in the House of Representatives more than 30 years ago, I counseled the Agent Orange hearings. There were four Agent Orange hearings. That was a very generous assumption that was made in this law, to say that everyone who was in Vietnam was, in fact, exposed to Agent Orange.

We do want to take care of those who were. We do want to take care of our veterans who served and who incurred disabilities or diseases as a result of that service.

The second presumption in this legislation was that, as a matter of executive discretion, the Secretary of Veterans Affairs could then look at information and decide which diseases or medical conditions should be also presumed to have resulted from exposure to Agent Orange.

So, first, everyone who served in Vietnam is assumed to have been exposed to Agent Orange, and then certain medical conditions are determined so that the presumption is they were the result of Agent Orange exposure.

In 2001, it was decided that type 2 diabetes was the result of Agent Orange exposure. It was decided by the then-

Secretary of Veterans Affairs. By 2009, more than 263,000 Vietnam veterans were receiving disability compensation related to this decision. That is 10 percent of everyone who went to Vietnam, has been service connected, through this Agent Orange bill, with respect to type 2 diabetes.

The estimates we would have on coronary heart disease are much higher. We are talking about the potential, at a minimum, of spending \$31 billion in the next 10 years as a result of this presumptive service connection, and I must say I have not had the opportunity, as a member of the Veterans' Committee, to hear from the Secretary of Veterans Affairs as to how he made this connection.

Looking at the review chart, there was a category called "level of connection." In other words, when you take the scientific information and you apply it to this condition, what is the level of connection? For instance, when they looked at B-cell leukemia, there was sufficient evidence. That was a category.

When we are looking at coronary heart disease, it is "limited or suggestive evidence." I do not know what that means. But what I wish to say is that we have an obligation in the Congress, A, to make sure we take care of our veterans but, B, that we also hold the executive branch to some sort of accountable standard.

That accountable standard will be occurring over the next couple of months. I think it is appropriate in this particular supplemental that we mark this—it is either \$13.4 billion or \$13.6 billion for this increase in the service connection, that we mark this as "not to be spent" until we can clarify this issue.

This is not in any way an issue as to whether we support our veterans. I take a back seat to no one in my concern for our veterans. I have spent my entire adult life one way or the other involved in veterans law. But I do think we need to have practical, proper procedures, and I do believe that the executive branch, whether it is the EPA or the State Department or the Department of Veterans Affairs, needs to be held to an accountable standard.

With that, I hope very much that we can get this amendment as a part of the managers' package. As the issue resolves itself, we can decide the appropriate level of funding that will go to the connection between medical conditions and exposure to Agent Orange.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant editor of the Senate Daily Digest proceeded to call the roll.

Mr. WHITEHOUSE. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I rise to speak about important funding in the supplemental appropriations act that will help my State of Rhode Island recover and rebuild from the recent devastating flood which left homes destroyed, businesses closed, and thousands and thousands out of work. The help in this bill is very important to us. Residents of our Ocean State were in a tough spot long before the rain started to fall. Our economy had been in severe recession for 28 months. Unemployment has remained over 12 percent, putting us in the top 5 States for unemployment for 12 months. Homelessness is on the rise. We are in the top 10 States for foreclosures, and our State budget is simply a disaster. The historic back-to-back floods in March hit an already hard-hit State. Rhode Island saw more rain during this disaster than any month on record ever, over 16 inches, with over 5 inches of rain falling on March 30 alone.

The devastation wrought by these storms exceeds anything in living memory. Meteorologists who have reviewed it are calling this the most damaging storm to hit the Ocean State since 1815. It is too soon to estimate the full economic impact of the March flooding, but it is clear that the economic damage to Rhode Island will be prolonged and severe. The peak storms of March 30 and 31 brought commerce not only in Rhode Island but in the region to a halt. Route I-95, the main artery that connects the major cities of New England and the middle Atlantic States, was closed for 2 full days. It flooded out following a surge of the Pawtuxet River. The river, which has a flood level of 9 feet, crested at its all-time high, almost 21 feet, on March 31.

It is hard to overstate the importance of I-95 to Rhode Island's economy because not only is it a regional artery, it is probably the single most heavily traveled local commuter and commercial artery for our State. Similarly, even Amtrak service through Rhode Island was suspended for 5 days due to the flooding out of the Amtrak rails.

At the height of the rains, Providence Street, a main road in West Warwick, looked more like a river than a road. This picture shows local emergency workers rescuing people who have been flooded into their homes and apartments, driving them through the flood in a boat with jet skis. It is not often that one sees local emergency workers driving down the roads of Rhode Island towns on boats and jet skis. But that is what it took to get residents out who had been trapped by rising flood waters.

A few days later, this was the scene at Angelo Padula & Sons auto salvage yard in West Warwick. The waters have receded, but we can clearly see the damage left behind. All of these cars were covered and filled with water. We can see the mud from the river heaped all over them. I don't know whether it can be seen on television, but hanging

in the fencing is leaves and grass and other bits of trash, because the river was over all of this. This fence was a strainer, picking leaves, trash, and other debris out of the flow. This was completely under water when the river was at its height. When it came back, it left the devastation of this auto and salvage yard. According to local news reports, the floods destroyed 1,200 cars in this salvage yard as well as 16 cars in a sales lot and thousands of dollars worth of car parts. The damage to the surrounding neighborhood and the other businesses near Councilman Padula's yard was equally severe and devastating.

This legislation will enable the Army Corps of Engineers to examine the factors that led to the severe flooding in our State. It will help Rhode Island apply effective mitigation measures to forecast the risk of and prevent future flooding. Our communities are now hesitant to rebuild for fear of another flood. We must take steps to prevent a disaster such as this from happening again. People have to know where the danger area is. When you get two back-to-back floods in a matter of weeks that both blow through the 100-year flood line, one of which blows through the 500-year flood line in places, something is wrong with the measurement of the flood risk. The people who have been subjected to these floods know that. As one local business owner said in a recent report on WRNI, our local NPR station: What happens if it floods again in 2 months?

We need this knowledge. We need the support from the Army Corps to get in there and tell us what the real present flood risk is. Clearly, the previous estimates were badly wrong.

This bill also contains funding for community development block grants and economic development assistance grants for long-term recovery efforts that will help restore and rebuild Rhode Island communities. As I traveled around the State for days following the flood, the sheer magnitude of the damage was unprecedented. The Federal response came quickly. The President issued a disaster declaration almost immediately. Homeland Security Secretary Napolitano was on the ground within days. FEMA quickly came in to set up emergency assistance centers and begin processing disaster assistance applications. They set up offices all across the State. They did a phenomenal job of getting people into the State, of reaching out across the State and making sure they were widely spread and available to victims of the flood. So far FEMA has processed more than 25,000 claims and, in a State of a million people, that is a big number. I thank them for their hard work. Of course, FEMA delivers a particular specified product that is defined by law and regulation. They haven't been able to help everyone. People have fallen through the cracks, and so many Rhode Islanders remain frustrated.

I recently held one of my community dinners in Cranston for people to come

and ask questions about flood aid. I heard from a number of people who feel as though they have fallen through the cracks in the wake of this disaster or feel that the help they have received is not enough.

Small business owners, for instance, have been limited to receiving low-interest loans from the SBA to recover from their flood damage. But for many of the small businesses which were already struggling through the terrible economy I described before the floods even came, the prospect of taking on more debt in order to repair flood damage is not feasible. They need grant support.

What is important about this legislation is that CDBG and EDA will allow the local municipalities to design appropriate programs to catch the people who were not those 25,000 satisfied customers of FEMA but are the people who, because of the nature of the program and the nature of their flood damage somehow managed to fall through the cracks.

For our towns and cities in Rhode Island, again, this could not have come at a worse time. I have already shown you some of the damage that was sustained in West Warwick. That is a town that was already experiencing hard economic times. Now the town's already stretched budget has been pushed to the limit by the overtime shifts and the emergency repairs and all of the extra effort required to deal with the flood and its aftermath. By lowering the State and municipal cost share from 25 percent to 10 percent, this appropriations package will be a big relief to the people of West Warwick. Frankly, the city of West Warwick and others will have the ability now to design packages to help their residents and their small businesses that were not adequately compensated by FEMA to try to get them back on their feet. So it is two good things for the municipalities: It is a reduction from 25 percent to 10 percent in their share, and it is an opportunity to create a plan that will help serve their constituents.

In Cumberland, RI, Hope Global, one of the town's largest employers, was completely washed out by the flood. This is a picture of Hope Global I have in the Chamber. This is their loading dock. Normally, there would be no water there at all. There would only be a parking lot there, and a truck would back up to this level. This would be several feet off the ground. As it was, I floated through those loading docks in an inflatable boat at Hope Global.

They are an enterprising company. Cheryl Merchant, who is their CEO, is an astonishing woman. She had all of the equipment in that factory jacked up on temporary pallets of one kind or another, so when the flood came in, it did not damage the machinery because it had been jacked up. When the floodwater went back down, they put the machinery back down on the ground. They got their electricity going again. They plugged back in, and they were

running in no time. Before their executive offices were cleaned up, while everything was already spinning and the Rhode Islanders at Hope Global were already back at work. That was a great thing. But now they face the problem of, do we stay? Should we go on? Should we find a location where we do not face this kind of a risk?

One of the important decisions Hope Global needs us to make is to reduce the threat of future flood damage. Can there be a berm that protects them from the river overflowing, as it did here? They would like to see that berm constructed along the riverbank for their protection, and we are hopeful the funding in this appropriations package will help Cumberland to assist the Army Corps in getting that done quickly.

I will close by pointing out that the motto on the Rhode Island State flag is "hope." That is our symbol. That is the phrase, the word that has seen us through tough times in the past. The flooding has destroyed homes. It has closed businesses. It has put careers on hold. But the people of Rhode Island have stood up remarkably well. However, the job of rebuilding roads, rebuilding bridges, rebuilding sewage treatment plants, rebuilding public facilities, homes, and businesses is a colossal and daunting task for a State already 28 months into severe recession. Rhode Islanders are a resilient bunch. We will recover and rebuild. But this will certainly help us to get there.

Since this appropriations package was passed unanimously in committee, I hope for quick passage on the floor.

I see the very distinguished ranking member of the Appropriations Committee, Senator COCHRAN of Mississippi, who represents a State that has seen its own share of flooding and difficulty recently. I know how sympathetic he is to our concerns and how effectively and helpfully he has worked with JACK REED, my senior Senator, who is also on the Appropriations Committee, who has worked to see that this gets done. So I want to take this moment, as I conclude my remarks, to pass on my gratitude to the chairman, Senator INOUE; the ranking member, the distinguished Senator from Mississippi, Mr. COCHRAN; and my senior Senator, JACK REED, for all of their work in pushing this funding through the Appropriations Committee to where it is now on the floor. Our State is lucky to have had their support, and I look forward to continuing my work with Senator REED to make sure Rhode Island rebuilds.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4174

Mr. MENENDEZ. Mr. President, I ask for regular order with regard to the Reid amendment No. 4174.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 4289 TO AMENDMENT NO. 4174

Mr. MENENDEZ. Mr. President, I offer a second-degree amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. KAUFMAN, proposes an amendment numbered 4289 to amendment No. 4174.

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

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

The amendment is as follows:

(Purpose: To require oil polluters to pay the full cost of oil spills)

At the end of the amendment, add the following:

TITLE V—OIL SPILL LIABILITY

SEC. 5001. REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES.

(a) IN GENERAL.—Section 1004(a)(3) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(3)) is amended by striking "plus \$75,000,000" and inserting "and the liability of the responsible party under section 1002".

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on April 15, 2010.

Mr. MENENDEZ. Mr. President, the amendment I rise to offer today as a second-degree will do something several of my colleagues and I have been seeking to do on the floor for the last 2 weeks or so; that is, to make absolutely certain that big oil polluters pay for oil spills and not the taxpayers—not fishermen, not small business owners, not coastal communities, not States, not municipalities.

This amendment would eliminate the artificially low liability cap that is currently in place—a cap that is currently set at \$75 million—which means companies such as BP are only on the hook legally for less than 1 day's profits. BP made nearly \$6 billion in 3 months of this year in profits—not proceeds, profits. That comes out to about \$94 million a day. So the present liability cap—the cap that says, yes, you have to be responsible for all the clean-up, all of the efforts, but to the extent you have damaged shrimp fishermen, commercial fishermen, to the extent you have damaged coastal communities—to all of that extent—there is a \$75 million limit. Well, if we let that stand, that would be less than 1 day's profit for BP. So we want to make sure they are legally on the hook and their spill, which wreaks complete economic devastation on small business and local communities and our environment that

could very well last for years to come, does not allow them to get away with not being fully responsible.

I believe yesterday we had a big day in the Senate in this debate about liability caps for oil companies that spill. First, the administration finally clarified. It had originally said we believe the cap should be lifted, but it had not quantified as to what that should be. Yesterday the administration clarified its position to say it will support unlimited liability for damages caused by future spills in deep waters. Then several of my Republican colleagues came to the floor of the Senate to support unlimited liability for damages caused by this particular spill, not a broader range. I think that is progress.

We certainly embrace the fact that for this and any potential future spill there should be unlimited damages. So from when I started this effort with several of my colleagues, including Senator NELSON, Senator LAUTENBERG, Senator MURRAY, and others, we have come from opposition to lifting the cap, to a determined amount, to now having an understanding that unlimited liability certainly in a spill of this nature should, in fact, take place.

However, we cannot depend on BP's good word or BP's statements. There is no consent judgment. There is no written guarantee. We need to make sure those communities within the gulf and that we as a nation and as taxpayers do not have to pay for BP or any other responsible party.

So it is encouraging to see colleagues coming around to see it the way I and 20 Senate cosponsors of my bill are supporting, but we still have a bit of a ways to go. We all should agree all oil companies should pay for all damages caused by spills from offshore facilities, certainly if they are doing deep-water drilling, certainly if they create the risk; and if that risk ultimately ends in damage, we should be able to universally agree they should be responsible for the liability. But we should not depend upon doing that just when an oil company makes statements they promise to pay; not just when the company is so big it can pay with a few weeks' worth of profits. We need to make sure people whose livelihoods are ruined by an oil spill are protected no matter what. We need to ensure big oil companies are held accountable no matter what.

That is why I am offering this amendment to remove the cap on liability completely so we can truly hold oil companies accountable for all of their potential damages.

I have heard some people referring to keeping the oil companies responsible, such as BP, as un-American—un-American—to hold a multibillion-dollar corporation accountable for the very disaster it created. I think it is un-American not to be able to pursue such a corporation for the purposes of holding them accountable for the disaster they have created to the economic well-

being of commercial fishermen, shrimp fishermen, seafood processing plants, coastal communities, wetlands, and a whole host of other consequences that we have.

This is a chance to show if we are going to stand up with big oil or with small businesses, including fisheries and coastal communities, whether we are going to stand up with multibillion-dollar corporations or with the taxpayers of this country so they have no liability whatsoever. I think the choice is pretty clear.

I hope everyone in our Chamber will do the right thing, to hold big oil accountable for the damages they have caused. I hope our colleagues will join us in this effort. I am truly pleased to see there is a movement in this direction. I hope we can make it a bipartisan movement. I think the American people are seeing that regardless of what BP ends up committing to pay or what they don't commit to pay, when they came before the Energy Committee and the executives were there and they were asked what are all the legitimate claims, they equivocated on a series of answers: Well, is this a legitimate claim? Is this a legitimate claim? Is this a legitimate claim? They equivocated on all of that.

When the three different entities—BP, Transocean, and Halliburton, all of whom may be responsible parties—had the opportunity, they all did the finger-pointing at the other one. That does not give me a sense of security or a guarantee that this enormous consequence to our environment and to our economy is going to be taken care of by the words of those who both shift blame and equivocate on their responsibility. I think we have clearly learned there obviously is no such thing as a rig that is too safe to spill, and there should be no legal wiggle room for oil companies that devastate coastal businesses and communities now or in the future.

This spill, if nothing else, tragedy that it is, should serve as a rallying cry for holding big oil responsible for the damage it has caused. That is our choice. That is our opportunity. I urge that is the fierce urgency of now, as we look at that live feed of that oil gushing every day for now well over a month. It is our fiduciary duty to the taxpayers of this country. It is our duty to the next generation of Americans in this country to make sure the company and companies that created this set of circumstances and these enormous damages are fully liable for it. That is the opportunity we have by virtue of this second-degree amendment.

I hope my colleagues will embrace the opportunity and live up to those responsibilities.

With that, Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

Mr. KYL. Mr. President, in a moment I am going to talk about both the amendment offered by my colleague, Senator MCCAIN, to provide funding for members of the National Guard to be deployed to the border, our southern border with Mexico, for the purpose of better border security, as well as the amendment which I have offered as a second-degree amendment to the Cornyn amendment which provides funding for Operation Streamline, which is the process by which people who are apprehended crossing the border illegally are sent to jail for a couple of weeks as a deterrent so that they then don't want to cross in the future because they know they are going to be in jail rather than working someplace for the money they came to work for.

Just to explain one thing: when there is a member of the majority on the Senate floor, I will ask unanimous consent to modify my amendment with a technical modification. But the amendment is the same. What it does is to provide the sum of \$200 million for additional funding for multiagency law enforcement initiatives—that is the way they are described—for the Tucson sector of the border, and that is roughly the eastern half of the Arizona border with Mexico.

Mr. President, \$155 million of that would be available for the Department of Justice for the purpose of hiring additional deputy marshals, constructing permanent detention space, and other related needs of the Secretary of Homeland Security and the Attorney General, then \$45 million available to the judiciary for courthouse renovation and administrative support, including judges and court clerks.

This is offset, and the emergency designation would be appended to it as the modification I will submit. The purpose of this is to enable the Border Patrol and the Department of Justice, when illegal immigrants are apprehended crossing the border, to present them to court. They are represented, and they can enter a plea or they can waive further proceedings. For those who, in fact, are found to have crossed the border illegally, they can be sent to jail. Ordinarily, if it is the first time, it is a 2-week sentence. If they have done it repeated times, it can be 30 days or it may be that some will serve 60 days. I am not sure.

The point is, where this has been done, for everybody who crosses the border—with some exceptions—for almost everybody who cross illegally, it has created a very effective deterrent to crossing. It becomes apparent to people who are trying to cross in that particular vicinity that if they do, and they are apprehended, they are going to jail.

About 17 percent of the people who come across illegally are criminals, wanted for crimes in this country, and obviously they don't want to go to jail. For the other 83 percent, roughly, those are people coming here to work. They cannot work and make money if they are in jail. They cannot send money back to family in Mexico or El Salvador or wherever it might be, so they, too, want to avoid this result.

The effect of this in the Yuma sector of the border—which is one of the two sectors, Del Rio, TX, being the other—where it is fully implemented, is that there is virtually no illegal immigration attempted in that sector of the border anymore. There are effective fences—about 11 miles of double fencing—and they have sufficient Border Patrol agents in the area.

There are some other factors for the reduction of illegal immigration in that sector. In the last 5 years, the apprehension has declined from 18,500 down to about 5,000—some—a 94-percent decrease. The head of the Border Patrol and others tell me one of the primary reasons for that reduction is this operation streamlining—the sure knowledge if they cross into that sector, they are going to jail. If we can provide that same kind of deterrence in the Tucson sector, where about 50 percent of all illegal immigrants are crossing into the United States from Mexico, then we would have gone a long way toward securing the border. Certainly, in Arizona we would have substantially eliminated illegal immigration in the State.

If we add to that the amendment of Senator MCCAIN, which would provide the funding for deploying National Guard on the border, I think we can go a long way toward securing the border in a relatively short period of time. So when the President has said he agrees with us that we need to secure the border, and he even proposed some funding or some National Guard troops on the border, I think this is a recognition that it is the right way to go.

I will make two quick points about Senator MCCAIN's amendment. First, the President has proposed far fewer numbers than Senator MCCAIN has proposed, which is a total of 6,000 National Guard, or 3,000 on the Arizona border. We believe it will take that many in order to accomplish the goal. The President's numbers are far fewer. It is unclear from the lack of detail in this proposal, but it appears those will not be literal boots on the ground but, rather, these National Guard troops will be there for the purpose of training and for administrative work, investigative work, and will, for the most part, be back from the border and not actually engaged in the work at the border itself.

The importance of that is we are told—at least anecdotally—the one thing the people who are coming across the border illegally fear more than anything else is National Guard troops. Border Patrol, they don't like them.

They don't like a county sheriff or anybody else, but when it comes to the National Guard, they want to avoid them. So this represents a real deterrent.

The second thing I want to say is, there is a letter from the National Security Adviser and John Brennan, the President's intelligence adviser, contending that the McCain amendment is an interference in the Commander in Chief's responsibilities because it purports to order National Guard troops to the border.

I want to make it clear that is not true. This appears to be another case of somebody in the administration spouting off about a law they have not read. In this case, it is the McCain amendment. It is all on one page. It is very easy. It says—by the way, remember, this is an appropriations bill we have, a supplemental appropriations bill. We are appropriating money. That is all the McCain-Kyl-Hutchison-Cornyn amendment does.

It says:

Additional Amount [that refers to money]—For an additional amount under this chapter for the deployment of not fewer than 6,000 National Guard personnel to perform operations and missions under section 502(f) of title 32 United States Code, in the States along the southern land border of the United States for the purposes of assisting U.S. Customs and Border Protection in securing such border, \$250 million.

Then there is the offsetting rescission. It doesn't order National Guard troops to the border at all. It simply provides \$250 million of additional funding for the purpose of the Guard, to the extent, obviously, or up to or fewer than 6,000 troops on the border. So it doesn't order anybody, doesn't interfere with the Commander in Chief's responsibilities.

For that reason, I hope when we have an opportunity to vote on this amendment—and I think one of the questions I want to ask my colleagues with regard to this vote is, when we vote and support the McCain amendment for funding for the National Guard, the Kyl amendment, which supports Operation Streamline, and the Cornyn amendment, which he will soon describe—the key is to get a vote.

It is now 20 minutes until 4. Cloture has been filed on this bill. It will ripen tomorrow morning and, presumably, we will have a vote. The question is, Will we have a vote on these amendments? Are we being slow-rolled?

I hope a member of the majority can come to the floor so we can ask, Are we going to get votes on our amendments? They are in order. They are not going to be out of order, from the Parliamentarian. They will provide funding for something all of us agree we need to do, and the President also agreed we need some funding, in any event.

The bottom line is, if we don't vote today on these and cloture ripens, this body will never have had an opportunity to express itself on this issue. What I want to do is, when the majority arrives, ask unanimous consent that we set these amendments for a vote so we can vote.

I yield to the Senator from Texas.

Mr. CORNYN. Mr. President, I ask the Senator—and we now have both distinguished Senators from Arizona on the Senate floor—is he aware of a new poll that came out today—CNN, I believe—that said nearly 9 out of every 10 Americans in this poll support putting more Border Patrol and Federal law enforcement agents on the border because of border security?

This isn't just something we thought was a good idea. It looks as though the American people recognize not only the incipient violence in Mexico and the spillover effect here but our inability to protect ourselves from the organized criminal activity of smuggling drugs, weapons, and people. Is that the Senator's experience, that this is the sort of thing that has broad public acceptance?

Mr. KYL. Mr. President, yes, I do think it has broad acceptance. I wasn't aware of this particular poll. I will ask my colleague from Arizona about this because he is very much aware of the public sentiment on this issue.

Mr. MCCAIN. Mr. President, I ask unanimous consent to be included in the colloquy with the other Senator from Arizona and the Senator from Texas.

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

Mr. MCCAIN. I will respond to the Senator from Texas, and I thank him. We who are from border States have perhaps a better understanding of the violence—the dramatically increased violence over the last several years. In the last 3 years, 22,000 Mexican citizens have been murdered in this struggle between the drug cartels and the Mexican Government. It is the worst kind of brutality: people being beheaded, bodies hanged from the overpasses. I think it was on the Mexican side of the Texas border the other day. There was a wedding—if the Senator recalls—and the drug cartel people went in and took the groom, the brother, and nephew out and murdered them. That brutality and violence, we all know, is spilling over the border. I believe three American citizens were murdered in Juarez—who were coming back from Juarez.

So the violence and the connection between human smuggling and drug cartels now is incredibly intertwined. They use the same routes, the same intelligence, the same sophisticated communications equipment. It is a threat to our security. That is why we Senators have asked for the Guard to be sent to the border.

What happened yesterday in what was clearly a PR stunt, the President announced 1,200 National Guard to the border. Now we find out they are going to do desk jobs. One of the things we have found out is that the presence of the uniformed Americans on the border has a significant effect on the drug cartels because the only threat they feel from Mexico is from the Mexican Army because of the terrible corruption that exists.

These people who have come across the Nogales border into Tucson and Phoenix have been distributed nationwide. People all over America are beginning to appreciate—according to the polling number the Senator from Texas pointed out—the American people are beginning to understand that our broken borders affect all of America. This violence is increasing, certainly, on that side of the border. The drug cartels make—the number I hear is as high as \$65 billion a year. When I tell people we intercepted, in the Tucson sector alone, over 1.2 million pounds of marijuana, people don't believe it. When we tell them we intercepted 241,000 illegal immigrants—and we figure that 4 to 5 to 1 crossed our border to Tucson illegally—over 1 million people—what does the President do? He said he is going to send 1,200 troops to the border. We need 6,000. We need 3,000 for the border and 3,000 for the Arizona border. That is what we hear from the people who are enforcing the law.

This is a national security issue. It is something that all Americans are now more and more aware of and are supporting. I hope the administration and my colleagues on the other side of the aisle who also are being affected by this will understand we need to secure the borders first. Then we can work out an orderly system to address the results of our failure to secure the border.

I ask my friend and colleague from Arizona, what would happen if we enacted comprehensive reform and didn't secure the border?

Mr. KYL. Mr. President, I might respond by noting that my colleague from Arizona likes to talk about exactly what would happen. When President Reagan did exactly that, and the promise was to secure the border with amnesty for 3 million illegal immigrants, the amnesty was granted, but the border was not secure. I know there is an argument on the other side that, well, if we secure the border, then some people will not want to do comprehensive reform because they would not have any incentive to do so anymore.

I don't think that is right. I think there would be more of an incentive once we do secure the border. In any event, we certainly should not hold securing the border hostage to passing some law in the future. That is our obligation and the President's obligation irrespective of what other laws we pass.

Mr. MCCAIN. I ask the Senator from Texas this: There is another important point. There is the belief that we can't secure our borders, that there is just going to be an unending flow of illegal immigrants into this country. I ask my friend from Texas, isn't it true that in at least parts of Texas, with the combination of surveillance, fencing, and proper staffing, there has been basically a secure border?

Mr. CORNYN. The Senator is absolutely right. Where there is a combination or layered approach to dealing

with illegal immigration, there have been great successes, including an effort to use prosecution of people for crossing and incarcerating them for a short period of time, which acts as a further deterrent.

The Senator raises another important point. While I certainly support his effort to try to get sufficient National Guard on the border, 1,200 won't cut it, not with a 2,000-mile border. We need more boots on the ground. We need to also make sure we support our local and State law enforcement people who are standing in the gap in the short term. That is why I appreciate the Senators' support on the other amendment we hope to vote on. We need the Southwest border task force to deal with these high-intensity drug trafficking programs. We also need to make sure we use the latest technology.

The distinguished Senator is the ranking member on the Armed Services Committee. He is well aware of the use of the military unmanned aerial vehicles and, I believe—and I think he would agree with me—they could be used as a good effect, as a multiplier effect for the Border Patrol and National Guard there, something that could be used for training purposes for the National Guard, who have had experience using those in Iraq and Afghanistan.

Finally, we need not only Border Patrol and National Guard, we need Alcohol, Tobacco, and Firearms. These are the people who actually catch the guns that are bought in bulk through straw purchasers and brought across the border that are used by the cartels. All of these Federal agencies—from ICE, CBP, DEA, ATF—all of them represent additional boots on the ground that could be used to help secure our border.

I appreciate the support both Arizona Senators have given, as well as Senator HUTCHISON, who is a cosponsor. But we need a permanent solution, not a temporary Band-Aid which I believe the President's proposal represents.

Mr. MCCAIN. Mr. President, bringing the issue back to my home State of Arizona, I ask my friend, Senator KYL, who has, along with me, traveled extensively to the southern part of our State, many of the residents of the southern part of our State, particularly those who are ranchers who live near the border, basically do not have a secure existence. They have people crossing their property illegally. They have home invasions. They have wildlife refuges on the border being trashed because of the overwhelming human traffic and the garbage and the items that are left behind. I have talked with ranchers' wives who said they could not leave their children at the bus stop.

I want to be very clear. Many of these illegal immigrants are just people who want to come and get a job. But the change over the last few years is that they are escorted by these coyotes who are also associated with

the drug cartels who are amongst the most cruel and inhuman people in the world.

When people criticize the law in Arizona as being discriminatory, where is their concern for the individuals who are being escorted by these coyotes who inflict on them the worst abuses, terrible abuses? They bring them to Phoenix. Phoenix is the No. 2 kidnapping capital in the world. No. 1, Mexico City. No. 2, Phoenix, AZ. Can my colleagues understand why the people of Phoenix are upset?

They bring them to these drop houses, they jam them into these homes, and they hold them for ransom. Then once they get the money, sometimes they let them go, sometimes they ask for more money. In the meantime, they are suffering under the most inhumane conditions.

When the advocates for "legal immigration" are up, I say: Where is your compassion for the people who are being so terribly abused that the coyotes are bringing in the most inhumane fashion across our border and kept in the most inhumane fashions? Isn't that an argument to secure the border? Isn't that an argument to stop this human trafficking? They are unspeakable things. I will not on the floor of the Senate talk about some of the stories I have heard.

We have a situation in the southern part of our State where the residents are living in a state of, if not fear, certainly deep concern and insecurity. Then we have this terrible human trafficking tied to the drug traffickers who are committing the most terrible human rights abuses.

Mr. KYL. Mr. President, I will respond to my colleague by noting, these are the crime statistics that are never reported. Let's face it, the people who are accused of these crimes cannot go to the police and report what has happened.

Again, there is an argument made that crime statistics have actually gone down in the last 2 or 3 years. In the cities—the cities of Tucson and Phoenix, for example—that may well be true. I don't know. What I do know is this: In the rural ranch areas that my colleague, Senator MCCAIN, speaks of, families who used to have no worries at all, left homes unlocked at night, windows open, and if an occasional illegal immigrant or two came by and needed a sandwich or water, frankly, they got it, now fear for their lives.

One of our constituents was killed a couple months ago, a rancher who was beloved in the area. Others have been robbed. There have been physical assaults. They are no longer safe in their homes and in those more rural areas.

In the urban areas, I, too, will not describe on the Senate floor what goes on. If you can imagine large numbers of women and children who are brought across the border by people who have absolutely no scruples about committing any crimes whatsoever. They com-

mit rapes and leave articles of clothing hanging from trees as a warning to anyone who dares to report it or as a way of bragging about what they have done. The things they do to these people cooped up in the safe houses for weeks on end, as my colleague said, are unspeakable.

There are so many reasons to secure the border. But this is one that is never spoken of. It bothers me as much as it does my colleague because we have people who speak of the human rights issues that might relate to an Arizona law enforced by sworn police officers in the city of Phoenix and the city of Tucson who, I am quite sure, will do their job as professional police officers, and not a word is spoken about the kind of situation my colleague and I have described. That bothers us significantly. It is just one more reason we do need to secure the border, as my colleague said.

#### AMENDMENT NO. 4228, AS MODIFIED

Mr. President, I wanted to wait until a member of the majority was here. I ask unanimous consent to modify the second-degree amendment that was offered yesterday, No. 4228.

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

The amendment, as modified, is as follows:

(Purpose: To appropriate \$200,000,000 to increase resources for the Department of Justice and the Judiciary to address illegal crossings of the Southwest border, with an offset)

At the end of the amendment, add the following:

(k) OPERATION STREAMLINE.—For an additional amount to fully fund multi-agency law enforcement initiatives that address illegal crossings of the Southwest border, including those in the Tucson Sector, as authorized under title II of division B and title III of division C of Public Law 111-117, \$200,000,000, of which—

(1) \$155,000,000 shall be available for the Department of Justice for—

(A) hiring additional Deputy United States Marshals;

(B) constructing additional permanent and temporary detention space; and

(C) other established and related needs of the Secretary of Homeland Security and the Attorney General; and

(2) \$45,000,000 shall be available for the Judiciary for—

(A) courthouse renovation;

(B) administrative support, including hiring additional clerks for each District to process additional criminal cases; and

(C) hiring additional judges.

(3) The amounts in this subsection are designated as an emergency requirement and are designated to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for FY 2010.

(l) OFFSETTING RESCISSION.—On the date of the enactment of this Act, the unobligated balance of each amount appropriated or made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), other than under title X of such division, is hereby rescinded pro rata such that the aggregate amount of such rescissions equals \$200,000,000.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, if I may react briefly to the comments of the two Senators from Arizona, whether their concern translates into something like this: that the people who suffer the most from the current illegality and broken immigration system are, for example, a young woman who is a victim of domestic violence who has nowhere to report that crime because she is afraid of being deported, or the worker who earns money believing they have earned their pay but only to be jilted and not paid because the employer realizes they have nowhere else to turn or, as Senator MCCAIN mentioned, the coyotes, as they are known, the human smugglers who care nothing for these individuals as human beings but they are a commodity they trade in, just like drugs, weapons, and people.

This is a very real problem. It is true that most of it is not reported in the newspaper because people are afraid of being exposed because of what the consequences might be. But because we live in border States, because we interact with our constituents and see the consequences of the spillover effect of this kind of violence and lawlessness, that is why we feel so strongly that these amendments need a vote, as the Senator said earlier.

Mr. MCCAIN. Mr. President, I will point out another aspect of this issue. We are proud in my home State of our Spanish heritage. Spanish was spoken before English was in the State of Arizona. We believe our culture and our life and our State have been enriched by the influx of Hispanic citizens. We want that to continue, but we want it to continue legally. In a broader sense, we want everyone in the world to have an opportunity to come to our country legally. If we did secure our border, then everybody has an equal opportunity, rather than it be by geography.

Let me point out something, of which I am not sure my colleagues are totally aware. The sophistication of these human smuggling rings and drug cartels is beyond description. They have the latest equipment. They have the latest communications. They have the latest weapons. They have a network of informers and a network, unfortunately, of corruption that is of the highest sophistication. Their operations are extremely sophisticated operations which are quite successful. But there are areas and measures that have been taken in certain parts of our border that show we can secure our border. What we need is the manpower, the technology, the assets, and the funding to get our borders secured.

The State of Arizona, unfortunately, has become a funnel for this illegal human trafficking and drug cartels to the point where it has threatened the security of its average citizens.

I hope my colleagues will understand this is a humanitarian issue. This is an issue that cries out for the compassion of all of us so that we can give everyone in the world an opportunity to

come to this country, but also to give our citizens a chance to live lives of security that makes them able to enjoy the rights and privileges that American citizens everywhere should enjoy, even if they live on our southern border.

Mr. KYL. Mr. President, let me ask my colleague a question. The number of National Guard troops that would be funded under his amendment is 6,000 total. The idea would be that it would fund 3,000 on the Arizona portion of the border and 3,000 wherever they would be deployed in other places on the border. Senator MCCAIN has argued that is a number closer to what is needed to do the job the National Guard can do than a number that would be less than one-fourth that much.

Would the Senator describe a little bit more the historic levels that existed, for example, during the time our now national Homeland Security Secretary was the Governor of Arizona, when she was very supportive of the Guard as well, compared to what Senator MCCAIN has asked to be funded in his amendment?

Mr. MCCAIN. Mr. President, I say to my friend from Arizona, the situation of Secretary Napolitano, former Governor, whom I respect and admire enormously, is a classic example of it is not where you stand, it is where you sit because when Secretary Napolitano was Governor of Arizona, she made fervent pleas for reimbursement for the State of Arizona for our law enforcement problems dealing with immigration and for 3,000 additional Guard troops to be sent to the border.

Senator KYL and I wrote a letter back on April 9 asking for a decision concerning troops to the border. We still have not received an answer. Perhaps what the President announced yesterday a half hour after discussing the issue with Senator KYL and me and yet not mentioning that decision might be made to send 1,200 troops to the border—you have to laugh. It is in the spirit of bipartisanship. I hope in the case of our Secretary of Homeland Security that we could see some restoration of the same zeal she held as Governor of the State of Arizona to secure our borders and advocate for the necessary assets to achieve that goal.

Mr. KYL. Mr. President, if I recall—and I could be wrong on this—the number that had been deployed to Arizona roughly in 2005 or 2006—I do not recall the exact year—was about 2,600. It was not quite 3,000. Obviously, we needed everyone we could get.

Eventually, a lot of those troops were then deployed to Iraq, I believe. In any event, we all—the Governor and the rest of us—were distressed when they were finally pulled out. I think 2,600 or something pretty close to that was the number and that Senator MCCAIN believes 3,000 would be the appropriate number under the circumstances that exist today.

Mr. MCCAIN. I think 3,000. I know we are taking a lot of my colleagues' time.

I ask my colleagues and the American people to understand what we are facing in Arizona. I ask the American people and my colleagues to understand the frustration that the Governor and the legislature of Arizona felt about the conditions we have tried to describe on the floor of the Senate that exist, that cry out for Federal intervention, that they did not receive that assistance from the Federal Government so, therefore, they acted.

That law, by the way, upon examination certainly does not call for racial profiling. In fact, it expressly prohibits it. I would urge my colleagues to read the law. I have a copy and would be glad to provide them a copy of it.

But I hope my colleagues and the American people understand the reason why the legislature acted, the reason why we are here on the floor today asking for additional assistance is because of the plight of human beings, both the residents of my State who are there legally, whose security is being threatened, in some cases on a daily basis—those who live in the southern part of our State—and also for those individuals who are being transported across our border by these cruel coyotes and who are being terribly mistreated. There are human rights violations of the most terrible kind.

I hope we can all come together, recognizing this is a serious problem. It is not just a problem for Arizona, it is a problem for the Nation. We have a requirement to secure our borders. That is the obligation of every Nation. We happen to be, unfortunately, the State that suffers the most because of these insecure borders, but this spreads throughout the country. The drugs don't stop in Arizona; they go all over the country. The individuals who are smuggled in, all of them don't stop in Arizona; they go all over the country.

We need to help the Government of Mexico in their struggle against these drug cartels, but we also have to take the measure—which can probably help the Mexican Government as much as anything else—of getting our border secured. I want to assure my colleagues that those of us from border States, once we get our border secured, stand ready to address these other issues that need to be addressed. But if we don't get our border secured, a year, 2 years, 10 years from now we are going to be faced with the same problem over and over with a population of people who have come to our country illegally.

I ask not only for the votes of my colleagues on these amendments, but I ask for their compassion and understanding about a human rights situation that cries out for us to address as Christians and as individuals who are motivated by Judeo-Christian principles.

Mr. President, I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 4230, AS MODIFIED

Mr. ENSIGN. Mr. President, I ask unanimous consent to modify my amendment. The clerk has the modification.

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

The amendment, as modified, is as follows:

(Purpose: To establish limitations on the transfer of C-130H aircraft from the National Guard to a unit of the Air Force in another State)

At the end of chapter 3 of title I, add the following:

SEC. 309. (a) LIMITATIONS ON TRANSFER OF C-130H AIRCRAFT FROM NATIONAL GUARD TO AIR FORCE UNITS IN ANOTHER STATE.—No funds appropriated or otherwise made available by this Act or any other act may be obligated or expended to transfer a C-130H aircraft from a unit of the National Guard in a State to a unit of the Air Force, whether a regular unit or a unit of a reserve component, in another State unless each of the following is met:

(1) The aircraft shall be returned to the transferring unit at a date, not later than 18 months after the date of transfer, specified by the Secretary of the Air Force at the time of transfer.

(2) Not later than 180 days before the date of transfer, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the members of Congress of the State concerned, and the Chief Executive Officer and adjutant general of the National Guard of the State concerned the following:

(A) A written justification of the transfer.

(B) A description of the alternatives to transfer considered by the Air Force and, for each alternative considered, a justification for the decision not to utilize such alternative.

(3) If a C-130H aircraft has previously been transferred from any National Guard unit in the same State as the unit proposed to provide the C-130H aircraft for transfer, the transfer may not occur until the earlier of—

(A) the date following such previous transfer on which each other State with National Guard units with C-130H aircraft has transferred a C-130H aircraft to a unit of the Air Force in another State; or

(B) the date that is 18 months after the date of such previous transfer.

(b) RETURN OF AIRCRAFT.—Any C-130H aircraft transferred from the National Guard to a unit of the Air Force under subsection (a) shall be returned to the National Guard of the State concerned upon a written request by the Chief Executive Officer of such State for the return of such aircraft to assist the National Guard of such State in responding to a disaster or other emergency.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Arkansas.

Mr. PRYOR. Mr. President, I have an amendment, No. 4282, that I will speak on. I will not call it up at this moment. However, my intent is to call it up at the soonest appropriate time.

I rise today to speak on this amendment and to also ask unanimous consent that Senator COCHRAN be added as a cosponsor.

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

Mr. PRYOR. First, I wish to commend the chairman and the ranking member for their work on the supplemental spending bill. This has been a

well-crafted and pragmatic piece of legislation, but it has sometimes been difficult in putting this together and moving it to the floor. So I want to thank the leaders on the Appropriations Committee and the various subcommittees who worked to get this done.

This bill will greatly benefit our Nation's men and women in uniform. This bill also ensures that disaster victims have the services and assistance needed to help them recover from both natural and manmade disasters. I greatly appreciate the work of the chairman and the ranking member along with all of my colleagues on the Appropriations Committee.

Secondly, I wish to discuss amendment No. 4282 regarding FEMA's flood map modernization program. I wish to thank Senator COCHRAN and his staff for their hard work and diligence in preparing this amendment with me, as well as Senators LINCOLN, VITTER, and BROWNBACK, who are all cosponsors. I greatly appreciate their contributions as well.

The purpose of this amendment is to address concerns regarding economic development and the ability of communities to provide input in the development of new flood insurance rate maps. The amendment will do three simple things.

First, it would allow an extension of the flood elevation and Special Flood Hazard Area determination appeal period, upon request from an affected community.

Second, it would prevent FEMA from using technicalities to circumvent requirements to study the economic impact of map modifications.

Third, it would establish an arbitration panel for communities to appeal FEMA's proposed map modifications before a neutral third party. This sort of appeal from an independent third party is already allowed by statute, but it is rarely used. The amendment would set up an arbitration panel and highlight the ability of communities to use this as a manner of appeal.

As most of my colleagues know, I have been talking about FEMA's flood maps for the last several years. At first, I was working with a few other Senators to address the implementation of the program. Senator LINCOLN also has been a very determined advocate in this area. But now there are Senators representing 13 different States who have expressed an interest in addressing some common problems with the map modernization program.

Let me emphasize that I support modernizing our maps. I think that is good to do. I think it is something we should do. I think it is a good use of time and effort and resources to do that. However, what I am concerned about is that FEMA seems to be determined to use this as a revenue raiser for FEMA and the flood insurance program.

