United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, MONDAY, SEPTEMBER 20, 2010 No. 126

House of Representatives

The House met at 2:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 20, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

The prophetic words of Ezekiel may have been first spoken to ancient Israel, Lord, but they ring true in the hearts of Your people down through the ages.

They are especially helpful and full of hope for people who are anxious or angry today.

You tell Your people: ''I will judge you . . . each one according to his or her ways. Turn and be converted from all your crimes; anything that may be the cause of guilt for you. Cast off and distance yourself from all the crimes you have committed and seek for yourselves a new heart and a new spirit.''

''Why should you think of dying. . . ?''

''I take no pleasure in the death of anyone who dies,'' says the Lord God. ''Return to me and live.''

Thank You, Lord, for always being there for us. Especially when we are most in need of Your sustaining power and grace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. HINOJOSA) come forward and lead the House in the Pledge of Allegiance.

Mr. HINOJOSA 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.

ADJOURNMENT TO WEDNESDAY, SEPTEMBER 22, 2010

Mr. HINOJOSA. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Wednesday, September 22.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. HINOJOSA. Madam Speaker, I ask unanimous consent that the gentleman from Georgia (Mr. PRICE) may be recognized only on the legislative day of Thursday, September 23, 2010, to offer the resolution that he noticed on Thursday, September 16, 2010, without further notice under clause 9(a)(1) of rule IX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3978. An act to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for a response to terrorism, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 365. An act to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes.

ADJOURNMENT

Mr. HINOJOSA. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Wednesday, September 22, 2010, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

9450. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-499, ''PeterBug Matthews Ways Designation Act of 2010''; to the Committee on Oversight and Government Reform.

9451. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-498, ''Closing of Public Streets and a Public Alley, and the Dedication and Designation of Land for Street Purposes, in Squares 3765, 3767, 3768, and 3769, S.O. 09-11837, Act of 2010''; to the Committee on Oversight and Government Reform.

9452. A letter from the Chairman, Council of the District of Columbia, transmitting

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Transmittal of D.C. ACT 18-497, ''Ward 5 Neighborhood Investment Fund Boundary Expansion Amendment of 2010''; to the Committee on Oversight and Government Reform.

9453. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-496, ''Bishop William F. Hart, Jr. Way Designation Act of 2010''; to the Committee on Oversight and Government Reform.

9454. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-495, ''Duke Ellington Park Designation Act of 2010''; to the Committee on Oversight and Government Reform.

9455. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-494, ''Mamie 'Peanut' Johnson Field Designation Act of 2010''; to the Committee on Oversight and Government Reform.

9456. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-493, ''Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

9457. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-492, ''Assistive Technology Device Warranty Act of 2010''; to the Committee on Oversight and Government Reform.

9458. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-491, ''Residential Parking Protection Pilot Act of 2010''; to the Committee on Oversight and Government Reform.