The way they have it set up is they will make determinations and basi-

cally greatly expand existing flood plains into areas that—because of levees and other flood control management efforts, costing billions of dollars, by the way—are not currently at risk for any flooding—or hardly any risk at all. But the FEMA flood maps, I guess on a technicality—as the maps are completed—would say they would be in a flood plain.

The bottom line effect of this is it creates a huge revenue source for FEMA. What happens, once they greatly expand the map of the flood plain, is that suddenly many of the people and businesses in that area have to purchase flood insurance. In our State, we have looked at the numbers, and that flood insurance could be as little as \$100 a year, or it could be well over \$2,500 a year. This has a significant impact on people's mortgage payments and their various loans for their businesses.

But here is what we have to keep in mind. From our perspective—and again, we are not the only State that does this; many States have river systems that flood—these people are already paying for flood insurance. What they are doing is they are paying for their local levees to protect their communities. As long as those levees are in compliance, and as long as there is not any real-life risk of a flood in a particular area, I think it is unjust that these people would be charged for flood insurance.

Some of the common problems with FEMA's approach are the lack of communication and outreach to local stakeholders; a lack of coordination between FEMA and the corps—that is the Corps of Engineers—in answering questions about flood mapping, flood insurance, and flood control infrastructure repairs; a lack of recognition of locally funded flood control projects; a lack of recognition of historical flood data; inadequate time and resources to complete the repairs to flood control structures before the maps are finalized—in other words, they may find a problem, and on day one, when they say you have a problem, even though the problem can be fixed very quickly, or within a year, let's say, they still are going to try to tag people with flood insurance in those affected areas. The other thing they have not considered is the potential impacts these new flood maps might have on economic development, particularly in small and rural communities.

Let me give an example of what we are talking about here on the ground in Arkansas. And again, if Senators think they do not have this problem, they may not today, but it is coming. Because as they redraw all these flood maps, this is going to be coming. I don't know about all 50 States, but in well over half the States it will, as they go through this flood map redrawing. So let me give an example.

In our State, of course the boot heel of Missouri is the very northeastern corner of our State. There is a levee

that is actually in Missouri, and when the Corps of Engineers inspected it, it has a sand boil. Now a sand boil is a problem for a levee, no doubt about it. There are varying degrees, and this particular one apparently wasn't that bad, but nonetheless there is a sand boil there, which means the water is starting to seep under the levee. It is totally repairable. They need a little time to fix it, but it is totally repairable. The concern we have—and when we talk to FEMA and the Corps of Engineers, we are not getting any comfort that our fears are not completely and 100 percent justified—is once they find that sand boil up in the very northern part of the St. Francis River Basin, they are going to say the whole basin is out of compliance.

In other words, in the real world, they could have a leak there. I hope they never do, and I hope they can repair it, but they could have a leak there. They could have a 100-year flood, and it could actually cause a problem to that levee. But think about it. The flooding would be local to that levee. It wouldn't be 50 miles away in a totally different part of the river basin area.

So FEMA, in my view, is doing things here that are very heavyhanded, very bureaucratic. I do believe they are searching for revenue based on the huge amount of money that FEMA had to spend on Katrina and some other disasters. FEMA's books are way out of balance as a result of that, and I see this as a revenue raiser for them.

The problem is, as I said, they are going to go into areas that have very strong levees that will never flood. Some of these levees are built to well over the 100-year standard. In many places in Arkansas they built them well over that, because in 1927—and there have been a few years since—we had very serious flooding problems in our State. So in the eastern part of our State, people believe in levees because they have needed them before. The levees have saved them before. The levees have breached before, so they have been on both sides of that equation. They believe in levees and they understand the value of them.

But that is not just true in Arkansas. You can go to Mississippi, Louisiana, Tennessee, Missouri, and Illinois, not just up and down the Mississippi, but up and down lots of other river systems in this country and this problem is coming to your State. If you haven't seen it yet, you will. This problem is coming to your State.

What we are trying to do with this amendment is to at least—and, personally, I think we ought to have various remedies available in this FEMA remapping project—at a minimum set up the ability to have an arbitration panel, so if the Corps of Engineers and FEMA make a finding, the community at least has a chance to appeal and, hopefully, effect a remedy before they get hit with the flood insurance requirement.

There is a lot more to this story, but I am not going to bore my colleagues

and talk too much about it today because it is not the pending amendment. But I would very much appreciate my colleagues' consideration. I hope we will be able to be successful in attaching this. It basically doesn't cost any money. There is no grant program. At one point we were talking about a grant program, but we don't have that in here.

We set up an arbitration panel, and the membership of the arbitration panel would have expertise in hydrology, administrative law, and/or economic development. We would let the Corps of Engineers provide the technical guidance, which I think would be very valuable. Also, we allow communities an appeal period, where they can appeal within 120 days, and it also clarifies under some circumstances that communities could be at least partially reimbursed for the cost of the appeal. That is already in existing law. That provision is already in there, but we are making it clear that the rule would apply to this process.

Mr. President, I thank you for your patience in listening to me. I know we have other Senators who, if they are not on the floor at the moment, are waiting to speak, so I wish to mention that my amendment, No. 4282—I am not calling it up at the moment, but I wish to at the earliest possible moment.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NOS. 4214 AND 4202

Mrs. HUTCHISON. Mr. President, I rise to speak today in favor of the McCain amendment and the Cornyn amendment. I am cosponsor of both of these amendments. I understand we will be voting very shortly on these amendments as we move forward on the supplemental appropriations.

I am cosponsoring these amendments. The border State Senators have worked together, particularly in light of the escalating violence that is happening on the other side of the border with Mexico. It has particularly hit Texas and Arizona. So Senator MCCAIN and Senator KYL and Senator CORNYN and I have repeatedly asked for reinforcements to support controlling our border.

I offered versions of both of these amendments in the committee that produced this bill. I certainly hope we will be able to agree to these amendments—which are fully paid for, I might add. They will not add to the deficit. But it is so important that we have as a priority in this country the control of the borders of our sovereign Nation.

We cannot allow the illegal activity and the unspeakable violence to con-

tinue along our shared border. Ten thousand people have been killed in Mexico in drug cartel-related violence, many of them police officers and law enforcement officials, just this year; 2,000 over the last 3 or 4 years. It is escalating. We are seeing effects of the illegal activity spill over on our side of the border for sure.

We have an increase in the activity in our judicial system, in our law enforcement, our local law enforcement. American taxpayers are paying for local law enforcement for us to be able to try to stop this activity from coming across. But there is evidence that it is coming across as we see drug cartels setting up operations in cities on our side of the border.

I have invited the President to tour the border with me. That offer still stands. I welcome the opportunity to show the President exactly what the security challenges are and to see what the Border Patrol and DEA agents are going through on a daily basis, not to mention our border sheriffs and policemen.

After deemphasizing border security and even proposing to cut the border patrol on the southwest border in the President's own budget, I was pleased to finally hear a better set of words and proposals from the President—that he will agree to increase border funding. But it is a little late coming since so many of us have been asking for months, and even over a year, for this extra border security. Border Senators and Congressmen have repeatedly called on the President to focus on this issue. Then we find that his original budget actually decreased the number of border patrol.

What we know is that the President is now calling for an additional 1,200 National Guard to be deployed to the border. Texas alone has requested 1,000 National Guard. Spreading 1,200 National Guard over four States is really an insufficient response to a national security priority.

The McCain amendment specifies title 32 authority for the National Guard. It is fully offset, and it deploys 6,000 National Guard to the southwest border. This is much more aggressive than the President's proposal of 1,200. Although I am pleased the President is making a start, 1,200 is barely going to cover Texas, much less Arizona and California. It would certainly be an addition, if we can agree to the McCain amendment, to really show we are serious about beefing up the border security for our country.

Under the McCain amendment, the National Guard would help the CBP, the Border Patrol, get operational control of the southwest border. It will augment our security forces until a continued scale-up and training of Border Patrol agents can take place.

Basically, what the McCain amendment does is say this is a temporary fix. We are not asking that Border Patrol be a permanent fixture on our border. We don't want that. I was even

hesitant to ask for Border Patrol. But the situation has gotten so serious that we now have to take stepped-up measures as a stop-gap while we train the Border Patrol to do their job.

The Department of Homeland Security has 17,000 personnel assigned to the southwest border. Well under half the agents—about 7,700—are currently assigned to Texas even though 63 percent of the border runs through our State. Arizona has only 4,000 agents. We all need more support.

Adequate National Guard support is critical to help patrol spillover violence and address all of our security challenges until we have more of the Border Patrol agents ready to go.

Another amendment offered by Senator CORNYN, which I also cosponsor, will drastically increase support for law enforcement at every level, Federal, State, and local. I wish to speak particularly to the portion of Senator CORNYN's amendment that funds the unmanned aerial vehicle, the UAVs as we call them, which I introduced in committee and on the floor as stand-alone amendments.

I have worked with the FAA and Customs and Border Patrol so we can quickly increase the presence of unmanned drones, or UAVs, to help protect the Southwest border. These unmanned drones are able to monitor the progress across the border, and also monitor crossings that might be illegal across the border, places where you cannot put a Border Patrol agent. There are many miles that have to be covered. You cannot have a Border Patrol agent every 12 or 15 feet on the border.

But these unmanned aerial vehicles do provide so much of our intelligence gathering and information gathering that it would supplement the Border Patrol, and what I hope are additional National Guard.

Last week, I, along with members of the Texas delegation, met with FAA Administrator Babbitt. We urged him to allow the UAVs to operate along the Texas border. He committed to working closely with the Border Patrol to approve the use of UAVs in my State, as well as to streamline the approval process across the Nation.

We have no UAVs in Texas, none. The FAA and the Border Patrol have gone back and forth about who is responsible for this. But the bottom line is we have 1,200 miles of border with Mexico and no UAVs to help bridge the gap between Border Patrol stations and cameras.

The UAV amendment will allow the Border Patrol to obtain and operate at least six new drone systems and hire pilots, with the goal of covering the United States-Mexico border in Texas, New Mexico, Arizona, and California every day of the week, including nights. We now have a system that only operates in the daytime—not in Texas, but in other areas. That is not good enough, because so much of the activity takes place at night.

The amendment provides funding and direction to quickly implement the drone procurement and maintenance. It provides funding for 60 pilots and crew. All of the costs are fully offset. Border Patrol currently operates six unmanned drones in the United States, but only three in the Southwest border. The six additional UAVs will provide full Southwest border surveillance 7 days a week without diminishing drone surveillance along the Northern border and off our Nation's coast.

More UAVs will help the Border Patrol gain consistent control of our borders. Using the drone systems is a force multiplier, and it allows border enforcement officials to more efficiently and consistently monitor the border and respond to illicit activity.

I am a cosponsor of the two amendments. This is very important to the whole Southwest border. But I do feel that my home State of Texas has been particularly challenged because we have had no UAVs. We have had only 7,700 Border Patrol personnel across the 1,200 miles, and you cannot be serious about border security. This has escalated because of the violence in Mexico. The heinous crimes that are being committed in Mexico, many against law enforcement officers, are something we read about in the papers. We have even had our own U.S. State Department people killed in Mexico. We have evidence that the cartels are setting up shop in cities in my home State of Texas, and I imagine they are setting up in Arizona as well, maybe California. I do not know about that. But I do I know in Texas they are. I know that when you are facing people who have automatic weapons, they have very sophisticated intelligence gathering—these are the cartels, not the government. They are killing police officers. They are putting signs on the burial places of these police officers saying: These are next. Then they will come back and they will cross off on the sign the people they have just killed, leaving the ones who are still alive to know they are being watched every moment and they are targets.

We cannot sit here and let this happen without aggressive action. That is why we have to act, and why his original budget that was submitted to Congress is laughable in this context.

Now he is saying he will do 1,200 National Guard. Texas is asking for 1,000, Arizona is asking for 600—Arizona is asking for—I don't know. They only have 4,000 Border Patrol agents and they are asking for 3,000 National Guard. I did find my place. They are asking for 3,000. Texas is asking for 1,000.

We need to pass this amendment. It is fully offset. We would like for the whole stimulus bill that is going through, the supplemental appropriations, to be offset. We should have not more debt. We have enough money in our system if we prioritize border security. It is a national security issue and it should be in this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, at the appropriate time I will ask for amendments Nos. 4242 and 4287 to be called up for consideration.

I ask unanimous consent that Senator LANDRIEU be added as a cosponsor on amendment No. 4242, and Senator LEMIEUX be added as a cosponsor on amendment No. 4287.

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

Mr. SHELBY. Mr. President, it is now day 37 of the oil spill. We are no closer to finding a solution to this crisis than we were on day one.

Oil continues to pour into the gulf at an unprecedented rate, significantly more than the estimate of 5,000 barrels a day.

Oil has reached deep into the Louisiana marshes. Tar balls have washed up on the shores of Alabama and Mississippi.

As long as this oil continues to flow into the gulf we have a real and unprecedented disaster.

On May 18, I requested that the Secretary of Commerce declare a fisheries disaster in the Gulf of Mexico. Alabama's fishing industry represents one of the largest economic engines in the State, accounting for more than \$800 matron in annual sales and nearly 18,000 jobs.

On Monday, the Secretary declared a fisheries disaster in Alabama, Mississippi, and Louisiana.

Now, it is up to Congress to ensure that our fishermen who will be adversely impacted by this oil spill for years to come receive adequate assistance.

Today, I offer an amendment to help our gulf coast communities mitigate the disastrous effects of the oil spill. This amendment is not more spending but offset from the oil spill liability trust fund. It further requires "responsible parties" to reimburse the trust fund for funding the Federal Government puts towards this amendment.

First, this amendment provides \$20 million to fund the Secretary of Commerce's disaster declaration. NOAA has closed 22.4 percent of the commercial and recreational fisheries in the gulf because of the spill.

This declaration will allow the Federal Government to put additional, immediate Federal resources towards this disaster to alleviate and recover from the devastating impacts to the gulf's fisheries.

However, this declaration has no teeth if it is not funded. While I hoped the administration would realize this by requesting an amendment to the supplemental, they have not. My amendment will provide the resources necessary to help our gulf coast region.

Second, it provides NOAA with the resources necessary to begin an expanded stock assessment in the gulf.

A comprehensive stock assessment is critical to the gulf, where there are

hundreds of species managed under fisheries management plans or international conventions. NOAA recently identified the needed steps to improve and expand stock assessments in the gulf and to do so, they will need the best and most timely data on the health and abundance of the stocks. This amendment will provide \$15 million to NOAA to begin an expanded stock assessment. We must know what the fisheries stocks in the gulf are now, so we will have a better idea how the oil has affected them.

Finally, this amendment will provide funding to the National Academy of Sciences to study the long-term ecosystem impacts of the spill on the gulf.

It is critical to proactively work to adequately deal with this man-made crisis. If the oil continues to spill in the gulf unabated, it will not only destroy the fisheries this year, but will adversely impact the gulf's ecosystem for decades.

We cannot simply sit by and wait for this problem to solve itself. Clearly, we all know that BP has not yet come up with a solution.

We must continue to ensure that BP, as the responsible party, pays for all damage related to this oil spill, but that does not mean BP can make all the decisions as to what to do and how to handle the disaster that continues to unfold.

We have been dealing with this crisis for 37 days and are no closer to stopping the oil spill than we were on day 1. Since the spill, BP has failed in every attempt to stop the oil flow.

We need to begin putting resources in the gulf to help mitigate the long-term effects of what could be the largest and most devastating oil spill in American history.

I ask my colleagues to support the people of the gulf coast by supporting my amendment.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENTS NOS. 4231 AND 4232

Mr. MCCAIN. I would say to the distinguished chairman, if there is a unanimous consent agreement concluded, I would be more than happy to be interrupted. I know that business in the Senate needs to proceed. I am proud to be joining forces with my colleague from Oklahoma, Dr. COBURN, to insist that we stop burdening our children and our grandchildren with massive debt.

We have before us today a supplemental appropriations bill totaling nearly \$60 billion, most of it not paid for, simply being added to the ever growing debt, to be paid for by future generations of Americans.

If we are serious about our commitment to reduce our debt and eliminate our deficit, then Congress needs to start making some tough decisions about our national priorities and we need to start now.

Dr. COBURN is seeking a vote on one of two reasonable amendments, both of which would fully offset the cost of

this bill. Yesterday, Dr. COBURN very eloquently laid out his reasons for offering those two amendments. Essentially our fiscal situation is extremely perilous and we can no longer afford to approve any new Federal funding without eliminating wasteful and unnecessary spending in other areas.

Mr. President, a kind of bizarre thing happened yesterday. In the middle of his speech and his argument before the Senate, Dr. COBURN yielded the floor to the majority leader who proceeded to file cloture on this bill after only 1 day of floor consideration and not a single vote on any amendment. So on a \$60 billion bill, most of it not paid for, we are now going to, without a single amendment having been voted on, be voting on a bill, in fact, that will not be paid for. As my colleagues know quite well, the editorial page of the Washington Post is by no means a conservative, right-leaning, penny-pinching bunch, but even they are perplexed about what we are doing here. Yesterday, in an editorial entitled "Congress as Usual: There's an election coming. Time to spend," the Post wrote:

All across the Western world, fiscal stimulus is starting to give way to fiscal consolidation. In London, the new British government has announced \$8.6 billion in immediate budget cuts. In Paris, French President Nicolas Sarkozy is negotiating to raise that country's retirement age. In Madrid, Spanish civil servants are facing a 5 percent pay cut, followed by a wage freeze. Even Italy is talking about tightening spending. And don't get us started on Greece.

Only in Washington, it seems, is the long awaited "pivot" to fiscal restraint nowhere to be seen. As the mid-term elections draw near, Congress is considering a passel of new spending, necessary and otherwise, most of which won't be paid for.

Sadly, the Washington Post hit the nail on the head and the bill before us is the perfect example of Congress's inability to deal with the very serious fiscal realities that are facing this Nation.

Under this supplemental, DOD receives \$33.7 billion for operations in Afghanistan, Iraq, and Haiti. The bulk of this money, \$24.6 billion, is for operations and maintenance, and much needed other funding. The remainder of the DOD funding is for military personnel costs and other equipment.

Some say the fiscally responsible way to pay for our war costs is to increase taxes. We disagree. The American people, particularly our soldiers and their families, are sacrificing enough already. It is time for Congress to start making some sacrifices and forgo the earmarks and other special deals to help provide our troops with the support and equipment they need.

The first amendment of Dr. COBURN saves taxpayers \$59.6 billion by doing the following: freezing raises, bonuses, and salary increases for Federal employees for 1 year; collecting unpaid taxes from Federal employees, \$3 billion; reducing printing and publishing costs of government documents, \$4.4 billion over 10 years; reducing exces-

sive duplication, overhead, and spending within the Federal Government, \$20 billion; eliminating nonessential government travel, \$10 billion over 10 years; eliminating bonuses for poor performance by government contractors, \$8 billion over 10 years; repealing the Energy Star Program, \$627 million over 10 years; eliminating an increase in foreign aid for international organizations, \$68 million; limiting voluntary payments to the United Nations, \$10 billion over 10 years; striking unnecessary appropriations for salaries and expenses of a government commission Congress ignored, the Financial Crisis Inquiry Commission, 1.8 million; rescinding a State Department training facility that was not requested by the community where it is to be constructed, \$500 million.

On the second amendment we can save taxpayers \$60 billion by cutting budgets of Members of Congress, by disposing of unneeded, unused government property, auctioning and selling unused and unneeded equipment, rescinding unspent and uncommitted Federal funds, \$45 billion.

We have ways we can cut spending. We have ways we can reduce the government, in the first amendment, by nearly \$60 billion, and in the other one by \$60 billion.

In a letter to Speaker PELOSI in April of last year, President Obama wrote:

As I noted when I first introduced my budget in February, this is the last planned war supplemental. Since September 2001, the Congress has passed 17 separate emergency funding bills totaling \$822.1 billion for the wars in Iraq and Afghanistan. After 7 years of war, the American people deserve an honest accounting of the cost of our involvement in our ongoing military operations.

Quoting from the President's letter of April of last year:

We must break that recent tradition and include future military costs in the regular budget so that we have an honest, more accurate, and fiscally responsible estimate of Federal spending. And we should not label military costs as emergency funds so as to avoid our responsibility to abide by the spending limits set forth by the Congress.

The President emphasized, again quoting from his letter to the Speaker of the House:

After years of budget gimmicks and wasteful spending, it is time to end the era of irresponsibility in Washington.

I could not agree more. That is why I am disappointed to see yet another supplemental spending bill designated as an emergency without offsets. Dr. COBURN and I agree with what the President said last year. "After years of budget gimmicks and wasteful spending, it is time to end the era of irresponsibility in Washington." That is precisely what we are seeking to do with these two amendments.

In the past 2 years, America has faced her greatest fiscal challenges since the Great Depression. When the financial markets collapsed, it was the American taxpayer who came to the rescue of the banks and the big Wall Street firms. But who has come to the

rescue of the American taxpayer? Certainly not Congress.

So what has Congress done? By enacting inexplicable policies that can only be described as generational theft, we have saddled future generations with literally trillions of dollars of debt. Since January of 2009, we have been on a spending binge the likes of which this Nation has never seen. In that time, our debt has grown by over \$2 trillion. We passed a \$1.1 trillion stimulus bill.

Remember the assurance that unemployment would be at a maximum of 8 percent? Now it is 9.9. We passed a \$2.5 trillion health care bill. The American people are still angry about that. The President submitted a budget for next year totaling \$3.8 trillion. We now have a deficit of over \$1.4 trillion, and we just passed, a week or so ago, the \$13 trillion debt mark which amounts to more than \$42,000 owed by every man, woman, and child in America.

This year the government will spend more than \$3.6 trillion and will borrow 41 cents for every \$1 it spends. Unemployment remains at 9.9 percent and, according to forbes.com, a record 2.8 million American households were threatened with foreclosure last year. That number is expected to rise to well over 3 million homes this year. With this bill, we are poised to tack another \$60 billion onto the tab.

I travel a lot around my State. I know all of my colleagues do. Every place I go I meet county supervisors, city councilmen, mayors, elected officials from all over the State. I talk to the Governor, the legislature. They make tough decisions. The city of Phoenix had to cut its budget by some 30 percent last year, a very tough decision. Meanwhile, we increased domestic spending by 20 percent. What is the difference between the city of Phoenix and us in the Capitol? We print money. A debt of \$1.4 trillion this year, estimated to be \$1.5 trillion this year, how can we continue this?

These two amendments by Dr. COBURN can achieve a significant savings, \$60 billion in each. That is \$120 billion that both of these amendments could save the taxpayers. Wouldn't it be wonderful to show the taxpayers that maybe we are going to do something like cutting the budget, cutting our budgets? Wouldn't it be nice to tell the American people we are going to eliminate nonessential government travel? Couldn't we at least freeze bonuses?

We have an opportunity to show the American people we are going to tighten our belts a little bit, too; that we care about generational theft; that we care about future generations of Americans. I know some of these measures will not be popular, but Dr. COBURN has never been one who has tried to win a popularity contest. What Dr. COBURN has tried to do is steer the American people on a path to some kind of fiscal solvency so we can stop this terrible generational theft we are committing.

The greatness of America, certainly one of her greatest attributes, is we have handed on to every generation a better one than the one they had before them. That has been the great wonder and beauty of America. With these kinds of debts and deficits, what can we pass on to our children and grandchildren?

I applaud Senator COBURN not only for this effort but many of the other efforts he has made. I am pleased to join him. I hope my colleagues will understand that the American people are angry and frustrated. Look at the latest polling numbers—we do read polls. Do you want to reelect your Member of Congress? What is our approval rating? It is 14, 13, 12 percent. We are down to blood relatives and paid staffers. The point is, let's send a message to the American people we are serious.

Yes, there are tough decisions and tough things that are embodied in this legislation. I urge my colleagues to at least take a look at them and consider putting this Congress and this Nation on a different path.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I rise today to voice my support for H.R. 4899, the Fiscal Year 2010 Supplemental Appropriations Act. This bill is critical to our future success in Iraq, Afghanistan, and Pakistan and also delivers much needed humanitarian aid to Haiti. Today, I wish to highlight how some of the provisions in this legislation support U.S. foreign policy goals, strengthen our military and civilian efforts, and defend against security threats around the world.

This bill does a great deal to support our ongoing counterinsurgency effort in Afghanistan. As General McChrystal has said, counterinsurgency is not an "event," but rather, a "process," and this supplemental provides the essential resources needed at each stage of the process.

First, the military must "shape and clear" in a military operation. The President made the bold decision in December that an additional 30,000 troops were needed in Afghanistan, and this bill fully funds the additional deployment. As we saw earlier this year in Marjah and will witness this summer in Kandahar, the U.S. military is partnering with the Afghan security forces for the "clear and hold" portion of counterinsurgency, and I am pleased this bill provides \$2.6 billion to train and equip the Afghan security forces.

Next we must "build," which requires a unity of effort between the military and civilian agencies and which is why this bill provides \$1.48 billion to the State Department for continued reconstruction and law enforcement programs. As I have stated before, our goal is to transfer authority to the Afghans. For this, we must continue to train and mentor the Afghan Army, police, and civil servants, so they may assume greater responsi-

bility to provide security and effective governance themselves.

On a recent trip to Afghanistan in March, I saw firsthand the improvements that have been made with the Afghan National Army, ANA, training program. Thanks to a recent pay raise for ANA recruits and intensified partnering with U.S. forces, we are on track to exceed the stated goal of 134,000 trained ANA by October. The additional resources in this bill will help ensure we stay on this positive trajectory for ANA training and mobilization.

Unfortunately, the same progress has not been realized in training the Afghan National Police, ANP. A lack of oversight, coupled with high rates of attrition, drug use, illiteracy, and widespread corruption have severely undermined our efforts to establish a credible police force.

I was appalled—appalled does not describe it—I was appalled to learn we have spent \$6 billion on training the ANP in the past 9 years, with little to show for it. I have been in literally 60 to 100 meetings—before my three trips to Afghanistan, in Afghanistan, and my trips back. I have yet to hear anyone say anything good about the Afghan national police. It was not until I got on the Homeland Security Subcommittee that I found out we were spending \$6 billion to train them. I would have been shocked if I had heard we were spending \$100 million to train them. However, this is key to our success in Afghanistan, and I believe the administration is now fully aware of the problems that have become endemic to this program and is focused on eliminating them in the months ahead.

Funding in this bill will support efforts to get police training back on track, which is one of the most critical elements of our strategy in Afghanistan.

This bill also does a great deal to reinforce our partnership with Pakistan. After traveling three times in the past year to Pakistan, I cannot underscore enough the importance and strategic value of this partnership to our shared fight against violent extremism. This resonates at home today in the wake of the failed Times Square bombing and Faisal Shahzad's alleged ties to Pakistani extremists in Waziristan. In light of mutual security interests, we must continue to nurture our relationship with the Pakistani people and military, demonstrating our enduring long-term interest in the region.

Last year, Congress validated that commitment in the form of a 5-year, \$7.5 billion economic aid package, otherwise known as the Kerry-Lugar bill, and in the past 2 years, we have invested over \$1 billion in military aid in the Pakistan counterinsurgency capability fund. This bill reaffirms these commitments with \$259 million to support ongoing programs to strengthen democratic governance, rule of law,

and social and economic services to improve the lives of the people of Pakistan. Of the total, \$10 million would be provided for the Pakistani Civilian Assistance Program, \$5 million for human rights programs, and \$1.5 million to facilitate the implementation and oversight of USAID and Department of State programs.

This bill also provides \$50 million for the purchase of helicopters for Pakistan which will be used to combat terrorist groups and other extremist organizations. I am hopeful that this level of commitment will help persuade the Pakistanis to redouble their efforts to address security concerns along the border with Afghanistan. I cannot emphasize enough the importance of Pakistan's contribution to the security situation in the tribal areas, especially as it pertains to targeting the Afghan Taliban—not just the Pakistani Taliban—including the Haqqani Network and Quetta Shura.

This bill also helps ensure a stable and secure Iraq in preparation for the drawdown of United States forces and complete withdrawal of combat troops by September. During my recent visit to the region, I was struck by the helicopter view of Baghdad at night. The glimmering lights of the city and the traffic looked similar to any city in the U.S. That sight illustrated the progress that has been made in Iraq and the enduring mutual commitment and partnership that has been created in recent years. As a means of reinforcing this commitment and continued progress, this bill provides an additional \$1 billion for the Iraqi security forces fund. It also provides \$650 million in additional economic and security assistance for Iraq which includes \$450 million for the Iraqi police program.

These measures support the security framework in Iraq, which will provide Iraq's leaders with the stability they need to form a new government. With the election recount recently completed, the groundwork has been laid for Iraqi elected officials to work toward a common goal of establishing a government representative of the people of Iraq. While a functioning government should not just be cobbled together in the interest of time, it is important to note that a prolonged delay could create a power vacuum that may exacerbate ongoing security concerns. This bill reinforces and continues to build upon the security infrastructure that the Iraqis have created, and the goal of building and sustaining past success.

Finally, I am grateful this bill includes \$3 million for the Voice of America's Creole language broadcasting in Haiti. The VOA Creole broadcasts include public service announcements from U.S. Government agencies, which have been so valuable in previous crises around the world, and have helped Haitians find loved ones, shelter, medical assistance, and aid, in the aftermath of the earthquake.

Since then, it has provided a vital service in helping them to find essential resources and assistance. VOA runs public safety and relief supply updates, as well as a call-in line to broadcast messages from families and friends of the injured and missing. The additional resources in this bill will help to sustain these critical public services, and I commend the VOA for its commitment and its great contribution to disaster relief globally, and especially in Haiti.

This bill reinforces our foreign policy goals and secures our interests at home and abroad. It also funds our Armed Forces which are deployed in harm's way, and supports the civilian diplomatic and development initiatives that are necessary to our efforts in Afghanistan, Pakistan, and Iraq. I thank the leadership for moving this bill forward, and I call on my colleagues to join me in supporting this supplemental.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4231, AS MODIFIED

Mr. COBURN. Mr. President, I ask unanimous consent that amendment No. 4231 be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to tell you that I concur in what I just heard—

The PRESIDING OFFICER. The Senator's request has not yet been agreed to.

Mr. COBURN. The modification has not?

The PRESIDING OFFICER. That is correct.

Mr. COBURN. There is an objection?

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the end of the bill, add the following:

**TITLE IV—PAYMENT OF COSTS OF SUPPLEMENTAL APPROPRIATIONS**

**SEC. 4001. TEMPORARY ONE-YEAR FREEZE ON RAISES, BONUSES, AND OTHER SALARY INCREASES FOR FEDERAL EMPLOYEES.**

Notwithstanding any other provision of law, civilian employees of the Federal Government in fiscal year 2011 shall not receive a cost of living adjustment or other salary increase, including a bonus. The salaries of members of the armed forces are exempt from the provisions of this section.

**SEC. 4002. CAPPING THE TOTAL NUMBER OF FEDERAL EMPLOYEES.**

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the head of each relevant Federal department or agency shall collaborate with the Director of the Office of Management and Budget to determine how many full-time employees the department or agency employs. For each new full-time employee added to any Federal department or agency for any purpose, the head of such department or agency shall ensure that the addition of such new employee is offset by a reduction of one existing full-time employee at such department or agency.

(b) INFORMATION ON TOTAL EMPLOYEES.—The Director of the Office of Management and Budget shall publicly disclose the total number of Federal employees, as well as a breakdown of Federal employees by agency and the annual salary by title of each Federal employee at an agency and update such information not less than once a year.

**SEC. 4003. COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT.**

(a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding at the end the following:

**“SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT**

**“§ 7381. Collection of unpaid taxes from employees of the Federal Government**

“(a) DEFINITION.—For purposes of this section—

“(1) the term ‘seriously delinquent tax debt’ means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

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

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

“(2) the term ‘Federal employee’ means—

“(A) an employee, as defined by section 2105; and

“(B) an employee of the United States Congress, including Members of the House of Representatives and Senators.

“(b) COLLECTION OF UNPAID TAXES.—The Internal Revenue Service shall coordinate with the Department of Treasury and the hiring agency of a Federal employee who has a seriously delinquent tax debt to collect such taxes by withholding a portion of the employee's salary over a period set by the hiring agency to ensure prompt payment.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 5, United States Code, is amended by adding at the end the following:

**“SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT**

**“Sec. 7381. Collection of unpaid taxes from employees of the Federal Government.”**

**SEC. 4004. REDUCING PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.**

Within 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs by no less than a total of \$4,600,000 over the 10-year period beginning with fiscal year 2010. The Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available.

**SEC. 4005. REDUCING EXCESSIVE DUPLICATION, OVERHEAD AND SPENDING WITHIN THE FEDERAL GOVERNMENT.**

(a) REDUCING DUPLICATION.—The Director of the Office of Management and Budget and the Secretary of each department (or head of each independent agency) shall work with the Chairman and ranking member of the

relevant congressional appropriations subcommittees and the congressional authorizing committees and the Director of the Office of Management Budget to consolidate programs with duplicative goals, missions, and initiatives.

(b) CONTROLLING BUREAUCRATIC OVERHEAD COSTS.—Each Federal department and agency shall reduce annual administrative expenses by at least five percent in fiscal year 2011.

(c) RESCISSIONS OF EXCESSIVE SPENDING.—There is hereby rescinded an amount equal to 5 percent of—

(1) the budget authority provided (or obligation limit imposed) for fiscal year 2010 for any discretionary account in any other fiscal year 2010 appropriation Act;

(2) the budget authority provided in any advance appropriation for fiscal year 2010 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2010 for any program subject to limitation contained in any fiscal year 2010 appropriation Act.

(d) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(e) EXCEPTIONS.—This section shall not apply to discretionary authority appropriated or otherwise made available to the Department of Veterans Affairs and the Department of Defense.

(f) OMB REPORT.—Within 30 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section and the report shall be posted on the public website of the Office of Management and Budget.

**SEC. 4006. ELIMINATING NONESSENTIAL GOVERNMENT TRAVEL.**

Within 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the heads of the Federal departments and agencies, shall establish a definition of "non-essential travel" and criteria to determine if travel-related expenses and requests by Federal employees meet the definition of "non-essential travel". No travel expenses paid for, in whole or in part, with Federal funds shall be paid by the Federal Government unless a request is made prior to the travel and the requested travel meets the criteria established by this section. Any travel request that does not meet the definition and criteria shall be disallowed, including reimbursement for air flights, automobile rentals, train tickets, lodging, per diem, and other travel-related costs. The definition established by the Director of the Office of Management and Budget may include exemptions in the definition, including travel related to national defense, homeland security, border security, national disasters, and other emergencies. The Director of the Office of Management and Budget shall ensure that all travel costs paid for in part or whole by the Federal Government not related to national defense, homeland security, border security, national disasters, and other emergencies do not exceed \$5,000,000,000 annually.

**SEC. 4007. ELIMINATING BONUSES FOR POOR PERFORMANCE BY GOVERNMENT CONTRACTORS.**

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO OUTCOMES.—Not later than 180 days after the date of enactment of this Act, each Federal department or agency shall issue guidance, with detailed implementation instructions (including definitions), on the appropriate use of award and incentive fees in department or agency programs.

(b) ELEMENTS.—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be excellent or superior and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be acceptable, average, expected, good, or satisfactory;

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure that the Department or agency—  
(A) collects relevant data on award and incentive fees paid to contractors; and  
(B) has mechanisms in place to evaluate such data on a regular basis; and

(8) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes.

(c) RETURN OF UNEARNED BONUSES.—Any funds intended to be awarded as incentive fees that are not paid due to contractors inability to meet the criteria established by this section shall be returned to the Treasury.

**SEC. 4008. ELIMINATING GOVERNMENT WASTE AND INEFFICIENCY.**

Within 30 days after the date of enactment of this Act, the Energy Star program administered by the United States Environmental Protection Agency shall be terminated and no Federal tax rebates or tax credits related to the Energy Star program shall be any longer available.

**SEC. 4009. STRIKING INCREASE IN FOREIGN AID FOR INTERNATIONAL ORGANIZATIONS.**

Notwithstanding any other provision of this Act, the total amount appropriated under the heading "CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES" under the heading "INTERNATIONAL ORGANIZATIONS" under chapter 10 of title I of this Act is hereby reduced by \$68,000,000 and no more than \$28,500,000 may be made available by this section. *Provided That*, this section does not prohibit additional funds otherwise appropriated to be spent for emergency security in Haiti in accordance with law.

**SEC. 4010. \$1,000,000,000 LIMITATION ON VOLUNTARY PAYMENTS TO THE UNITED NATIONS.**

Notwithstanding any other provision of law, the Secretary of State shall ensure no

more than \$1,000,000,000 is provided to the United Nations each year in excess of the United States' annual assessed contributions.

**SEC. 4011. RETURNING EXCESSIVE FUNDS FROM AN UNNECESSARY, UNNEEDED, UNREQUESTED, DUPLICATIVE RESERVE FUND THAT MAY NEVER BE SPENT.**

Notwithstanding any other provision of law, unobligated funds for the Women, Infants and Children special supplemental nutrition program appropriated and placed in reserve by Public Law 111-5 are rescinded.

**SEC. 4012. STRIKING AN UNNECESSARY APPROPRIATION FOR SALARIES AND EXPENSES OF A GOVERNMENT COMMISSION.**

Notwithstanding any other provision of this Act, no funds shall be appropriated or otherwise made available for salaries or any other expenses of the Financial Crisis Inquiry Commission established pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111-21).

**SEC. 4013. RESCINDING A STATE DEPARTMENT TRAINING FACILITY UNWANTED BY RESIDENTS OF THE COMMUNITY IN WHICH IT IS IT IS PLANNED TO BE CONSTRUCTED.**

Notwithstanding any other provision of law, no Federal funds may be spent to construct a State Department training facility in Ruthsburg, Maryland, and any funding obligated for the facility by Public Law 111-5 are rescinded. *Provided That*, this section does not prohibit funds otherwise appropriated to be spent by the State Department for training facilities in other jurisdictions in accordance with law.

Mr. COBURN. I thank the Chair.

I want to say I enjoyed very much Senator KAUFMAN's words, and I agree with him. I think what he talked about and what we are doing for our military in this bill is appropriate. It is something that has to be done. The only difference I would have with him is it is not an emergency. We all know it is not an emergency. The reason it is being classified as an emergency is because we do not want to make the hard choices of getting rid of something else to pay for it, and we do not want to have another violation of pay-go, so what we do is we classify it as an emergency.

The only thing in this bill that is an emergency is the FEMA money. That is the only thing that meets the definition of our own rules for an emergency: unforeseen, unpredictable, and unanticipated. Everything else in this bill is predictable, foreseen, and anticipated. So we are actually violating our own integrity when we bring a bill to the floor and call it an emergency when everybody knows it is not.

Why are we doing that? We are doing that because we do not want to have to live with the rule we set for ourselves called pay-go. I did not vote for pay-go. I do not believe in pay-go because pay-go is exactly what I said it would be when we had the vote. The American taxpayer, you go pay, and we will go spend, and we will not diminish any of our spending, our profligate spending, because of this rule.

Since we have passed the bill on pay-go on February 12 of 2010—that is when it was signed into law—we have borrowed \$46 billion and waived pay-go;

borrowed \$10 billion and waived pay-go; borrowed \$99 billion and waived pay-go—that was all in March. We borrowed \$18 billion.

This one is not going to count against pay-go because we put a false emergency designation on it, and we have another \$190 billion coming to us from the House for extenders, and we are going to waive pay-go on that. So we will have spent \$530 billion since February 12 that we do not have, and we refuse to make choices about lower priority programs and eliminating them. That is the truth. Nobody is going to dispute it. You cannot even get anybody to debate you on these things. They will not debate you because they know it is the fact. They will not stand and even counter it because they know it is the fact.

Well, what are the other facts? Here are the other facts: FEMA is broke. Medicare is broke. Medicaid is broke. Fannie and Freddie are broke. Social Security is broke. It is running a negative balance. The U.S. Post Office is broke. The highway trust fund is broke. And guess what. So is the Federal Government. If we are not careful, we are going to add our kids to the list and say they are broke. That is where we are headed: broke. That means our liabilities are greater than our assets. That means the money we have is not sufficient to cover the debts we have.

We have seen this tremendous volatility in the markets over the last 2 weeks. They are upset because they are not sure there is a stable Euro right now. The Euro has dropped from \$1.43 in the last 4 months to \$1.22. That is a significant decline in that currency. Why is that? Because there is no confidence they are going to be able to solve their problems of being broke, because they are not making the hard choices among priorities that are necessary for them to get out of the problems they face. And we are just starting to see a backstop and IMF demands of Greece—and you are going to see it of many others—that they are going to have to make certain cuts in spending.

We have a couple of choices. We can wait 2 or 3 years, when we are in the same shape, to where the world currency and the world bankers are demanding of us that we make those hard choices or we can start making them now when they are a lot less expensive and a lot less costly.

I know the amendments we have offered have been sent to CBO, and CBO is saying—which tells us another entire problem we have—they cannot score a freeze in Federal salaries. Well, we know it is going to go up \$3.1 billion next year if we do not score it, but CBO will not score it. We know regardless of the significant increase we had in our own budgets—4.6 percent—I have averaged turning back more than 400,000 a year. Everybody in this Congress, everybody in this Senate, could do that easily if they wanted to. We have offered \$100 million in cuts to our own budgets. That is where we ought to

start. If we are going to set an example, we ought to start with our own budget. CBO will not score that either.

Why won't they score it? We are clueless to what the real world is about in terms of spending and budgets. We cannot get a score even though the direction in the amendment is to sell off \$15 billion in unused properties and physical plants that we know we do not use that cost us \$8 billion a year to maintain. CBO is not going to score that either—so that is not going to be scored as savings—and rescinding unspent and uncommitted Federal funds, of which there is over \$350 billion sitting in the bank right now that is unobligated. I am not talking about obligated funds. I am talking about unobligated funds, which says we are going to manage our money better. We are going to make it stream. We are not going to let it sit there for so long. We are not going to borrow the money. We are going to borrow it more on a time-as-needed basis, and we are not going to have as much money sitting in unobligated funds.

We are going to have criticism against our first amendment because CBO does not score it. Do you know what. CBO's accuracy is about as good as mine at throwing a baseball: not very good. I cannot hit the strike zone, and neither do they. That does not mean anything against them because we are giving them lots of unknowns. But we have also set up a set of rules that are designed to not give us what we need to have: the real information. No business, no family operates their budgets with such loose rules.

Where are we going? Here is where we are going right now. This chart shows discretionary spending in the United States since 1999. In 2010—and this is in real dollars; this is not inflation-adjusted dollars; it would not look quite as bad if it were in inflation-adjusted dollars—but we are going from \$572 billion to \$1.408 trillion. And do you know what. That does not count any of the spending—any of the spending—the \$500 billion we are going to pass outside of pay-go. It does not count any of it.

So in a time when our country owes \$13 trillion—it is going to over \$26 trillion in 9 years; that is the path we are on—we are increasing spending, and we are not paying for any of it. We are not making one hard choice. One of the few things that is paid for in this bill continues to fund a commission we do not even need because we just passed the financial reform bill, and yet we are going to spend \$1.8 billion on the Financial Inquiry Commission. Why would we do that? You talk about throwing money down a rat hole. Why has the commission continued to meet? We have already decided in all our knowledge and all our wisdom we knew how to fix it, even though we did not even fix the underlying causes for the real collapse: Fannie Mae and Freddie Mac. We did not address it at all. We did not address leverage ratios.

That is where we are going: \$1.4 trillion this year, not counting everything

we are passing out of here that is not paid for. What does it mean? We heard Senator McCain talk about generational theft. Here is the face of it. Here is little Miss Madeline. When I first put this picture up in the Chamber less than 7 months ago, it was \$38,000. It is now \$42,000 per man, woman, and child in this country. That is what they owe individually on our net debt. That is not our gross debt; that is our net debt. The \$13 trillion does not represent our real debt. That only represents what we owe outside. It does not represent what we owe ourselves.

So she is at \$42,000. Extrapolate the increase from \$38,000 to \$42,000 every 6 months and see what you get. What you get 20 years from now—if you include unfunded liabilities—Madeline, when she is 24, will owe \$1,113,000. That is what she is going to be responsible for. So when we hear somebody talk about generational theft, what they are talking about is robbing opportunity.

If you had a 6-percent interest rate on \$1,113,000, it is not hard to figure out that is \$66,000 a year in interest that Madeline is going to have to pay before she pays any taxes to run the government, defend the country, pay for Medicare for me and the rest of the people in this room, before she owns a home, before she educates her kids. It is thievery.

How hard is it? How hard is it in a \$3 trillion budget for us to find the money—find the money—to pay for this war? How hard is it? It is only as hard as we make it. We are risk averse. We do not want to be criticized because some program that had somebody who was for it is not going to be there anymore. We are going to do it. We are going to eliminate those programs. I can promise you we are. The question is when we are going to do it, and how drastic it is going to be, and who is going to make us do it. If we do not do it ourselves, then the priorities are not going to be the priorities of the body. They are going to be the priorities of the world bankers. That is who is going to do it. We are going to do this. We are going to cut spending. The question is, Do we do it now and make it less painful or do we wait until we are forced into it like the Greeks?

I think our history, I think our culture, and I think our children are worth us starting to make those kinds of difficult decisions. It is my hope we will give consideration—I do not care what combination of cuts we make. I just offered some. I am willing for the appropriators to make the cuts. But we no longer live in a time when we can borrow from the future of our children to pay for now. It has to start. I would ask my colleagues to support that start.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise to discuss a huge challenge in the State of Oregon—specifically, a

drought that is affecting the southern Klamath Basin. This is an area that had a terrible drought in 1992. This drought set everyone in this basin against each other. How do you allocate those few precious drops of water between the river and the lake and the irrigation, the fish, the farmers?

It is terribly tough when it doesn't rain. It so happens that this year, the water that has come into the lake is lower than at any time the water levels have been recorded and lower by very significant amounts. So this isn't just a shortfall of rain below the average or a modest few weeks without precipitation; this is the worst drought in the Klamath Basin in recorded history. That is why it has received status as a Federal disaster. The Governor of Oregon wrote on March 16 and on April 5 requesting a disaster designation for Klamath County, OR, due to the losses caused by the ongoing drought and related disasters, and the Department of Agriculture assessed that and issued that disaster declaration. There are well over 1,000 families—about 1,400 families—who farm the Klamath Basin and about 200,000 acres of land in that very productive region.

As we have immersed ourselves in discussions with the Secretary of Agriculture and the Secretary of the Interior, there are a couple key strategies that can be pursued to prevent what is a terrible situation right now from being an utter and total disaster by August and September. Those strategies are pumping ground water, which is quite expensive due to the power needs, and idling land—asking some farmers who have water rights to set aside their rights for modest payments, and by modest, meaning less than \$200 an acre for highly fertile ground. But that greatly reduces the size of this disaster to the community.

I applaud the hard work the Secretary of Agriculture and the Secretary of the Interior have done. They have worked to reprogram, to make those modest changes so they are allowed to free up a small amount of funds, a modest amount of funds. But to really address this situation, to idle basically what amounts to a fourth of that land, would take \$10 million.

I have an amendment filed, amendment No. 4251, that I hope will have a chance to be brought up and considered later on because we are addressing some major disasters around the country in this appropriations legislation, and it is certainly appropriate, when you have a declared Federal disaster in my State, to have this modest amount of money, in comparison to the other requests, receive consideration for the community.

I note that Senator WYDEN from Oregon and Senator BOXER and Senator FEINSTEIN are very supportive and co-sponsors because this Klamath Basin is on the boundary between Oregon and California, so there is territory within both States that is affected by this disaster and would be assisted by this revenue.

So I will wrap up my remarks to give an opportunity for others to take the floor, but I do ask my colleagues: We have a federally declared disaster in Oregon that needs a modest amount of help, and I ask for the opportunity to have this request duly considered by this body as this debate progresses.

Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Jersey.

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

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

Mr. MENENDEZ. Mr. President, I rise to speak on some of the amendments before the Senate that I understand will be considered and coming up for some votes. To me, they are misguided efforts as it relates to how we ultimately deal with our immigration policy in this country; how we deal with the questions of national security, of our economy, of our well-being.

I have joined in supporting and take a backseat to no one in our efforts to secure the borders of the United States. However, the militarizing of the border is something I clearly do not believe is in our collective interests.

Now, Senators CORNYN, KYL, and MCCAIN seek to offer border enforcement amendments to the supplemental we are debating, but these amendments are, in my mind, merely an opportunity to grandstand instead of solving the country's real immigration problems.

These amendments would deplete critical stimulus funds that are greatly needed to support a recovering economy. It is an economy that recovers that ultimately generates the revenues to fund some of the very initiatives we would like to see. It is important to realize that many of the remaining stimulus funds—much of the funding is for mandatory programs. These are programs we must pay for under current law, such as unemployment insurance, food stamps, FMAP, to mention a few.

Furthermore, there seems to be a sense of amnesia here. We have already poured billions of dollars into border enforcement this year, more than under the last Republican-controlled Congress. Over the last 3 years alone, the Democratic Congress has increased U.S. Customs and Border Protection funding by over 23 percent, from \$8 billion to about \$13 billion. We have added an extra \$1 billion for border infrastructure and security activities as part of the American Recovery and Reinvestment Act of 2009.

Funding for border security in the last 10 years has increased substantially, with a 127-percent increase for Customs and Border Patrol inspec-

tions, a 160-percent increase for border control, and a monstrous 1,737-percent increase for construction and technology purposes—1,737 percent for construction and technology purposes.

These investments have fully funded over 20,000 Border Patrol agents—an increase of 6,000 agents or more than 50 percent since 2006. This increase was at a total cost of over \$3.5 billion this year. We have doubled the number of Border Patrol agents in a 5-year period, and the Border Patrol is better staffed and funded than at any time in its 85-year history.

We completed the southwest border fence, with over 645 miles now under effective control compared to 241 miles in fiscal year 2005. Over the last 3 years, the Democratic-controlled Congress has invested \$1.2 billion to complete the fence—20 percent more than the Republican Congress provided for that effort.

We have financed advanced new border control technologies including cameras, radars, sensors, and command and control systems to help the Border Patrol continuously monitor the border. Democrats in Congress provided \$421 million—more than four times what the Republican Congress provided—for these tools and required a high standard of oversight and accountability to ensure these advanced technologies would prove to be robust, reliable, and true force multipliers. We have funded three new Predator-B unmanned aerial vehicles for long-duration aerial surveillance of the areas between official ports of entry.

Customs and Border Patrol air and marine division manages the largest law enforcement air force in the world with 284 aircraft, including six Predator aircraft patrolling the Nation's land and sea borders to stop terrorists and drug smugglers before they enter the United States.

Since 2008, a Democratic-controlled Congress has provided \$323 million—more than five times the amount previously provided by Republicans—for the Unique Identity Initiative under the US-VISIT Program. Democrats have also doubled funding—from \$15 million in 2008 to \$31 million in 2010—for the US-VISIT effort to review biographic, travel, and biometric information of foreign visitors to the United States.

The Border Patrol is not the only Federal agency at the border. In Arizona alone, there are more than 6,000 Federal law enforcement agents—the majority employed by the Border Patrol—representing nearly 10 agents for every mile of international line between Arizona and Sonora, Mexico.

The legions of Border Patrol agents are supported by thousands of Federal agents from a wide spectrum of agencies, including several thousand Immigration and Customs Enforcement agents; 1,180 DEA agents; 1,212 air and marine officers; 6,235 Alcohol, Tobacco, and Firearms agents; 1,419 canine enforcement teams; 280 horse patrols; 208

narcotics detection teams; 32 currency detection teams; 212 narcotics-human smuggling detection teams; and 4 DEA mobile enforcement teams.

The number of Border Patrol agents has increased so rapidly there aren't even enough supervisors to effectively train new agents. The GAO found that the agency's ratio of agents to supervisors went from the normal 5 to 1 to 11 to 1.

In addition to these border enforcement increases, the democratically controlled Congress has increased ICE's budget 37 percent since 2007, the last year of a Republican majority in the Congress, and restructured the agency's budget to target aliens with dangerous criminal convictions and those who pose the greatest threat to America and Americans.

In the last 10 years, funding for immigration, customs, detention, and removal has increased by 170 percent. Over the last 16 months, the administration's comprehensive plan to secure the southwest border has resulted in record seizures of illegal weapons and bulk cash transiting from the United States to Mexico, significant seizures of illegal drugs heading into the United States, lower violent crime rates in southwest border States, and reduced illegal immigration.

Republicans now say we must pour more money into border security before we can address this issue comprehensively—more than everything I have already stated—but that has not always been their position. Let me read you a quote regarding border enforcement:

Despite an increase in border patrol agents from 3,600 to 10,000, despite quintupling the border patrol budget, despite the employment of new technologies and tactics, all to enforce current immigration laws, illegal immigration drastically increased during the 1990s. While strengthening border security is an essential component of national security, it must also be accompanied by immigration reforms. As long as there are jobs available in this country for people who live in poverty and hopelessness in other countries, these people will risk their lives to cross our borders, no matter how formidable the barriers, and most will be successful.

I ask you, who made the statement against border security policies and in favor of comprehensive immigration reform? It was our colleague from Arizona, Senator MCCAIN, on March 30, 2006.

Here is another quote:

For those who say let's just enforce our laws, I remind them that some of our laws are unenforceable. My conservative friends are the first ones to point out that the 1986 law is not an effective law. It is unenforceable. And until we change it, we are not going to be able to just enforce the laws.

That was our colleague from Arizona, JOHN KYL, in 2007.

I could go on and on about the comments made in the past. I agree in those respects with Senator MCCAIN's and Senator KYL's past statements that we certainly need comprehensive immigration reform to achieve the goal of reestablishing the rule of law

and fixing our broken immigration system.

Even former Bush administration Secretary of Homeland Security Tom Ridge wrote in a 2006 op-ed that gaining "operational control of the borders is impossible, unless our efforts are coupled with a robust temporary guest worker program and a means to entice those now working illegally out of the shadows into some type of legal status."

Now, "border security first" has been the strategy used by the Congress and the Federal Government for the past 17 years. My understanding of the definition of insanity is to keep doing the same thing, do more of it, and get the same result. That is a recipe for failure.

Several of my colleagues and I have put forward an immigration framework as an invitation to our Republican colleagues to join us in something that is critical to the national security of the United States, critical to the economy of the United States, and critical so that American citizens and legal permanent residents do not face what they are facing. I have over 200 cases of U.S. citizens and legal permanent residents of the United States—people who obey the law, follow the rules and the process, are here legally—who have been unlawfully detained in violation of their constitutional rights. In some cases, American citizens have been detained for months before their citizenship was established.

Who among us in this Chamber is willing to accept second-class citizenship simply because of the happenstance of who they are, what they look like, what their accent may be, or the happenstance of where they happen to reside? But that has happened to U.S. citizens and legal permanent residents. Then we have laws that exacerbate those possibilities of expanding. I do not accept that any citizen of the United States is a second-class citizen of this country.

Our national security, our framework, incorporates many of our Republican colleagues' ideas. It makes for an even more robust border enforcement process, in a way that deals with national security. The framework includes increases in Border Patrol and technology.

At the same time, we can never have national security if we don't know who is here to pursue the American dream versus who might be here to do it damage. Unless we bring millions of people out of the darkness into the light and find out why they are here, what is their purpose, and do a criminal background check on them and make them law-abiding insofar as they will be able to contribute to the national good, pay taxes, go through the background check, and learn English, and after a long set of years have an opportunity to adjust their status in this country, millions will be in the shadows, and we have no idea if they are here to pursue the American dream or to do it harm.

By having people come forth as the law, as we suggest, becomes reality and being able to register in a temporary status, we bring people out of the darkness into the light. We create an opportunity to do criminal background checks to make sure they have been in other respects law-abiding and that they are here to pursue the dreams that millions of immigrants who came to this country and contributed to the vitality of this Nation have enormously.

But we will never know who is here to pursue that dream versus who is here to do it harm if they stay in the shadows. That is not in the interest of the national security of the United States.

The reaction to the Arizona law illustrates that Latinos, Asians, and others do not believe they are second-class citizens in this country. I have nothing in my possession that presents that I am a U.S. citizen, even though I was born in the great city of New York. I have nothing that ultimately says that I am such. I don't carry my birth certificate or my passport around with me. In essence, I was born here, but if I want to travel to another State that says that simple lawful contact with a citizen—well, lawful contact with a citizen is a police officer on foot patrol who comes up to a group of citizens; lawful contact with a citizen is a patrol car that comes up to a group of day laborers on a corner; lawful contact is anywhere a police officer might well be in contact with any citizen. Now the idea that, well, this person gives me reason to suspect that somehow they are here in an undocumented fashion—and that process, even before the Arizona law, has led to U.S. citizens and legal permanent residents being unlawfully detained in the United States. I guess until it happens to one of us, we don't quite feel the same way. But I believe any citizen in this country is not a second-class citizen.

I am also worried when one group of people in our country becomes a suspect class—when one group of people is blamed for all the ills of the Nation. History teaches us when that happens, it has a very sad ending. It has a very sad and dangerous ending. We cannot let that happen in the United States of America. It is not who we are as a people. It is not who we are as a nation.

I believe there is much that hopefully will be in common. We believe jointly that the national security of the United States is about controlling and protecting our borders, but how we do it is going to be very important. It is about the national economy of this country because, I just have to be honest with you, we have to be honest with what elements of our economy—even in this challenging economy, elements of our economy that are done by immigrant workers.

If you had breakfast this morning and you had fruit, it was probably picked by the bent back of an immigrant worker. If you had chicken for

dinner last night, it was probably plucked by the cut-up hands of an immigrant worker. If you slept in one of the hotels or motels of the byways of our cities, it was probably cleaned by the hands of an immigrant worker. If you have a loved one who is infirm, probably their daily needs are being taken care of by the steady hand and warm heart of an immigrant worker.

I could go on and on. I believe this is also about our national economy. For so long as we permit a subclass to be exploited in an economy it hurts the wages of all others in an economy, and only bringing them out of the darkness and into the light will create a better circumstance in which we will not have such exploitation.

I do this all by way of background that says if the amendments that are now going to be proceeded on—the Cornyn amendment and the Kyl second degree—pour billions into perpetuating an inadequate strategy that would not solve the problem, dumping \$1.9 billion in additional personnel, technology, and resources along the border, when in fact we have a set of circumstances where that has shown itself time and time again not to have been the successful strategy.

It is interesting that some of the State and local grant programs for border security have led to a misuse of funds and costly litigation. The Arizona Daily Star investigation found that funding for State and local grant programs was used to compensate officer time for issuing traffic citations, crowd control at parades and soccer games, attending a funeral, monitoring gun shows, and responding to calls about loud music. That isn't about border enforcement.

The McCain amendment appropriates \$250 million, offset with Recovery Act funds. Deployments would be required to start within 72 hours of passage and last until the Department of Defense and Department of Homeland Security certify they have operational control of the border. This amendment would place a significant burden on National Guard troops who are already overburdened and interfere with the President's authority to deploy troops. We are already using the National Guard in unprecedented ways in deployments abroad. The President's authority is affected. I know the administration strongly opposes it.

General Jones, the National Security Adviser; John Brennan, Assistant to the President for Homeland Security and Counterterrorism said in an attached letter to Senator LEVIN:

There is no modern precedent for Congress to direct the President to deploy troops in the manner sought by the amendment. It represents an unwarranted interference with the Commander-in-Chief's responsibilities to direct the employment of our Armed Forces.

It would also interfere with the administration's comprehensive border security plan.

Mr. DURBIN. Will the Senator yield for a question?

Mr. MENENDEZ. For all of these reasons, I am in strong opposition to these amendments. I certainly urge their defeat. We are going to send billions more after billions that have already been sent to accomplish the same negative result, and your own words speak to the very essence of how we get to a solution, which is to pursue a comprehensive nature to this reality.

If you want to ensure a continuing set of circumstances in which law enforcement turns U.S. citizens into second-class citizens, then vote for the amendments. But otherwise, you should oppose them.

I will be happy to yield.

Mr. DURBIN. I ask through the Chair, both the McCain amendment and the Cornyn amendment appear to be paid for out of funds that have already been allocated for creating new jobs in America—the stimulus funds we have voted for. If they are successful in these amendments, they would be reducing the funds that are being used to hire people in New Jersey, Illinois, Minnesota, and other places to go to work. Is that the way the Senator from New Jersey sees it?

Mr. MENENDEZ. Yes. The Senator is correct. In addition, some of the funding they take is from already mandated programs, programs that are critical to citizens and communities and States, and they would, in essence, detract from those mandated programs for which there is a Federal obligation to move it in this direction, at the same time decreasing the job opportunities at a time in which we are trying to grow this economy, not contract it.

Mr. DURBIN. I ask through the Chair, if the Senator will yield further, do I understand the statement that was sent by the administration, the National Security Adviser, that the McCain amendment would circumvent the power of the President to deploy troops in the United States in the manner sought by this amendment, an unwarranted interference with the Commander in Chief's responsibility for the direct deployment of our Armed Forces? And this McCain amendment by Senator JOHN MCCAIN—I kind of recall speeches from the other side of the aisle about the right of the Commander in Chief, the power of the President—this McCain amendment would spend \$250 million and allocate 6,000 National Guard troops to start within 72 hours, a mobilization within 72 hours of troops to the border. Is that the way the Senator from New Jersey reads this amendment?

Mr. MENENDEZ. The Senator from Illinois is correct. As a matter of fact, the same letter he read from General Jones, the National Security Adviser, and John Brennan, the Assistant to the President for Homeland Security and Counterterrorism, said:

There is no modern precedent for Congress to direct the President to deploy troops in the manner sought by that amendment.

Mr. DURBIN. If the Senator will further yield for a question, it would

seem, since two of these three amendments are emanating from the State of Arizona, there is a free-for-all in Arizona to think of more extreme ways to respond to what they consider to be a political situation there, from the passage of the legislation—and I concur with the analysis of the Senator from New Jersey of it—and now \$2¼ billion dollars to be sent down for other—I am sorry, that includes the Cornyn amendment, the Senator from Texas. It is \$200 million for Senator KYL—let's say \$450 million between Senators MCCAIN and KYL, money to be sent into this Arizona situation.

I wonder if we shouldn't declare a time out in Arizona for at least some thoughtful reflection about what works and what doesn't. It seems there is no end to ideas that are being propounded down there to respond to situations real and imagined. These amendments are clear evidence.

I don't know if the Senator from New Jersey sees it the same way.

Mr. MENENDEZ. I appreciate the question and view of the Senator from Illinois. Yes, that is why I said I respect the previous positions Senator MCCAIN had. He understood that you cannot solve this problem by throwing more money, more troops at it. At the end of the day, that has not achieved all the goals, despite enormous increases. And yet there are still challenges.

In view of the fact the President himself—something I personally don't support but nonetheless has gone ahead and made a deployment on his own, it seems to me we should see what works before we advance billions for efforts and directing troops by an amendment when those troops could be needed for a whole host of things.

I have to be honest with you. If we are going to start directing troops, then I wish to see them directed to the gulf so, in fact, we can help out with the oilspill not getting into critical wetlands and estuaries. I think that is a national emergency.

Mr. DURBIN. I ask through the Chair one last question. I don't know what the situation is with the New Jersey Guard, but many of the Illinois Guard have been deployed and redeployed in Iraq and Afghanistan at great inconvenience and hardship to their families. The McCain amendment calls for deployment within 72 hours. People will literally be removed from their families and on the road headed down to Arizona within 72 hours under the McCain amendment.

I ask the Senator if he has dealt with these Guard families and has any idea what impact this might have on their lives.

Mr. MENENDEZ. I appreciate the Senator's question. The fact is, as I mentioned earlier in my comments, we have used the National Guard in an unprecedented way. They have been called for deployment abroad, both in Iraq and Afghanistan, and elsewhere in unprecedented numbers. The stress we

have created on the force by virtue of these two continuing engagements, as well as any other national emergency that might occur, is incredibly challenging. It is real challenging to those forces. My view is the Senator is right.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

Mr. McCAIN. Mr. President, may I engage in a colloquy with my friend from Wyoming for 1 minute?

Mr. BARRASSO. Yes.

Mr. McCAIN. I understand the Senator from Illinois was talking about Arizona and the border. I wonder if the Senator from Illinois has ever been to the Arizona border. He has?

Mr. DURBIN. Is that a question to me?

Mr. McCAIN. Yes.

Mr. DURBIN. I don't know if it is proper. But, yes, I have been to Nogales and both sides of the border.

Mr. McCAIN. It is pronounced Nogales.

Mr. DURBIN. Yes, I have been there, on both sides of the border. You are always welcome to come to Illinois, too.

Mr. McCAIN. And I have been there many times. It is obvious the Senator from Illinois, even though he has been there, has no conception of what the people who live in southern Arizona are suffering under with hundreds of thousands of illegal immigrants and human smugglers and drug smuggling going through our State.

I am glad he is such an expert—the and the Senator from New Jersey—on the issue of the terrible problems that afflict our State and our need to try to get our borders secure, which every citizen has the right to expect.

I thank my colleague for yielding.

#### TRIBUTE TO SHAWN WHITMAN

Mr. BARRASSO. Mr. President, it is with great pride as well as regret that I rise today in the Senate to recognize a great son of the State of Wyoming. He is my chief of staff, Shawn Whitman. He joins me today on the Senate floor. Shawn is leaving the Senate this month after a consummate career working for our State and for our country.

Many in the Senate know Shawn. To know him is to like him. He was the chief of staff for our late Senator Craig Thomas. For nearly 3 years, he has continued in that role serving me. In all of that time, he has demonstrated what it means to be a loyal and trusted adviser, a superior manager, and a terrific friend.

I know that all in the Senate will want to join me in wishing Shawn well and to thank his wife Kristen and his two daughters, Lauren and Katherine, for sharing their dad with us. All of us are sorry to see him go, and we will miss him.

Shawn has actually served three different Wyoming Senators. He began in

1994 right after he graduated from the University of Wyoming. He came to work as an intern for Senator Al Simpson. Later he joined Senator Thomas's staff and filled just about every role, every position that a congressional office can have. He was actually a receptionist. He was a press intern. He was a staff assistant. He was legislative correspondent, legislative assistant, senior legislative assistant, legislative director, and finally chief of staff.

It is the example of Shawn's career path that defines the character of who he is. He completed every task, whatever was asked of him, equally well. He brought enthusiasm, smarts, and good humor to every job from the front desk to the corner office.

It is his willingness to do whatever is needed and to take on any task. That is what makes him so valuable and such a great friend.

Shawn was truly tested. In June of 2007, Wyoming lost a great friend when we lost Senator Craig Thomas. As some of my colleagues know, after Senator Thomas's passing, Shawn led the staff alone. He kept them together in serving the people of Wyoming, even while the Senate seat remained empty.

In the face of this extraordinary challenge, at a time of great sorrow for our State, Shawn continued to lead. Despite his own sorrow and his own grieving, he led others. Shawn showed grace and confidence through it all.

Perhaps it was his early years working the family ranch outside Laramie, WY, that made him so tough. It is his sense of duty, once again doing the job that needed to be done and completing the task, any task that was required.

It was my good fortune to inherit Shawn Whitman. We hardly knew each other when I was sworn into the Senate. It did not take me long to understand his value and to appreciate—fully appreciate—his indispensable leadership.

President Eisenhower once talked about the many jobs he had throughout his private career, his military career, and finally as President. He said his goal was, whenever he was leaving a job, the people there were sorry to see him go. Shawn Whitman personifies that. Everyone in our office—everyone—is sorry to see him go. All who have had the pleasure and the privilege to know Shawn Whitman in the Senate will miss him as he starts a new chapter in his life.

Shawn leaves the Senate with a wonderful reputation—a reputation for integrity and a reputation for leadership, and not just for Wyoming but for the entire Senate, as Shawn led not just my office, but he also led the organization of the Senate chiefs of staff. He was the chief of all the chiefs.

Shawn has been a trusted adviser, manager, a confidante, and a friend to me and to my wife Bobbi. His service has been invaluable.

While I am losing a very important member of my staff, I know I will not be losing his friendship, his advice, and his counsel for the future.

It is here today on the Senate floor that I say: Thank you, Shawn. Thank you for your service to the Senate, to the country and, most importantly, to the people of Wyoming. I wish you well in all you do.

Mr. President, I yield the floor.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEMIEUX. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### GULF OILSPILL

Mr. LEMIEUX. Mr. President, I come to the floor today to talk about an issue that is of great concern to my State of Florida, as well as to all the Gulf States—in fact, to the entire United States of America—and that is this ongoing spill disaster in the Gulf of Mexico.

It has been a month since the time this spill started, and the oil continues to flow out of the bottom of the Gulf of Mexico at a rate that has not yet been determined but appears to be thousands of gallons a day. We see those pictures on television now of the flow, and despite the efforts to siphon off some of that oil, more and more enters the Gulf of Mexico. It does so despite attempts by British Petroleum and others in the unified command to stop this flow of oil.

We are now on the fourth or fifth possible solution to cap the well. In fact, they are going to try to cap the well tonight. I believe, as we get on to each of these solutions, they are less and less likely to succeed. So as ADM Thad Allen, who is the incident commander, the admiral in charge of the Coast Guard, told us at his briefing just 2 days ago, we are unlikely to see this oil stop spilling into the gulf until the relief wells are drilled, and fully drilled, which could be as late as August. It could be later. What does that mean? That means this oilspill, which is now stretching over miles and miles in the gulf, is only going to get bigger. What we see on the surface may not be the extent of the spill. The plume of oil underneath may be far worse.

In the wake of this tragedy, I sent a letter to British Petroleum's CEO, Tony Hayward, and I requested that BP set aside \$1 billion so that the five Gulf States would have that money available today to help stop the oil from reaching our shores and to mitigate the damage once it did. The response I received in a letter yesterday, although it wasn't this emphatic, was no.

They have given some money to the Gulf States. My home State of Florida

has received about \$50 million, which is appreciated, but it is not going to be near enough if and when this oil comes ashore in Florida. Where will the oil come ashore? Will it be in the panhandle or western Florida? Will it be in Tampa Bay? Naples? Will it get into the Loop Current and go into the Florida Keys, the Florida Bay, Ten Thousand Islands, and run up the eastern side of the United States, up past Miami, Fort Lauderdale, or Palm Beach? We just don't know. But if and when this oil does come ashore in Florida, it will be a disaster. Right now, it is not there, as far as we know. Right now, those beaches are still pristine. Right now, we continue to welcome people to Florida to come and visit, to come and fish and do all the things they would normally do on vacation. Florida is open for business. But we cannot sit around and wait for the oil to come.

I am very concerned not only about the failure of British Petroleum to stop this oil from leaking, but I am concerned at the efforts that have been taken by this administration. I don't mean to say this in a partisan way because it could have been another administration that was on watch when this happened, and certainly the problems we have go back beyond the time of this administration. But I think it is fair to say, having looked at this now for a month's time, that where we are today is not acceptable. It is not acceptable that oil is washing up on the shore, on the beaches of Louisiana and into their marshes. That is not acceptable. That is a failure—a failure of the administration, a failure of our government, a failure of British Petroleum. And I don't want to be there when the oil washes up on the shore in Mississippi, Alabama, in Florida, or Texas, for that matter.

The question I have is, What is the plan? What is the plan of our government, since British Petroleum can't solve this problem on its own? What is the plan to stop the oil from coming ashore? What are we doing now besides relying upon British Petroleum to drill these relief wells?

There have been proposals that have come to the floor offered by my colleague from New Jersey and my colleague from Florida and others on the Democratic side to set up \$10 billion—to raise the cap on compensation claims from the current law, which only allows for \$75 million. Senators VITTER, myself, MURKOWSKI, and others have a similar but different bill that would have an expedited compensation process which would not go to a \$10 billion cap but, instead, look to the profits of the company, which in this case would move the cap up to about \$20 billion.

A lot of times partisanship rules the day in the Senate. This should not be one of them. Our differences are not so great that we should not be able to bridge them and come to a resolution.

Senator MENENDEZ has offered his amendment and asked unanimous con-

sent that it be brought up. It has been objected to, and I understand the reasons why. Senator VITTER has offered up his and my proposal. It has been objected to by Democrats.

We should be able to get past this and figure out a solution. We believe our proposal is better. We believe it is better because if you set it at \$10 billion, you are only going to allow two or three oil companies in the world to exist. You will potentially put all the rest out of business. Under our proposal, more than \$10 billion will be recovered from BP for this incident and still let other companies participate. Plus, by having the claims process go forward now, we could get relief to people who need it.

I think it is a better proposal. But that is a question worthy of debate, and we should be able to come to consensus on that and not have a partisan play on it.

I want to talk a minute about the Minerals Management Service. These are the folks within the Department of the Interior who are charged with overseeing drilling. By anybody's account, what they have done is a failure. We see the administration is now breaking them up into two separate units under the Department of the Interior. That may be fine going forward, but let's look back.

A report recently released by the inspector general of the Department of the Interior suggests a culture of corruption littered with several shocking conflicts of interest and professional malfeasance at the Minerals Management Service.

Among the findings, the report suggests the employees regularly accepted gifts from those they were charged to oversee; that there was a revolving door of employment in which regulators took jobs in the oil industry over which they had previously held regulatory authority; and it even suggests the oil industry officials were allowed to fill out safety oversight forms in pencil only to have the MMS employees trace over them in pen. This is not acceptable, to say the least. There is an apparent and obvious lack of oversight.

It would seem that the response to the spill itself certainly should have been more effective. I want to point this Chamber to an April 29, 2010, story by the Mobile Press-Register where it says that Federal officials, including former NOAA oil response coordinators, had a 1994 plan to respond to oil-spills in the Gulf of Mexico, such as the one we are experiencing today. The former NOAA oilspill response coordinator, Ron Gouget, has said a plan was in place to immediately begin—in situ, which is a fancy word for in place or on location—oil burning. Yet it took more than 1 week for officials to conduct a test burn.

Why is that important? If there were a plan that was in place to burn the oil as soon as it came out of the wellhead, we might have been able to stop this

vast plume and expansion of oil over the Gulf of Mexico. We might have been able to stop the oil from washing ashore in Louisiana and potentially washing ashore in Texas, Mississippi, and Florida.

Why do you have to burn early? You have to burn early, as was explained to me by the Coast Guard when, about 2 weeks ago, I flew over the wellhead and saw the oil and the tar floating on the top of the Gulf of Mexico, you have to burn early because if the oil mixes with the water it loses its ability to be flammable. So the plan, if this report from the Mobile Register is right, was correct that you have to burn immediately in order to have the largest effect.

The plan called for multiple fire booms. This is the booming, the material that you see that, hopefully, keeps the oil from spilling onto our shores. There is also something called fire booming or fire booms, which is what you put around the area you are burning in order to contain the fire. The plan called for multiple fire booms to be available and deployed to deal with a spill of this magnitude. But Federal officials instead had no booms on hand and had to go out and locate fire booms in the private sector, purchase it, and then transport it to the gulf region.

Mr. Gouget, who is the former oil response coordinator, believes that 95 percent of the oil could have been captured through the timely executed burning.

I know there were weather conditions, but if that problem had been jumped on right away perhaps we would not see oil in the marshes of Louisiana. Perhaps we would not see oil on the beaches of Louisiana. Perhaps we would not see what may eventually come, which is oil on the beaches of other States in the gulf, including Florida.

Being from Florida, I have had the opportunity to be around some very good leaders in times of emergencies—Governor Jeb Bush, Governor Charlie Crist, people I worked with when we had hurricanes and tornadoes and other natural disasters. We know something about this in Florida. The lesson of these disasters is this: You have to respond to them immediately with overwhelming resources. You may over-respond, as hindsight will show you, because the disaster may not turn out to be much of a disaster. But that is a cost worth incurring.

What you should not do is fail to respond quickly and let the disaster get out of control. Small problems become big problems. That certainly seems to be the case here. We are going to learn more over time about what happened with MMS and the Department of the Interior and what happened with British Petroleum and Transocean. But right now it seems pretty apparent this Federal Government and British Petroleum were not properly prepared because there is an outcome we have to evaluate. If the oil is washing ashore,

we have failed. The government has failed and BP has failed.

Frankly, I am concerned that we are not reacting to this disaster in a way that we should. We are not giving it the proper response it deserves.

I have heard this disaster called a slow-moving Katrina, and I think that is right. But just because it moves slowly doesn't mean the Federal Government should. Everything must be done now. I know there are good people working on this. I have tremendous respect for Admiral Allen of the Coast Guard. The Coast Guard does exceptional work. But this is a results-oriented issue. If the oil is washing ashore, then the Federal Government and BP have failed. Before the oil washes ashore in Texas or Mississippi or Alabama or Florida, everything should be done that can be done to stop it. I don't have the feeling that is what is being done.

I will continue to come to the Senate floor to talk about this issue as time goes on. I am urging the President of the United States to give this the focus and attention it deserves. There is no more important problem facing us in the short term than this oil spill.

My home State of Florida right now is suffering through the worst recession we have had in anybody's memory. Unemployment is 12 percent. We are either No. 1 or No. 2 in terms of the most mortgage foreclosures in the country. Our business has come to a grinding halt. While there are signs of optimism, while we see things getting better in some sectors, and we have to remain hopeful—and Florida, we know, will succeed—this is a very difficult time.

If this oil comes ashore—and, thank God, it has not so far—but if and when it does, it is not only going to have a disastrous impact on our environment and potentially impact 1,000 miles of coastline in Florida, but it is going to impact our economy. Florida welcomes more than 80 million tourists a year. They come to Florida for a lot of reasons, but one of the reasons they come is for our beautiful beaches, some of the most beautiful beaches in the world, especially in the Florida Panhandle. If that oil comes ashore, it is going to be devastating to our economy.

That is not good for Florida. It is not good for America. This crisis demands a sense of urgency that it has not received, in my humble opinion, up until now. I call upon this administration to put forth every effort and to tell us what the plan is to stop this oil from coming ashore in States such as Florida.

I yield the floor.

Mr. LEAHY. Mr. President, H.R. 4899, the fiscal year 2010 supplemental appropriations bill, provides the funds requested by the President for emergency assistance for Haiti related to the January 12 earthquake. In fact it provides approximately \$25 million more than the request.

Although the bulk of those funds are to address the immediate needs of shelter, health care, agriculture and food security, and governance, several Senators, particularly Senator LANDRIEU and Senator GILLIBRAND, have rightly pointed out that half of Haiti's children are not in school and the country suffers from an extremely high rate of illiteracy and a tiny fraction of the trained professionals it needs. There is a dire need for school construction and equipment, teacher training, and other education assistance for Haiti's children as well as high school, vocational, college and graduate students. Haiti's future depends on an educated workforce, and the earthquake has focused attention on this need as the country struggles to recover from this latest catastrophe.

For this reason, the bill includes up to \$10 million for education programs which the Appropriations Committee included even though it was not in the President's request. This is admittedly only a small amount to begin to address Haiti's education needs. Fortunately other donors, including the Inter-American Development Bank and Canada, are expected to provide significantly more funds.

Haiti will require international assistance for years to come. I hope that in future budget requests the administration will include substantially more resources to combat illiteracy and train Haiti's future workforce, because over the long term it would be hard to think of a better investment in that country.

Mrs. GILLIBRAND. Mr. President, I wish today to speak about my grave concern for the children of Haiti. Last month, Senator LANDRIEU and I traveled to Haiti, where we met with President Preval and First Lady Elisabeth Delatour Preval. We heard firsthand from the President and First Lady that if they are ever going to rebuild their nation, their children need better access to publicly funded quality education.

As everyone knows, Haiti faced incredible challenges even before the devastating earthquake. As a result, children who were already facing almost insurmountable odds are now all the more desperate.

I believe we have a duty to answer the call of Haiti's children today, deliver the relief they need, and help put them on a path toward the quality education they deserve.

Even before the earthquake, only half of Haiti's children attended school at all. The country has almost no public school system. In fact, nearly 90 percent of the schools in Haiti's education system were funded and run by nonpublic operators.

No other country in the world faces the kinds of challenges faced today by Haiti's education system:

An overwhelming majority of Haiti's school-age children live in the country's rural areas, but less than a quarter of children in rural Haiti are actually enrolled in school.

The poorest of Haiti's poor are the hardest hit. Just over a third of Haiti's poorest 20 percent were enrolled in primary schools, compared to 80 percent of the country's wealthiest.

Of those enrolled, many graduate late or never at all because they can't afford school fees, uniforms, or books or because of late enrollment or poor quality education.

Around 80 percent of children were still enrolled in primary school at the age of 13, beyond the age they should have started secondary school.

Of the schools that were standing, the earthquakes caused an astounding \$½ billion worth of damage.

We know that good opportunities in education lead to a strong national economy. But these alarming statistics show just how bleak the state of education is in Haiti.

If Haiti is ever going to rebuild and if these children are ever going to have a chance at success, Haiti needs a strong public school system to help lead the way. A strong public school system can be the foundation of each community, providing a broad range of resources for children and families—from health clinics and immunizations, to literacy education, job training, and nutrition.

It has been truly humbling and inspiring to watch the outpouring of support from America and across the globe coming to Haiti's relief. I support President Obama's request for the emergency supplemental this year to fund relief and redevelopment in Haiti. I applaud Chairman LEAHY and my dear friend Senator LANDRIEU's work to include funding for Haiti's education in this bill. These have all been lifesaving first steps. But we can't stop now. It is time now to direct our efforts to Haiti's education system.

The Inter-American Development Bank, together with the Government of Haiti, has estimated that it would take \$2 billion over 5 years to set up Haiti's education sector.

I strongly encourage President Obama and Secretary Clinton to make a high-quality public school system a top priority in our relief efforts for Haiti—and begin building schools that can save lives, create real opportunities for the children of Haiti to succeed, and lay the foundation for a Haiti rebuilt.

#### VETTING PROCEDURES

Mr. LEAHY. Mr. President, I note that on page 16 of the supplemental appropriations bill, H.R. 4899, under the heading "Afghanistan Security Forces Fund" and on page 17 under the heading "Iraq Security Forces Fund," which appropriate funds for training, equipment, and other assistance for these foreign security forces, there is language that makes these funds available "notwithstanding any other provision of law." I would ask my friend, the chairman of the Appropriations Committee and of the Defense Appropriations Subcommittee, whether I am correct that this "notwithstanding" language is not intended to apply to the

“Leahy” vetting procedures which are designed to ensure that foreign security forces that receive U.S. assistance have not been credibly alleged to have committed violations of human rights.

Mr. INOUE. I would say to my friend from Vermont that is correct, we intend those vetting procedures to apply to these funds.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

Mr. REID. Mr. President, first, there will be no more votes today if we get this agreement worked out. I appreciate everyone's patience. We have worked long and hard to arrive at this point. It is never easy, as we have explained on a number of occasions, but we are fortunate with this bill to have two veterans of the Senate, two of the best Senators who would possibly work a bill. We are fortunate that Senator INOUE and Senator COCHRAN are managing this bill. They are both gentlemen, and they have the best interests of the country at heart in everything we do here.

I ask unanimous consent that on Thursday, May 27, after any leader time, the Senate resume consideration of H.R. 4899 and resume consideration of the following amendments in the order listed: McCain No. 4214; Kyl No. 4288, second degree, as modified; Cornyn No. 4202, as modified and amended, if amended; and that the Cornyn amendment be further modified with the changes at the desk; that there be a total of 20 minutes for debate, with the time divided 5 minutes each for Senators MCCAIN, KYL, CORNYN, and SCHUMER or their designees, with respect to the border security-related amendments; that after the first vote in the sequence, the succeeding votes be limited to 10 minutes each; that after the first vote, there be 2 minutes equally divided in the usual form prior to the succeeding votes; that no amendment be in order to the amendments covered in this agreement other than as identified in this agreement; that if a budget point of order is raised against the border security amendments, then a motion to waive a budget point of order be considered made and the Senate then proceed to vote on the motion to waive the applicable budget point of order; that if the waivers are successful, then the amendments be agreed to and the motion to reconsider be laid on the table; that if the waivers fail, then the amendments be withdrawn; that upon disposition of the above-referenced amendments, the Senate then consider the Feingold amendment No. 4204 and the Coburn amendments Nos. 4231, as modified, and 4232, and that they be debated concurrently for a total of 15 minutes prior to

a vote in relation thereto, with 5 minutes each under the control of Senators FEINGOLD, COBURN, and INOUE or their designees; that no amendments be in order to these amendments prior to the votes; that upon the use or yielding back of time, the Senate then proceed to vote in relation to the amendments in the order listed; provided further that the pending committee-reported substitute amendment not be subject to any rule XVI point of order; and that upon disposition of these amendments, the Senate then proceed to vote on the motion to invoke cloture on the committee-reported substitute amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object, I would like to ask the leader if he would be willing to modify his request this evening to include the bipartisan amendment No. 4183 that would once and for all eliminate secret holds here in the Senate.

Senator GRASSLEY and I, as part of a large, bipartisan group, have come to the floor of the Senate again and again simply seeking to abolish secrecy, not holds, in the way business is done in the Senate. These secret holds are an indefensible violation of the public's right to know.

I ask the leader at this time if he would be willing to modify his request to include this bipartisan amendment No. 4183 to finally eliminate secret holds in the Senate?

Mr. REID. I appreciate the exemplary work of my friend from Oregon. I, of course, would accept the modification, but my accepting the modification would take the concurrence of the Republicans.

Mr. COCHRAN. Reserving the right to object, I am constrained to advise the leader and the Senator from Oregon that on behalf of the Senator from South Carolina, Mr. DEMINT, I would be forced to object to that.

Mr. WYDEN. Further reserving the right to object, I would inquire at this point of the majority leader—and I appreciate the graciousness of the leader and Senator COCHRAN as well—if he would agree to a consent agreement this evening that would provide for the consideration of a bipartisan resolution eliminating secret holds at a later point but prior to the July 4 recess and that that debate be limited to 2 hours, with no amendments in order to the resolution, and that upon the use or yielding back of the time, the Senate would then proceed to vote adoption of the resolution?