9459. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Quincy Fore River Shipyard [Docket No.: USCG-2008-0858] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9460. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; 10th Avenue Marine Terminal Military Outload; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-0861] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9461. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Fireworks, Gloucester Schooner Festival, Ten Pound Island [Docket No.: USCG-2008-0865] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9462. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Desert Storm Charity Poker Run and Exhibition Run; Lake Havasu, AZ [Docket No.: USCG-2008-0867] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9463. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulation: Captain of the Port Zone Jacksonville, FL [Docket No.: USCG-2008-0875] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9464. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations, Strait Thunder Hydroplane Race, Port Angeles, WA [Docket No.: USCG-2008-0876] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9465. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mississippi River mile marker 363.6 to 364.6, in the vicinity of the Highway 84 Bridge, Natchez, MS [Docket No.: USCG-2008-1048] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9466. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Law Enforcement Dive Operation, Chicago Sanitary and Ship Canal, Cicero, IL [USCG-2008-1049] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9467. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Water Surrounding Open Waters Area 6NM South of Oahu, HI [Docket No.: USCG-2008-0945] [COTP Honolulu 08-004] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9468. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Waters Surrounding M/V MANAO, HI [Docket No.: USCG-2008-0946] [COTP Honolulu 08-005] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9469. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Waters Surrounding Position 21 degrees 17.96′N, 157 degrees 56.64′W, HI [Docket No.: USCG-2008-0947] [COTP Honolulu 08-006] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9470. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Silverdale Thunder, Dyes Inlet, Silverdale, Washington [Docket No.: USCG-2008-0808] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9471. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Toms River, Ocean Gate, NJ [USCG-2008-0815] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9472. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Bridgehampton, NY [Docket No.: USCG-2008-0818] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9473. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Beaver River, Bridgewater, PA [Docket No.: USCG-2008-0824] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9474. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Southampton, NY [Docket No.: USCG-2008-0826] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9475. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Discover Pacific Beach Fireworks Display; Pacific Beach, San Diego, CA [Docket No.: USCG-2008-0842] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9476. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; ''Rio Vista Bass Derby'' Fireworks display [Docket No.: USCG-2008-0849] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9477. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, M/V Island Intrepid Grounding and Refloating Evolution, Government Cut, Miami Beach, Florida [Docket No.: USCG-2008-0855] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9478. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA [USCG-2008-0857] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9479. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, M/V Mystic fire, Miami River, Miami, Florida [Docket No.: USCG-2008-1000] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9480. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Thames River, New London, CT [USCG-2008-1003] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9481. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone — CopperHead Regatta, Portage Canal, Houghton, MI [Docket No.: USCG-2008-1005] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9482. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2008 Fleet Week Fireworks Displays, San Francisco Bay CA [Docket No.: USCG-2008-1008] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9483. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Duxbury Beach Triathlon, Duxbury Massachusetts [Docket No.: USCG-2008-1010] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9484. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; TBA Global Fireworks Display; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-1011] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9485. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sea World Fireworks Display 08 October 2008; Mission Bay, San Diego, California [Docket No.: USCG-2008-1023] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9486. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sea World Fireworks Display 16 October 2008; Mission Bay, San Diego, CA [Docket No.: USCG-2008-1024] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9487. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marathon Oil Refinery Construction, Rouge River, Detroit, MI [Docket No.: USCG-2008-1033] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9488. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Miner Slough, near Paintersville, CA [Docket No.: USCG-2008-1039] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9489. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chapel Street Bridge New Haven, CT [Docket No.: USCG-2008-1043] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9490. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Madonna De Lume Fireworks Display; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-0990] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9491. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Anacostia River, Washington, DC [Docket No.: USCG-2008-0996] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9492. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Kiawah Island, SC [Docket No.: USCG-2008-1050] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9493. A letter from the Director, Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's ''Major'' final rule — Diseases Associated With Exposure to Certain Herbicide Agents (Hairy Cell Leukemia and Other Chronic B Cell Leukemias, Parkinson's Disease and Ischemic Heart Disease) (RIN: 2900-AN54) received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 4387. A bill to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow Federal Building'' (Rept. 111–610). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5591. A bill to designate the facility of the Federal Aviation Administration located at Spokane International Airport in Spokane, Washington, as the ''Ray Daves Air Traffic Control Tower''; with amendments (Rept. 111–611). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5717. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility and to enter into agreements relating to education programs at the National Zoological Park facility in Front Royal, Virginia, and for other purposes; with an amendment (Rept. 111–612, Pt. 1). Order to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TAYLOR (for himself and Mr. SKELTON):

H.R. 6157. A bill to direct the Secretary of the Army to seek to enter into certain contracts regarding the self-protective adaptive roller kit II system; to the Committee on Armed Services.

By Mr. FATTAH (for himself, Mr. COLE, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. GRIJALVA, Mr. HINOJOSA, Mr. POLIS, Mr. REYES, and Mr. SCOTT of Virginia):

H. Res. 1638. A resolution supporting the goals and ideals of National GEAR UP Day; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. ROYBAL-ALLARD introduced a bill (H.R. 6158) for the relief of Maria Eva Duran, Jessica Duran Cortes, Daniel Ivan Duran Cortes, and Jose Antonio Duran Cortes; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 305: Mr. CASTLE and Mr. ELLISON.

H.R. 571: Mr. SCHAUER, Ms. ZOE LOFGREN of California, Ms. KOSMAS, Mr. GARY G. MILLER of California, and Mr. CANTOR.

H.R. 1077: Mr. FRANK of Massachusetts, Mrs. NAPOLITANO, and Mr. TIM MURPHY of Pennsylvania.

H.R. 1829: Mr. SCHIFF and Ms. WOOLSEY.

H.R. 2176: Mr. ROTHMAN of New Jersey.

H.R. 3024: Mr. KRATOVIL, Mr. PASTOR of Arizona, and Mr. ANDREWS.

H.R. 3108: Mr. PRICE of North Carolina.

H.R. 3355: Mr. GRIFFITH, Mr. BLUMENAUER, Mr. PALLONE, and Mr. COSTELLO.

H.R. 3564: Mr. COURTNEY and Mr. QUIGLEY.

H.R. 3721: Mrs. MCCARTHY of New York.

H.R. 3724: Ms. TITUS.

H.R. 3927: Mr. BISHOP of Georgia, Ms. MOORE of Wisconsin, Mrs. MALONEY, Ms. RICHARDSON, and Mr. MEEKS of New York.

H.R. 3936: Mr. WILSON of Ohio.

H.R. 4045: Ms. ZOE LOFGREN of California.