Mr. REID. I say to my friend, he knows how much I support his efforts. But I haven't had the opportunity to speak to Senator MCCONNELL. It wouldn't be appropriate for me to agree to something without consulting with him. I can't consult with him now. I will do everything within my abilities here to work this out so that prior to the end of our next work period, we will get this done.

Mr. WYDEN. Further reserving the right to object—and I will be brief—I thank the leader, the distinguished Senator from Nevada. His desire to finally end secret holds is clear. All Americans should understand that the Senator from Nevada has worked very closely with Senator GRASSLEY and me on this. I appreciate the Senator's statement tonight that he will try to get an up-or-down vote on this matter before the end of the next work period.

With that, I withdraw my reservation.

The PRESIDING OFFICER (Mr. BEGICH). Is there objection?

The Senator from Oregon.

Mr. MERKLEY. Mr. President, reserving the right to object, can I ask for a clarification if this would prevent a pathway through which my amendment No. 4251 might be considered?

Mr. REID. It would prevent a pathway, yes.

Mr. MERKLEY. Reserving the right to object, this is an amendment that addresses the terrible drought we have in southern Oregon. Of course, we are addressing many natural disasters, and we have a natural disaster, a federally declared natural disaster in Oregon, in which we have been seeking to have a conversation about spending \$10 million on the front end of what is a terrible situation: the worst drought in recorded history of the Klamath Basin, with 1,400 farming families and 200,000 acres affected.

I was seeking the opportunity to have a discussion and a vote on this which, in consultation with the committee, the esteemed Chair and his team had suggested a pathway. It would mean a tremendous amount to the families in trouble to have their disaster considered while we are addressing other national disasters. This is the moment. This is the moment when we can still have an impact, through land idling and the pumping of water, to save families' financial foundations and, for a few families, through the pumping of water, to save their farming season.

If my colleagues on both sides of the aisle would be amenable, I would certainly ask this request be amended to allow a debate and a vote on amendment No. 4251.

Mr. REID. Mr. President, I appreciate the good will of my friend from Oregon. I would be happy to work with my friend. But at this stage, as the Senator understands, this is two pieces of legislation we got from the President—one dealing with emergencies. FEMA is out of money, totally out of money. This will replenish the money. And there will be opportunities for FEMA, when we do this, to have the ability to do some things such as helping the State of Oregon and other problems.

As we all know, there is going to have to be some work done with the gulf. So I will be happy to work with my friend in any way I can, but I think at this stage this bill has been through a lot already. Not only do we have the

emergencies dealing with the normal emergencies that come about as a result of floods, fires, and all this, we also have the troops who have to be taken care of. We must get this done. We are running out of money there.

If the Senator wishes to modify the amendment, I, of course, have no objection there. I will work with the Senator to try to find some pathway to do this. A modification is fine. But I want to make sure the Senator understands that at this stage we will have to try to figure out something separate and apart from this consent request.

Mr. MERKLEY. Reserving the right to object—I thank the leader—it is very hard for me to go and explain to folks in Oregon we have calamities in other parts of the country being addressed and this one is not. I would greatly appreciate the unanimous consent to modify my amendment. I do understand from what the Senator has said there is probably not a pathway to have it considered. But I would appreciate the Senator's support and my colleagues' support from Mississippi to try to—there should be no party line when it comes to addressing a federally declared disaster.

Mr. REID. I would say to my friend, most of the things that are listed here emergencywise—they are not coming to Democratic States. We have had these acts of God in most instances that happen where they happen. We have two Senators from Tennessee, and this has nothing to do with partisanship. But I am committed to help my friend from Oregon. We have other problems similar to that in Oregon, and I would be happy to work with the distinguished Senator from Oregon, who is always very reasonable. I will do what I can to work with the Senator and Senator WYDEN to make sure we take care of Oregon.

Mr. MERKLEY. I very much, thank the leader.

The PRESIDING OFFICER. Is there objection to the original request of the majority leader?

Without objection, it is so ordered.

The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent to modify my amendment, amendment No. 4251.

The PRESIDING OFFICER. Is there objection to modifying the submitted amendment?

Without objection, the amendment is modified.

Mr. MERKLEY. I thank the Chair.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ENZI. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes as in morning

business. I will be speaking on the supplemental bill, however.

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

Mr. ENZI. Mr. President, I rise to express my opposition to the fiscal year 2010 Supplemental Appropriations Act. It represents what is reprehensible about the conduct of the Federal Government: unchecked, unpaid for, deficit spending. After a trillion dollar "stimulus," a trillion dollar health care bill, and huge increases in the budgets of the bureaucracy, Americans are fed up with Congress's out-of-control spending. Our constituents have had enough, and they have asked us to rein in spending. Unfortunately, rather than listen to their cries, we have another appropriations bill that represents the same old, same old.

Of the nearly \$59 billion of spending in this bill, all but \$103 million is designated "emergency" spending. What does "emergency" spending actually mean, and what are these emergencies the Nation is facing?

Emergency spending means deficit spending. It means we are spending money that we as a nation do not have. An emergency designation relieves Congress of the burden and the responsibility of coming up with ways to pay for the spending. We are continuing to make purchases on the taxpayer's credit card, knowing full well we have no plans to pay back the loan. We have already maxed out the credit card. The company just has not found out yet.

Some programs under this bill may be considered true emergencies. There are unforeseen disasters, such as flooding and oilspills. But there are also disasters that occurred years ago that would receive funding under this legislation. Funding may be needed for those programs, but the lack of funding was certainly not unexpected and should have been in last year's and this year's regular budget and appropriations process. But appropriations and budgeting have been so disfigured, contorted, abused, and ignored by lawmakers in recent years that the system is broken, and you have a series of omnibus and "emergency" or supplemental bills. It is not the way to do it.

Even in the writeup of this legislation, the Senate Appropriations Committee noted that the \$5.1 billion for the FEMA Disaster Relief Fund is necessary to pay for known costs for past disasters, such as Hurricanes Katrina, Rita, Ike, and Gustav, the Midwest floods of 2008, and the California wildfires, as well as needs that emerge with new disasters.

The bill also provides \$13.4 billion in mandatory funding for the Department of Veterans Affairs for disability compensation to Vietnam veterans to implement a recent decision by the VA to expand the number of illnesses presumed to be related to exposure to Agent Orange. There is no doubt Vietnam veterans exposed to Agent Orange should be properly compensated, but Congress and the administration must

find a way to pay for these programs without spending money we do not have and do not intend to pay back. There is no plan to pay back.

I want to make very clear my strong support for our Nation's veterans and the current members of our Armed Forces and the vital work they are doing in the world every day. I have the greatest admiration for today's service members and veterans for their commitment to preserving our freedoms and maintaining our national security. I must question, however, using their sacrifices to justify irresponsible spending by this Congress.

Congress must pass this bill to keep the necessary resources going to our military. America has deployed our young men and women to defend our Nation's interests, and they deserve no less than having the funding and equipment necessary to carry out their missions. But some in Congress do not see this as just about the military. They see it as an opportunity to add their pet programs to the shoulders of our Armed Forces. No one wants to leave our military operations unfunded, so our military needs are being used to leverage support for nonemergency, deficit spending.

To be fair, the Appropriations Committee found some offsets for the spending in this bill. Unfortunately, the offsets only account for .17 of 1 percent of the total cost of the bill—not even a quarter of a percent of the cost of the bill: .17 of 1 percent of the cost. You would think we could at least hit the 1-percent mark. Mr. President, .17 percent is all that is offset in this bill. That is wrong.

Senator COBURN and Senator MCCAIN have offered amendments that would offset or pay for the larger costs of this legislation. Tomorrow morning we will get to vote on those, and I hope we will take them into consideration and make sure this is paid for. I hope all my colleagues will take a look at those amendments.

The funding cut proposals are reasonable. They are well thought out. They are ideas that will help us responsibly address the serious spending problems this Congress has. It is time for Congress to step up and start making the hard decisions of prioritizing Federal spending.

The American people have made it clear that Congress needs to be fiscally responsible. They have made it clear they do not support our spending billions of taxpayer dollars with little or no debate. We have been asking Americans to tighten their spending belts and take responsibility for their personal debt. It is about time the representatives of the people do the same.

In April 2009, when making an emergency supplemental appropriations request, President Obama said:

We should not label military costs as emergency funds so as to avoid our responsibility to abide by the spending limitations set forth by the Congress. After years of budget gimmicks and wasteful spending, it is time

to end the era of irresponsibility in Washington.

End of quote by the President.

I could not agree more. Congress and the administration need to find a better way to fund current military operations. Most of these funds are expected and should be addressed in the regular budget process.

Again, I want to provide our troops with the funding and the resources they need to be successful as they work to protect America. I do not, however, want the brave men and women of the Armed Forces nor the families of America who have been truly impacted by unforeseen disasters to be used as justification for unchecked and, in some cases, unrelated spending.

The men and women of our armed services deserve better than this spending bill. The people of the United States deserve better.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

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

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

#### TERRORISTS AND GUNS

Mr. LEVIN. Mr. President, earlier this month, the Senate Homeland Security and Governmental Affairs Committee held a hearing on the threat posed by the ability of terrorists to purchase firearms in America and legislative proposals to address that threat. Before purchasing a firearm, an individual currently must undergo a background check to search for disqualifying characteristics such as a felony conviction or a history of domestic violence. However, if the background check reveals that the prospective buyer is on the terrorist watch list, law enforcement legally cannot block the sale unless the individual falls into another disqualifying category. In other words, being on a terrorist watch list does not prevent someone from buying a gun.

To close this dangerous loophole, I support S. 1317, the Denying Firearms and Explosives to Dangerous Terrorists Act, which was introduced by Senator FRANK LAUTENBERG. I am a cosponsor of this legislation because it would authorize the Attorney General to deny the transfer of a firearm when an FBI background check reveals that the prospective purchaser is a known or sus-

pected terrorist and the Attorney General has a reasonable belief that the purchaser may use the firearm in connection with terrorism.

Law enforcement should have the authority to block the purchase of a firearm by a known or suspected terrorist. Giving them that authority is simply common sense and has support across the political spectrum. At the May 5 hearing, New York City Mayor Michael Bloomberg expressed his support, and that of the other 500 American mayors who are members of the bipartisan coalition Mayors Against Illegal Guns, for passing S. 1317. Mayor Bloomberg focused on data recently released by the U.S. Government Accountability Office showing that between 2004 and 2010, individuals on the terrorist watch list were able to purchase firearms and explosives from licensed dealers 1,119 times. I agree with Mayor Bloomberg's testimony that this data represents a serious threat to our national security and that Congress needs to act to address it.

Representative PETER KING, ranking member of the House Homeland Security Committee, also appeared at the hearing and spoke about legislation similar to S. 1317 that he introduced in the House. Congressman KING mentioned that his bill has Republican and Democratic cosponsors and would have a positive impact on law enforcement agencies across the country, highlighting the support of the International Associations of Chiefs of Police.

Closing the "terror gap" also is supported by an overwhelming majority of American gun owners. In December 2009, pollster Frank Luntz conducted a poll showing that 82 percent of NRA members and 86 percent of non-NRA gun owners favored a proposal to prevent individuals listed on a terrorist watch list from purchasing firearms.

Closing the loophole in Federal law that prevents law enforcement from blocking the sale of firearms to terrorists is not a controversial proposal. To the contrary, legislative efforts to close the "terror gap" enjoy widespread, bipartisan support. In order to keep Americans safe, it is essential that law enforcement is provided with every legal tool to keep guns out of the hands of known or suspected terrorists. I urge my colleagues to take up and pass S. 1317, the Denying Firearms and Explosives to Dangerous Terrorists Act.

#### VOTE EXPLANATION

Mr. ISAKSON. Mr. President, I regret that I was unavoidably detained on May 24, 2010, and missed rollcall votes No. 163 and No. 164. I ask that the RECORD reflect that had I been present I would have voted as follows: rollcall vote No. 163, a Brownback motion to instruct conferees: "yea"; rollcall vote No. 164, a Hutchison motion to instruct conferees: "yea."

#### NATIONAL MENTAL HEALTH AWARENESS MONTH

Mr. JOHNSON. Mr. President, I rise today in recognition of National Mental Health Awareness Month to fight the stigma associated with mental illness that discourages people from seeking help and raise awareness of disparities in access to mental health services.

The National Institute of Mental Health estimates that while only 6 percent of Americans suffer from a serious mental illness, over a quarter of adults suffer from a diagnosable mental disorder in a given year. These illnesses—depression, bipolar disorder, anxiety, phobias, personality and body image disorders, and substance addictions—are real diseases with proven treatments.

Mental health determines how we make decisions, handle stress, and relate to others, consequently affecting our relationships with our families, our colleagues, and our communities. Normally defined as how one thinks, feels, behaves, and copes, mental health is as integral to our well-being as our physical health. However, mental health disorders are chronically underdiagnosed and undertreated.

While public education and awareness campaigns can go a long way in addressing the stigma associated with mental health disorders, improved access to high-quality mental health care should be a national priority. Unfortunately, access to mental health services is often more disparate than access to medical care, particularly in rural areas. Rural States like South Dakota have long struggled to recruit and retain an adequate mental health workforce to meet the needs of their citizens. I am pleased the new health reform law will increase investments in the health care workforce, including mental health providers. Increased access to adequate and meaningful health insurance coverage has also been addressed with health reform, ensuring more Americans can obtain the care they need. All too often, insurance companies have failed to cover mental health services or impose restrictive measures on the scope and duration of the treatment. Last Congress, I was proud to cosponsor and support passage of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act, which ensures health insurance coverage for mental health services is comparable to coverage of physical ailments.

In the short term, however, I remain deeply concerned about our Nation's mental health safety net. I recently joined several colleagues in support of increased funding for comprehensive community services for low income and uninsured people living with mental illnesses. While the economic downturn has placed an additional financial strain on Federal, State, and family budgets, community mental health centers and other safety net providers are simultaneously reporting a significant increase in demand for mental

health and addiction services. We must continue our investment in these critical mental health programs for those most in need.

I recognize that mental illness affects many South Dakotans. It is my hope that awareness efforts throughout the month of May will help recognize the need for improved access to services, promote overall health and well-being, reduce the stigma associated with mental disorders, and encourage Americans to seek help when they need it.

#### TRIBUTE TO AMBASSADOR OLEH SHAMSHUR

Mr. KERRY. Mr. President, as chairman of the Senate Foreign Relations Committee, I wish today to mention the outstanding work of an ambassador who is leaving Washington after 4 years of distinguished achievement—Ambassador Oleh Shamshur of Ukraine.

There is little doubt that he has made a major contribution to strengthening bilateral relations between our countries. Ambassador Shamshur was one of the senior negotiators of the United States-Ukraine Charter on Strategic Partnership signed on December 19, 2008, which elevated relations between the United States and Ukraine to a new level. The charter is a living document and continues to guide cooperation between the two countries. On April 12, 2010, President Obama and President Yanukovich reaffirmed their commitment to the charter and expressed their intention to realize its full potential.

Ambassador Shamshur also played an important role in the establishment of the United States-Ukrainian Strategic Partnership Commission and participated in its first inaugural session in December 2009. The commission has reinvigorated relations between the United States and Ukraine with an ongoing dialog and program of cooperation on issues of democracy, economic freedom and prosperity, security and territorial integrity, energy security, defense-related cooperation, the rule of law, and people-to-people contacts.

During Ambassador Shamshur's tenure in Washington, Ukraine once more demonstrated its important leadership on the question of nonproliferation and arms control issues. Cooperation on these issues between Washington and Kyiv has been significantly enhanced. These efforts were conspicuous in the positive outcome of the Nuclear Security Summit in Washington.

While in Washington, Ambassador Shamshur's accomplishments were not limited to issues of international security or geopolitics. Early on in his service here, the United States reinstated tariff preferences for Ukraine under the Generalized System of Preferences and granted Ukraine market economy status. The Ambassador was instrumental in the efforts that led to Ukraine's graduation from the Jack-

son-Vanick Amendment on 23 March 2006. The United States and Ukraine were also able to sign a bilateral agreement on market access issues, which became a key step in Ukraine's eventual joining the World Trade Organization. The establishment of the United States-Ukraine Council on Trade and Investment in March 2008 was also a result of Ambassador Shamshur's tireless efforts. This year, Ambassador Shamshur can also claim credit for the resolution of difficulties surrounding the operation of the Overseas Private Investment Corporation in Ukraine and its return to the Ukrainian market.

Many of us on Capitol Hill and in the administration share an appreciation for Ambassador Oleh Shamshur's achievements. He leaves relations between Ukraine and the United States immeasurably stronger for having served here these 4 years. We wish him and the Ukrainian people well on the occasion of his departure.

#### AMERICA COMPETES ACT

Mr. ALEXANDER. Mr. President, about a year ago, the United Arab Emirates decided to secure its energy future. The Emirates is a small Persian Gulf state that is awash in oil and annually rakes in about \$80 billion in oil revenues. For its own domestic energy needs, however, it opted to go with another technology—nuclear power. Its reasoning was that the oil in the ground will eventually run out and that it would be best to conserve and prepare for that day.

The Emirates specified they wanted to build four nuclear reactors and estimated the costs at around \$40 billion. Sure enough, the bids soon started coming in from the world's leading nuclear vendors. There was Areva, the company born out of France's nuclear effort—they now get 80 percent of their electricity from nuclear and are building one of their new Evolutionary Power Reactors in Finland. There was Westinghouse, which is building its new AP1000 reactors in Japan and China. You may recognize the name. They were once, along with General Electric, America's leading electrical manufacturer. Now they are a Japanese company, bought by Toshiba in 2006.

While these two giants duelled, a third competitor entered the field. South Korea only started building its own nuclear reactors in 1996. Before that they bought from the U.S. and the Japanese. But then they took an old design from Combustion Engineering, another American company, and fashioned the APR-1400. After building a few for themselves they entered the world market. Meanwhile, in the Persian Gulf oil business, the Koreans had established a reputation for getting things done on budget and on time.

Still, it was a complete shock last October when the United Arab Emirates passed over bids from the world's two leading companies, Areva and Wes-

tinghouse, and awarded the contract to South Korea for \$20 billion—half the original estimated price. The French and the Japanese have gone back to the drawing boards to figure out what went wrong so they will be better able to compete next time.

How did the Koreans come so far so fast? People will talk about “cheap labor,” “government enterprise” and “copycat technology.” But I have another hypothesis. Year after year, Korean students are at the top of world performance in math and science while the United States doesn't even rank in the top 10. In the Program for International Student Assessment's math test for 15-year-old students, for instance, South Korea ranks third, behind Finland and Taiwan, while the United States ranks 21st. They are 75 points ahead of us on a scale of 1,000.

We have been hearing about these statistics for decades—maybe we have even grown used to them—but now we are starting to see the consequences. We are a country that is falling behind the rest of the world in science literacy. In terms of energy, the rest of the world is currently going through a nuclear renaissance while we are barely able to construct new reactors in our own country. Part of our population still thinks a nuclear reactor is an atomic bomb that can go up in a mushroom cloud any minute. A larger number believes that if we cover the Great Smoky Mountains with windmills we could generate all the electricity we need without having to build either nuclear reactors or coal plants. I call this “Going to War in Sailboats.” That is the title of a book I have just written. If we were to go to war tomorrow, would we put our fleet of nuclear submarines and aircraft carriers in mothballs and commission a fleet of sailing vessels?

Four years ago Senator JEFF BINGAMAN and I asked the National Academies:

What are the top 10 actions, in priority order, that federal policymakers could take to enhance the science and technology enterprise so that the United States can successfully compete, prosper, and be secure in the global community of the 21st century? What strategy, with several concrete steps, could be used to implement each of those actions?

The Academies responded quickly to that request by assembling a distinguished panel, headed by Norman R. Augustine that quickly produced a list of 20 recommendations along with strategies in the report, “Rising Above the Gathering Storm.” That report was issued 3 years ago. I think its message is even more immediate today.

In response to the Gathering Storm report, Congress enacted and the President signed the America COMPETES Act in 2007, incorporating many of the Academies' recommendations and establishing a blueprint for maintaining America's competitive position. In the COMPETES Act we authorized funding to improve education in science, technology, engineering and mathematics.

We increased funding for scientific and technological research. And we established ARPA-E—modeled on the Defense Department's Advanced Research Project Agency, the one that started the Internet—but aimed this time specifically at advanced research projects on energy.

Just 2 months ago I attended ARPA-E's Inaugural Energy Innovation Summit, at which more than 50 innovators from around the country presented the prototypes of what we hope will be the next generation of energy innovation.

Some of these ideas are truly exciting. We saw designs for a "Metal-Air" battery that could have a 1000-mile range that would be 10 times what our best car batteries can get today. We saw plans for converting waste gas from refineries to gasoline that could save us 46 million barrels of oil each year. We saw projects for using sunlight and electricity to convert carbon dioxide back to gasoline and a "self-digesting" biofuels plant that uses enzymes to convert cellulose plant material to a gasoline substitute.

But there are still other areas where we must forge ahead. What about these new small modular reactors? Companies like Toshiba, Babcock & Wilcox, and Hyperion all have plans for reactors that are so small they can serve as "nuclear batteries." They are assembled at the factory and shipped to the site, where they are fitted together like Lego blocks. They have a lower cost of entry which is important for smaller utilities. We already have reactors like this aboard our submarines and aircraft carriers. We have done this for more than 50 years. Why not put a 125-megawatt reactor back in Oak Ridge, TN, where it would power the entire site and meet one-half of the Department of Energy's carbon footprint reduction goal? The people of East Tennessee are not afraid of nuclear power.

With Senator JAMES WEBB of Virginia I have introduced a clean energy bill that calls for building 100 new nuclear reactors in the next 20 years to secure our energy future while cutting our carbon emissions and keeping energy prices low. With Senators JEFF MERKLEY of Oregon and BYRON DORGAN of North Dakota I have introduced a bill that would set up 10 model communities around the country to develop the infrastructure needed to support electric cars. Forty Republican Senators support the proposition of electrifying half our cars and trucks as a way to reduce our carbon footprint even further and reduce our dependence on foreign oil. The recent tragedy of the oilspill in the gulf has only highlighted the need to begin this effort.

Still, we have a formidable task ahead of us. In 2008, 1 year after passage of the America COMPETES Act, Norman Augustine wrote an article in Science Magazine. Since The Gathering Storm had been published, he noted, many new developments had occurred in science and education. A new research university was established in Saudi Arabia, with an opening endowment equal to what the Massachusetts

Institute of Technology had amassed after 142 years. 200,000 Chinese students were studying abroad, mostly pursuing science or engineering degrees, often under government scholarships. Government investment in R&D increased by 25 percent—in the United Kingdom. An initiative was under way to create a global nanotechnology hub—in India. An additional \$10 billion was being devoted to K-12 education, with emphasis on math and science—in Brazil. Another \$3 billion was added to the nation's research budget—in Russia.

So it is still a competitive world out there. A study done far back in the 1950s determined that 85 percent of the per capita income growth in American history has occurred, not because of increasing capital stock or other measurable inputs, but because of technological innovation.

As educators and scientists, I know you are aware of how important your work is to America's economic future. And I am sure you are ready to join us in this effort.

#### TRIBUTE TO KATY LESSER

Mr. LEAHY. Mr. President, I rise today to congratulate Katy Lesser of Underhill, VT, for being named Vermont's 2010 Small Business Person of the Year by the U.S. Small Business Administration.

Lesser is the owner of Healthy Living, a natural and organic food store in South Burlington, VT. In its 23 years of business, Healthy Living has grown from humble beginnings into a new 33,000-square-foot market with a staff of 130 employees. Healthy Living also is a leader in Vermont's sustainability movement by promoting a diverse and vibrant selection of locally grown foods and locally made products.

I had the pleasure of meeting Katy and her adult children, Eli and Nina, when they were in Washington this week for the national awards ceremony. Working at the store is a family affair, and they all put in long hours to make it go. I wish them well when they take a much needed vacation to Ireland.

Once again, I commend Katy Lesser on this well-deserved honor. I ask unanimous consent that a March 29 article from The Burlington Free Press on Katy's accomplishments be printed in the RECORD.

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

[From the Burlington Free Press, Mar. 29, 2010]

HEALTHY LIVING OWNER KATY LESSER NAMED VERMONT'S SBA PERSON OF YEAR  
(By Myra Mathis Flynn)

It's your neighborhood grocery store that packs a healthy punch. Located at 222 Dorset St., Healthy Living is the natural and organic food store with a well-known community outreach program, cooking classes and fully stocked bulk section.

Starting at 1,200 square feet with only one employee and average earnings of \$300 a day, Healthy Living has grown over a period of 23 years into a 33,000-square-foot market with a staff of 130 employees, and average daily sales of \$50,000. Leading the market to suc-

cess has been owner Katy Lesser. Now, she is being recognized for it.

Lesser has been named the U.S. Small Business Administration's 2010 Vermont Small Business Person of the Year. Nominated by David Blow Jr., vice president of Granite State Development Corp. in Burlington, Lesser was selected for outstanding leadership related to her company's staying power, employee growth, increase in sales, innovative ingenuity and contributions to the community, the SBA said. Recession aside, Lesser's sales for 2009 were more than \$17 million.

Lesser was quick to share the credit.

"I attribute my passion for food and people, tenacity, patience, being part of a terrific industry, willingness to learn, being a risk-taker, and a fabulous, amazing staff to my success," Lesser said. "Bottom line, you have to want to get up and do it all over again every day."

Healthy Living was also at the forefront of the localvore movement as Lesser's long-term relationships with local farmers has stocked the market with local fruits, vegetables, meats, poultry, dairy products and more. The market also acts as an incubator for small, local culinary producers and carries products from more than 1,000 Vermont producers.

In 2008, Healthy Living uprooted and moved to its current location. The move and expansion was a risk, but one that Lesser was not shy to take.

"I believe it's just as risky to be too small as it is to be too big. So when I decided to expand, I did a lot of research all over the country to see what other natural foods markets were up to," Lesser said. "I traveled all over the country and got a good sense of what was working and what was not. I wanted space for more product, of course, but I also wanted space for customers to meet, eat, hang out, learn and have a sense of community meeting place. I think I did that."

Lesser is gradually turning the business over to her two children, both of whom returned to Vermont following college and jobs elsewhere. Lesser's 32-year-old son, Eli, a graduate of Brandeis University, is Healthy Living's chief operating officer. Her 26-year-old daughter, Nina, a graduate of George Washington University and the French Culinary Institute in New York, is the store's education coordinator and director of the market's newest venture, the Healthy Living Learning Center.

As Vermont's Small Business Person of the Year, Lesser will compete for the national title at National Small Business Week ceremonies May 23-25 in Washington, D.C. The U.S. Small Business Administration will honor her locally June 17 at a ceremony sponsored by the SBA and Vermont Business Magazine at the Shelburne Farms Coach Barn.

"More than ever, I believe a good leader serves—serves her customers, her staff, her vendors and her truck drivers. Love of true service makes every day a joy because there is a never-ending list of people to help in many, many ways," Lesser said. "It's an honor to serve a community like ours. I've experienced more loyalty and energy from our community than I ever dreamed possible."

#### BAYVIEW CENTENNIAL CELEBRATION

Mr. RISCH. Mr. President, I rise today to commemorate the 100th Anniversary of Bayview, Idaho, a beautiful

little hamlet on the shores of Lake Pend Oreille in north Idaho. On May 29, 2010, the residents of Bayview will gather to dedicate the Centennial Gift to Bayview, a beautiful entrance sign funded by local donations and designed by local artists. In addition to this ceremony, several other events are scheduled throughout the year to celebrate this great milestone.

In 1910, the Prairie Development Company was formed by five businessmen from Spokane, WA. They platted the town on the shores of Lake Pend Oreille, with visions of a bustling resort where Spokane's well-to-do could step right off the train and enjoy a weekend retreat or summer residence. A shortline railroad was completed in 1911, and the crowds soon followed.

Bayview is a place full of well-kept secrets. You could say Bayview built Spokane. The limestone deposits above the town and in nearby Lakeview supplied the processed lime that was used to construct many of the buildings in Spokane from the turn of the 20th century, well into the 1930s.

Another little-known fact is that nearby Farragut State Park stands on the site of what was once Idaho's largest city. In 1942, the U.S. Navy built Farragut Naval Training Station to train sailors for the fight against the Axis powers. Nearly 300,000 sailors were trained there, and at any given time from 1942 to 1946, the population exceeded 50,000 people.

More recently, few people know Bayview's role in helping the U.S. Navy build the quietest submarines in the world. After World War II ended, the Navy began to dismantle the training station, selling off the buildings and turning the land over to the State of Idaho. The Navy, however, did retain 20 acres on the shores of Lake Pend Oreille, where they built research facilities as well as an underwater acoustic testing range. At a depth of nearly 1,200 feet, the cold, calm waters of the lake provide an ideal range to test various hull designs, hull coatings and propulsion systems at a fraction of the cost of full-scale ocean-based testing.

Finally, I would be remiss if I did not mention the fantastic Independence Day celebration in Bayview, where the fireworks echo off the surrounding cliffs and mountains, adding a thrilling dimension to the show.

Despite the stunning beauty of its setting, Bayview remains a well-kept secret. I suspect its faithful residents prefer it that way. And even though it is a small town, it has made an outsized impact on the Inland Northwest and the security of the entire Nation. Congratulations, Bayview, on 100 years of proud, colorful history, and here's wishing you 100 more.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING THE SOUTH DAKOTA CAPITOL CENTENNIAL

• Mr. JOHNSON. Mr. President, it is with great honor that I recognize the

100th anniversary of the South Dakota State Capitol. This centennial is especially meaningful to me, as I spent 8 years in this building, serving the people of South Dakota in the Senate and House of Representatives from Clay and Union Counties.

South Dakota achieved statehood in 1889, and campaigns were soon waged over which town would become the capital. At least 13 towns competed in an intense race, with Pierre winning the title in 1904, partially due to its central location. Funding was secured in 1905, construction began in 1907, the cornerstone laid on June 25, 1908, and the official dedication of South Dakota's State Capitol was on June 30, 1910. Government agencies moved into the capitol from a small wooden building which was located at the southwest corner of the capitol grounds near the corners of Capitol Avenue and Nicollet. Robert S. Vessey of Wessington Springs was the first Governor to serve in the capitol building.

Modeled after the Montana State Capitol Building, architects from Minneapolis designed and constructed the building for just under \$1 million. The beautiful structure includes native field stone, Indiana limestone, and Vermont and Italian marble. With hand-carved woodwork, marble, special cast brass, and hand laid stone, the capitol itself is a work of art.

During the "Dirty 30's," the settling of blowing soil caused severe damage to the building. Subsequently, in 1977, a major restoration of the State capitol commenced with a goal of returning the majestic building to its original state in time for the South Dakota Centennial Celebration in 1989. Fifteen years and roughly \$3 million later, the building has been restored very close to its original grandeur. The ceilings, wall designs, color schemes, window treatments, and carpeted areas were brought back to its original colors and luster.

On Saturday, June 19, 2010, South Dakotans from across the State will gather at the capitol to celebrate 100 years of our State's history. With live entertainment, tours of the capitol, historical lectures, a rededication ceremony, and many other activities, there is something for everyone. I hope this celebration gives our citizens a chance to reflect on our shared history, as well as our promising future.

At the laying of the cornerstone, Governor Coe Crawford said in his address, "The new capitol will do more than comfortably accommodate the officers who are to labor within its walls for the people whom they will serve. It will stand throughout the coming years as an expression of beauty and art and as the people come and go and linger within its walls, they will see in it an expression of the soul of the state." Although currently valued at \$58 million, this piece of history is priceless. I am honored to have served in this historical building and am proud to recognize it today.●

##### RECOGNIZING THE SOUTH DAKOTA STATE MEDICAL ASSOCIATION ALLIANCE

• Mr. JOHNSON. Mr. President, today I recognize the 100th anniversary of the South Dakota State Medical Association Alliance. This organization was founded to promote educational and charitable endeavors related to healthy living, and it has made remarkable progress over the last century.

Originally called the South Dakota Auxiliary, this organization was founded in 1910 when 18 wives of physicians saw a need for their own organization during the annual meeting of the South Dakota Medical Association. The original group of women took 15 minutes to write the constitution and by-laws, with dues set at \$1 a year. Now known as the South Dakota State Medical Association Alliance, the group holds an annual fundraiser to raise money for medical student scholarships. This devoted organization supports the development of leadership skills through national training as well as involvement with projects at the State and local level.

The South Dakota State Medical Association Alliance has long been devoted to the general health of South Dakotans through education and financial support. The oldest continuous medical alliance in the United States, SDSMA Alliance fills an important role in our State with all they do. I appreciate their hard work and again congratulate them on their 100th anniversary. I look forward to their continued efforts on behalf of the South Dakota health care community.●

#### TRIBUTE TO HUGH GROGAN

• Mr. JOHNSON. Mr. President, today I wish to recognize the work and career of Hugh Grogan of Sioux Falls, SD. Hugh will soon be retiring after nearly 30 years of service to the Minnehaha County Human Services Department.

Hugh grew up in the historic north end of Sioux Falls in a large, Irish-Catholic family. Hugh's father, Wally, died at a young age. His mother Cleo raised her 11 children on her own with the attitude that an abundance of love, faith, and laughter mattered much more than an abundance of money. Always taking pride in their Irish heritage, St. Patrick's Day never passes without a Grogan family reunion and a float in the Sioux Falls parade.

Hugh began working for Minnehaha County in 1981 as the assistant director of welfare. He was promoted to director 2 years later. Hugh's sense of social justice has been a centerpiece of his career. Hugh's compassion for those without a home led him to develop the partnerships and relationships among social agencies necessary to establish the Homeless Coalition in Sioux Falls. He recently created and advocated for the Safe Home pilot program, which is helping to improve care for the chronically homeless, while also delivering

that care in a more cost effective way. Hugh has even opened his own home to provide a measure of stability to a young person in need of encouragement and opportunity. Countless disadvantaged individuals have benefitted from his dedicated work, much of which was done behind the scenes but always with the best interest of the people he served in mind.

Hugh has been the recipient of many awards over the span of his career, including the United Way Social Worker of the Year and the Sioux Falls Catholic Schools' Hall of Fame. The State of South Dakota has also benefitted from Hugh's expertise in the field of social services. He has served on many State committees and task forces created to best serve the poorest of our State.

Hugh and I share a commitment to providing access to affordable housing, recognizing that it is a critical ingredient for future success. His honorable service has been marked by a true sense of dedication to providing consistent guidance and stewardship. His warm sense of humor puts everyone around him at ease, and he treats each person with respect and dignity. My wife Barbara and I are proud to count Hugh as a friend, as well as an ally in the pursuit of social justice.

I commend Hugh for his passionate and tireless commitment to serving those in need. He has worked for affordable housing for 30 years, and will take his tireless work ethic to the Department of Veterans Affairs as an outreach worker for homeless veterans. I wish Hugh and his wife Jan all the best in the future.●

#### 100TH ANNIVERSARY OF THE FOUNDING OF AGAR, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 100th anniversary of the founding of Agar, SD. This rural community in Sully County is small, but its size is its strength. Agar is a warm, caring community full of people who are always willing to lend a helping hand.

When Chicago and Northwestern Railway Company decided to connect two of its lines, Agar was formed on the land of Charles Agar. Within the first year, several buildings had been constructed. The little town continued to flourish as an agricultural hub. A post office, newspaper, ice cream shop, and a bank were all started in 1910. In May of 1910, the town constructed an artesian well that flowed at 78 gallons per minute.

Agar's centennial celebration promises to be a great time, with bull riding, dances, and a softball tournament. The town will also be having a 2-day wagon train, covering beautiful farmland as well as the famous Sutton Bay Golf Resort. This weekend centennial celebration will gather together "Agarians" of all generations to celebrate all that this very proud community has accomplished.

One hundred years ago, this small town was founded on hard work and perseverance. Today, those values continue to permeate everything this town does. Small towns like Agar are the backbone of South Dakota, and I am proud to congratulate them on reaching this historic milestone.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, 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.)

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 10:08 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5139. An act to provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo.

At 10:34 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3885. An act to direct the Secretary of Veterans Affairs to carry out a pilot program on dog training therapy.

H.R. 5145. An act to amend title 38, United States Code, to improve the continuing professional education reimbursement provided to health professionals employed by the Department of Veterans Affairs.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2711) to amend title 5, United States Code, to provide for the transportation of dependents, remains, and effects of certain Federal employees who die while performing official duties or as a result of the performance of official duties.

The message further announced that pursuant to section 106 of the Higher Education Opportunity Act (Public Law 110-315) and the order of the House of January 6, 2009, the Speaker appoints the following members on the part of the House of Representatives to the National Advisory Committee on Institutional Quality and Integrity for a term of 6 years: Upon the recommendation of the Majority Leader: Dr. Carolyn Williams of Bronx, New York, Dr. William "Brit" Kirwan of

Adelphi, Maryland, and Dr. Benjamin J. Allen of Cedar Falls, Iowa; Upon recommendation of the Minority Leader: Dr. Art Keiser of Parkland, Florida, Mr. Arthur Rothkopf of Washington, DC, and Dr. William Pepicello of Phoenix, Arizona.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3410. A bill to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, and to direct the Secretary of the Interior to renegotiate the terms of the lease known as "Mississippi Canyon 252" with respect to claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations.

S. 3421. A bill to provide a temporary extension of certain programs, and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

\*Adam Gamoran, of Wisconsin, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

\*Deborah Loewenberg Ball, of Michigan, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012.

\*Margaret R. McLeod, of the District of Columbia, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012.

\*Bridget Terry Long, of Massachusetts, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012.

\*David K. Mineta, of California, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3885. An act to direct the Secretary of Veterans Affairs to carry out a pilot program on dog training therapy; to the Committee on Veterans' Affairs.

H.R. 5145. An act to amend title 38, United States Code, to improve the continuing professional education reimbursement provided to health professionals employed by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY (for herself and Mrs. MCCASKILL):

S. 3425. A bill to amend title 10, United States Code, to require the provision of behavioral health services to members of the reserve components of the Armed Forces necessary to meet pre-deployment and post-deployment readiness and fitness standards, and for other purposes; to the Committee on Armed Services.

By Mrs. GILLIBRAND:

S. 3426. A bill to amend the Agricultural Marketing Act of 1946 to require monthly reporting to the Secretary of Agriculture of items contained in the cold storage survey and the dairy products survey of the National Agricultural Statistics Service; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER (for himself and Mr. CORNYN):

S. 3427. A bill to institute an identification requirement for the purchase of pre-paid mobile devices; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN):

S. 3428. A bill to designate the Memorial of Perpetual Tears, which honors victims of driving while impaired, as the official National DWI Victims Memorial; to the Committee on Energy and Natural Resources.

By Mr. CASEY:

S. 3429. A bill to require the Comptroller General of the United States to carry out a study on procurement under the American Recovery and Reinvestment Act of 2009; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 3430. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. NELSON of Florida):

S. 3431. A bill to improve the administration of the Minerals Management Service, and for other purposes; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Ms. SNOWE, Ms. CANTWELL, Mrs. SHAHEEN, Mr. KERRY, Mr. BAYH, Mr. CARDIN, Mr. BOND, Mr. VITTER, Mr. ENZI, Mr. ISAKSON, Mr. WICKER, Mr. RISCH, and Mr. THUNE):

S. Res. 540. A resolution honoring the entrepreneurial spirit of small businesses in the United States during "National Small Business Week", beginning May 23, 2010; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. MURRAY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 493

At the request of Mr. CASEY, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 752

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1545

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1545, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1627

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1627, a bill to improve choices for consumers for vehicles and fuel, and for other purposes.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 1939

At the request of Mrs. GILLIBRAND, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1939, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 2947

At the request of Mr. CARPER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2947, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 3157

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cospon-

sor of S. 3157, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to allow time for pensions to fund benefit obligations in light of economic circumstances in the financial markets of 2008, and for other purposes.

S. 3201

At the request of Mr. UDALL of Colorado, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3201, a bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26.

S. 3223

At the request of Ms. SNOWE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 3223, a bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetics and custom orthotics and benefits for other medical and surgical services.

S. 3231

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3231, a bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol.

S. 3248

At the request of Mr. MERKLEY, his name was added as a cosponsor of S. 3248, a bill to designate the Department of the Interior Building in Washington, District of Columbia, as the "Stewart Lee Udall Department of the Interior Building".

S. 3269

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3269, a bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements.

S. 3295

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3295, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

S. 3305

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3305, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 3341

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3341, a bill to amend title 5, United States Code, to extend eligibility for coverage under the Federal Employees Health Benefits Program with respect to certain adult dependents of Federal employees and annuitants, in conformance with amendments made by the Patient Protection and Affordable Care Act.

S. 3396

At the request of Mr. BINGAMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3396, a bill to amend the Energy Policy and Conservation Act to establish within the Department of Energy a Supply Star program to identify and promote practices, companies, and products that use highly efficient supply chains in a manner that conserves energy, water, and other resources.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3405

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3405, a bill to amend the Internal Revenue Code of 1986 to eliminate oil and gas company preferences.

S. 3410

At the request of Mr. VITTER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3410, a bill to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, and to direct the Secretary of the Interior to renegotiate the terms of the lease known as "Mississippi Canyon 252" with respect to claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations.

S. 3419

At the request of Mr. MERKLEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3419, a bill to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S.J. RES. 29

At the request of Mr. MCCONNELL, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Georgia (Mr. ISAKSON), the Senator from Utah (Mr. HATCH) and the Senator

from Idaho (Mr. RISCH) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 519

At the request of Mr. DEMINT, the names of the Senator from Idaho (Mr. RISCH), the Senator from Iowa (Mr. GRASSLEY), the Senator from Mississippi (Mr. WICKER), the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 534

At the request of Mr. BOND, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 534, a resolution expressing support for designation of May 1, 2010, as "Silver Star Service Banner Day".

S. RES. 537

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 537, a resolution designating May 2010 as "National Brain Tumor Awareness Month".

AMENDMENT NO. 4175

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 4175 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4179

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 4179 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4181

At the request of Ms. LANDRIEU, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 4181 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4184

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of amendment No. 4184 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4187

At the request of Mr. BINGAMAN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of amendment No. 4187 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4191

At the request of Mr. CARDIN, the names of the Senator from Florida (Mr. NELSON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of amendment No. 4191 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4192

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4192 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4193

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4193 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4194

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4194 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4195

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4195 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4196

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr.

COBURN) was added as a cosponsor of amendment No. 4196 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

## AMENDMENT NO. 4197

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4197 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

## AMENDMENT NO. 4198

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4198 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

## AMENDMENT NO. 4204

At the request of Mr. FEINGOLD, the names of the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. SANDERS), the Senator from West Virginia (Mr. BYRD) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 4204 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

## AMENDMENT NO. 4214

At the request of Mr. MCCAIN, the names of the Senator from Utah (Mr. HATCH) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of amendment No. 4214 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

## AMENDMENT NO. 4218

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 4218 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

At the request of Ms. COLLINS, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 4218 intended to be proposed to H.R. 4899, supra.

## AMENDMENT NO. 4229

At the request of Mr. ENSIGN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 4229 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

## AMENDMENT NO. 4230

At the request of Mr. ENSIGN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 4230 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN):

S. 3428. A bill to designate the Memorial of Perpetual Tears, which honors victims of driving while impaired, as the official National DWI Victims Memorial; to the Committee on Energy and Natural Resources.

Mr. UDALL of New Mexico. Mr. President, today I introduce the National DWI Victims Memorial Designation Act of 2010, which is cosponsored by my colleague Senator JEFF BINGAMAN. This legislation would designate the DWI Victims Memorial of Perpetual Tears in Moriarty, New Mexico, as the National DWI Victims Memorial.

Opened in 2008, the DWI Victims Memorial of Perpetual Tears is the Nation's first and only memorial of its kind. The Memorial Perpetual Tears helps raise awareness of the devastation caused by driving while impaired, DWI, crashes by recognizing their victims, educating the public, and encouraging preventive measures. The memorial aims to give comfort to the innocent victims of drunk driving and raise awareness of the devastating toll of DWI deaths on our nation's roadways. Located on a four-acre site next to Interstate 40, the Memorial of Perpetual Tears attracts passersby in addition to those who travel specifically to visit the memorial.

The National DWI Victims Memorial Designation Act of 2010 would require that any reference to this memorial in a law, map, regulation, document, record, or other official paper of the United States government refer to the site as the National DWI Victims Memorial. As a Senator from New Mexico, I am proud to seek such an official designation for the DWI Victims Memorial of Perpetual Tears. It is fitting that such a national memorial should be located in the State that once led the Nation in DWI fatalities and now leads the way in drunk driving prevention.

Compared to 20 years ago, our roads are much safer today. Yet even as the overall number of people killed on our roadways has declined, drunk driving still accounts for one third of all traffic fatalities nationwide. In 2008, drunk driving killed about 12,000 Americans, including 143 people in my home State of New Mexico. That is an average of 32 people killed every day by drunk driving. This unacceptable death toll is all the more shocking when you consider that each one of those deaths was preventable.

Although other communities have established remembrance gardens and monuments honoring drunk driving victims, the DWI Victims Memorial of Perpetual Tears is unique. The memorial resembles a veterans cemetery with markers representing the most recent 5-year period of deaths in New Mexico attributed to DWI. The memorial includes a site dedicated to victims of DWI nationwide. The Memorial of Perpetual Tears gives further recognition to innocent victims of DWI nationwide by displaying Victim Tribute books in the memorial visitor center. The Victim Tribute books include stories and pictures submitted by injured victims and family members of those killed in DWI crashes.

The Memorial of Perpetual Tears is a testament to the hard work and dedication of local volunteers who have made this memorial possible. Sonja Britton, the mother of a DWI victim, saw the need for a memorial to those killed by drunk driving on our Nation's roadways. For years, she rallied support and found many local residents and others nationwide who were willing to help. Mike, Mary, and Ralph Anaya and their family provided key support by donating prime real estate next to Interstate 40 to give the memorial a fitting location. Thanks to the efforts of so many, the Memorial of Perpetual Tears today provides a focal point where families can gather to mourn the loss of loved ones as well as join with others to promote DWI awareness and prevention.

Having a National DWI Victims Memorial gives us another resource in the fight to end drunk driving. I share Sonja's vision that one day we will have no more senseless deaths caused by DWI crashes. As she says most eloquently, "My dream will be realized when this mission is achieved and when our loved ones will no longer be injured or killed by alcohol-related traffic crashes. We must stop this carnage."

Working together, we can make Sonja's dream a reality.

I urge all my colleagues to support this legislation and to join Senator BINGAMAN and me in celebrating the work of the volunteers who have made the DWI Victims Memorial of Perpetual Tears possible.

By Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 3430. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Finance.

Ms. SNOWE. Mr. President, as Ranking Member of the Senate Small Business Committee, I am delighted to rise today, during National Small Business Week, with Senator LANDRIEU, who is Chair of the Committee, to introduce the Small Business Tax Equalization and Compliance Act.

Our bipartisan measure is a pro-small business bill and would allow the salon

industry to have the same tax rules on tips paid to employees as is permitted in the restaurant industry. The legislation would increase compliance with payroll tax obligations and will make sure that the women who work in the salon industry earn all the Social Security retirement and disability benefits they should be entitled to. It would also help to prevent salons that do not follow the tax law from gaining a competitive disadvantage against those that do follow the law. The companion bill in the House is H.R. 3724, which was introduced Representative SHELLEY BERKLEY and Representative KEVIN BRADY.

Clearly this legislation will help all parts of the salon industry, big and small, men and women. But the reality is that because 84 percent of the workforce in the salon industry is female, this issue has special relevance for women. When women work as independent contractors at hair salons, they are less likely to disclose all of their tips for purposes of paying Social Security taxes. As a result, they reduce their future right to earn retirement and disability benefits in the Social Security system and reduce the size of any benefit they do ultimately earn. Making sure that working women are correctly paying into Social Security is critical to their future retirement security because many of these women will have had no other retirement benefits available to them.

We know that women are disproportionately dependent on Social Security for their retirement benefits, a March 2010 study by the Women for Women's Policy Research showed that women's Social Security benefits in 2008 were only about 75 percent of the benefits earned by men and it comprised about half of their total retirement income. By contrast, Social Security benefits comprised roughly one third of men's retirement income. Earning the right to collect a decent Social Security benefit is vital to women.

As a small business issue, salons are a quintessential small business on Main Streets across America. According to the U.S. Census Bureau, 98 percent of salon industry firms have only one establishment; 92 percent of salon establishments have sales of less than \$500,000; and 82 percent of salon establishments have fewer than 10 employees. Extending the tip tax credit to salon owners would allow them to reinvest in their businesses and employees, create new jobs, granting new economic and employment opportunities in their local communities.

I specifically want to explain what this legislation would do. First, it would provide the salon industry with the same type of tax credit currently available in the restaurant industry. The credit is for employers to offset the matching Social Security and Medicare taxes that the salon pays on the tips that employees receive from customers. Next, the bill would help to make more even-handed IRS enforce-

ment of laws on payroll and income taxes. Without this legislation it is often the lopsided practice of the IRS to seek back taxes from the employer but rarely from the employee or independent contractor despite the requirement that taxes be paid in equal measure.

The legislation will protect both legitimate independent contractors and employees who pay their taxes but frees up IRS resources to focus on those bad actors who are not complying with the law. Although non-employer salons comprise 87 percent of establishments, their reported sales represent only 36 percent of total salon industry revenues, implying a significant underreporting of income in the non-employer segment. This legislation includes education and reporting requirements which will help address the "tax gap" and reveal a valuable new source of tax revenues for the federal Government. This is a win-win-win for the salons, for employees, and for the government.

This bill is supported by the Professional Beauty Association, the largest association in the professional beauty industry, which is comprised of salon and spa owners, manufacturers and distributors of salon and spa products, and individual licensed cosmetologists.

Finally, I want to thank two salon owners who brought this issue to my attention, Alan Labos of Akari Salon in Portland, Maine and Tiffany Conway of bei capelli salon in Scarborough, Maine.

In conclusion, I urge my colleagues on both sides of the aisle to support our bill.

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 RECORD, as follows:

S. 3430

*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 "Small Business Tax Equalization and Compliance Act of 2010".

**SEC. 2. EXPANSION OF CREDIT FOR PORTION OF SOCIAL SECURITY TAXES PAID WITH RESPECT TO EMPLOYEE TIPS.**

(A) EXPANSION OF CREDIT TO OTHER LINES OF BUSINESS.—Paragraph (2) of section 45B(b) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) APPLICATION ONLY TO CERTAIN LINES OF BUSINESS.—In applying paragraph (1), there shall be taken into account only tips received from customers or clients in connection with—

"(A) the providing, delivering, or serving of food or beverages for consumption if the tipping of employees delivering or serving food or beverages by customers is customary, or

"(B) the providing of any cosmetology service for customers or clients at a facility licensed to provide such service if the tipping of employees providing such service is customary."

(b) DEFINITION OF COSMETOLOGY SERVICE.—Section 45B of the Internal Revenue Code of 1986 is amended by redesignating subsections

(c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) COSMETOLOGY SERVICE.—For purposes of this section, the term 'cosmetology service' means—

"(1) hairdressing,  
 "(2) haircutting,  
 "(3) manicures and pedicures,  
 "(4) body waxing, facials, mud packs, wraps, and other similar skin treatments, and

"(5) any other beauty-related service provided at a facility at which a majority of the services provided (as determined on the basis of gross revenue) are described in paragraphs (1) through (4)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to tips received for services performed after December 31, 2009.

**SEC. 3. INFORMATION REPORTING AND TAXPAYER EDUCATION FOR PROVIDERS OF COSMETOLOGY SERVICES.**

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding after section 6050W the following new section:

**"SEC. 6050X. RETURNS RELATING TO COSMETOLOGY SERVICES AND INFORMATION TO BE PROVIDED TO COSMETOLOGISTS.**

"(a) IN GENERAL.—Every person (referred to in this section as a 'reporting person') who—

"(1) employs 1 or more cosmetologists to provide any cosmetology service,

"(2) rents a chair to 1 or more cosmetologists to provide any cosmetology service on at least 5 calendar days during a calendar year, or

"(3) in connection with its trade or business or rental activity, otherwise receives compensation from, or pays compensation to, 1 or more cosmetologists for the right to provide cosmetology services to, or for cosmetology services provided to, third-party patrons,

shall comply with the return requirements of subsection (b) and the taxpayer education requirements of subsection (c).

"(b) RETURN REQUIREMENTS.—The return requirements of this subsection are met by a reporting person if the requirements of each of the following paragraphs applicable to such person are met.

"(1) EMPLOYEES.—In the case of a reporting person who employs 1 or more cosmetologists to provide cosmetology services, the requirements of this paragraph are met if such person meets the requirements of sections 6051 (relating to receipts for employees) and 6053(b) (relating to tip reporting) with respect to each such employee.

"(2) INDEPENDENT CONTRACTORS.—In the case of a reporting person who pays compensation to 1 or more cosmetologists (other than as employees) for cosmetology services provided to third-party patrons, the requirements of this paragraph are met if such person meets the applicable requirements of section 6041 (relating to returns filed by persons making payments of \$600 or more in the course of a trade or business), section 6041A (relating to returns to be filed by service-recipients who pay more than \$600 in a calendar year for services from a service provider), and each other provision of this subpart that may be applicable to such compensation.

"(3) CHAIR RENTERS.—

"(A) IN GENERAL.—In the case of a reporting person who receives rent or other fees or compensation from 1 or more cosmetologists for use of a chair or for rights to provide any

cosmetology service at a salon or other similar facility for more than 5 days in a calendar year, the requirements of this paragraph are met if such person—

“(i) makes a return, according to the forms or regulations prescribed by the Secretary, setting forth the name, address, and TIN of each such cosmetologist and the amount received from each such cosmetologist, and

“(ii) furnishes to each cosmetologist whose name is required to be set forth on such return a written statement showing—

“(I) the name, address, and phone number of the information contact of the reporting person,

“(II) the amount received from such cosmetologist, and

“(III) a statement informing such cosmetologist that (as required by this section), the reporting person has advised the Internal Revenue Service that the cosmetologist provided cosmetology services during the calendar year to which the statement relates.

“(B) METHOD AND TIME FOR PROVIDING STATEMENT.—The written statement required by clause (ii) of subparagraph (A) shall be furnished (either in person or by first-class mail which includes adequate notice that the statement or information is enclosed) to the person on or before January 31 of the year following the calendar year for which the return under clause (i) of subparagraph (A) is to be made.

“(C) TAXPAYER EDUCATION REQUIREMENTS.—In the case of a reporting person who is required to provide a statement pursuant to subsection (b), the requirements of this subsection are met if such person provides to each such cosmetologist annually a publication, as designated by the Secretary, describing—

“(1) in the case of an employee, the tax and tip reporting obligations of employees, and

“(2) in the case of a cosmetologist who is not an employee of the reporting person, the tax obligations of independent contractors or proprietorships.

The publications shall be furnished either in person or by first-class mail which includes adequate notice that the publication is enclosed.

“(d) DEFINITIONS.—For purposes of this section—

“(1) COSMETOLOGIST.—

“(A) IN GENERAL.—The term ‘cosmetologist’ means an individual who provides any cosmetology service.

“(B) ANTI-AVOIDANCE RULE.—The Secretary may by regulation or ruling expand the term ‘cosmetologist’ to include any entity or arrangement if the Secretary determines that entities are being formed to circumvent the reporting requirements of this section.

“(2) COSMETOLOGY SERVICE.—The term ‘cosmetology service’ has the meaning given to such term by section 45B(c).

“(3) CHAIR.—The term ‘chair’ includes a chair, booth, or other furniture or equipment from which an individual provides a cosmetology service (determined without regard to whether the cosmetologist is entitled to use a specific chair, booth, or other similar furniture or equipment or has an exclusive right to use any such chair, booth, or other similar furniture or equipment).

“(e) EXCEPTIONS FOR CERTAIN EMPLOYEES.—Subsection (c) shall not apply to a reporting person with respect to an employee who is employed in a capacity for which tipping (or sharing tips) is not customary.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 6724(d)(1)(B) of the Internal Revenue Code of 1986 (relating to the definition of information returns) is amended by striking “or” at the end of clause (xxiv), by striking “and” at the end of clause (xxv) and inserting “or”, and by adding after clause (xxv) the following new clause:

“(xxvi) section 6050X(a) (relating to returns by cosmetology service providers), and”.

(2) Section 6724(d)(2) of such Code is amended by striking “or” at the end of subparagraph (GG), by striking the period at the end of subparagraph (HH) and inserting “, or”, and by inserting after subparagraph (HH) the following new subparagraph:

“(II) subsections (b)(3)(A)(ii) and (c) of section 6050X (relating to cosmetology service providers) even if the recipient is not a payee.”.

(3) The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by adding after the item relating to section 6050W the following new item:

“Sec. 6050X. Returns relating to cosmetology services and information to be provided to cosmetologists.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 2009.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 540—HONORING THE ENTREPRENEURIAL SPIRIT OF SMALL BUSINESSES IN THE UNITED STATES DURING “NATIONAL SMALL BUSINESS WEEK”, BEGINNING MAY 23, 2010

Ms. LANDRIEU (for herself, Ms. SNOWE, Ms. CANTWELL, Mrs. SHAHEEN, Mr. KERRY, Mr. BAYH, Mr. CARDIN, Mr. BOND, Mr. VITTER, Mr. ENZI, Mr. ISAKSON, Mr. WICKER, Mr. RISCH, and Mr. THUNE) submitted the following resolution; which was considered and agreed to:

S. RES. 540

Whereas the approximately 29,600,000 small businesses in the United States are the driving force behind the economy of the Nation, creating more than 64 percent of all net new jobs and generating more than 50 percent of the non-farm gross domestic product of the Nation;

Whereas small businesses will play an integral role in rebuilding the economy of the Nation;

Whereas small businesses are the Nation’s innovators, producing 13 times more patents per employee as large firms, and advancing technology and productivity;

Whereas only 1 percent of all small businesses export and produce 31 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953 to aid, counsel, assist, and protect the interests of small businesses in order to preserve free and competitive enterprise, to ensure that a fair proportion of the total purchases, contracts, and subcontracts for property and services for the Federal Government are placed with small businesses, to make certain that a fair proportion of the total sales of Federal Government property are made to such small businesses, and to maintain and strengthen the overall economy of the Nation;

Whereas every year since 1963 the President of the United States has proclaimed a National Small Business Week to recognize the contributions of small businesses to the economic well-being of the United States;

Whereas in 2010, “National Small Business Week” will honor the estimated 29,600,000 small businesses in the United States;

Whereas the Small Business Administration has helped small businesses with access

to critical lending opportunities, protected small businesses from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for government contracts, and improved the economic environment in which small business concerns compete;

Whereas for more than 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning May 23, 2010, as “National Small Business Week”: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the entrepreneurial spirit of small businesses in the United States during “National Small Business Week”, beginning May 23, 2010;

(2) applauds the efforts and achievements of the owners of small businesses and their employees, whose hard work and commitment to excellence have made them a key part of the economic vitality of the Nation;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small businesses; and

(4) recognizes the importance of ensuring that—

(A) the applicable procurement goals for small businesses, including the goals for small businesses owned and controlled by service-disabled veterans, small businesses owned and controlled by women, HUBZone small businesses, and socially and economically disadvantaged small businesses, are reached by all Federal agencies;

(B) guaranteed loans and microloans for start-up and growing small businesses, are made available to all qualified small businesses;

(C) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as Small Business Development Centers, Women’s Business Centers, Veterans Business Outreach Centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to provide small businesses the technical assistance and counseling that they desperately need;

(D) small business disaster assistance through the Small Business Administration is provided in a timely and efficient manner;

(E) Federal tax policy spurs small business growth, creates jobs, and increases competitiveness;

(F) the Federal Government reduces the regulatory compliance burden on small businesses;

(G) advanced technology policy facilitates access to affordable broadband Internet service to foster rural small business growth; and

(H) systems of intellectual property protection continues to foster small business innovation.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4236. Mr. NELSON of Florida (for himself and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 4237. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4238. Mr. VITTER submitted an amendment intended to be proposed by him to the

bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4239. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4240. Mr. MENENDEZ (for himself, Mr. NELSON, of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4241. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4242. Mr. SHELBY (for himself, Mr. VITTER, Mr. WICKER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4243. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4244. Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Mr. JOHNSON, Mr. BENNET, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4245. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4246. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4247. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4248. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4249. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4250. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4251. Mr. MERKLEY (for himself, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4252. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4253. Ms. COLLINS (for herself, Mr. AL-EXANDER, Mr. BOND, Mr. VOINOVICH, Mr. INHOFE, Ms. SNOWE, Mr. BEGICH, Mr. THUNE, Mr. COBURN, Mr. GREGG, Ms. MURKOWSKI, Mr. CORKER, Mr. BARRASSO, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra.

SA 4254. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4255. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4256. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4257. Mr. BOND submitted an amendment intended to be proposed by him to the

bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4258. Mr. BOND (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4259. Mr. BOND (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4260. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4261. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4262. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4263. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4264. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4265. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4266. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4267. Mr. BINGAMAN (for himself, Ms. MURKOWSKI, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4268. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4269. Ms. KLOBUCHAR (for herself, Mr. DORGAN, Mr. ENSIGN, Mr. BEGICH, and Mr. LEMIEUX) submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4270. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4271. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4272. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4273. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4274. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4275. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4276. Mr. WICKER (for himself, Mr. SHELBY, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4277. Mr. WICKER (for himself, Mr. SHELBY, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4278. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4279. Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Ms. MURKOWSKI, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4280. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4281. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4282. Mr. PRYOR (for himself, Mrs. LINCOLN, Mr. VITTER, Mr. BROWNBACK, Mr. COCHRAN, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4283. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4284. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4285. Mr. SCHUMER (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4286. Mr. SCHUMER (for himself, Mr. REID, and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4287. Mr. SHELBY (for himself, Mr. VITTER, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4288. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4289. Mr. MENENDEZ (for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, supra.

SA 4290. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4291. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4292. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4293. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4294. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4175 proposed by Mr. LAUTENBERG to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4295. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 4236.** Mr. NELSON of Florida (for himself and Mr. LEMIEUX) submitted

an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, insert the following:

(b) ASSESSMENT OF ENVIRONMENTAL IMPACTS.—

(1) DEFINITIONS.—In this subsection:

(A) DEEPWATER HORIZON OIL DISCHARGE.—The term “Deepwater Horizon oil discharge” means the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico.

(B) RESPONSIBLE PARTY.—The term “responsible party” means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) with respect to the Deepwater Horizon oil discharge.

(2) APPROPRIATIONS OF FUNDS.—

(A) IN GENERAL.—For an additional amount, in addition to amounts provided elsewhere in this Act for “Operations, Research, and Facilities” of the National Oceanic and Atmospheric Administration, \$22,400,000 to carry out enhanced fisheries data collection in the Gulf of Mexico to assess environmental impacts related to the Deepwater Horizon oil discharge.

(B) GRANTS TO FISHERMEN.—Of the amount appropriated under subparagraph (A), \$5,000,000 shall be available to provide cooperative research grants to fishermen to collect data to establish ecosystem baselines to assist managers in fully understanding the extent of the damage that resulted from the Deepwater Horizon oil discharge.

(3) LIABILITY AND REIMBURSEMENT.—Notwithstanding any limitation on liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) or any other provision of law, each responsible party shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for the amount appropriated pursuant to paragraph (2).

**SA 4237.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 79, between lines 3 and 4, insert the following:

OIL AND GAS LEASING

SEC. 20. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Secretary of the Interior to conduct any oil and natural gas leasing, preleasing, or related activities in the outer Continental Shelf without the concurrence of the Administrator of the National Oceanic and Atmospheric Administration, after the Administrator of the National Oceanic and Atmospheric Administration takes into account—

(1) available scientific information, including information on siting, mitigation, and habitat conservation; and

(2) the effect on living marine resources managed or protected under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Marine Sanctuaries Act

(16 U.S.C. 1431 et seq.), or the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.); and

(3) applicable requirements of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

**SA 4238.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 79, between lines 3 and 4, insert the following:

SEC. 20. LIABILITY FOR DEEPWATER HORIZON OIL SPILL.

(a) IN GENERAL.—Congress finds that—

(1) executives of British Petroleum Exploration & Production, Incorporated (referred to in this section as “BP”) testified before Congress in May 2010 that BP would pay all legitimate claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations;

(2) a letter from the Group Chief Executive of BP to the Secretaries of Homeland Security and the Interior dated May 16, 2010, evidences an offer of BP to modify the oil and gas leasing contract involved in the Deepwater Horizon incident to incorporate new terms of liability by stating that BP is “prepared to pay above \$75 million” on “all legitimate claims” relating to that explosion and oil spill;

(3) that offer is acceptable to Congress and to the Secretary of the Interior;

(4) all documented legitimate claims pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) for economic damages relating to the Deepwater Horizon explosion and oil spill should be paid by BP without limit on liability;

(5) BP should provide to the Federal Government any claims relating to the Deepwater Horizon explosion and oil spill that BP fails to pay; and

(6) if the Federal Government finds pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) that such claims are legitimate under that Act, the claims should be returned to BP for immediate payment.

(b) DIRECTIVE TO SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior (referred to in this section as the “Secretary”) shall—

(A) accept the new terms of liability offered by BP in the letter described in subsection (a)(2); and

(B) consider the oil and gas leasing contract involved in the Deepwater Horizon incident as being amended to reflect those new terms.

(2) PAYMENT OF CLAIMS.—

(A) IN GENERAL.—As an inherent condition of the amended lease described in paragraph (1), BP shall present to the Secretary each claim relating to the Deepwater Horizon explosion and oil spill that BP fails to pay.

(B) FINDING OF LEGITIMACY.—As a further inherent condition of the amended lease, if the Secretary finds a claim described in subparagraph (A) to be legitimate for payment by BP, the claim shall be returned to BP for immediate payment.

**SA 4239.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the

fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, after line 22, add the following:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 201. NATIONAL ACADEMY OF SCIENCES STUDY OF LONG-TERM ECOSYSTEM SERVICE IMPACTS OF THE DEEPWATER HORIZON OIL SPILL ON THE GULF OF MEXICO.

(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Commerce shall seek to enter into an agreement with the National Academy of Sciences to perform the services covered by this section.

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 30 days after the date of the enactment of this Act.

(b) STUDY.—Under an agreement between the Secretary and the National Academy of Sciences under this section, the National Academy of Sciences shall carry out a 1-year study of the long-term ecosystem service impacts of the Deepwater Horizon oil spill on the Gulf of Mexico. In carrying out the study, the National Academy of Sciences shall assess the long-term costs to the public of the effect of the oil spill on the following:

(1) Water filtration for such communities.

(2) Hunting in the region near the Gulf of Mexico.

(3) Fishing, including both commercial and recreational fishing, in and near the Gulf of Mexico.

(4) Such other economic values as the National Academy of Sciences considers relevant to the communities near the Gulf of Mexico.

(c) REPORT.—Not later than 60 days after the completion of the study carried out under this section, the Secretary shall submit to Congress a report on the results of such study.

(d) ALTERNATE CONTRACT SCIENTIFIC ORGANIZATION.—

(1) IN GENERAL.—If the Secretary is unable within the time period prescribed in subsection (a)(2) to enter into an agreement described in subsection (a)(1) with the National Academy of Sciences on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate scientific organization that—

(A) is not part of the Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the National Academy of Sciences.

(2) TREATMENT.—If the Secretary enters into an agreement with another organization as described in paragraph (1), any reference in this section to the National Academy of Sciences shall be treated as a reference to the other organization.

(e) AUTHORIZATION OF APPROPRIATIONS AND DIRECT SPENDING.—

(1) IN GENERAL.—There is authorized to be appropriated and is appropriated to the Secretary, \$1,000,000 to carry out this section.

(2) EMERGENCY DESIGNATION.—The amount appropriated under paragraph (1) is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**SA 4240.** Mr. MENENDEZ (for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency

supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 79, between lines 3 and 4, insert the following:

REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES

SEC. 2002. (a) Section 1004(a)(3) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(3)) is amended by striking “plus \$75,000,000” and inserting “and the liability of the responsible party under section 1002”.

(b) The amendment made by this section takes effect on April 15, 2010.

**SA 4241.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

At the end of chapter 3 of title I, add the following:

SUPPORT OF FISHER HOUSE FOUNDATION

SEC. 309. Of the amount appropriated by this chapter under the heading “IRAQ SECURITY FORCES FUND”, \$18,000,000 shall be available for a grant by the Secretary of Defense to the Fisher House Foundation for the construction and furnishing of facilities to meet the needs of military families confronting the illness or hospitalization of eligible military beneficiaries.

**SA 4242.** Mr. SHELBY (for himself, Mr. VITTER, Mr. WICKER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, insert the following:

FUNDING FOR ENVIRONMENTAL AND FISHERIES IMPACTS

SEC. 2002. (a) DEFINITIONS.—In this section: (1) DEEPWATER HORIZON OIL DISCHARGE.—The term “Deepwater Horizon oil discharge” means the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico.

(2) OIL SPILL LIABILITY TRUST FUND.—The term “Oil Spill Liability Trust Fund” means the Oil Spill Liability Trust Fund established under section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509).

(3) RESPONSIBLE PARTY.—The term “responsible party” means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) with respect to the Deepwater Horizon oil discharge.

(b) AVAILABILITY OF FUNDS.—Notwithstanding any provision of section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), amounts from the Oil Spill Liability Trust Fund shall be made available for the following purposes:

(1) FISHERIES DISASTER RELIEF.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$20,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation

and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) EXPANDED STOCK ASSESSMENT OF FISHERIES.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$15,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) ECOSYSTEM SERVICES IMPACTS STUDY.—For an additional amount, in addition to other amounts provided for the Department of Commerce, \$1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

(c) LIABILITY AND REIMBURSEMENT.—Notwithstanding any limitation on liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) or any other provision of law, each responsible party shall, upon the demand of the Secretary of the Treasury, reimburse the Oil Spill Liability Trust Fund for the amounts made available pursuant to subsection (b).

**SA 4243.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between line 23 and 24, insert the following:

SEC. \_\_\_\_ SENSE OF THE SENATE REGARDING HAITI.

(a) FINDINGS.—The Senate makes the following findings:

(1) A stable and democratic Republic of Haiti is in the long-term national security interest of the United States.

(2) The United States is committed to helping Haiti achieve long-term stability, through a commitment of long-term reconstruction and rehabilitation assistance following the January 12, 2010 earthquake in Haiti.

(3) The United Nations Stabilization Mission in Haiti (MINUSTAH) remains a vital force in maintaining security and stability for the Haitian people in the aftermath of the earthquake.

(4) United Nations Security Council Resolution 1908 (adopted January 19, 2010) endorsed the Secretary-General’s recommendation to increase the overall force levels of the MINUSTAH to support the post-earthquake recovery, reconstruction, and stability efforts in Haiti.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should support a strengthened mandate for the United Nations Stabilization Mission in Haiti (MINUSTAH) to—

(1) ensure that the MINUSTAH mandate enables the United Nations Police, in coordination with the Haitian National Police (HNP), to guarantee security in the internally displaced people (IDP) camps in and

around Port-au-Prince, particularly for vulnerable women and children;

(2) support the United Nations Secretary-General’s request for an increase in the size of the United Nations Police and seek additional Creole-speakers and members of the Haitian Diaspora to support a temporary surge in the police force during this critical period;

(3) continue to assist the Government of Haiti in reforming and restructuring the HNP by supporting the monitoring, mentoring, training, and vetting of police personnel and strengthening HNP’s institutional and operational capacities;

(4) support the Government of Haiti’s adoption and implementation of a national resettlement policy to speed the movement of the most vulnerable populations, both in Port-au-Prince and other areas, to transitional safe housing and other community-based resettlement solutions; and

(5) coordinate with the Government of Haiti and the other United Nations agencies operating in Haiti to achieve the goals of the mission, including the conduct of national and municipal elections.

**SA 4244.** Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Mr. JOHNSON, Mr. BENNET, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, between lines 8 and 9, insert the following:

FOREST SERVICE  
NATIONAL FOREST SYSTEM

For an additional amount for “National Forest System”, for the protection of public health and safety through the removal of hazard trees killed by bark beetles, \$60,000,000, to remain available until expended: *Provided*, That any of the funds made available under this heading may be transferred by the Secretary of Agriculture to the “Capital Improvement and Maintenance” account to carry out the purposes of the matter under this heading.

On page 77, between lines 7 and 8, insert the following:

NATIONAL PARK SERVICE  
OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for “Operation of the National Park System”, for the protection of public health and safety through the removal of hazard trees killed by bark beetles, \$10,000,000, to remain available until expended.

**SA 4245.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, line 19, after the period insert the following:

(c) Of the funds appropriated in this chapter and in prior acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Diplomatic and Consular Programs” and “Embassy Security, Construction, and Maintenance” for Afghanistan, Pakistan and Iraq, up to \$300,000,000 may, after consultation with the Committees on Appropriations,

be transferred between, and merged with, such appropriations for activities related to security for civilian led operations in such countries.

**SA 4246.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, strike lines 4 through 8.

**SA 4247.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, after line 19, add the following:  
TECHNICAL CORRECTION REGARDING IRAN SANCTIONS RESTRICTIONS RELATING TO EXPORT-IMPORT BANK

SEC. 1019. Section 7043(b)(1) of the Department of State, Foreign Operations, and Related Agencies Appropriations Act, 2010 (division F of Public Law 111-117; 123 Stat. 3370), is amended by striking “for any project controlled by an energy producer or refiner that continues to” and inserting “for any energy project of an energy company unless such company has certified that it does not”.

**SA 4248.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, between lines 17 and 18, insert the following:

(g)(1) Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) and requirements for awarding task orders under task and delivery order contracts under section 303J of such Act (41 U.S.C. 253j), the Secretary of State may award task orders for police training in Afghanistan under current Department of State contracts for police training.

(2) Any task order awarded under paragraph (1) shall be for a limited term and shall remain in performance only until a successor contract or contracts awarded by the Department of Defense using full and open competition have entered into full performance after completion of any start-up or transition periods.

**SA 4249.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 20, strike “and” and all that follows through “such commissions; and” and insert the following: “has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 elections for president in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Af-

ghanistan law as of December 31, 2009, and with no members appointed by the President of Afghanistan; and”.

**SA 4250.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 6 of title I, add the following:

SOUTHWEST BORDER EMERGENCY COMMUNICATIONS GRANTS

SEC. 608. (a) SOUTHWEST BORDER EMERGENCY COMMUNICATIONS GRANTS.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Governor of Arizona, shall establish a 2-year grant program, to be administered by the State of Arizona, to improve emergency communications along the Tucson Sector border and the Yuma Sector border.

(2) ELIGIBILITY FOR GRANTS.—An individual is eligible to receive a grant under this subsection if the individual demonstrates that he or she—

(A) regularly resides or works near the Tucson Sector border or the Yuma Sector border;

(B) is at greater risk of border violence due to the lack of cellular service at his or her residence or business and his or her proximity to such border.

(3) USE OF GRANTS.—Grants awarded under this subsection may be used to purchase satellite telephone communications systems and service that—

(A) can provide access to 911 service; and

(B) are equipped with global positioning systems.

(4) ANNUAL REPORTS.—The Governor of Arizona shall submit an annual report to the Secretary on activities carried out with grant funds awarded under this subsection during the previous year. Each such report shall include a description of such activities and an assessment of the effectiveness of such activities.

(b) INTEROPERABLE COMMUNICATIONS FOR LAW ENFORCEMENT.—

(1) FEDERAL LAW ENFORCEMENT.—The Department of Justice shall use funds transferred to the Department under subsection (d)—

(A) to purchase P-25 compliant radios, which may include a multi-band option, for Federal law enforcement agents working in Arizona in support of the activities of United States Customs and Border Protection and United States Immigration and Customs Enforcement, including agents of the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives; and

(B) to upgrade the communications network of the Department to ensure coverage and capacity, particularly when immediate access is needed in times of crisis, along the Tucson Sector border and the Yuma Sector border for appropriate law enforcement personnel of the Department of Justice (including the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives), the Department of Homeland Security (including United States Immigration and Customs Enforcement and United States Customs and Border Protection), other Federal agencies, the State of Arizona, tribes, and local governments.

(2) STATE AND LOCAL LAW ENFORCEMENT.—

(A) IN GENERAL.—The Department of Justice shall use funds transferred to the Department under subsection (d) to purchase

P-25 compliant radios, which may include a multi-band option, for State and local law enforcement agents working in Santa Cruz, Pima, Cochise, Yuma, Pinal, Maricopa, or Graham County in the State of Arizona.

(B) ACCESS TO FEDERAL SPECTRUM.—If a State, tribal, or local law enforcement agency in Arizona experiences an emergency situation that necessitates immediate communication with the Department of Justice, the Department of Homeland Security, or any of their respective subagencies, such law enforcement agency shall have access to the spectrum assigned to such Federal agency for the duration of such emergency situation.

(c) DEFINITIONS.—In this section:

(1) TUCSON SECTOR BORDER.—The term “Tucson Sector border” means the 262-mile section of international border between the United States and Mexico that—

(A) begins in Yuma County, Arizona; and

(B) ends at the State boundary line between Arizona and New Mexico.

(2) YUMA SECTOR BORDER.—The term “Yuma Sector border” means the 110-mile section of international border between the United States and Mexico that—

(A) begins in Pima County, Arizona; and

(B) ends at the State boundary line between Arizona and California.

(d) FUNDING.—

(1) IN GENERAL.—The amount appropriated or otherwise made available by this chapter is hereby increased by \$73,000,000, with the amount of the increase to be available until expended for purposes of carrying out this section, including the transfer by the Secretary of Homeland Security of \$35,000,000 to the Attorney General for purposes of subsection (b)(1) and the transfer by the Secretary of \$35,000,000 to the Attorney General for purposes of subsection (b)(2).

(2) OFFSET.—Of the amounts appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) that remain available for obligation as of the date of the enactment of this Act, \$73,000,000 are hereby rescinded.

**SA 4251.** Mr. MERKLEY (for himself, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, line 7, strike “\$173,000,000” and insert “\$163,000,000”.

On page 28, between lines 3 and 4, insert the following:

SEC. 4 . EMERGENCY DROUGHT RELIEF.

For an additional amount for “Water and Related Resources”, \$10,000,000, for drought emergency assistance: *Provided*, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West: *Provided further*, That the amount provided under this heading shall be provided on a nonreimbursable basis.

**SA 4252.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010,

and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

**SEC. \_\_\_\_ . NEW REVENUES TO THE OIL SPILL LIABILITY TRUST FUND.**

The revenue resulting from any increase in the Oil Spill Liability Trust Fund financing rate under section 4611 of the Internal Revenue Code of 1986 shall—

(1) not be counted for purposes of offsetting revenues, receipts, or discretionary spending under the Congressional Budget Act of 1974 or the Statutory Pay-As-You-Go Act of 2010; and

(2) shall only be used for the purposes of the Oil Spill Liability Trust Fund.

**SA 4253.** Ms. COLLINS (for herself, Mr. ALEXANDER, Mr. BOND, Mr. VOINOVICH, Mr. INHOFE, Ms. SNOWE, Mr. BEGICH, Mr. THUNE, Mr. COBURN, Mr. GREGG, Ms. MURKOWSKI, Mr. CORKER, Mr. BARRASSO, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 79, between lines 3 and 4, insert the following:

**PROHIBITION ON FINES AND LIABILITY**

**SEC. 20 \_\_\_\_ .** None of the funds made available by this Act shall be used to levy against any person any fine, or to hold any person liable for construction or renovation work performed by the person, in any State under the final rule entitled “Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet; Notice of Availability; Final Rule” (73 Fed. Reg. 21692 (April 22, 2008)), and the final rule entitled “Lead; Amendment to the Opt-out and Record-keeping Provisions in the Renovation, Repair, and Painting Program” signed by the Administrator on April 22, 2010.

**SA 4254.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between line 23 and 24, insert the following:

**SEC. \_\_\_\_ . SENSE OF THE SENATE REGARDING HAITI.**

(a) **FINDINGS.**—The Senate makes the following findings:

(1) A stable and democratic Republic of Haiti is in the long-term national security interest of the United States.

(2) The United States is committed to helping Haiti achieve long-term stability, through a commitment of long-term reconstruction and rehabilitation assistance following the January 12, 2010 earthquake in Haiti.

(3) The United Nations Stabilization Mission in Haiti (MINUSTAH) remains a vital force in maintaining security and stability for the Haitian people in the aftermath of the earthquake.

(4) United Nations Security Council Resolution 1908 (adopted January 19, 2010) endorsed the Secretary-General’s recommendation to increase the overall force levels of the MINUSTAH to support the post-earth-

quake recovery, reconstruction, and stability efforts in Haiti.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the United States should support a strengthened mandate for the United Nations Stabilization Mission in Haiti (MINUSTAH) to—

(1) ensure that the MINUSTAH mandate enables the United Nations Police to support the Haitian National Police (HNP) in their efforts to guarantee security in the internally displaced people (IDP) camps in and around Port-au-Prince, particularly for vulnerable women and children;

(2) support the United Nations Secretary-General’s request for an increase in the size of the United Nations Police and seek additional Creole-speakers and members of the Haitian Diaspora to support a temporary surge in the police force during this critical period;

(3) continue to assist the Government of Haiti in reforming and restructuring the HNP by supporting the monitoring, mentoring, training, and vetting of police personnel and strengthening HNP’s institutional and operational capacities;

(4) support the Government of Haiti’s adoption and implementation of a national resettlement policy to speed the movement of the most vulnerable populations, both in Port-au-Prince and other areas, to transitional safe housing and other community-based resettlement solutions; and

(5) coordinate with the Government of Haiti and the other United Nations agencies operating in Haiti to achieve the goals of the mission, including the conduct of national and municipal elections.

**SA 4255.** Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

**SEC. 3009.** Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading “STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE” under the heading “OFFICE OF JUSTICE PROGRAMS” under the heading “STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES” under title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to the Marcus Institute, Atlanta, Georgia, to provide remediation for the potential consequences of childhood abuse and neglect, pursuant to the joint statement of managers accompanying that Act, may be made available to the Georgia State University Center for Healthy Development, Atlanta, Georgia.

**SA 4256.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . AMENDMENT OF TRAVEL PROMOTION ACT OF 2009.**

(a) **TRAVEL PROMOTION FUND FEES.**—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) by striking “6 months” in clause (i) and inserting “12 months”; and

(2) by striking “subsection (d) of section 11 of the Travel Promotion Act of 2009.” in clause (ii) and inserting “subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)).”; and

(3) by striking “September 30, 2014.” in clause (iii) and inserting “September 30, 2015.”.

(b) **IMPLEMENTATION BEGINNING IN FISCAL YEAR 2011.**—Subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)) is amended—

(1) by striking “fiscal year 2010,” in paragraph (2)(A) and inserting “fiscal year 2011.”;

(2) by striking “January 1, 2010,” in paragraph (2)(A) and inserting “January 1, 2011.”;

(3) by striking “fiscal years 2011 through 2014,” in paragraph (2)(B) and inserting “fiscal years 2012 through 2015.”;

(4) by striking “fiscal year 2010,” in paragraph (3)(A) and inserting “fiscal year 2011.”;

(5) by striking “fiscal year 2011,” each place it appears in paragraph (3)(A) and inserting “fiscal year 2012.”; and

(6) by striking “fiscal year 2010, 2011, 2012, 2013, or 2014” in paragraph (4)(B) and inserting “fiscal year 2011, 2012, 2013, 2014, or 2015”.

(c) **PROGRAM AUDITS.**—Subsection (b)(8)(D) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b)(8)(D)) is amended by striking “2 years after the date of enactment of this section,” and inserting “3 years after the date of enactment of the Travel Promotion Act of 2009.”.

(d) **RESEARCH PROGRAM.**—Section 203(b) of the International Travel Act of 1961 (22 U.S.C. 2123a(b)) is amended by striking “2010 through 2014” and inserting “2010 through 2015”.

(e) **CORRECTION OF CROSS-REFERENCE.**—Section 202(c)(1) of the International Travel Act of 1961 (22 U.S.C. 2123(c)(1)) is amended by striking “subsection (b) of section 11 of the Travel Promotion Act of 2009” and inserting “subsection (b) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b))”.

**SA 4257.** Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 2 and 3, insert the following:

**SEC. 608.** (a) Not later than 10 days after the date of the enactment of this Act, and on an on-going basis thereafter, the Director of National Intelligence shall provide to the congressional intelligence committees each intelligence report of an interrogation or debriefing related to the investigation of the bombing attempt that occurred in the Times Square area of New York City on May 1, 2010, including each intelligence information report related to such attempt disseminated by the Federal Bureau of Investigation.

(b) In this section, the term “congressional intelligence committees” means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 4258.** Mr. BOND (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the

bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 22 and 23, insert the following:

ASSESSMENTS ON GUANTANAMO BAY DETAINEES

SEC. 3008. (a) SUBMISSION OF INFORMATION RELATED TO DISPOSITION DECISIONS.—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the participants of the interagency review of Guantanamo Bay detainees conducted pursuant to Executive Order 13492 (10 U.S.C. 801 note), shall fully inform the congressional intelligence committees concerning the basis for the disposition decisions reached by the Guantanamo Review Task Force, and shall provide to the congressional intelligence committees—

(1) the written threat analyses prepared on each detainee by the Guantanamo Review Task Force established pursuant to Executive Order 13492;

(2) all threat assessments of detainees who were reviewed by the Guantanamo Review Task Force made prior to the decision to release or transfer such detainee that were prepared by any element of the intelligence community during or prior to the existence of the Guantanamo Review Task Force; and

(3) access to the intelligence information that formed the basis of any such specific assessments or threat analyses.

(b) FUTURE SUBMISSIONS.—In addition to the analyses, assessments, and information required under subsection (a) and not later than 10 days after the date that a threat assessment described in subsection (a) is disseminated, the Director of National Intelligence shall provide to the congressional intelligence committees—

(1) any new threat assessment prepared by any element of the intelligence community of a Guantanamo Bay detainee who remains in detention or is pending release or transfer; and

(2) access to the intelligence information that formed the basis of such threat assessment.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term “congressional intelligence committees” has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

**SA 4259.** Mr. BOND (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 22 and 23, insert the following:

ASSESSMENTS ON GUANTANAMO BAY DETAINEES

SEC. 3008. (a) SUBMISSION OF INFORMATION RELATED TO DISPOSITION DECISIONS.—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the participants of the interagency review of Guantanamo Bay detainees conducted pursuant to Executive Order 13492 (10 U.S.C. 801 note), shall fully inform the congressional intelligence committees concerning the basis for the disposition decisions reached by the Guantanamo Review Task Force, and shall

provide to the congressional intelligence committees—

(1) the written threat analyses prepared on each detainee by the Guantanamo Review Task Force established pursuant to Executive Order 13492; and

(2) access to the intelligence information that formed the basis of any such specific assessments or threat analyses.

(b) FUTURE SUBMISSIONS.—In addition to the analyses, assessments, and information required under subsection (a) and not later than 10 days after the date that a threat assessment described in subsection (a) is disseminated, the Director of National Intelligence shall provide to the congressional intelligence committees—

(1) any new threat assessment prepared by any element of the intelligence community of a Guantanamo Bay detainee who remains in detention or is pending release or transfer; and

(2) access to the intelligence information that formed the basis of such threat assessment.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term “congressional intelligence committees” has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

**SA 4260.** Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 66, line 24, strike “activities” and all that follows through “notwithstanding” on page 67, line 2, and insert “projects that engage scientists and engineers who have no weapons background, but whose competence could otherwise be applied to weapons development, provided such projects are executed through existing science and technology centers and notwithstanding”.

**SA 4261.** Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

After section 3007 of the bill, insert the following:

SEC. 3008. AUTHORITY TO PURCHASE FFEL LOANS.

(a) IN GENERAL.—Section 459A of the Higher Education Act of 1965 (20 U.S.C. 1087i-1) is amended—

(1) in subsection (a)—  
(A) in paragraph (1)—  
(i) in the heading, by striking “; DETERMINATION REQUIRED”;

(ii) by striking “Upon a determination by the Secretary that there is an inadequate availability of loan capital to meet the demand for loans under sections 428, 428B, or 428H, whether as a result of inadequate liquidity for such loans or for other reasons, the” and inserting “The”;

(iii) by inserting “428C,” after “428B,”;

(iv) by striking “on or after October 1, 2003, and”;

(v) by striking “terms as the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget jointly” and inserting “terms as the Sec-

retary and the Secretary of the Treasury jointly”; and

(vi) by striking “as determined jointly by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget.” and inserting “as determined jointly by the Secretary and the Secretary of the Treasury.”; and

(B) in paragraph (2)—

(i) by striking “The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget,” and inserting “The Secretary and the Secretary of the Treasury”;

(ii) in subparagraph (B)—

(I) by inserting “428C,” after “428B,”;

(II) by striking “the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget,” and inserting “the Secretary and the Secretary of the Treasury”;

(III) by striking “and” after the semicolon;

(iii) in subparagraph (C), by striking the period at the end and inserting “; and”;

(iv) by adding at the end the following:

“(D) sets forth that the loans available for purchase may be included in the Department of Education’s Asset-Backed Commercial Paper Conduit program.”;

(2) in subsection (b), by inserting “before July 1, 2010” after “under subsection (a)”;

(3) in subsection (f), by striking “2010” and inserting “2015”; and

(4) by adding at the end the following:

“(g) FUNDS FOR FEDERAL PELL GRANTS.—The proceeds to the Federal Government from the sale of loans pursuant to this section—

“(1) under section 428C that is conducted before July 1, 2010, shall be used to carry out subpart 1 of part A; and

“(2) under sections 428, 428B, 428C, or 428H that is conducted on or after July 1, 2010, shall be used to carry out subpart 1 of part A.”.

(b) EMERGENCY DESIGNATION.—Unless otherwise specified, each amount in this section, or an amendment made by this section, is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**SA 4262.** Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) For an additional amount for “Salaries and Expenses” of U.S. Customs and Border Protection, \$12,000,000, to remain available until September 30, 2011, to hire, equip, and train unmanned aircraft systems pilots and support personnel.

(b) For an additional amount for “Air and Marine Interdiction, Operations, Maintenance, and Procurement” for U.S. Customs and Border Protection, \$66,000,000, to remain available until expended, to procure 3 unmanned aircraft systems and supporting equipment.

(c) Of the unobligated balance of the amount appropriated under the heading “BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY” under the heading “U.S. CUSTOMS AND BORDER PROTECTION” in title II of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83; 123 Stat. 2145), \$78,000,000 are rescinded in order to offset the amounts appropriated by subsections (a) and (b).

**SA 4263.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

For an additional amount for “Salaries and Expenses, General Legal Activities”, \$15,000,000, to remain available until September 30, 2011, for the Criminal Division, Civil Division, and Tax Division of the Department of Justice for investigations, prosecutions, and civil or other proceedings relating to fraud and abuse in connection with any Federal assistance program, financial institution, mortgage lending business, or health care benefit program: *Provided*, That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### SALARIES AND EXPENSES, ANTITRUST DIVISION

For an additional amount for “Salaries and Expenses, Antitrust Division”, \$5,000,000, to remain available until September 30, 2011, for the Antitrust Division of the Department of Justice for investigations, prosecutions, and civil or other proceedings relating to fraud and abuse in connection with any Federal assistance program, financial institution, mortgage lending business, or health care benefit program: *Provided*, That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for “Salaries and Expenses, United States Attorneys”, \$5,000,000, to remain available until September 30, 2011, for the Offices of the United States Attorneys for investigations, prosecutions, and civil or other proceedings relating to fraud and abuse in connection with any Federal assistance program, financial institution, mortgage lending business, or health care benefit program: *Provided*, That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### FEDERAL BUREAU OF INVESTIGATION SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$40,000,000, to remain available until September 30, 2011, for the Federal Bureau of Investigation for investigations, prosecutions, and civil or other proceedings relating to fraud and abuse in connection with any Federal assistance program, financial institution, mortgage lending business, or health care benefit program: *Provided*, That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### OFFICE OF JUSTICE PROGRAMS STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for “State and Local Law Enforcement Assistance”,

\$225,000,000, to remain available until September 30, 2011: *Provided*, That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further*, That, of the amount made available under this heading—

(1) \$100,000,000 is for the Edward Byrne Memorial Justice Assistance Grant program as authorized under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Acts of 1968 (in this Act referred to as the “1968 Act”) (42 U.S.C. 3750 et seq.), except that section 1001(c) and the special rules for Puerto Rico under section 505(g) of the 1968 Act (42 U.S.C. 3793(c) and 3755(g)) shall not apply for purposes of this Act;

(2) \$100,000,000 is for competitive, peer-reviewed grants to programs that prevent crime, improve the administration of justice, or assist victims of crime; and

(3) \$25,000,000 is for assistance to law enforcement in rural States and rural areas, to prevent and combat crime, especially drug-related crime.

#### COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for “Community Oriented Policing Services”, \$210,000,000, to remain available until September 30, 2011: *Provided*, That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further*, That, of the amount made available under this heading—

(1) \$200,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for purposes described in part Q of such title, notwithstanding subsection (i) of such section 1701; and

(2) \$10,000,000 is for the matching grant program for law enforcement armor vests authorized under section 2501 of title I of the 1968 Act (42 U.S.C. 379611).

**SA 4264.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

#### TITLE IV—DEEPWATER HORIZON CLAIMS RESOLUTION

##### SEC. 4001. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the oil spill resulting from the Deepwater Horizon incident has caused major economic damage to the residents of the States bordering the Gulf of Mexico;

(2) the limits on strict liability imposed by the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) will be exceeded by the claims resulting from the Deepwater Horizon incident; and

(3) while the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) places no restrictions on liability for damages from the accident under State law, litigation of such cases may take decades, and consume in litigation expenses funds that could otherwise be used to quickly and efficiently compensate the citizens of the Gulf States for damages resulting from the Deepwater Horizon incident.

(b) PURPOSE.—The purpose of this title is to create a fair and efficient system for the payment of legitimate present and future

claims for damages resulting from the Deepwater Horizon incident.

##### SEC. 4002. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Office.

(2) ADVISORY COMMITTEE.—The term “Advisory Committee” means the Advisory Committee on Deepwater Horizon Compensation established under section 4105(a).

(3) CLAIM.—The term “claim” means any claim, based on any theory, allegation, or cause of action, for damages presented in a civil action or bankruptcy proceeding, directly, indirectly, or derivatively arising out of, based on, or related to, in whole or in part, the effects of the Deepwater Horizon incident.

(4) CLAIMANT.—The term “claimant” means a person or State who files a claim under section 4203.

(5) CIVIL ACTION.—

(A) IN GENERAL.—The term “civil action” means a civil action filed in Federal or State court, whether cognizable as a case at law, in equity, or in admiralty.

(B) EXCLUSION.—The term “civil action” does not include an action relating to any workers’ compensation law.

(6) COLLATERAL SOURCE COMPENSATION.—The term “collateral source compensation” means the compensation that a claimant received, or is entitled to receive, from a responsible party as a result of a final judgment, settlement, or other payment for damages that are the source of a claim under section 4203, including payments made under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

(7) COMPENSATION PROGRAM.—The term “compensation program” means the compensation program established under this title.

(8) DAMAGES.—The term “damages” means damages specified in section 4301(b), including the cost of assessing those damages.

(9) DEEPWATER HORIZON INCIDENT.—The term “Deepwater Horizon incident” means the blowout and explosion of the Deepwater Horizon oil rig that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment.

(10) DEPARTMENT.—The term “Department” means the Department of the Interior.

(11) FUND.—The term “Fund” means the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986.

(12) LAW.—The term “law” includes all law, judicial or administrative decisions, rules, regulations, or any other principle or action having the effect of law.

(13) OFFICE.—The term “Office” means the Office of Deepwater Horizon Claims Compensation established under section 4101.

(14) PARTIES.—The term “parties” means, with respect to an individual claim, the claimant and the responsible party.

(15) PERSON.—

(A) IN GENERAL.—The term “person” means an individual, trust, firm, joint stock company, partnership, association, insurance company, reinsurance company, or corporation.

(B) EXCLUSIONS.—The term “person” does not include—

(i) the United States;

(ii) a State; or

(iii) a political subdivision of a State.

(16) RESPONSIBLE PARTY.—The term “responsible party” means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) for the Deepwater Horizon incident.

(17) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(18) STATE.—The term “State” means  
(A) each of the several States of the United States;

(B) the District of Columbia;  
(C) the Commonwealth of Puerto Rico;  
(D) Guam;  
(E) American Samoa;  
(F) the Commonwealth of the Northern Mariana Islands;  
(G) the Federated States of Micronesia;  
(H) the Republic of the Marshall Islands;  
(I) the Republic of Palau; and  
(J) the United States Virgin Islands.

(19) SUCCESSOR IN INTEREST.—The term “successor in interest” means any person that acquires assets, and substantially continues the business operations, of a responsible party, considering factors that include—

(A) retention of the same facilities or location;  
(B) retention of the same employees;  
(C) maintaining the same job under the same working conditions;  
(D) retention of the same supervisory personnel;  
(E) continuity of assets;  
(F) production of the same product or offer of the same service;  
(G) retention of the same name;  
(H) maintenance of the same customer base;

(I) identity of stocks, stockholders, and directors between the asset seller and the purchaser; or

(J) whether the successor holds itself out as continuation of previous enterprise, but expressly does not include whether the person actually knew of the liability of the responsible party under this title.

#### Subtitle A—Office of Deepwater Horizon Claims Compensation

#### SEC. 4101. ESTABLISHMENT OF OFFICE OF DEEPWATER HORIZON CLAIMS COMPENSATION.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established within the Department the Office of Deepwater Horizon Claims Compensation, which shall be headed by the Administrator.

(2) PURPOSE.—The purpose of the Office shall be to provide timely, fair compensation, under the terms specified in this title, on a no-fault basis and in a nonadversarial manner, to persons and State or local governments that have incurred damages as a result of the Deepwater Horizon incident.

(3) TERMINATION OF THE OFFICE.—The Office shall terminate effective not later than 1 year following the date of certification by the Administrator that the Fund has neither paid a claim in the previous 1-year period nor has debt obligations remaining to pay.

(4) EXPENSES.—The Fund shall be available to the Secretary for expenditure, without further appropriation and without fiscal year limitation, as necessary for any and all expenses associated with the Office, including—

(A) personnel salaries and expenses, including retirement and similar benefits; and  
(B) all administrative and legal expenses.

(b) APPOINTMENT OF ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator of the Office shall be appointed by the President, by and with the advice and consent of the Senate.

(2) TERM.—The term of the Administrator shall be 5 years.

(3) REPORTING.—The Administrator shall report directly to the Assistant Secretary for Policy, Management, and Budget of the Department.

(c) DUTIES OF ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator shall be responsible for—

(A) processing claims for compensation for damages to eligible claimants in accordance

with the criteria and procedures established under subtitle B;

(B) appointing or contracting for the services of such personnel, making such expenditures, and taking any other actions as may be necessary to carry out the responsibilities of the Office, including entering into cooperative agreements with other Federal or State agencies and entering into contracts with nongovernmental entities;

(C) conducting such audits and additional oversight as necessary to assure the integrity of the compensation program;

(D) promulgating such rules, regulations, and procedures as may be necessary to carry out this title;

(E) making such expenditures as may be necessary in carrying out this title;

(F) excluding evidence and disqualifying or debaring any attorney or other individual or entity who provide evidence in support of the application of the claimant for compensation if the Administrator determines that materially false, fraudulent, or fictitious statements or practices have been submitted or engaged in by the individual or entity; and

(G) having all other powers incidental, necessary, or appropriate to carrying out the functions of the Office.

(2) CERTAIN ENFORCEMENT.—

(A) FALSE STATEMENTS.—For each infraction described in paragraph (1)(F), the Administrator may impose a civil penalty not to exceed \$10,000 on any individual or entity found to have submitted or engaged in a materially false, fraudulent, or fictitious statement or practice under this title.

(B) OTHER POWERS.—The Administrator shall issue appropriate regulations to carry out paragraph (1)(G).

(d) AUDIT AND PERSONNEL REVIEW PROCEDURES.—The Administrator shall establish audit and personnel review procedures for evaluating the accuracy of eligibility recommendations of agency and contract personnel.

SEC. 4102. CLAIMANT ASSISTANCE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a comprehensive claimant assistance program—

(1) to publicize and provide information to potential claimants about—

(A) the availability of benefits for eligible claimants under this title; and

(B) the procedures for filing claims and for obtaining assistance in filing claims;

(2) to provide assistance to potential claimants in preparing and submitting claims, including assistance in obtaining the documentation necessary to support a claim;

(3) to respond to inquiries from claimants and potential claimants;

(4) to provide training with respect to the applicable procedures for the preparation and filing of claims to persons who provide assistance or representation to claimants, including nonprofit organizations and State and local government entities; and

(5) to provide for the establishment of a website on which claimants may access all relevant forms and information.

(b) RESOURCE CENTERS.—

(1) IN GENERAL.—The claimant assistance program shall provide for the establishment of resource centers in areas in which there are determined to be large concentrations of potential claimants.

(2) LOCATION.—The centers shall be located, to the maximum extent practicable, in facilities of the Department or other Federal agencies.

(c) ATTORNEY'S FEES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the representative of an individual may not receive, for services

rendered in connection with the claim of an individual under this title, more than 5 percent of a final award made (whether by the Administrator initially or as a result of administrative review) on the claim.

(2) PENALTY.—Any representative of a claimant who violates this subsection shall be fined not more than the greater of—

(A) \$5,000; or

(B) twice the amount received by the representative for services rendered in connection with each violation.

SEC. 4103. COMPENSATION PROGRAM STARTUP.

(a) INTERIM REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall issue interim regulations and procedures for the processing of claims under this title.

(b) INTERIM PERSONNEL.—

(1) IN GENERAL.—The Secretary and the Assistant Secretary for Policy, Management, and Budget of the Department may make available to the Administrator on a temporary basis such personnel and other resources as may be necessary to facilitate the expeditious startup of the compensation program.

(2) CONTRACTS.—The Administrator may contract with individuals or entities having relevant experience to assist in the expeditious startup of the compensation program.

(c) EXTREME FINANCIAL HARDSHIP CLAIMS.—In the final regulations promulgated under section 4101(c), the Administrator shall designate categories of claims to be handled on an expedited basis as a result of extreme financial hardship.

(d) INTERIM ADMINISTRATOR.—Until an Administrator is appointed and confirmed under section 4101(b), the responsibilities of the Administrator under this title shall be performed by the Assistant Secretary for Policy, Management, and Budget of the Department, who shall have all the authority conferred by this title on the Administrator and who shall be considered to be the Administrator for purposes of this title.

(e) STAY OF CLAIMS; RETURN TO TORT SYSTEM.—

(1) STAY OF CLAIMS.—

(A) PENDING ACTIONS.—Notwithstanding any other provision of this title, any claim for damages pending in any Federal or State court for monetary damages related to the Deepwater Horizon incident as of the date of enactment of this Act shall be subject to a stay.

(B) FUTURE ACTIONS.—Notwithstanding any other provision of this title, any claim for damages filed in any Federal or State court for monetary damages related to the Deepwater Horizon incident after the date of enactment of this Act shall be subject to a stay 60 days after the date of the filing of the claim, unless the claimant has filed an election to pursue the claim for damages in the Federal or State court under paragraph (2).

(2) CLAIMS.—To be eligible for a claim, any person or State that has filed a timely claim seeking a judgment or order for monetary damages related to the Deepwater Horizon incident in any Federal or State court before, on, or after the date of enactment of this Act, shall file with the Administrator and serve on all defendants in the pending court action an election to pursue the claim for damages under this title or continue to pursue the claim in the Federal or State court—

(A) not later than 60 days after the date of enactment of this Act, if the claim was filed in a Federal or State court before the date of enactment of this Act; and

(B) not later than 60 days after the date of the filing of the claim, if the claim is filed in a Federal or State court on or after the date of enactment of this Act.

(3) **STAY.**—Until the claimant files an election under paragraph (2) to continue to pursue the claim in the Federal or State court, the stay under paragraph (1) shall remain in effect.

(4) **EFFECT OF ELECTION.**—

(A) **IN GENERAL.**—Any claimant that has elected to pursue a claim for damages in Federal or State court under paragraph (2) shall not be eligible for an award for those damages under section 4301.

(B) **STAY OF CLAIM.**—Any claimant that has been awarded damages for a claim under section 4301 shall not be eligible for an award of damages for the same claim in Federal or State court.

(5) **EFFECT OF OPERATIONAL OR NON-OPERATIONAL FUND.**—

(A) **REINSTATEMENT OF CLAIMS.**—If, after 270 days after the date of enactment of this Act, the Administrator cannot certify to Congress that the Office is operational and paying claims at a reasonable rate, each person or State that has filed a claim stayed under this subsection may continue the claims of the person or State in the court in which the case was pending prior to the stay.

(B) **OPERATIONAL OFFICE.**—If the Administrator subsequently certifies to Congress that the Office has become operational and paying all valid claims at a reasonable rate, any claim in a civil action in Federal or State court that is not actually on trial before a jury that has been impaneled and presentation of evidence has commenced, but before deliberation, or before a judge and is at the presentation of evidence, may, at the option of the claimant, be considered a reinstated claim before the Administrator and the civil action before the Federal or State court shall be null and void.

(C) **NONOPERATIONAL OFFICE.**—Notwithstanding any other provision of this title, if the Administrator certifies to Congress that the Office cannot become operational and paying all valid claims at a reasonable rate, all claims that have a stay may be filed or reinstated.

#### **SEC. 4104. AUTHORITY OF ADMINISTRATOR.**

On any matter within the jurisdiction of the Administrator under this title, the Administrator may—

(1) issue subpoenas for and compel the attendance of witnesses within a radius of 200 miles;

(2) administer oaths;

(3) examine witnesses;

(4) require the production of books, papers, documents, and other potential evidence; and

(5) request assistance from other Federal agencies with the performance of the duties of the Administrator under this title.

#### **SEC. 4105. ADVISORY COMMITTEE ON DEEPWATER HORIZON COMPENSATION.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the Administrator shall establish an Advisory Committee on Deepwater Horizon Compensation.

(2) **COMPOSITION AND APPOINTMENT.**—

(A) **IN GENERAL.**—The Advisory Committee shall be composed of 24 members, appointed in accordance with this paragraph.

(B) **LEGISLATIVE APPOINTMENTS.**—

(i) **IN GENERAL.**—The Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives shall each appoint 4 members to the Advisory Committee.

(ii) **REPRESENTATION.**—Of the 4 members appointed by each Member under clause (i)—

(I) 2 members shall represent the interests of claimants; and

(II) 2 members shall represent the interests of responsible parties.

(C) **APPOINTMENTS BY ADMINISTRATOR.**—The Administrator shall appoint 8 members to the Advisory Committee, who shall be individuals with qualifications and expertise relevant to the compensation program, including experience or expertise in marine or coastal ecology, oil spill remediation, fisheries management, administering compensation programs, or audits.

(b) **DUTIES.**—The Advisory Committee shall advise the Administrator on—

(1) claims filing and claims processing procedures;

(2) claimant assistance programs;

(3) audit procedures and programs to ensure the quality and integrity of the compensation program;

(4) analyses or research that should be conducted to evaluate past claims and to project future claims under the compensation program; and

(5) such other matters related to the implementation of this title as the Administrator considers appropriate.

(c) **OPERATION OF COMMITTEE.**—

(1) **TERM.**—The term of a member of the Advisory Committee shall be 3 years.

(2) **CHAIRPERSON AND VICE CHAIRPERSON.**—The Administrator shall designate a Chairperson and Vice Chairperson of the Advisory Committee from among the members appointed under subsection (a)(2)(C).

(3) **MEETINGS.**—The Advisory Committee shall meet—

(A) at the call of the Chairperson or a majority of the members of the Advisory Committee; and

(B) at least—

(i) 4 times per year during the first 3 years of the compensation program; and

(ii) 2 times per year thereafter.

(4) **INFORMATION.**—

(A) **IN GENERAL.**—The Administrator shall provide to the Advisory Committee such information as is necessary and appropriate for the Advisory Committee to carry out this section.

(B) **OTHER AGENCIES.**—

(i) **IN GENERAL.**—On request of the Advisory Committee, the Administrator may secure directly from any Federal, State, or local department or agency such information as may be necessary to enable the Advisory Committee to carry out this section.

(ii) **PROVISION OF INFORMATION.**—On request of the Administrator, the head of the department or agency described in clause (i) shall furnish such information to the Advisory Committee.

(5) **ADMINISTRATIVE SUPPORT.**—The Administrator shall provide the Advisory Committee with such administrative support as is reasonably necessary to enable the Advisory Committee to carry out this section.

(d) **EXPENSES.**—A member of the Advisory Committee, other than a full-time Federal employee, while attending a meeting of the Advisory Committee or while otherwise serving at the request of the Administrator, and while serving away from the home or regular place of business of the member, shall be allowed travel and meal expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Federal Government serving without pay.

#### **Subtitle B—Deepwater Horizon Compensation Procedures**

#### **SEC. 4201. ESSENTIAL ELEMENTS OF ELIGIBLE CLAIM.**

To be eligible for an award under this title for damages, a claimant shall—

(1) file a claim in a timely manner in accordance with section 4203; and

(2) prove, by a preponderance of the evidence, that the claimant has suffered damages as a result of the Deepwater Horizon incident.

#### **SEC. 4202. GENERAL RULE CONCERNING NO-FAULT COMPENSATION.**

To be eligible for an award under this title for damages, a claimant shall not be required to demonstrate that the damages for which the claim is being made resulted from the negligence or other fault of any other person.

#### **SEC. 4203. FILING OF CLAIMS.**

(a) **ELIGIBLE CLAIMANTS.**—

(1) **IN GENERAL.**—Any person or State that has suffered damage as a result of the Deepwater Horizon incident may file a claim with the Office for an award with respect to the damage.

(2) **LIMITATION.**—A claim may not be filed by any person or State under this title for contribution or indemnity.

(b) **STATUTE OF LIMITATIONS.**—Except as otherwise provided in this subsection, if a person or State fails to file a claim with the Office under this section during the 5-year period beginning on the date on which the person or State first discovered facts that would have led a reasonable person to conclude that damage had occurred, any claim relating to the damage, and any other claim related to that damage, shall be extinguished, and any recovery on the damage shall be prohibited.

(c) **FUTURE CLAIMS NOT PRECLUDED.**—Filing of a claim under subsection (a) shall not preclude the filing of additional claims for damages arising from the Deepwater Horizon incident that are manifest at a later date.

(d) **REQUIRED INFORMATION.**—A claim filed under subsection (a) shall be in such form, and contain such information in such detail, as the Administrator shall by regulation prescribe.

(e) **DATE OF FILING.**—A claim shall be considered to be filed on the date that the claimant mails the claim to the Office, as determined by postmark, or on the date that the claim is received by the Office, whichever is the earliest determinable date.

(f) **INCOMPLETE CLAIMS.**—

(1) **IN GENERAL.**—If a claim filed under subsection (a) is incomplete, the Administrator shall notify the claimant of the information necessary to complete the claim and inform the claimant of such services as may be available through the claimant assistance program established under section 4102 to assist the claimant in completing the claim.

(2) **TIME PERIODS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), any time period for the processing of the claim shall be suspended until such time as the claimant submits the information necessary to complete the claim.

(B) **DEADLINE.**—If the information described in subparagraph (A) is not received during the 1-year period beginning on the date of the notification, the claim shall be dismissed.

#### **SEC. 4204. ELIGIBILITY DETERMINATIONS AND CLAIM AWARDS.**

(a) **IN GENERAL.**—

(1) **REVIEW OF CLAIMS.**—The Administrator shall, in accordance with this section, determine whether each claim filed satisfies the requirements for eligibility for an award under this title and, if so, the value of the award.

(2) **FACTORS.**—In making a determination under paragraph (1), the Administrator shall consider—

(A) the claim presented by the claimant;

(B) the factual evidence submitted by the claimant in support of the claim; and

(C) the results of such investigation as the Administrator may consider necessary to determine whether the claim satisfies the criteria for eligibility established by this title.

(3) **ADDITIONAL EVIDENCE.**—

(A) IN GENERAL.—The Administrator may request the submission of evidence in addition to the minimum requirements of section 4203 if necessary to make a determination of eligibility for an award.

(B) COST.—If the Administrator requests additional evidence under subparagraph (A), the cost of obtaining the additional evidence shall be borne by the Office.

(b) PROPOSED DECISIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the filing of a claim, the Administrator shall provide to the parties a proposed decision—

(A) accepting or rejecting the claim in whole or in part; and

(B) specifying the amount of any proposed award.

(2) FORM.—The proposed decision shall—

(A) be in writing;

(B) contain findings of fact and conclusions of law; and

(C) contain an explanation of the procedure for obtaining review of the proposed decision.

(c) REVIEW OF PROPOSED DECISIONS.—

(1) RIGHT TO HEARING.—

(A) IN GENERAL.—Any party not satisfied with a proposed decision of the Administrator under subsection (b) shall be entitled, on written request made not later than 90 days after the date of the issuance of the decision, to a hearing on the claim of the claimant before a representative of the Administrator.

(B) TESTIMONY.—At the hearing, the party shall be entitled to present oral evidence and written testimony in further support of the claim.

(C) CONDUCT OF HEARING.—

(i) IN GENERAL.—The hearing shall, to the maximum extent practicable, be conducted at a time and place convenient for the claimant.

(ii) ADMINISTRATION.—Except as otherwise provided in this title, in conducting the hearing, the representative of the Administrator shall conduct the hearing in a manner that best determines the rights of the parties and shall not be bound by—

(I) common law or statutory rules of evidence;

(II) technical or formal rules of procedure; or

(III) section 554 of title 5, United States Code.

(iii) EVIDENCE.—For purposes of clause (ii), the representative of the Administrator shall receive such relevant evidence as the claimant adduces and such other evidence as the representative determines necessary or useful in evaluating the claim.

(D) REQUEST FOR SUBPOENAS.—

(i) IN GENERAL.—Subject to clause (iv), a party may request a representative of the Administrator to issue a subpoena but the decision to grant or deny the request is within the discretion of the representative.

(ii) SUBPOENAS.—Subject to clause (iii), the representative may issue subpoenas for—

(I) the attendance and testimony of witnesses; and

(II) the production of books, records, correspondence, papers, or other relevant documents.

(iii) PREREQUISITES.—Subpoenas may be issued for documents under this subparagraph only if—

(I) in the case of documents, the documents are relevant and cannot be obtained by other means; and

(II) in the case of witnesses, oral testimony is the best way to ascertain the facts.

(iv) REQUEST.—

(I) HEARING PROCESS.—A party may request a subpoena under this subparagraph only as part of the hearing process.

(II) FORM.—To request a subpoena, the requester shall—

(aa) submit the request in writing and send the to the representative as early as practicable, but not later than 30 days, after the date of the original hearing request; and

(bb) explain why the testimony or evidence is directly relevant to the issues at hand, and a subpoena is the best method or opportunity to obtain the evidence because there are no other means by which the documents or testimony could have been obtained.

(v) FEES AND MILEAGE.—

(I) IN GENERAL.—Any person required by a subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States.

(II) FUND.—The fees and mileage shall be paid from the Fund.

(2) REVIEW OF WRITTEN RECORD.—

(A) IN GENERAL.—Instead of a hearing under paragraph (1), any party not satisfied with a proposed decision of the Administrator shall have the option, on written request made not later than 90 days after the date of the issuance of the decision, of obtaining a review of the written record by a representative of the Administrator.

(B) OPPORTUNITY TO BE HEARD.—If a review is requested under subparagraph (A), the parties shall be afforded an opportunity to submit any written evidence or argument that the claimant believes relevant.

(d) FINAL DECISIONS.—

(1) IN GENERAL.—If the period of time for requesting review of the proposed decision expires and no request has been filed, or if the parties waive any objections to the proposed decision, the Administrator shall issue a final decision.

(2) VARIANCE FROM PROPOSED DECISION.—If the decision materially differs from the proposed decision, the parties shall be entitled to review of the decision under subsection (c).

(3) TIMING.—If the parties request review of all or part of the proposed decision the Administrator shall issue a final decision on the claim not later than—

(A) 180 days after the date the request for review is received, if a party requests a hearing; or

(B) 90 days after the date the request for review is received, if the claimant requests review of the written record.

(4) CONTENT.—The decision shall be in writing and contain findings of fact and conclusions of law.

(e) REPRESENTATION.—A party may authorize an attorney or other individual to represent the party in any proceeding under this title.

#### Subtitle C—Awards

##### SEC. 4301. AMOUNT.

(a) IN GENERAL.—A claimant that meets the requirements of section 4201 shall be entitled to an award in an amount equal to the damages specified in subsection (b) sustained as a result of Deepwater Horizon incident.

(b) COVERED DAMAGES.—For purposes of subsection (a), covered damages shall be 1 or more of the following types of damages (if applicable):

(1) REAL OR PERSONAL PROPERTY.—Damages for injury to, or economic losses resulting from destruction of, real or personal property, which shall be recoverable by a claimant who owns or leases that property.

(2) SUBSISTENCE USE.—Damages for loss of subsistence use of natural resources, which shall be recoverable by any claimant who so uses natural resources that have been injured, destroyed, or lost, without regard to the ownership or management of the resources.

(3) REVENUES.—Damages equal to the net loss of taxes, royalties, rents, fees, or net

profit shares due to the injury, destruction, or loss of real property, personal property, or natural resources, which shall be recoverable by a State or a political subdivision of a State.

(4) PROFITS AND EARNING CAPACITY.—Damages equal to the loss of profits or impairment of earning capacity due to the injury, destruction, or loss of real property, personal property, or natural resources, which shall be recoverable by any claimant.

(5) PUBLIC SERVICES.—Damages for net costs of providing increased or additional public services during or after removal activities, including protection from fire, safety, or health hazards, caused by a discharge of oil, which shall be recoverable by a State or a political subdivision of a State.

##### SEC. 4302. PAYMENT.

(a) PAYMENTS.—Not later than 30 days after a final determination of an award under this title, a claimant that is entitled to an award under this title shall receive the amount of the award through payments from the responsible parties.

(b) LIMITATION ON TRANSFERABILITY.—A claim filed under this title shall not be assignable or otherwise transferable under this title.

##### SEC. 4303. SETOFFS FOR COLLATERAL SOURCE COMPENSATION AND PRIOR AWARDS.

The amount of an award otherwise available to a claimant under this title shall be reduced by the amount of collateral source compensation.

##### SEC. 4304. SUBROGATION.

Any person that pays compensation pursuant to this title to any claimant for damages shall be subrogated to all rights, claims, and causes of action the claimant has under any other law.

#### Subtitle D—Judicial Review

##### SEC. 4401. JUDICIAL REVIEW OF RULES AND REGULATIONS.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over any action to review rules or regulations promulgated by the Administrator under this title.

(b) PERIOD FOR FILING PETITION.—A petition for review under this section shall be filed not later than 60 days after the date notice of the promulgation of the rules or regulations appears in the Federal Register.

(c) EXPEDITED PROCEDURES.—The United States Court of Appeals for the District of Columbia shall provide for expedited procedures for reviews under this section.

##### SEC. 4402. JUDICIAL REVIEW OF AWARD DECISIONS.

(a) IN GENERAL.—Any claimant or responsible party adversely affected or aggrieved by a final decision of the Administrator awarding or denying compensation under this title may petition for judicial review of the decision.

(b) PERIOD FOR FILING PETITION.—Any petition for review under this section shall be filed not later than 90 days after the date of issuance of a final decision of the Administrator.

(c) EXCLUSIVE JURISDICTION.—A petition for review may only be filed in the United States Court of Appeals for the circuit in which the claimant resides at the time of the issuance of the final order.

(d) STANDARD OF REVIEW.—The court shall uphold the decision of the Administrator unless the court determines, on review of the record as a whole, that the decision is not supported by substantial evidence, is contrary to law, or is not in accordance with procedure required by law.

(e) EXPEDITED PROCEDURES.—The United States Court of Appeals shall provide for expedited procedures for reviews under this section.

**SEC. 4403. OTHER JUDICIAL CHALLENGES.**

(a) **EXCLUSIVE JURISDICTION.**—The United States District Court for the District of Columbia shall have exclusive jurisdiction over any action for declaratory or injunctive relief challenging any provision of this title.

(b) **PERIOD FOR FILING PETITIONS.**—An action under this section shall be filed not later than the later of—

(1) the date that is 60 days after the date of enactment of this Act; or

(2) the date that is 60 days after the final action by the Administrator or the Office giving rise to the action.

(c) **DIRECT APPEAL.**—

(1) **IN GENERAL.**—A final decision in the action shall be reviewable on appeal directly to the Supreme Court.

(2) **ADMINISTRATION.**—The appeal shall be taken by the filing of a notice of appeal not later than 30 days, and the filing of a jurisdictional statement not later than 60 days, after the date of the entry of the final decision.

(d) **EXPEDITED PROCEDURES.**—It is the sense of Congress that the Supreme Court and the United States District Court for the District of Columbia are urged to advance on the docket and otherwise expedite, to the maximum extent practicable, the disposition of an action covered by this section.

**Subtitle E—Effect on Other Laws****SEC. 4501. EFFECT ON OTHER LAWS.**

This title shall supersede any Federal or State law to the extent that the law relates to any claim for damages compensated under this title.

**SA 4265.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 22 and 23, insert the following:

**PROHIBITION ON FRAUDULENT REPRESENTATION OF MILITARY SERVICE TO OBTAIN EMPLOYMENT OR OTHER BENEFITS**

**SEC. 3008. (a) CRIMINAL OFFENSE.**—Section 704 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(c) **FRAUDULENT REPRESENTATION OF MILITARY SERVICE.**—Whoever knowingly makes a fraudulent statement or representation, verbally or in writing, regarding the person’s record of military service in the United States Armed Forces, including, but not limited to, participation in combat operations, for the purposes of gaining recognition, honorarium, official office, or other position of authority, employment or other benefit or object of value as a result of the statement, shall be fined under this title, imprisoned not more than six months, or both.”

(b) **CONFORMING AMENDMENTS.**—

(1) **HEADING AMENDMENT.**—The heading of such section is amended to read as follows:

“**§ 704. Military medal or decorations; military service.**”

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 33 of such title is amended by striking the item relating to section 704 and inserting the following new item:

“704. Military medal or decorations; military service.”

**SA 4266.** Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by

him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, line 2, strike “and (3)” and insert “(3) may use, without further appropriation, amounts from the Oil Spill Liability Trust Fund in the event of a spill of national significance for administrative and personnel costs to process claims (including the costs of commercial claims processing, expert services, and technical services); and (4)”.

**SA 4267.** Mr. BINGAMAN (for himself, Ms. MURKOWSKI, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, between lines 6 and 7, insert the following:

**SEC. 4\_\_\_\_.** (a) Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) **SPECIFIC APPROPRIATION OR CONTRIBUTION.**—

“(1) **IN GENERAL.**—No guarantee shall be made unless—

“(A) an appropriation for the cost of the guarantee has been made;

“(B) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

“(C) a combination of appropriations under subparagraph (A) or payments from the borrower under subparagraph (B) has been made that is sufficient to cover the cost of the guarantee.

“(2) **LIMITATION.**—The source of payments received from a borrower under subparagraph (B) or (C) of paragraph (1) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.”; and

(2) by adding at the end the following:

“(1) **CREDIT REPORT.**—If, in the opinion of the Secretary, a third-party credit rating of the applicant or project is not relevant to the determination of the credit risk of a project, if the project costs are not projected to exceed \$100,000,000, and the applicant agrees to accept the credit rating assigned to the applicant by the Secretary, the Secretary may waive any otherwise applicable requirement (including any requirement described in part 609 of title 10, Code of Federal Regulations) to provide a third-party credit report.

“(m) **DIRECT HIRE AUTHORITY.**—

“(1) **IN GENERAL.**—Notwithstanding sections 3304 and sections 3309 through 3318 of title 5, United States Code, the head of the loan guarantee program under this title (referred to in this subsection as the ‘Executive Director’) may, on a determination that there is a severe shortage of candidates or a severe hiring need for particular positions to carry out the functions of this title, recruit and directly appoint highly qualified critical personnel with specialized knowledge important to the function of the programs under this title into the competitive service.

“(2) **EXCEPTION.**—The authority granted under paragraph (1) shall not apply to positions in the excepted service or the Senior Executive Service.

“(3) **REQUIREMENTS.**—In exercising the authority granted under paragraph (1), the Executive Director shall ensure that any action taken by the Executive Director—

“(A) is consistent with the merit principles of section 2301 of title 5, United States Code; and

“(B) complies with the public notice requirements of section 3327 of title 5, United States Code.

“(4) **SUNSET.**—The authority provided under paragraph (1) shall terminate on September 30, 2011.

“(n) **PROFESSIONAL ADVISORS.**—The Secretary may—

“(1) retain agents and legal and other professional advisors in connection with guarantees and related activities authorized under this title;

“(2) require applicants for and recipients of loan guarantees to pay all fees and expenses of the agents and advisors; and

“(3) notwithstanding any other provision of law, select such advisors in such manner and using such procedures as the Secretary determines to be appropriate to protect the interests of the United States and achieve the purposes of this title.

“(o) **MULTIPLE SITES.**—Notwithstanding any contrary requirement (including any provision under part 609.12 of title 10, Code of Federal Regulations) an eligible project may be located on 2 or more non-contiguous sites in the United States.”

(b) Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(e) **MULTIPLE APPLICATIONS.**—Notwithstanding any contrary requirement (including any provision under part 609.3(a) of title 10, Code of Federal Regulations), a project applicant or sponsor of an eligible project may submit an application for more than 1 eligible project under this section.”

(c) Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

“(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment.”

(d) Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended—

(1) by striking subsection (f) and inserting the following:

“(f) **FEES.**—Except as otherwise permitted under subsection (i), administrative costs shall be not more than \$100,000 or 10 basis points of the loan.”;

(2) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(3) by inserting after subsection (h) the end the following:

“(i) **PROFESSIONAL ADVISORS.**—The Secretary may—

“(1) retain agents and legal and other professional advisors in connection with guarantees and related activities authorized under this section;

“(2) require applicants for and recipients of loan guarantees to pay directly, or through the payment of fees to the Secretary, all fees and expenses of the agents and advisors; and

“(3) notwithstanding any other provision of law, select such advisors in such manner and using such procedures as the Secretary determines to be appropriate to protect the interests of the United States and achieve the purposes of this section.”

**SA 4268.** Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by

him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 30, between lines 6 and 7, insert the following:

SEC. 4 \_\_\_\_ . Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following:

“(1) DEADLINE FOR OMB REVIEW.—If the Secretary submits to the Director of the Office of Management and Budget a loan guarantee for review and comment, the Secretary may, taking into consideration comments made by the Director, issue a conditional commitment to enter into the loan guarantee at least 30 days subsequent to the submittal, without further approval from the Director.”.

**SA 4269.** Ms. KLOBUCHAR (for herself, Mr. DORGAN, Mr. ENSIGN, Mr. BEGICH, and Mr. LEMIEUX) submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ . AMENDMENT OF TRAVEL PROMOTION ACT OF 2009.

(a) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) by striking “6 months” in clause (i) and inserting “12 months”; and

(2) by striking “subsection (d) of section 11 of the Travel Promotion Act of 2009.” in clause (ii) and inserting “subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)).”; and

(3) by striking “September 30, 2014.” in clause (iii) and inserting “September 30, 2015.”.

(b) IMPLEMENTATION BEGINNING IN FISCAL YEAR 2011.—Subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)) is amended—

(1) by striking “fiscal year 2010.” in paragraph (2)(A) and inserting “fiscal year 2011.”;

(2) by striking “January 1, 2010.” in paragraph (2)(A) and inserting “January 1, 2011.”;

(3) by striking “fiscal years 2011 through 2014.” in paragraph (2)(B) and inserting “fiscal years 2012 through 2015.”;

(4) by striking “fiscal year 2010.” in paragraph (3)(A) and inserting “fiscal year 2011.”;

(5) by striking “fiscal year 2011.” each place it appears in paragraph (3)(A) and inserting “fiscal year 2012.”; and

(6) by striking “fiscal year 2010, 2011, 2012, 2013, or 2014” in paragraph (4)(B) and inserting “fiscal year 2011, 2012, 2013, 2014, or 2015”.

(c) PROGRAM AUDITS.—Subsection (b)(8)(D) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b)(8)(D)) is amended by striking “2 years after the date of enactment of this section.” and inserting “3 years after the date of enactment of the Travel Promotion Act of 2009.”.

(d) RESEARCH PROGRAM.—Section 203(b) of the International Travel Act of 1961 (22 U.S.C. 2123a(b)) is amended by striking “2010 through 2014” and inserting “2010 through 2015”.

(e) CORRECTION OF CROSS-REFERENCE.—Section 202(c)(1) of the International Travel Act of 1961 (22 U.S.C. 2123(c)(1)) is amended by

striking “subsection (b) of section 11 of the Travel Promotion Act of 2009” and inserting “subsection (b) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b))”.

**SA 4270.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ . EXTENSION OF DEPENDENT COVERAGE UNDER FEHBP.

(a) PROVISIONS RELATING TO AGE.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8901(5)—

(A) in the matter before subparagraph (A), by striking “22 years of age” and inserting “26 years of age”; and

(B) in the matter after subparagraph (B), by striking “age 22” and inserting “age 26”; and

(2) in section 8905(c)(2)(B)—

(A) in clause (i), by striking “22 years of age” and inserting “26 years of age”; and

(B) in clause (ii), by striking “age 22” and inserting “age 26”.

(b) PROVISIONS RELATING TO MARITAL STATUS.—Chapter 89 of title 5, United States Code, is further amended—

(1) in section 8901(5) and subsections (b)(2)(A), (c)(2)(B), (e)(1)(B), and (e)(2)(A) of section 8905a, by striking “an unmarried dependent” each place it appears and inserting “a dependent”; and

(2) in section 8905(c)(2)(B), by striking “unmarried dependent” and inserting “dependent”.

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective as if included in the enactment of section 1001 of the Patient Protection and Affordable Care Act (Public Law 111–148), except that the Director of the Office of Personnel Management may implement such amendments for such periods before the effective date otherwise provided in section 1004(a) of such Act as the Director may specify.

**SA 4271.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 81, between lines 23 and 24, insert the following:

SEC. 30 \_\_\_\_ . None of the funds made available by this Act or any other law shall be used by the Secretary of the Interior to review or approve plans or permits for the exploration, development, or production of oil and natural gas in the outer Continental Shelf until such time as—

(1) the Secretary of the Interior and the Council on Environmental Quality have completed a joint review of applicable procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling established by Executive Order on May 22, 2010 (referred to in this section as the “Commission”), has submitted a final public report to the President in accordance with section 3(c) of that Executive Order;

(3) any policy or procedural changes recommended by the Secretary of the Interior

and the Council on Environmental Quality based on the joint review under paragraph (1) and by the Commission based on the final report described in paragraph (2) have been fully implemented, as determined to be appropriate by the President; and

(4) the Secretary of the Interior has submitted a report that describes the changes implemented under paragraph (3) to—

(A) the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

**SA 4272.** Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, line 14, strike “Code:” and insert “Code, and \$80,900,000 shall be available to the Secretary of Transportation for a national advertising and enforcement campaign against distracted driving, and for grants to States to carry out enforcement against distracted driving:”.

**SA 4273.** Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, strike lines 10 through 24.

**SA 4274.** Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, strike line 14 and all that follows through line 18 and insert the following: “Medical Services” account: *Provided*, That any amount transferred from “Construction, Major Projects” shall be derived from unobligated balances that are a direct result of bid savings: *Provided further*, That such amounts are used to provide assistance and support services to caregivers under section 1720G of title 38, United States Code, and to carry out the provisions of title I of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163): *Provided further*, That no amounts may be transferred from amounts

**SA 4275.** Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, strike line 10 and all that follows through line 22 and insert the following:

SEC. 901. (a) Of the amounts made available to the Department of Veterans Affairs under the “Construction, Major Projects” account, in fiscal year 2010 or previous fiscal years, the unobligated balances that are a direct result of bid savings may be used by the Secretary of Veterans Affairs for such major medical facility projects (as defined under

section 8104(a) of title 38, United States Code) that have been authorized by law as the Secretary considers appropriate.

**SA 4276.** Mr. WICKER (for himself, Mr. SHELBY, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**DIVISION B—GULF OF MEXICO RESTORATION AND PROTECTION**

**SECTION 1. SHORT TITLE.**

This division may be cited as the “Gulf of Mexico Restoration and Protection Act”.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the Gulf of Mexico is a valuable resource of national and international importance, continuously serving the people of the United States and other countries as an important source of food, economic productivity, recreation, beauty, and enjoyment;

(2) over many years, the resource productivity and water quality of the Gulf of Mexico and its watershed have been diminished by point and nonpoint source pollution;

(3) the United States should seek to attain the protection and restoration of the Gulf of Mexico ecosystem as a collaborative regional goal of the Gulf of Mexico Program; and

(4) the Administrator of the Environmental Protection Agency, in consultation with other Federal agencies and State and local authorities, should coordinate the effort to meet those goals.

(b) PURPOSES.—The purposes of this division are—

(1) to expand and strengthen cooperative voluntary efforts to restore and protect the Gulf of Mexico;

(2) to expand Federal support for monitoring, management, and restoration activities in the Gulf of Mexico and its watershed;

(3) to commit the United States to a comprehensive cooperative program to achieve improved water quality in, and improvements in the productivity of living resources of, the Gulf of Mexico; and

(4) to establish a Gulf of Mexico Program to serve as a national and international model for the collaborative management of large marine ecosystems.

**SEC. 3. GULF OF MEXICO RESTORATION AND PROTECTION.**

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

**“SEC. 123. GULF OF MEXICO RESTORATION AND PROTECTION.**

“(a) DEFINITIONS.—In this section;

“(1) GULF OF MEXICO ECOSYSTEM.—The term ‘Gulf of Mexico ecosystem’ means the ecosystem of the Gulf of Mexico and its watershed.

“(2) GULF OF MEXICO EXECUTIVE COUNCIL.—The term ‘Gulf of Mexico Executive Council’ means the formal collaborative Federal, State, local, and private participants in the Program.

“(3) PROGRAM.—The term ‘Program’ means the Gulf of Mexico Program established by the Administrator in 1988 as a nonregulatory, inclusive partnership to provide a broad geographic focus on the primary environmental issues affecting the Gulf of Mexico.

“(4) PROGRAM OFFICE.—The term ‘Program Office’ means the office established by the Administrator to administer the Program that is reestablished by subsection (b)(1)(A).

“(b) CONTINUATION OF GULF OF MEXICO PROGRAM.—

“(1) GULF OF MEXICO PROGRAM OFFICE.—

“(A) REESTABLISHMENT.—The Program Office established before the date of enactment of this section by the Administrator is reestablished as an office of the Environmental Protection Agency.

“(B) REQUIREMENTS.—The Program Office shall be—

“(i) headed by a Director who, by reason of management experience and technical expertise relating to the Gulf of Mexico, is highly qualified to direct the development of plans and programs on a variety of Gulf of Mexico issues, as determined by the Administrator; and

“(ii) located in a State all or a portion of the coastline of which is on the Gulf of Mexico.

“(C) FUNCTIONS.—The Program Office shall—

“(i) coordinate the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies—

“(I) to improve the water quality and living resources in the Gulf of Mexico ecosystem; and

“(II) to obtain the support of appropriate officials;

“(ii) in cooperation with appropriate Federal, State, and local authorities, assist in developing and implementing specific action plans to carry out the Program;

“(iii) coordinate and implement priority State-led and community-led restoration plans and projects, and facilitate science, research, modeling, monitoring, data collection, and other activities that support the Program through the provision of grants under subsection (d);

“(iv) implement outreach programs for public information, education, and participation to foster stewardship of the resources of the Gulf of Mexico;

“(v) develop and make available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Gulf of Mexico ecosystem;

“(vi) serve as the liaison with, and provide information to, the Mexican members of the Gulf of Mexico States Accord and Mexican counterparts of the Environmental Protection Agency; and

“(vii) focus the efforts and resources of the Program Office on activities that will result in measurable improvements to water quality and living resources of the Gulf of Mexico ecosystem.

“(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into 1 or more interagency agreements with other Federal agencies to carry out this section.

“(d) GRANTS.—

“(1) IN GENERAL.—In accordance with the Program, the Administrator, acting through the Program Office, may provide grants to nonprofit organizations, State and local governments, colleges, universities, interstate agencies, and individuals to carry out this section for use in—

“(A) monitoring the water quality and living resources of the Gulf of Mexico ecosystem;

“(B) researching the effects of natural and human-induced environmental changes on the water quality and living resources of the Gulf of Mexico ecosystem;

“(C) developing and executing cooperative strategies that address the water quality and living resource needs in the Gulf of Mexico ecosystem;

“(D) developing and implementing locally based protection and restoration programs or projects within a watershed that com-

plement those strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Gulf of Mexico ecosystem; and

“(E) eliminating or reducing nonpoint sources that discharge pollutants that contaminate the Gulf of Mexico ecosystem, including activities to eliminate leaking septic systems and construct connections to local sewage systems.

“(2) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using a grant provided under this section shall not exceed 75 percent, as determined by the Administrator.

“(3) ADMINISTRATIVE COSTS.—Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects carried out using funds made available through a grant under this subsection shall not exceed 15 percent of the amount of the grant.

“(e) REPORTS.—

“(1) ANNUAL REPORT.—Not later than December 30, 2009, and annually thereafter, the Director of the Program Office shall submit to the Administrator and make available to the public a report that describes—

“(A) each project and activity funded under this section during the previous fiscal year;

“(B) the goals and objectives of those projects and activities; and

“(C) the net benefits of projects and activities funded under this section during previous fiscal years.

“(2) ASSESSMENT.—

“(A) IN GENERAL.—Not later than April 30, 2011, and every 5 years thereafter, the Administrator, in coordination with the Gulf of Mexico Executive Council, shall complete an assessment, and submit to Congress a comprehensive report on the performance, of the Program.

“(B) REQUIREMENTS.—The assessment and report described in subparagraph (A) shall—

“(i) assess the overall state of the Gulf of Mexico ecosystem;

“(ii) compare the current state of the Gulf of Mexico ecosystem with a baseline assessment;

“(iii) include specific measures to assess any improvements in water quality and living resources of the Gulf of Mexico ecosystem;

“(iv) assess the effectiveness of the Program management strategies being implemented, and the extent to which the priority needs of the region are being met through that implementation; and

“(v) make recommendations for the improved management of the Program, including strengthening strategies being implemented or adopting improved strategies.

“(f) BUDGET ITEM.—The Administrator, in the annual submission to Congress of the budget of the Environmental Protection Agency, shall include a funding line item request for the Program Office as a separate budget line item.

“(g) LIMITATION ON REGULATORY AUTHORITY.—Nothing in this section establishes any new legal or regulatory authority of the Administrator other than the authority to provide grants in accordance with this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

“(1) \$10,000,000 for fiscal year 2010;

“(2) \$15,000,000 for fiscal year 2011; and

“(3) \$25,000,000 for each of fiscal years 2012 through 2014.”.

**SA 4277.** Mr. WICKER (for himself, Mr. SHELBY, and Mr. LEMIEUX) submitted an amendment intended to be

proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**DIVISION B—GULF OF MEXICO RESTORATION AND PROTECTION**

**SECTION 1. SHORT TITLE.**

This division may be cited as the “Gulf of Mexico Restoration and Protection Act”.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the Gulf of Mexico is a valuable resource of national and international importance, continuously serving the people of the United States and other countries as an important source of food, economic productivity, recreation, beauty, and enjoyment;

(2) over many years, the resource productivity and water quality of the Gulf of Mexico and its watershed have been diminished by point and nonpoint source pollution;

(3) the United States should seek to attain the protection and restoration of the Gulf of Mexico ecosystem as a collaborative regional goal of the Gulf of Mexico Program; and

(4) the Administrator of the Environmental Protection Agency, in consultation with other Federal agencies and State and local authorities, should coordinate the effort to meet those goals.

(b) PURPOSES.—The purposes of this division are—

(1) to expand and strengthen cooperative voluntary efforts to restore and protect the Gulf of Mexico;

(2) to expand Federal support for monitoring, management, and restoration activities in the Gulf of Mexico and its watershed;

(3) to commit the United States to a comprehensive cooperative program to achieve improved water quality in, and improvements in the productivity of living resources of, the Gulf of Mexico; and

(4) to establish a Gulf of Mexico Program to serve as a national and international model for the collaborative management of large marine ecosystems.

**SEC. 3. GULF OF MEXICO RESTORATION AND PROTECTION.**

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

**“SEC. 123. GULF OF MEXICO RESTORATION AND PROTECTION.**

“(a) DEFINITIONS.—In this section;

“(1) GULF OF MEXICO ECOSYSTEM.—The term ‘Gulf of Mexico ecosystem’ means the ecosystem of the Gulf of Mexico and its watershed.

“(2) GULF OF MEXICO EXECUTIVE COUNCIL.—The term ‘Gulf of Mexico Executive Council’ means the formal collaborative Federal, State, local, and private participants in the Program.

“(3) PROGRAM.—The term ‘Program’ means the Gulf of Mexico Program established by the Administrator in 1988 as a nonregulatory, inclusive partnership to provide a broad geographic focus on the primary environmental issues affecting the Gulf of Mexico.

“(4) PROGRAM OFFICE.—The term ‘Program Office’ means the office established by the Administrator to administer the Program that is reestablished by subsection (b)(1)(A).

“(b) CONTINUATION OF GULF OF MEXICO PROGRAM.—

“(1) GULF OF MEXICO PROGRAM OFFICE.—

“(A) REESTABLISHMENT.—The Program Office established before the date of enactment of this section by the Administrator is rees-

tablished as an office of the Environmental Protection Agency.

“(B) REQUIREMENTS.—The Program Office shall be—

“(1) headed by a Director who, by reason of management experience and technical expertise relating to the Gulf of Mexico, is highly qualified to direct the development of plans and programs on a variety of Gulf of Mexico issues, as determined by the Administrator; and

“(ii) located in a State all or a portion of the coastline of which is on the Gulf of Mexico.

“(C) FUNCTIONS.—The Program Office shall—

“(i) coordinate the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies—

“(I) to improve the water quality and living resources in the Gulf of Mexico ecosystem; and

“(II) to obtain the support of appropriate officials;

“(ii) in cooperation with appropriate Federal, State, and local authorities, assist in developing and implementing specific action plans to carry out the Program;

“(iii) coordinate and implement priority State-led and community-led restoration plans and projects, and facilitate science, research, modeling, monitoring, data collection, and other activities that support the Program through the provision of grants under subsection (d);

“(iv) implement outreach programs for public information, education, and participation to foster stewardship of the resources of the Gulf of Mexico;

“(v) develop and make available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Gulf of Mexico ecosystem;

“(vi) serve as the liaison with, and provide information to, the Mexican members of the Gulf of Mexico States Accord and Mexican counterparts of the Environmental Protection Agency; and

“(vii) focus the efforts and resources of the Program Office on activities that will result in measurable improvements to water quality and living resources of the Gulf of Mexico ecosystem.

“(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into 1 or more interagency agreements with other Federal agencies to carry out this section.

“(d) GRANTS.—

“(1) IN GENERAL.—In accordance with the Program, the Administrator, acting through the Program Office, may provide grants to nonprofit organizations, State and local governments, colleges, universities, interstate agencies, and individuals to carry out this section for use in—

“(A) monitoring the water quality and living resources of the Gulf of Mexico ecosystem;

“(B) researching the effects of natural and human-induced environmental changes on the water quality and living resources of the Gulf of Mexico ecosystem;

“(C) developing and executing cooperative strategies that address the water quality and living resource needs in the Gulf of Mexico ecosystem;

“(D) developing and implementing locally based protection and restoration programs or projects within a watershed that complement those strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Gulf of Mexico ecosystem; and

“(E) eliminating or reducing nonpoint sources that discharge pollutants that con-

taminate the Gulf of Mexico ecosystem, including activities to eliminate leaking septic systems and construct connections to local sewage systems.

“(2) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using a grant provided under this section shall not exceed 75 percent, as determined by the Administrator.

“(3) ADMINISTRATIVE COSTS.—Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects carried out using funds made available through a grant under this subsection shall not exceed 15 percent of the amount of the grant.

“(e) REPORTS.—

“(1) ANNUAL REPORT.—Not later than December 30, 2009, and annually thereafter, the Director of the Program Office shall submit to the Administrator and make available to the public a report that describes—

“(A) each project and activity funded under this section during the previous fiscal year;

“(B) the goals and objectives of those projects and activities; and

“(C) the net benefits of projects and activities funded under this section during previous fiscal years.

“(2) ASSESSMENT.—

“(A) IN GENERAL.—Not later than April 30, 2011, and every 5 years thereafter, the Administrator, in coordination with the Gulf of Mexico Executive Council, shall complete an assessment, and submit to Congress a comprehensive report on the performance, of the Program.

“(B) REQUIREMENTS.—The assessment and report described in subparagraph (A) shall—

“(i) assess the overall state of the Gulf of Mexico ecosystem;

“(ii) compare the current state of the Gulf of Mexico ecosystem with a baseline assessment;

“(iii) include specific measures to assess any improvements in water quality and living resources of the Gulf of Mexico ecosystem;

“(iv) assess the effectiveness of the Program management strategies being implemented, and the extent to which the priority needs of the region are being met through that implementation; and

“(v) make recommendations for the improved management of the Program, including strengthening strategies being implemented or adopting improved strategies.

“(f) BUDGET ITEM.—The Administrator, in the annual submission to Congress of the budget of the Environmental Protection Agency, shall include a funding line item request for the Program Office as a separate budget line item.

“(g) LIMITATION ON REGULATORY AUTHORITY.—Nothing in this section establishes any new legal or regulatory authority of the Administrator other than the authority to provide grants in accordance with this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

“(1) \$10,000,000 for fiscal year 2010;

“(2) \$15,000,000 for fiscal year 2011; and

“(3) \$25,000,000 for each of fiscal years 2012 through 2014.”

**SA 4278.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, between lines 7 and 8, insert the following:

DEPARTMENT OF ENERGY  
TITLE XVII INNOVATIVE TECHNOLOGY LOAN  
GUARANTEE PROGRAM

For the cost of guaranteed loans as authorized by section 1702(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)) for nuclear power facilities, an additional total principal amount of \$9,000,000,000, to remain available until expended: *Provided*, That amounts made available under this heading shall be subject to section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a): *Provided further*, That amounts made available under this heading shall be in addition to the authority provided under section 20320 of the Continuing Appropriations Act, 2007 (42 U.S.C. 16515): *Provided further*, That amounts made available under this heading shall be derived from amounts received as payments from borrowers under section 1702(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)) and collected in accordance with section 502(7) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(7)): *Provided further*, That the source of payment received from the borrowers shall not be considered a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That, pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)), no amounts made available under this heading shall be used to pay the subsidy cost of guarantees: *Provided further*, That none of the loan guarantee authority made available under this heading shall be available for commitments to guarantee loans for any projects for which funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support a project or to obtain goods or services from the project: *Provided further*, That the previous proviso does not preclude the use of the loan guarantee authority provided under this heading for commitments to guarantee loans for projects as a result of the projects benefitting from (1) otherwise allowable Federal income tax benefits, (2) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (A) paid exclusively in cash, (B) deposited in the Treasury as offsetting receipts, and (C) equal to the fair market value as determined by the head of the relevant Federal agency, (4) Federal insurance programs, including section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the "Price-Anderson Act"), or (5) for electric generation projects, use of transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: *Provided further*, That none of the loan guarantee authority made available under this heading shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.): *Provided further*, That, of the unobligated balances appropriated or otherwise made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115) (other than under title X of division A of that Act), \$90,000,000 is rescinded.

**SA 4279.** Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Ms. MUR-

KOWSKI, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, strike lines 9 through 25 and insert the following:

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System", for the protection of public health and safety through the removal of hazard trees killed by bark beetles, \$50,000,000, to remain available until expended: *Provided*, That any of the funds made available under this heading may be transferred by the Secretary of Agriculture to the "Capital Improvement and Maintenance" account to carry out the purposes of the matter under this heading: *Provided further*, That \$8,000,000 of the funds provided under this heading shall be transferred to the National Park Service for "Operation of the National Park System", to carry out the purposes of the matter under this heading.

FOREIGN AGRICULTURAL SERVICE

FOOD FOR PEACE TITLE II GRANTS

For an additional amount for "Food for Peace Title II Grants" for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, \$150,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. None of the funds appropriated or made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a biomass crop assistance program as authorized by section 9011 of Public Law 107-171 in excess of \$552,000,000 in fiscal year 2010, \$432,000,000 in fiscal year 2011, or \$299,000,000 in fiscal year 2012: *Provided*, That section 3002 shall not apply to the amount under this section.

**SA 4280.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

PUBLIC AVAILABILITY OF CONTRACTOR  
INTEGRITY AND PERFORMANCE DATABASE

SEC. 3008. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110-417; 41 U.S.C. 417b(e)(1)) is amended by adding at the end the following: "In addition, the Administrator shall post all such information, excluding past performance reviews, on a publicly available Internet website."

**SA 4281.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

PUBLIC AVAILABILITY OF CONTRACTOR  
INTEGRITY AND PERFORMANCE DATABASE

SEC. 3008. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110-417; 41 U.S.C. 417b(e)(1)) is amended by striking "and, upon request" and all that follows through the period at the end and inserting "and to all members of Congress. In addition, the Administrator shall post all such information, excluding past performance reviews, on a publicly available Internet website."

**SA 4282.** Mr. PRYOR (for himself, Mrs. LINCOLN, Mr. VITTER, Mr. BROWNBAC, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

TITLE IV—FLOOD INSURANCE

SEC. 4001. BASE FLOOD ELEVATION DETERMINATION APPEAL PERIOD.

(a) IN GENERAL.—Notwithstanding any other provision of law, the appeal period for any base flood elevation determination or any determination of an area having special flood hazards shall be 90 days unless an extended appeal period is requested by a party affected by such determination, in which case the appeal period shall be 120 days.

(b) REENTRY OF APPEALS.—Effective for the 90-day period beginning on the date of enactment of this Act, any community whose Flood Insurance Rate Maps were revised, updated, or otherwise altered after September 30, 2008, pursuant to the Flood Map Modernization Program established under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) shall be permitted to re-enter an appeal of such revision, update, or alteration and such appeal shall be subject to the time limitations established under subsection (a).

SEC. 4002. ECONOMIC IMPACT OF PRELIMINARY BASE FLOOD ELEVATION DETERMINATIONS AND PRELIMINARY FLOOD INSURANCE RATE MAPS.

For purposes of section 605(b) of title 5, United States Code, the issuance by the Administrator of the Federal Emergency Management Agency of a proposed modified base flood elevation, proposed area having special flood hazards, preliminary flood insurance study, or preliminary Flood Insurance Rate Maps shall be deemed to have a significant economic impact on a substantial number of small entities.

SEC. 4003. ESTABLISHMENT OF A BASE FLOOD ELEVATION DETERMINATION AND SPECIAL FLOOD HAZARD AREA DETERMINATION ARBITRATION PANEL.

(a) ESTABLISHMENT.—As allowed under section 1307(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104), and notwithstanding any other provision of law, not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall establish an arbitration panel—

(1) to efficiently and clearly resolve disputes between communities and the Federal Government regarding the Flood Map Modernization Program; and

(2) to expedite the general acceptance of technically accurate base flood elevation determinations as reflected in Flood Insurance Rate Maps.

(b) ARBITRATION PANEL.—

(1) MEMBERSHIP.—The arbitration panel established under subsection (a) shall be comprised of 5 members.

## (2) REQUIRED QUALIFICATIONS.—

(A) ECONOMIC AND ADMINISTRATIVE EXPERTISE.—At least 1 member of the arbitration panel established under subsection (a) shall have expertise in each of the following fields:

- (i) Community economic development.
- (ii) Administrative law.

(B) WATER RESOURCES EXPERTISE.—At least 3 members of the arbitration panel established under subsection (a) shall have technical expertise in water resources and other related scientific disciplines.

(3) NO FEMA EMPLOYEES.—No member of the arbitration panel established under subsection (a) shall be an employee of the Federal Emergency Management Agency.

(4) INDEPENDENCE.—Each member of the arbitration panel established under subsection (a) shall be independent and neutral.

(5) USE OF.—A community may choose to have a dispute resolved by the arbitration panel not later than 90 days after the appeal period described in section 4001(a) ends.

## (c) CONSIDERATIONS.—

(1) IN GENERAL.—The arbitration panel established under subsection (a) may consider historical flood data and other data outside the scope of scientific or technical data in carrying out the duties and responsibilities of the arbitration panel.

(2) PROHIBITION.—In resolving any dispute under this section, the arbitration panel may not take into consideration the status of the grant application of any community under section 4.

(3) COORDINATION WITH CORPS OF ENGINEERS.—Upon request by the arbitration panel, the appropriate district office of jurisdiction of the United States Army Corps of Engineers shall fund and make available personnel or technical guidance to assist the arbitration panel in considering hydrological data, historical data, budgetary data, or other relevant information.

(d) COMMUNITY CHOICE.—A community may choose to have a dispute resolved by the arbitration panel only if the community has satisfied the following conditions:

(1) The community has appealed a base flood elevation determination or a determination of an area having special flood hazards and undergone a 30-day consultation period with the Administrator of the Federal Emergency Management Agency in an effort to resolve the dispute.

(2) The 30-day consultation period described in paragraph (1) shall begin upon the Administrator's receipt of notice of intent of the community to enter arbitration.

(3) In cases in which the appeal period described under paragraph (1) begins a sufficient time after the date of enactment of this Act, the community has adequately notified the public 180 days prior to the beginning of the appeal period regarding the changes proposed by the Administrator. Such notification may include individual notification of affected households, public meetings, or publication of proposed changes in local media.

## (e) BINDING AUTHORITY.—

(1) IN GENERAL.—Any determination of resolution of a dispute by the arbitration panel under this section—

- (A) shall be final and binding; and
- (B) may not appeal or seek further relief for such dispute to any other administrative or judicial body.

## (2) PROCEEDINGS.—

(A) IN GENERAL.—The arbitration panel shall—

- (i) initiate proceedings to resolve any disputes brought before the arbitration panel;
- (ii) consider all relevant information during the course of any such proceeding; and
- (iii) issue a determination of resolution of the dispute, as soon as is practical after the initiation of such proceeding.

## (B) EFFECT PRIOR TO DETERMINATION.—

Until such time as the arbitration panel issues a determination of resolution under subparagraph (A), the most current Flood Insurance Rate Maps shall remain in effect.

(3) FINAL DETERMINATION.—Following deliberations, the arbitration panel shall issue a final determination of resolution of a dispute setting forth the base flood elevation determination or the determination of an area having special flood hazards that shall be reflected in the Flood Insurance Rate Maps. The final determination of the arbitration panel shall not be limited to either acceptance or denial of the position of Administrator of the Federal Emergency Management Agency or the position of the community.

(4) WRITTEN OPINION.—Accompanying any final determination of resolution issued pursuant to paragraph (3), the arbitration panel shall issue a written opinion fully explaining its decision, including all relevant information relied upon by the panel. The opinion issued under this paragraph shall provide communities seeking to mitigate their flood risk with sufficient information to make informed future planning decisions in light of identified flood hazards.

(f) RULE OF CONSTRUCTION.—Nothing contained in this section shall alter existing procedures for revision, update, or amendment of Flood Insurance Rate Maps, including Flood Insurance Rate Maps resulting from decisions of the arbitration panel.

(g) SUNSET.—This section shall cease to have effect 3 years after the date of enactment of this Act.

**SEC. 4004. ELIGIBILITY FOR CERTAIN REIMBURSEMENTS FOR COMMUNITIES PARTICIPATING IN ARBITRATION.**

(a) FUNDING.—For communities who enter arbitration pursuant to section 3, funds derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be made available to reimburse communities for certain expenses related to the collection of technical data related to Flood Insurance Rate Maps that are the subject of a dispute for which the arbitration panel established in this title has been directed to resolve, as allowed for pursuant to section 1307(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(f)).

(b) SUNSET.—This section shall cease to have effect on the date that is 3 years after the date of enactment of this title.

**SA 4283.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, add the following:

**SEC. 2 . OUTER CONTINENTAL SHELF.**

Section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) is amended by adding at the end the following:

## “(e) OUTER CONTINENTAL SHELF.—

“(1) IN GENERAL.—The liability for an incident on the outer Continental Shelf occurring during the period beginning on the date of enactment of this subsection and ending on December 31, 2025, shall be determined in accordance with this subsection.

## “(2) INITIAL LIABILITY.—

“(A) IN GENERAL.—Each lease for oil and gas exploration, production, or development issued by the Secretary of the Interior after the date of enactment of this subsection shall have, as a condition of the lease, a re-

quirement that the lessee have and maintain financial protection in the form of liability insurance from private sources of such type and in such amounts as the Secretary of the Interior determines to be necessary to cover public liability claims in a minimum aggregate amount of \$300,000,000.

“(B) INDEMNIFICATION; PUBLIC LIABILITY.—In a case in which financial protection is required for a lessee under subparagraph (A), the lessee shall, as a further condition of a lease for oil and gas exploration, production, or development, be required—

“(i) to execute and maintain an indemnification agreement to indemnify and hold harmless the lessee and other persons indemnified, as the interest of those persons may appear, from public liability arising from incidents on the outer Continental Shelf the liability claims with respect to which are in excess of the level of financial protection required of the lessee;

“(ii) to execute and maintain an agreement with the Secretary of the Interior stating that the United States and other parties affected by the incident are not liable for damages with respect to the incident, and including an affirmation that the lessee is the responsible party with respect to that liability; and

“(iii) to waive any immunity from public liability conferred by law.

“(3) MAXIMUM LIABILITY OF LESSEE.—A lessee that is a responsible party for an incident on the outer Continental Shelf for which liability claims exceed, in the aggregate, the minimum aggregate amount covered by liability insurance under paragraph (2) shall be liable for additional liability claims relating to the incident up to a maximum aggregate amount of—

“(A) \$1,000,000,000; or

“(B) such greater amount as may be required by the Secretary of the Interior.

## “(4) LIABILITY OF INDUSTRY.—

“(A) IN GENERAL.—If an incident on the outer Continental Shelf results in liability claims exceeding, in the aggregate, the maximum aggregate amount to be paid by the responsible party under paragraph (3), the additional claims shall be paid by all other entities conducting oil and gas exploration, production, or development activities on the outer Continental Shelf as of the date of the incident, as determined by the Secretary of the Interior, in accordance with subparagraph (B).

“(B) PROPORTIONAL PAYMENT.—The amount of liability claims to be paid under subparagraph (A) by an entity described in that subparagraph shall be determined by the Secretary of the Interior based on the proportion that—

“(i) the number of facilities operated by the entity on the outer Continental Shelf; bears to

“(ii) the total number of facilities operated by all entities on the outer Continental Shelf.”.

**SA 4284.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . AMENDMENT OF OUTER CONTINENTAL SHELF LANDS ACT.**

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) by inserting “the Secretary of Commerce, and the Secretary of the department

in which the Coast Guard is operating," in subsection (c)(1) after "Attorney General,";

(2) in subsection (d)(1), by striking "program," and all that follows and inserting "program—

"(A) the Attorney General may, after consultation with the Federal Trade Commission, submit comments on the anticipated effects of such proposed program upon competition;

"(B) the Secretary of Commerce may submit comments on the anticipated effects of such proposed program on the human, marine, and coastal environments, including the likelihood of occurrence and potential severity of spills and chronic pollution;

"(C) the Secretary of the department in which the Coast Guard is operating may submit comments on the adequacy of the Federal government's response capabilities for spills and chronic pollution that may occur as a result of such proposed program; and

"(D) any State, local government, or other person may submit comments and recommendations as to any aspect of such proposed program.";

(3) by striking "Attorney General" in subsection (d)(2) and inserting "Attorney General, the Secretary of Commerce, the Secretary of the department in which the Coast Guard is operating,".

**SA 4285.** Mr. SCHUMER (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) For an additional amount for the Department of Justice, \$178,000,000, to remain available until September 30, 2012, of which—

(1) \$32,000,000 shall be used by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for—

(A) increasing the number of Project Gunrunner teams; and

(B) expanding ATF's tracing capacity to address increased firearms trace demands generated by expanded use of the eTrace electronic tracking system along the international land border between the United States and Mexico;

(2) \$32,000,000 shall be used by the Drug Enforcement Administration (DEA) for—

(A) increasing DEA's electronic surveillance and intercept capacity along the international land border between the United States and Mexico;

(B) expanding DEA's capacity for judicialized wiretaps performed by Sensitive Investigative Units in drug source and transit countries; and

(C) expanding DEA's successful Drug Flow Attack Strategy, which focuses on disrupting the flow of drug, money, and precursor chemicals between source zones and the United States;

(3) \$25,000,000 shall be used by the Federal Bureau of Investigation for—

(A) increasing the number of FBI Hybrid Squads to assist State and local law enforcement agencies to address kidnappings, homicides, and home invasion robberies;

(B) creating additional capability for processing DNA samples;

(C) strengthening existing Border Corruption Task Forces; and

(D) adding new Border Corruption Task Forces;

(4) \$33,000,000 shall be used by the Organized Crime and Drug Enforcement Task Force (OCDETF) for—

(A) supporting prosecutorial activities of the United States Attorneys' Office and the Criminal Division arising from OCDETF investigations that target drugs trafficking along the international land border between the United States and Mexico and Mexican money laundering activities, including financial assistance for—

(i) increasing the number of positions in the United States Attorneys' Office, 50 percent of which shall be attorneys; and

(ii) increasing the number of positions in the Criminal Division, a majority of which shall be attorneys; and

(B) supporting the 7 OCDETF Strike Forces;

(5) \$9,000,000 shall be used by the Criminal Division to provide additional support for the investigation and prosecution of transnational gangs, firearms and drug traffickers, and money laundering activities;

(6) \$12,000,000 shall be used by the Executive Office for Immigration Review, of which—

(A) \$6,000,000 shall be available for additional court personnel, including immigration judges, staff attorneys of the Board of Immigration Appeals, and support personnel; and

(B) \$6,000,000 shall be available for the expansion of the Legal Orientation Program;

(7) \$25,000,000 shall be used by the United States Marshals Service to combat criminal activity along the international land border between the United States and Mexico; and

(8) \$10,000,000 shall be used by the Detention Trustee to combat criminal activity along the international land border between the United States and Mexico.

(c) For an additional amount for "Salaries and Expenses" of U.S. Customs and Border Protection, \$64,000,000, to remain available until September 30, 2011—

(1) to hire 250 additional U.S. Customs and Border Protection officers and targeting personnel;

(2) for unmanned aircraft system pilots and sensor operators; and

(3) to expand border surveillance and outbound inspection operations.

(d) For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" for U.S. Customs and Border Protection, \$120,000,000, to remain available until September 30, 2011, for procurement of 6 unmanned aircraft systems and supporting equipment.

(e) For an additional amount for "Construction and Facilities Management" for U.S. Customs and Border Protection, \$12,000,000, to remain available until expended, for construction and operation of 4 forward operating bases along the international land border between the United States and Mexico.

(f) Of the amount made available under the heading "BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY" under the heading "U.S. CUSTOMS AND BORDER PROTECTION" in title II of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83; 123 Stat. 2145), \$100,000,000, to remain available until September 30, 2011, shall be made available for critical fencing along the international land border between the United States and Mexico.

(g) For an additional amount for "Salaries and Expenses" of U.S. Immigration and Customs Enforcement, \$70,000,000, to remain available until September 30, 2011, for expansion of the Border Enforcement Security Task Force initiative along the international land border between the United States and Mexico, the hiring of additional special agents and intelligence analysts for the initiative, and the procurement of related equipment.

(h) For an additional amount for "Salaries and Expenses" of the Federal Law Enforce-

ment Training Center, \$6,000,000, to remain available until September 30, 2011, for the training of additional U.S. Customs and Border Protection officers, Border Patrol agents, and U.S. Immigration and Customs Enforcement personnel.

(i)(1) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)) shall be increased by \$2,250 for applicants that are not publicly traded corporations and whose shares were first offered in a stock exchange based in the United States.

(2) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) shall be increased by \$2,000 for applicants—

(A) that employ 50 or more employees in the United States; and

(B) if more than 50 percent of the applicant's employees are H-1B nonimmigrants or nonimmigrants described in section 101(a)(15)(L) of such Act.

(3) During the period beginning on the date of the enactment of this Act and ending on September 30, 2011, all amounts collected pursuant to the fee increase authorized under this subsection shall be deposited in the General Fund of the Treasury.

**SA 4286.** Mr. SCHUMER (for himself, Mr. REID, and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) For an additional amount for the Department of Justice, \$178,000,000, to remain available until September 30, 2012, of which—

(1) \$32,000,000 shall be used by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for—

(A) increasing the number of Project Gunrunner teams; and

(B) expanding ATF's tracing capacity to address increased firearms trace demands generated by expanded use of the eTrace electronic tracking system along the international land border between the United States and Mexico;

(2) \$32,000,000 shall be used by the Drug Enforcement Administration (DEA) for—

(A) increasing DEA's electronic surveillance and intercept capacity along the international land border between the United States and Mexico;

(B) expanding DEA's capacity for judicialized wiretaps performed by Sensitive Investigative Units in drug source and transit countries; and

(C) expanding DEA's successful Drug Flow Attack Strategy, which focuses on disrupting the flow of drug, money, and precursor chemicals between source zones and the United States;

(3) \$25,000,000 shall be used by the Federal Bureau of Investigation for—

(A) increasing the number of FBI Hybrid Squads to assist State and local law enforcement agencies to address kidnappings, homicides, and home invasion robberies;

(B) creating additional capability for processing DNA samples;

(C) strengthening existing Border Corruption Task Forces; and

(D) adding new Border Corruption Task Forces;

(4) \$33,000,000 shall be used by the Organized Crime and Drug Enforcement Task Force (OCDETF) for—

(A) supporting prosecutorial activities of the United States Attorneys' Office and the Criminal Division arising from OCDETF investigations that target drugs trafficking along the international land border between the United States and Mexico and Mexican money laundering activities, including financial assistance for—

(i) increasing the number of positions in the United States Attorneys' Office, 50 percent of which shall be attorneys; and

(ii) increasing the number of positions in the Criminal Division, a majority of which shall be attorneys; and

(B) supporting the 7 OCDETF Strike Forces;

(5) \$9,000,000 shall be used by the Criminal Division to provide additional support for the investigation and prosecution of transnational gangs, firearms and drug traffickers, and money laundering activities;

(6) \$12,000,000 shall be used by the Executive Office for Immigration Review, of which—

(A) \$6,000,000 shall be available for additional court personnel, including immigration judges, staff attorneys of the Board of Immigration Appeals, and support personnel; and

(B) \$6,000,000 shall be available for the expansion of the Legal Orientation Program;

(7) \$25,000,000 shall be used by the United States Marshals Service to combat criminal activity along the international land border between the United States and Mexico; and

(8) \$10,000,000 shall be used by the Detention Trustee to combat criminal activity along the international land border between the United States and Mexico.

(b)(1) For an additional amount for "Operation and Maintenance, Defense-Wide", \$50,000,000, to remain available until September 30, 2011, for, except as provided in paragraph (2), the deployment of 1,200 members of the National Guard to perform operations and missions under section 502(f) of title 32, United States Code, in the States along the international land border between the United States and Mexico.

(2) The Secretary of Defense may transfer the amounts appropriated pursuant to paragraph (1) to amounts available to the Department of Defense for military personnel, operation and maintenance, and procurement.

(c) For an additional amount for "Salaries and Expenses" of U.S. Customs and Border Protection, \$64,000,000, to remain available until September 30, 2011—

(1) to hire 250 additional U.S. Customs and Border Protection officers and targeting personnel;

(2) for unmanned aircraft system pilots and sensor operators; and

(3) to expand border surveillance and out-bound inspection operations.

(d) For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" for U.S. Customs and Border Protection, \$120,000,000, to remain available until September 30, 2011, for procurement of 6 unmanned aircraft systems and supporting equipment.

(e) For an additional amount for "Construction and Facilities Management" for U.S. Customs and Border Protection,

\$12,000,000, to remain available until expended, for construction and operation of 4 forward operating bases along the international land border between the United States and Mexico.

(f) Of the amount made available under the heading "BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY" under the heading "U.S. CUSTOMS AND BORDER PROTECTION" in title II of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83; 123 Stat. 2145), \$100,000,000, to remain available until September 30, 2011, shall be made available for critical fencing along the international land border between the United States and Mexico.

(g) For an additional amount for "Salaries and Expenses" of U.S. Immigration and Customs Enforcement, \$70,000,000, to remain available until September 30, 2011, for expansion of the Border Enforcement Security Task Force initiative along the international land border between the United States and Mexico, the hiring of additional special agents and intelligence analysts for the initiative, and the procurement of related equipment.

(h) For an additional amount for "Salaries and Expenses" of the Federal Law Enforcement Training Center, \$6,000,000, to remain available until September 30, 2011, for the training of additional U.S. Customs and Border Protection officers, Border Patrol agents, and U.S. Immigration and Customs Enforcement personnel.

(i)(1) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)) shall be increased by \$2,250 for applicants that are not publicly traded corporations and whose shares were first offered in a stock exchange based in the United States.

(2) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) shall be increased by \$2,000 for applicants—

(A) that employ 50 or more employees in the United States; and

(B) if more than 50 percent of the applicant's employees are H-1B nonimmigrants or nonimmigrants described in section 101(a)(15)(L) of such Act.

(3) During the period beginning on the date of the enactment of this Act and ending on September 30, 2011, all amounts collected pursuant to the fee increase authorized under this subsection shall be deposited in the General Fund of the Treasury.

**SA 4287.** Mr. SHELBY (for himself, Mr. VITTER, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, insert the following:

FUNDING FOR ENVIRONMENTAL AND FISHERIES  
IMPACTS

SEC. 2002.

(1) FISHERIES DISASTER RELIEF.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$20,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) EXPANDED STOCK ASSESSMENT OF FISHERIES.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$15,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) ECOSYSTEM SERVICES IMPACTS STUDY.—For an additional amount, in addition to other amounts provided for the Department of Commerce, \$1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

IN GENERAL.—Of the amounts appropriated or made available under Division B, Title III of Public Law 111-117 that remain unobligated as of the date of the enactment of this Act for ISS Cargo Crew Services, \$36,000,000 of the amounts appropriated are hereby rescinded.

**SA 4288.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, add the following:

**SEC. 2 . OUTER CONTINENTAL SHELF.**

Section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) is amended by adding at the end the following:

“(e) OUTER CONTINENTAL SHELF.—

“(1) IN GENERAL.—The liability for an incident on the outer Continental Shelf occurring during the period beginning on the date of enactment of this subsection and ending on December 31, 2025, shall be determined in accordance with this subsection.

“(2) INITIAL LIABILITY.—

“(A) IN GENERAL.—Each lease for oil and gas exploration, production, or development issued by the Secretary of the Interior after the date of enactment of this subsection shall have, as a condition of the lease, a requirement that the lessee have and maintain financial protection in the form of liability insurance from private sources of such type and in such amounts as the Secretary of the Interior determines to be necessary to cover public liability claims in a minimum aggregate amount of \$300,000,000.

“(B) INDEMNIFICATION; PUBLIC LIABILITY.—In a case in which financial protection is required for a lessee under subparagraph (A), the lessee shall, as a further condition of a lease for oil and gas exploration, production, or development, be required—

“(i) to execute and maintain an indemnification agreement to indemnify and hold

harmless the lessee and other persons indemnified, as the interest of those persons may appear, from public liability arising from incidents on the outer Continental Shelf the liability claims with respect to which are in excess of the level of financial protection required of the lessee;

“(ii) to execute and maintain an agreement with the Secretary of the Interior stating that the United States and other parties affected by the incident are not liable for damages with respect to the incident, and including an affirmation that the lessee is the responsible party with respect to that liability; and

“(iii) to waive any immunity from public liability conferred by law.

“(3) MAXIMUM LIABILITY OF LESSEE.—A lessee that is a responsible party for an incident on the outer Continental Shelf for which liability claims exceed, in the aggregate, the minimum aggregate amount covered by liability insurance under paragraph (2) shall be liable for additional liability claims relating to the incident up to a maximum aggregate amount of—

“(A) \$1,000,000,000; or

“(B) such greater amount as may be required by the Secretary of the Interior.

“(4) LIABILITY OF INDUSTRY.—

“(A) IN GENERAL.—If an incident on the outer Continental Shelf results in liability claims exceeding, in the aggregate, the maximum aggregate amount to be paid by the responsible party under paragraph (3), the additional claims shall be paid by all other entities conducting oil and gas exploration, production, or development activities on the outer Continental Shelf as of the date of the incident, as determined by the Secretary of the Interior, in accordance with subparagraph (B).

“(B) PROPORTIONAL PAYMENT.—The amount of liability claims to be paid under subparagraph (A) by an entity described in that subparagraph shall be determined by the Secretary of the Interior based on the proportion that—

“(i) the number of facilities operated by the entity on the outer Continental Shelf; bears to

“(ii) the total number of facilities operated by all entities on the outer Continental Shelf.”

**SA 4289.** Mr. MENENDEZ (for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

#### TITLE V—OIL SPILL LIABILITY

##### SEC. 5001. REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES.

(a) IN GENERAL.—Section 1004(a)(3) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(3)) is amended by striking “plus \$75,000,000” and inserting “and the liability of the responsible party under section 1002”.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on April 15, 2010.

**SA 4290.** Ms. LANDRIEU submitted an amendment intended to be proposed

by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 74, strike line 13 and all that follows through page 79, line 3, and insert the following:

#### TITLE II

##### DEPARTMENT OF COMMERCE

###### ECONOMIC DEVELOPMENT ADMINISTRATION

###### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Economic Development Assistance Programs”, to carry out planning, technical assistance and other assistance under section 209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in States affected by the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$10,000,000, to remain available until expended, of which not less than \$5,000,000 shall be used to provide technical assistance grants in accordance with section 2002.

###### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

###### OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Operations, Research, and Facilities”, \$13,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses affected by the Deepwater Horizon oil spill:

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Operations, Research, and Facilities”, for activities undertaken including scientific investigations and sampling as a result of the incidents related to the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$7,000,000, to remain available until expended. These activities may be funded through the provision of grants to universities, colleges and other research partners through extramural research funding.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

###### FOOD AND DRUG ADMINISTRATION

###### SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, Food and Drug Administration, Department of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$2,000,000, to remain available until expended.

##### DEPARTMENT OF THE INTERIOR

###### DEPARTMENTAL OFFICES

###### OFFICE OF THE SECRETARY

###### SALARIES AND EXPENSES

###### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for the “Office of the Secretary, Salaries and Expenses” for increased inspections, enforcement, investigations, environmental and engineering studies, and other activities related to emergency offshore oil spill incidents in the Gulf

of Mexico, \$29,000,000, to remain available until expended: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department of the Interior to carry out the purposes provided herein.

##### DEPARTMENT OF JUSTICE

###### LEGAL ACTIVITIES

###### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for “Salaries and Expenses, General Legal Activities”, \$10,000,000, to remain available until expended, for litigation expenses resulting from incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

##### ENVIRONMENTAL PROTECTION AGENCY

###### SCIENCE AND TECHNOLOGY

For an additional amount for “Science and Technology” for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J), as appropriate, \$2,000,000, to remain available until expended: *Provided*, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Commerce and the Secretary of the Interior: *Provided further*, That the study may be funded through the provision of grants to universities and colleges through extramural research funding.

##### GENERAL PROVISION—THIS TITLE

###### DEEPWATER HORIZON

##### SEC. 2001. Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:

(1) by inserting “: (1)” before “may obtain an advance” and after “the Coast Guard”;

(2) by striking “advance. Amounts” and inserting the following: “advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of \$100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts”.

##### SEC. 2002. OIL SPILL CLAIMS ASSISTANCE AND RECOVERY.

(a) ESTABLISHMENT OF GRANT PROGRAM.—The Secretary of Commerce (referred to in this section as the “Secretary”) shall establish a grant program to provide to eligible (as determined by the Secretary) organizations technical assistance grants for use in assisting individuals and businesses affected by the Deepwater Horizon oil spill in the Gulf of Mexico (referred to in this section as the “oil spill”).

(b) APPLICATION.—An organization that seeks to receive a grant under this section shall submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary shall require.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Funds from a grant provided under this section may be used by an eligible organization—

(A) to support—

(i) education;  
 (ii) outreach;  
 (iii) intake;  
 (iv) language services;  
 (v) accounting services;  
 (vi) legal services offered pro bono or by a nonprofit organization;  
 (vii) damage assessments;  
 (viii) economic loss analysis;  
 (ix) collecting and preparing documentation; and

(x) assistance in the preparation and filing of claims or appeals;

(B) to provide assistance to individuals or businesses seeking assistance from or under—

(i) a party responsible for the oil spill;  
 (ii) the Oil Spill Liability Trust Fund;  
 (iii) an insurance policy; or  
 (iv) any other program administered by the Federal Government or a State or local government;

(C) to pay for salaries, training, and appropriate expenses relating to the purchase or lease of property to support operations, equipment (including computers and telecommunications), and travel expenses;

(D) to assist other organizations in—  
 (i) assisting specific business sectors;  
 (ii) providing services;  
 (iii) assisting specific jurisdictions; or  
 (iv) otherwise supporting operations; and

(E) to establish an advisory board of service providers and technical experts—

(i) to monitor the claims process relating to the oil spill; and

(ii) to provide recommendations to the parties responsible for the oil spill, the National Pollution Funds Center, other appropriate agencies, and Congress to improve fairness and efficiency in the claims process.

(2) PROHIBITION ON USE OF FUNDS.—Funds from a grant provided under this section may not be used to provide compensation for damages or removal costs relating to the oil spill.

(d) PROVISION OF GRANTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall provide grants under this section.

(2) NETWORKED ORGANIZATIONS.—The Secretary is encouraged to consider applications for grants under this section from organizations that have established networks with affected business sectors, including—

(A) the fishery and aquaculture industries;  
 (B) the restaurant, grocery, food processing, and food delivery industries; and  
 (C) the hotel and tourism industries.

(3) TRAINING.—

(A) IN GENERAL.—Not later than 30 days after the date on which an eligible organization receives a grant under this section, the Director of the National Pollution Funds Center and the parties responsible for the oil spill shall provide training to the organization regarding the applicable rules and procedures for the claims process relating to the oil spill.

(B) FAILURE TO PROVIDE TRAINING.—If a responsible party fails to provide training pursuant to this paragraph, the Secretary shall request the Attorney General to bring civil action against the responsible party or a guarantor in an appropriate United States district court for that purpose.

(4) AVAILABILITY OF FUNDS.—Funds from a grant provided under this section shall be available until the later of, as determined by the Secretary—

(A) the date that is 6 years after the date on which the oil spill occurred; and

(B) the date on which all claims relating to the oil spill have been satisfied.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committees on

Appropriations of the House of Representatives and the Senate a report describing the use of funds under this section.

(f) APPLICABILITY.—This section shall take effect immediately upon enactment and shall apply to all responsible parties under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) for any incident that occurred prior to the date of enactment of this Act.

#### SEC. 2003. EMERGENCY DESIGNATIONS.

(a) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This Act is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

**SA 4291.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . NATIONAL EMERGENCY GRANTS.

(a) APPROPRIATIONS FOR OIL SPILL RELIEF EMPLOYMENT.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for “Training and Employment Services” for the Employment and Training Administration of the Department of Labor, to carry out the provisions of subsections (a)(5) and (h) of section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918), \$50,000,000. Such amount shall be available on the date of enactment of this section, notwithstanding section 189(g)(1) of that Act (29 U.S.C. 2939(g)(1)) and remain available through June 30, 2011.

(b) PROGRAMS.—Section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(5) to provide assistance to a State that is partially or completely within the boundaries of an area that is the subject of a presidential determination that additional resources are necessary to respond to an incident, as defined in subsection (h)(1)(A)(i)(I), to provide oil spill relief employment in the area and in offshore areas related to the incident, and related assistance, as described in subsection (h); and

“(6) to provide assistance to a State for technical assistance grants described in subsection (i).”.

(c) OIL SPILL RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) is amended by adding at the end the following:

“(h) OIL SPILL RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—

“(1) IN GENERAL.—Funds made available under subsection (a)(5)—

“(A)(i) shall be used to provide oil spill relief employment on—

“(I) projects regarding cleaning, restoration, renovation, repair, and reconstruction of lands, marshes, waters, structures, and fa-

cilities located within the area of an incident related to a spill classified as a spill of national significance for the National Contingency Plan under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) (referred to in this subsection as an ‘incident’), as well as offshore areas related to such incident; and

“(II) projects that provide food, clothing, shelter, and other humanitarian assistance to individuals adversely affected by the incident;

“(ii) may be expended to provide employment and training activities related to the projects described in clause (i);

“(iii) may be expended to provide personal protective equipment to employees engaged in oil spill relief employment described in clause (i); and

“(iv) may be used to make subgrants to public and private agencies and organizations to engage in the projects;

“(B) may be used to increase the capacity of States to make available the full range of services authorized under this title, and provide information (in languages appropriate to the individuals served) about, and access to, the range of the public and private services available, to individuals adversely affected by the incident, through one-stop delivery system described in section 134(c), and other access points (including other public facilities, mobile service delivery units, and social services offices); and

“(C) may be used to provide temporary employment by public sector entities for a period of not more than 6 months, in addition to the oil spill relief employment described in subparagraph (A).

“(2) ELIGIBILITY.—An individual shall be eligible for any services described in paragraph (1)(B) or employment described in subparagraph (A) or (C) of paragraph (1) if such individual—

“(A) is temporarily or permanently laid off as a consequence of the incident;

“(B) is a dislocated worker;

“(C) is a long-term unemployed individual;

or

“(D) meets such other criteria as the Secretary may establish.

“(3) LIMITATIONS ON OIL SPILL RELIEF EMPLOYMENT ASSISTANCE.—No individual shall be employed under subsection (a)(5) for more than 6 months for oil spill relief employment related to response to a single incident. After reviewing a request from the State involved for an extension of the employment, the Secretary may extend such employment related to response to a single incident for not more than an additional 6 months.

“(4) APPLICATIONS FOR ASSISTANCE.—To be eligible to receive assistance for a State as described in paragraph (1), the Governor of the State shall submit an application to the Secretary at such time, in such manner, and containing—

“(A) a detailed description of how the State will ensure the capacity of the one-stop delivery system described in section 134(c) and other access points to—

“(i) provide individuals adversely affected by the incident with information, in languages appropriate to the individuals served, about the range of available services authorized under this title; and

“(ii) provide the adversely affected individuals with access to the range of the services;

“(B) a detailed description of how the State will prioritize individuals who are temporarily or permanently laid off as a consequence of the incident in the assignment of temporary employment positions; and

“(C) any other supporting information the Secretary may require.

“(5) REIMBURSEMENT.—

“(A) IN GENERAL.—Each responsible party under the Oil Pollution Act of 1990 (33 U.S.C.

2701 et seq.), with respect to an incident, is liable for any costs incurred by the United States under this subsection (including paragraph (7) or subsection (a)(5) for the that incident. The responsible party shall, upon the demand of the Secretary of the Treasury, reimburse the Oil Spill Liability Trust Fund for all of the costs as well as the costs of the United States in administering its responsibilities under this subsection or subsection (a)(5) for that incident.

“(B) ACTION.—If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this subsection or subsection (a)(5), the Secretary shall request the Attorney General to bring a civil action against the responsible party or a guarantor in an appropriate district court. The Attorney General shall bring the action for reimbursement of costs, in the amount of the demand, plus all costs incurred in obtaining payment, including prejudgment interest, attorney’s fees, and any other administrative and adjudicative costs involved. Such reimbursement shall be without regard to limits of liability under section 1004 of Oil Pollution Act of 1990 (33 U.S.C. 2704).

“(6) USE OF AVAILABLE FUNDS.—Funds appropriated for fiscal years 2009 and 2010 and remaining available for obligation by the Secretary to provide any assistance authorized under this section shall be available to provide that assistance, subject to paragraph (3), to eligible individuals described in paragraph (2), including employees who have relocated from areas in which an incident has occurred. Under such conditions as the Secretary may approve, any State may use funds that remain available for expenditure under any grants awarded to the State for fiscal year 2009, 2010, or 2011 under this section to provide that assistance to those eligible individuals. Funds used pursuant to the authority provided under this paragraph shall be reimbursed as described in paragraph (5).

“(7) RESERVATION OF FUNDS FOR ADMINISTRATIVE ACTIVITIES OF THE DEPARTMENT OF LABOR.—The Secretary may reserve not more than 1 percent of the funds available to carry out this subsection and transfer the reserved funds to appropriate Department of Labor accounts. The Secretary shall transfer the funds to accounts for program administration and support activities in the Department of Labor associated with this subsection, and for increased worker protection and workplace benefit activities and oversight and coordination activities in connection with the application of laws (including regulations) associated with the Department’s response to spills described in subsection (a)(5). Funds used pursuant to the authority provided under this paragraph shall be reimbursed as described in paragraph (5).

“(8) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report describing the use of the funds made available to carry out this subsection.”

(d) OIL SPILL CLAIMS ASSISTANCE AND RECOVERY REQUIREMENTS.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918), as amended by subsection (c), is further amended by adding at the end the following:

“(i) OIL SPILL CLAIMS ASSISTANCE AND RECOVERY REQUIREMENTS.—

“(1) GRANTS.—A State board shall use funds made available under subsection (a)(6) to provide, to eligible nonprofit organizations, technical assistance grants for use in assisting individuals and businesses affected by the Deepwater Horizon oil spill in the Gulf of Mexico (referred to in this subsection

as the ‘oil spill’). Determinations of the criteria for eligible nonprofit organizations shall be made by the Secretary, except that the Secretary may elect to give a State board the authority to make such a determination within that State.

“(2) APPLICATION.—An organization that seeks to receive a grant under this subsection shall submit to the State board an application for the grant such time, in such form, and containing such information as the State board shall require.

“(3) PROVISION OF GRANTS.—

“(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the State board shall provide grants under this subsection.

“(B) NETWORKED ORGANIZATIONS.—The State board shall, to the maximum extent practicable, consider applications for grants under this subsection from organizations that have established networks with affected business sectors, including—

“(i) the fishery and aquaculture industries;

“(ii) the restaurant, grocery, food processing, and food delivery industries; and

“(iii) the hotel and tourism industries.

“(4) USE OF FUNDS.—

“(A) IN GENERAL.—Funds from a grant provided under this subsection may be used by an eligible organization—

“(i) to support—

“(I) education;

“(II) outreach;

“(III) intake;

“(IV) language services;

“(V) accounting services;

“(VI) legal services offered pro bono or by a nonprofit organization;

“(VII) damage assessments;

“(VIII) economic loss analysis;

“(IX) collecting and preparing documentation; and

“(X) assistance in the preparation and filing of claims or appeals;

“(ii) to provide assistance to individuals or businesses seeking assistance from or under—

“(I) a party responsible for the oil spill;

“(II) the Oil Spill Liability Trust Fund;

“(III) an insurance policy; or

“(IV) any other program administered by the Federal Government or a State or local government;

“(iii) to pay for salaries, training, and appropriate expenses relating to the purchase or lease of property to support operations, equipment (including computers and telecommunications), and travel expenses;

“(iv) to assist other organizations—

“(I) assisting specific business sectors;

“(II) providing services;

“(III) assisting specific jurisdictions; or

“(IV) otherwise supporting operations; and

“(v) to establish an advisory board of service providers and technical experts—

“(I) to monitor the claims process relating to the oil spill; and

“(II) to provide recommendations to the parties responsible for the oil spill, the National Pollution Funds Center, other appropriate agencies, and Congress to improve fairness and efficiency in the claims process.

“(B) PROHIBITION ON USE OF FUNDS.—Funds from a grant provided under this subsection may not be used to provide compensation for damages or removal costs relating to the oil spill.

“(5) TRAINING.—Not later than 30 days after the date on which an eligible organization receives a grant under this subsection, the Director of the National Pollution Funds Center and the parties responsible for the oil spill shall provide training to the organization regarding the applicable rules and procedures for the claims process relating to the oil spill.

“(6) AVAILABILITY OF FUNDS.—Funds from a grant provided under this subsection shall be

available until the later of, as determined by the Secretary—

“(A) the date that is 6 years after the date on which the oil spill occurred; and

“(B) the date on which all claims relating to the oil spill have been satisfied.”

(e) EFFECTIVE DATE.—This section, and the amendments made by this section, take effect on the date of enactment of this Act. The amendment made by subsection (c) applies to all responsible parties for incidents (as defined in section 173(h) of the Workforce Investment Act of 1998) under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), including any party determined to be liable under the Oil Pollution Act of 1990 for such an incident that occurred prior to the date of enactment of this Act.

(f) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This section is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this section is designated as an emergency requirement pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**SA 4292.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 2 and 3, insert the following:

**SEC. 608. COMPLIANCE WITH ENVIRONMENTAL LAWS.**

For an interoperable communications system facility for which construction began before June 1, 2009 using a grant made under section 573 of division E of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 2093), section 10501 of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3592), or section 603 of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1882), if the facility is determined to be in compliance with Federal environmental laws under standards established by the Federal Communications Commission, the facility shall be deemed in compliance with standards established by the Federal Emergency Management Agency relating to Federal environmental laws.

**SA 4293.** Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, after line 12 insert the following (or where best appropriate)

**FEDERAL TRANSPARENCY**

SEC 20. For all programs administered competitively or as sole source, the Secretary of the Department of Transportation, the Secretary of Housing and Urban Development and any other large agencies (with staffing over 500 FTEs) are required to file in the Federal Register the following transparency information, including, but limited, to information including the name, address and phone number of each successful grantee, and each grant award amount. Each agency shall provide the minimum criteria and process for the decisionmaking. Within three days prior to publication in the Federal Agency, all cost shares and leveraging of

funds within the grant program shall be included as well as any other sources of Federal, State or private funds. In addition, within three days of publication, each relevant agency shall be required to submit to the primary House and Senate committees all back-up information and materials on the methodology of the award selections, including how these awards are consistent with program assistance and goals; also included shall be all benchmarks and deadlines including rationales for the program(s)."

**SA 4294.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4175 proposed by Mr. LAUTENBERG to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(C) **LIABILITY FOR DEEPWATER HORIZON OIL SPILL.**—

(1) **IN GENERAL.**—Congress finds that—

(A) executives of British Petroleum Exploration & Production, Incorporated (referred to in this subsection as "BP") testified before Congress in May 2010 that BP would pay all legitimate claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations;

(B) a letter from the Group Chief Executive of BP to the Secretaries of Homeland Security and the Interior dated May 16, 2010, evidences an offer of BP to modify the oil and gas leasing contract involved in the Deepwater Horizon incident to incorporate new terms of liability by stating that BP is "prepared to pay above \$75 million" on "all legitimate claims" relating to that explosion and oil spill;

(C) that offer is acceptable to Congress and to the Secretary of the Interior;

(D) all documented legitimate claims pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) for economic damages relating to the Deepwater Horizon explosion and oil spill should be paid by BP without limit on liability;

(E) BP should provide to the Federal Government any claims relating to the Deepwater Horizon explosion and oil spill that BP fails to pay; and

(F) if the Federal Government finds pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) that such claims are legitimate under that Act, the claims should be returned to BP for immediate payment.

(2) **DIRECTIVE TO SECRETARY OF THE INTERIOR.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of the Interior (referred to in this subsection as the "Secretary") shall—

(i) accept the new terms of liability offered by BP in the letter described in paragraph (1)(B); and

(ii) consider the oil and gas leasing contract involved in the Deepwater Horizon incident as being amended to reflect those new terms.

(B) **PAYMENT OF CLAIMS.**—

(1) **IN GENERAL.**—As an inherent condition of the amended lease described in subparagraph (A), BP shall present to the Secretary each claim relating to the Deepwater Horizon explosion and oil spill that BP fails to pay.

(ii) **FINDING OF LEGITIMACY.**—As a further inherent condition of the amended lease, if the Secretary finds a claim described in

clause (i) to be legitimate for payment by BP, the claim shall be returned to BP for immediate payment.

**SA 4295.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ EXCISE TAX ON PATENT TERM EXTENSIONS.**

(a) **EXCISE TAX ON PATENT TERM EXTENSIONS GRANTED PURSUANT TO CERTAIN EXTENSION REQUESTS.**—Chapter 36 of the Internal Revenue Code of 1986 is amended by adding after subchapter D the following new subchapter:

**"Subchapter E—Tax on Patent Term Extensions Granted Pursuant to Certain Extension Requests**

**"SEC. 4491. IMPOSITION OF TAX.**

"(a) **IMPOSITION OF TAX.**—A tax is hereby imposed on the acceptance of an extension of a patent term pursuant to a request under section 156(i) of title 35, United States Code.

"(b) **AMOUNT OF TAX.**—

"(1) **IN GENERAL.**—The amount of tax imposed by subsection (a) shall be—

"(A) \$65,000,000 with respect to any application for a patent term extension, filed with the United States Patent and Trademark Office before the date of the enactment of this section, for a drug intended for use in humans that is in the anticoagulant class of drugs; or

"(B) the amount determined under paragraph (2) with respect to any other application for a patent term extension.

"(2) **CALCULATION OF TAX.**—The amount determined under this paragraph is the amount which the Secretary estimates to be equal to the sum of—

"(A) any net increase in direct spending arising from the extension of the patent term (including direct spending of the United States Patent and Trademark Office and any other department or agency of the Federal Government),

"(B) any net decrease in revenues arising from such patent term extension, and

"(C) any indirect reduction in revenues associated with payment of the tax under this section.

"(3) **DETERMINATION BY SECRETARY.**—The Secretary, in determining the amount under paragraph (2), shall consult with the Director of the Office of Management and Budget, the Director of the United States Patent and Trademark Office, and either the Secretary of Health and Human Services or, in the case of a drug product subject to the Act commonly referred to as the 'Virus-Serum-Toxin Act' (21 U.S.C. 151 et seq.), the Secretary of Agriculture.

"(c) **BY WHOM PAID.**—The tax imposed by this section shall be paid by the owner of record of the patent, or its agent. The Director of the United States Patent and Trademark Office, after consultation with the Secretary, shall inform the owner of record of the patent, or its agent, of the tax determined under subsection (b) at the time the Director provides notice of the length of the period of the extension of the patent term that will become effective pursuant to a request under section 156(i) of title 35, United States Code.

"(d) **PAYMENT.**—The tax imposed by this section shall be payable within 60 days after the Director of the United States Patent and Trademark Office provides notice to the owner of record of the patent, or its agent,

under subsection (c) of the amount of tax imposed. Unless such payment is made within such 60 days, a patent term extension pursuant to a request under section 156(i) of title 35, United States Code, shall not become effective and no tax shall be due under this section.

"(e) **TAX PAYMENT NOT AVAILABLE FOR OBLIGATION.**—Taxes received under this section are not available for obligation."

(b) **CLERICAL AMENDMENT.**—The table of subchapters for chapter 36 of such Code is amended by adding after the item relating to subchapter D the following new item:

"SUBCHAPTER E. TAX ON PATENT TERM EXTENSIONS GRANTED PURSUANT TO CERTAIN EXTENSION REQUESTS."

(c) **AMENDMENT.**—Section 156 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(i) **ACCEPTANCE OF FILINGS IN CERTAIN CASES.**—The Director shall accept an application under this section that was filed not later than 3 business days after the expiration of the 60-day period provided in subsection (d)(1) if the owner of record of the patent, or its agent, submits a request to the Director to proceed under this subsection not later than 5 business days after the expiration of that 60-day period. An application accepted by the Director under this subsection shall be treated as if it had been filed within the period specified in subsection (d)(1)."

(d) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) Section 156(d)(1) of title 35, United States Code, is amended in the second sentence, by inserting "or subsection (i)" after "paragraph (5)".

(2) Section 156 (e)(2) of title 35, United States Code, is amended by inserting "or before a request under subsection (i) respecting the application is resolved" after "respecting the application" and inserting "certification of extension" after "such".

(e) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply with respect to any application for a patent term extension pursuant to section 156 of title 35, United States Code—

(A) that is made on or after the date of the enactment of this Act, or

(B) that, on the date of the enactment of this Act, is pending, that is described in section 4491(b)(1)(A) of the Internal Revenue Code of 1986 as added by subsection (a) of this section, or as to which a decision denying the application is subject to judicial review on such date.

(2) **TREATMENT OF CERTAIN APPLICATIONS.**—In the case of any application described in paragraph (1)(B), the 5-business-day period specified in section 156(i) of title 35, United States Code, as added by subsection (c) of this section, shall be deemed to begin on the date of the enactment of this Act, and, if the original term of the patent to be extended has expired, any extension or interim extension of the term of the patent granted pursuant to a request under section 156(i) of title 35, United States Code, shall be effective from the original expiration date of the patent.

#### NOTICE OF INTENT TO SUSPEND THE RULES

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XVI, and rule XXII, Paragraph 2, for the purpose of

proposing and considering the following amendment to H.R. 4899, including germaneness requirements:

At the appropriate place, insert the following:

**SEC. . BORDER FENCE COMPLETION.**

(a) **MINIMUM REQUIREMENTS.**—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: “Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.”;

(2) in subparagraph (B)—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iii) not later than 1 year after the date of the enactment of the Supplemental Appropriations Act, 2010, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).”; and

(3) in subparagraph (C), by adding at the end the following:

“(iii) **FUNDING NOT CONTINGENT ON CONSULTATION.**—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).”.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of the Supplemental Appropriations Act, 2010, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by this section; and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

**NOTICE OF HEARING**

**SUBCOMMITTEE ON WATER AND POWER**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Wednesday, June 9, 2010, at 3 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 2891, a bill to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes; S. 2779/H.R. 3671, a bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes; S. 3387, a bill to provide for the release of water from the marketable yield pool of water stored in the Ruedi Reservoir for the benefit of endangered fish habitat in the Colorado River, and for other purposes; S. 3404, a bill to amend the

Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and for other purposes; and H.R. 4252 to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [Gina\\_Weinstock@energy.senate.gov](mailto:Gina_Weinstock@energy.senate.gov).

For further information, please contact Tanya Trujillo at or Gina Weinstock.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 26, 2010, at 2:30 p.m.

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

**COMMITTEE ON FINANCE**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 26, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

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

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be authorized to meet during the session of the Senate on May 25, 2010, at 10 a.m. in room 430 of the Dirksen building.

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

**COMMITTEE ON INDIAN AFFAIRS**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on May 26, 2010, at 10 a.m. in room 628 of the Dirksen Senate Office Building.

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

**COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on May 26, 2010.

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

**AFRICAN AFFAIRS SUBCOMMITTEE**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 26, 2010, at 2:30 p.m., to hold an African Affairs subcommittee hearing entitled “Assessing Challenges and Opportunities for Peace in Sudan.”

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

**SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY, AND THE INTERNET**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Communications, Technology, and the Internet of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 26, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

**SUBCOMMITTEE ON THE CONSTITUTION**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, be authorized to meet during the session of the Senate, on May 26, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Legality and Efficacy of Line-Item Veto Proposals.”

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

**SUBCOMMITTEE ON SEAPOWER**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on May 26, 2010, at 9:30 a.m.

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

**SPECIAL COMMITTEE ON AGING**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on May 26, 2010, from 2-5 p.m. in Dirksen 562 for the purpose of conducting a hearing.

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

**PRIVILEGES OF THE FLOOR**

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that Daniel Garbe, a State Department fellow, and Jeffrey Moulton, a military fellow, who are working in Senator TED KAUFMAN’s office, be granted the privileges of the floor for the duration of the Senate’s consideration of H.R. 4899, the supplemental appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**RECOGNIZING JUNE 2010 AS HHT MONTH**

Mr. DURBIN. Mr. President, I ask unanimous consent that the HELP

Committee be discharged from further consideration of S. Res. 508 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 508) recognizing June 2010 as National Hereditary Hemorrhagic Telangiectasia (HHT) month established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. 508) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 508

Whereas, according to the HHT Foundation International, Hereditary Hemorrhagic Telangiectasia (HHT), also referred to as Osler-Weber-Rendu Syndrome, is a long-neglected national health problem that affects approximately 70,000 (1 in 5,000) people in the United States and 1,200,000 people worldwide;

Whereas HHT is an autosomal dominant, uncommon complex genetic blood vessel disorder, characterized by telangiectases and artery-vein malformations that occurs in major organs including the lungs, brain, and liver, as well as the nasal mucosa, mouth, gastrointestinal tract, and skin of the face and hands;

Whereas left untreated, HHT can result in considerable morbidity and mortality and lead to acute and chronic health problems or sudden death;

Whereas according to the HHT Foundation International, 20 percent of those with HHT, regardless of age, suffer death and disability;

Whereas according to the HHT Foundation International, due to widespread lack of knowledge of the disorder among medical professionals, approximately 90 percent of the HHT population has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;

Whereas the HHT Foundation International estimates that 20 to 40 percent of complications and sudden death due to these "vascular time bombs" are preventable;

Whereas patients with HHT frequently receive fragmented care from practitioners who focus on 1 organ of the body, having little knowledge about involvement in other organs or the interrelation of the syndrome systemically;

Whereas HHT is associated with serious consequences if not treated early, yet the condition is amenable to early identification and diagnosis with suitable tests, and there are acceptable treatments available in already-established facilities such as the 8 HHT Treatment Centers of Excellence in the United States; and

Whereas adequate Federal funding is needed for education, outreach, and research to

prevent death and disability, improve outcomes, reduce costs, and increase the quality of life for people living with HHT: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the need to pursue research to find better treatments, and eventually, a cure for HHT;

(2) recognizes and supports the HHT Foundation International as the only advocacy organization in the United States working to find a cure for HHT while saving the lives and improving the well-being of individuals and families affected by HHT through research, outreach, education, and support;

(3) supports the designation of June 2010 as National Hereditary Hemorrhagic Telangiectasia (HHT) month, to increase awareness of HHT;

(4) acknowledges the need to identify the approximately 90 percent of the HHT population that has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;

(5) recognizes the importance of comprehensive care centers in providing complete care and treatment for each patient with HHT;

(6) recognizes that stroke, lung, and brain hemorrhages can be prevented through early diagnosis, screening, and treatment of HHT;

(7) recognizes severe hemorrhages in the nose and gastrointestinal tract can be controlled through intervention, and that heart failure can be managed through proper diagnosis of HHT and treatments;

(8) recognizes that a leading medical and academic institution estimated that \$6,600,000,000 of 1-time health care costs can be saved through aggressive management of HHT in the at-risk population; and

(9) encourages the people of the United States and interested groups to observe and support the month through appropriate programs and activities that promote public awareness of HHT and potential treatments for it.

NATIONAL BRAIN TUMOR  
AWARENESS MONTH

Mr. DURBIN. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration and the Senate proceed to S. Res. 537.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 537) designating May 2010 as "National Brain Tumor Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 537) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 537

Whereas 62,000 Americans are diagnosed with a primary brain tumor each year and

150,000 more are diagnosed with a metastatic brain tumor that results from cancer spreading from another part of the body to the brain;

Whereas brain tumors are the leading cause of death from solid tumors in children under the age of 20 and are the third leading cause of death from cancer in young adults ages between the ages of 20 and 39;

Whereas brain tumors may be malignant or benign, but can be life-threatening in either case;

Whereas 612,000 Americans have been diagnosed and are living with a brain tumor;

Whereas the treatment of brain tumors is complicated by the fact that more than 120 different types of brain tumors exist;

Whereas the treatment of brain tumors presents significant challenges because of—

(1) the location of brain tumors in an enclosed bony canal;

(2) the difficulty of delivering treatment across the blood-brain barrier;

(3) the obstacles to complete surgical removal of the tumors; and

(4) the serious edema that results when the blood-brain barrier is disrupted;

Whereas brain tumors have been described as a disease that affects the essence of "self";

Whereas brain tumor research is supported by a number of private nonprofit research foundations and by institutes at the National Institutes of Health, including the National Cancer Institute and the National Institute for Neurological Disorders and Stroke;

Whereas important advances have been made in understanding brain tumors, including the genetic characterization of glioblastoma multiforme, 1 of the deadliest forms of brain tumor;

Whereas advances in basic research may fuel the research and development of new treatments;

Whereas daunting obstacles still remain to the development of new treatments, and no strategies for the screening or early detection of brain tumors exist;

Whereas a need for greater public awareness of brain tumors exists, including awareness of the difficulties associated with research on brain tumors and the opportunities for advances in brain tumor research and treatment; and

Whereas May, when brain tumor advocates nationwide unite in awareness, outreach, and advocacy activities, would be an appropriate month to recognize as National Brain Tumor Awareness Month: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 2010 as "National Brain Tumor Awareness Month";

(2) encourages increased awareness of brain tumors to honor those individuals who have lost their lives to brain tumors, as well as those individuals who are living with brain tumors;

(3) supports efforts to develop better treatments for brain tumors that will improve the quality of life and their long-term prognosis of those individuals diagnosed with a brain tumor;

(4) expresses the support of the Senate for those individuals who are battling brain tumors, as well as the families, friends, and caregivers of those individuals; and

(5) urges a collaborative public-private approach to brain tumor research as the best means of advancing basic knowledge of, and treatments for, brain tumors.

NATIONAL SMALL BUSINESS  
WEEK

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of S. Res. 540 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 540) honoring the entrepreneurial spirit of small business in the United States during "National Small Business Week," beginning May 23, 2010.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 540) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 540

Whereas the approximately 29,600,000 small businesses in the United States are the driving force behind the economy of the Nation, creating more than 64 percent of all net new jobs and generating more than 50 percent of the non-farm gross domestic product of the Nation;

Whereas small businesses will play an integral role in rebuilding the economy of the Nation;

Whereas small businesses are the Nation's innovators, producing 13 times more patents per employee as large firms, and advancing technology and productivity;

Whereas only 1 percent of all small businesses export and produce 31 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953 to aid, counsel, assist, and protect the interests of small businesses in order to preserve free and competitive enterprise, to ensure that a fair proportion of the total purchases, contracts, and subcontracts for property and services for the Federal Government are placed with small businesses, to make certain that a fair proportion of the total sales of Federal Government property are made to such small businesses, and to maintain and strengthen the overall economy of the Nation;

Whereas every year since 1963 the President of the United States has proclaimed a National Small Business Week to recognize the contributions of small businesses to the economic well-being of the United States;

Whereas in 2010, "National Small Business Week" will honor the estimated 29,600,000 small businesses in the United States;

Whereas the Small Business Administration has helped small businesses with access to critical lending opportunities, protected small businesses from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for government contracts, and improved the economic environment in which small business concerns compete;

Whereas for more than 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning May 23, 2010, as "National Small Business Week": Now, therefore, be it Resolved, That the Senate—

(1) honors the entrepreneurial spirit of small businesses in the United States during "National Small Business Week", beginning May 23, 2010;

(2) applauds the efforts and achievements of the owners of small businesses and their employees, whose hard work and commitment to excellence have made them a key part of the economic vitality of the Nation;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small businesses; and

(4) recognizes the importance of ensuring that—

(A) the applicable procurement goals for small businesses, including the goals for small businesses owned and controlled by service-disabled veterans, small businesses owned and controlled by women, HUBZone small businesses, and socially and economically disadvantaged small businesses, are reached by all Federal agencies;

(B) guaranteed loans and microloans for start-up and growing small businesses, are made available to all qualified small businesses;

(C) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as Small Business Development Centers, Women's Business Centers, Veterans Business Outreach Centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to provide small businesses the technical assistance and counseling that they desperately need;

(D) small business disaster assistance through the Small Business Administration is provided in a timely and efficient manner;

(E) Federal tax policy spurs small business growth, creates jobs, and increases competitiveness;

(F) the Federal Government reduces the regulatory compliance burden on small businesses;

(G) advanced technology policy facilitates access to affordable broadband Internet service to foster rural small business growth; and

(H) systems of intellectual property protection continues to foster small business innovation.

ORDERS FOR THURSDAY, MAY 27, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m. on Thursday, May 27; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 4899, as provided for under the previous order; further, I ask that the filing deadline for second degree amendments be 11 a.m. tomorrow.

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

PROGRAM

Mr. DURBIN. Mr. President, tonight we were able to reach an agreement that would provide for a series of up to seven rollcall votes beginning at approximately 10 a.m. tomorrow morning.

ORDER FOR RECESS

Mr. DURBIN. Mr. President, if there is no further business coming before the Senate, I ask unanimous consent that it recess under the previous order, following the remarks of Senator KERRY.

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

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PATENT TERM RESTORATION

Mr. KERRY. Mr. President, I wish to send an amendment to the desk for the purpose of filing at a later time, if it is appropriate. Can they simply hold it at the desk?

The PRESIDING OFFICER. The amendment can be received at the desk.

Mr. KERRY. Mr. President, the amendment I have sent to the desk is an amendment that is very important. It is important to us in Massachusetts, but it is also important to a certain number of companies in this country that may find themselves in a similar situation.

I wish to express my strong support on the Senate floor tonight for the inclusion of this amendment in the upcoming House tax extenders bill. The purpose of this amendment is to fix a complete anomaly in the patent law that is vital to our State. Let me explain.

The House provision that is being contemplated will allow for a patent application to be filed up to 30 days late, with a penalty to be paid by the filer to the Patent and Trademark Office. This provision has been drafted so that it can be included in the tax extenders bill. Let me explain why this is important and what it does.

The Medicines Company, which is a New Jersey startup company, licensed Angiomax. That is the name of the product. It is a synthetic blood thinner. That company invested \$200 million in R&D, and it gained FDA approval for this product.

In 2001, the Angiomax's patent term restoration application was unintentionally filed after the close of business on the day of the filing deadline. It was filed electronically. Because it was filed electronically on the day of the deadline beyond the close of business in the office, in terms of daytime presence, it was deemed to be filed 1 day late. It was ruled as being filed 1 day late by the Patent and Trademark Office subsequently.

I remember when I was in law school, people taught me often that sometimes

the law can have a rigidity that has no common sense and no application to day-to-day life. We had a more pejorative term for what we called the law under those circumstances.

The fact is, as a result, the Medicines Company lost almost 5 years of earned patent protection with a value of roughly \$1 billion.

As former Surgeon General Dr. Louis Sullivan said:

The fate of this corrective provision could be a matter of life and death for tens of thousands of patients. The reality is that stark. As drug innovators develop pioneering medicines, the benefits available to patients are increasing. These medical innovators' ability to conduct lifesaving research should not be thwarted by a confusing filing deadline.

That was the Surgeon General of the United States speaking.

The provision I submitted in an amendment will simply allow for a patent application to be filed up to 30 days late, not just for this company but for any company in a similar situation, with a penalty to be paid by them to the Patent and Trademark Office.

Is this something out of the ordinary? No, it is not. Existing patent law provides grace periods in up to 30 similar situations. But it provides no grace period for a late patent term restoration application, just one aberration within the framework of patent filings. This provision is consistent with the Hatch-Waxman patent restoration filing process and over 30 other provisions of patent law which provide for deadline adjustments in order to avoid precisely the kind of drastic and disproportionate result we see in this situation. The provision provides a modest 3-day grace period if the filing delay is unintentional. It also requires successful applicants to pay the U.S. Treasury a late filing fee to offset any cost to the Federal Government.

Twice during the 110th Congress, the House passed legislation unanimously to correct this anomaly. The Senate Judiciary Committee reported a similar provision offered by Senator Kennedy on a bipartisan vote of 14 to 2. Unfortunately, these provisions were not enacted into law during the 110th Congress. During this Congress, despite the efforts of Senate Judiciary Chairman

LEAHY, the Senate has not found the moment to consider this critically needed patent reform legislation.

The Congressional Budget Office projects that the provision will produce approximately \$30 million in new revenues to our government over the next 10 years. Two recent independent economic studies confirm that the provision will save up to \$1.3 billion in costs for the private hospital system over the course of the next 10 years.

Nearly 50 of the Nation's leading doctors have written to Congress urging the enactment of this provision because it will allow lifesaving medical research in the treatment and prevention of heart disease and stroke—the first and third leading causes of death and disability in the United States—to move forward. Without this critical legislation, many thousands of patients will be consigned to continued medical treatment with antiquated drugs rather than safer, modern synthetic innovations.

Unless the provision is enacted promptly, up to 3,500 jobs in 6 States may be lost, including up to 2,500 in the State of Massachusetts. These jobs include irreplaceable high-skilled jobs developed by small business medical innovators. At this moment in our economy, the last thing we want to do is strip ourselves of revenues, strip ourselves of income, strip ourselves of jobs, and leave our patients in a less cared for and potentially lifesaving environment than they would be with this. Mr. President, we can't afford to allow that to happen, and I don't think Congress should allow a bureaucratic misinterpretation of the law to hurt our Nation's public health and to cause severe job losses. The provision's enactment will prevent these job losses, and it will create new highly skilled jobs.

The amendment provides a 3-day grace period for the filing of Hatch-Waxman patent term restoration applications. This provision of a grace period, as I said, is consistent with more than 30 other provisions of patent law.

The bill corrects a harmful and confusing procedural anomaly that has caused 78 percent of medical innovators—78 percent—to miscalcu-

late the deadline to regain the patent life they earned during the costly and rigorous FDA review process.

So I reiterate: The current filing period is so confusing that only 22 out of 100 medical innovators have been able to calculate the law's 60-day filing period accurately. The current filing period is a trap for the unaware, and penalties are vastly out of proportion to the impact of having accidentally missed by a few hours, when you actually file correctly on the same day, the application that is due.

Mr. President, I hope this amendment will be in the tax extenders bill, and I intend to fight to see that it is. I think it is an appropriate public policy decision in the best interests of our country and of the American citizens.

I yield the floor.

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RECESS UNTIL 9:30 A.M.  
TOMORROW

The PRESIDING OFFICER. The Senate will stand in recess until Thursday, May 27, at 9:30 a.m.

Thereupon, the Senate, at 7:36 p.m., recessed until Thursday, May 27, 2010, at 9:30 a.m.

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#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF STATE

MATTHEW J. BRYZA, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AZERBAIJAN.

MARK CHARLES STORELLA, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

LT. GEN. FRANCIS H. KEARNEY III

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

##### *To be brigadier general*

COL. WALTER T. LORD