H.R. 4544: Mr. STUPAK, Mr. WELCH, and Mr. GENE GREEN of Texas.

H.R. 5034: Mr. MICHAUD.

H.R. 5120: Mr. MICHAUD.

H.R. 5400: Mrs. EMERSON.

H.R. 5447: Ms. LINDA T. SÁNCHEZ of California.

H.R. 5600: Mr. MOORE of Kansas, Mr. FILNER, and Mr. GORDON of Tennessee.

H.R. 5746: Mrs. MALONEY.

H.R. 5928: Mrs. EMERSON.

H.R. 5931: Mr. MITCHELL.

H.R. 6045: Mr. BLUMENAUER.

H.R. 6072: Mr. GRAYSON.

H.R. 6091: Mr. COHEN.

H.R. 6108: Mr. SAM JOHNSON of Texas.

H.R. 6118: Mr. CAO, Mr. HASTINGS of Florida, Ms. LEE of California, and Ms. RICHARDSON.

H.J. Res. 42: Mr. JOHNSON of Illinois.

H. Con. Res. 311: Mr. CULBERSON.

H. Res. 1226: Mr. DJOU, Ms. HERSETH SANDLIN, and Mr. CRITZ.

H. Res. 1326: Mr. LATHAM.

H. Res. 1377: Ms. MATSUI.

H. Res. 1488: Mr. KAGEN, Mr. STUPAK, Mr. ARCURI, and Ms. MCCOLLUM.

H. Res. 1528: Mr. MCDERMOTT.

H. Res. 1576: Mrs. MALONEY, Mr. WOLF, Mr. CHAFFETZ, and Mr. GUTHRIE.

H. Res. 1604: Ms. LORETTA SANCHEZ of California, Ms. GIFFORDS, Ms. WATSON, Mr. COHEN, and Ms. WOOLSEY.

H. Res. 1615: Mr. KINGSTON.

H. Res. 1630: Mr. FRANKS of Arizona.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, MONDAY, SEPTEMBER 20, 2010 No. 126

Senate

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

How can we say thanks to You, gracious God, for the things You have done for us? You shower us with undeserved blessings, and You brought Your salvation to our fragile planet. The voices of 10 million angels couldn't express our gratitude. You alone deserve our praise.

We ask now that You would inspire and guide our lawmakers in their work today. Send out Your light to lead them to Your holy purposes. Lord, keep them from the fatigue of doubt, depression, and despair as You lead them to the buoyancy of hope. By Your sustaining grace may their hearts be steadied, purged of self, emptied of strain and stress, and filled with peace and poise. We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER 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. INOUYE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 20, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. LEVIN. Mr. President, today in the Senate, there will be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each. Following morning business, the Senate will resume consideration of the motion to proceed to S. 3454, the Department of Defense authorization bill.

As previously announced by the majority leader, there will be no rollcall votes during today's session of the Senate. The next vote will occur at 2:15 p.m. tomorrow, Tuesday, September 21. That vote will be on the motion to invoke cloture on the motion to proceed to the DOD authorization bill.

MEASURE PLACED ON THE CALENDAR—S. 3793

Mr. LEVIN. Mr. President, I understand that S. 3793 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The bill clerk read as follows:

A bill (S. 3793) to extend expiring provisions and for other purposes.

Mr. LEVIN. Mr. President, I object to any further proceedings with respect to the bill.

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

Mr. LEVIN. Mr. President, I yield the floor.

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

PRINCIPLES FOR ECONOMIC GROWTH

Mr. KYL. Mr. President, I would like to speak a bit about the two competing philosophies of economic growth. The first version I will discuss is the so-called Keynesian economics, which has been the basis of the Obama administration's economic policy since January 2009 and, I would add, with little to no success in reviving our economy and reducing unemployment.

Keynesian economics relies on the theory that in recessionary times, increased government spending can take the place of private sector activity, hence the administration's nearly $1 trillion stimulus package, the Cash for Clunkers Program and a litany of other government programs, transfer payments, and temporary tax credits. This administration's insistence on enacting these temporary Keynesian policies to stimulate consumption is misguided and has ultimately failed.

As the Wall Street Journal editorialized in a piece called ''The Obama Economy:''

Never before has government spent so much and intervened so directly in credit allocation to spur growth, yet the results have been mediocre at best. In return for adding nearly $3 trillion in Federal debt in 2 years, we still have 14.9 million people unemployed. What happened?

Well, I will mention three problems with Keynesian economics that I think help to answer that question. First of all, someone without a job is not going to be fooled into spending more money because of a one-time payment that he or she received from the Federal Government. People only change their spending habits when they know they will have a greater consistent income

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

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over time, such as when they receive a raise at work. In fact, the evidence has shown that people either save one-time rebates or shift future consumption forward but do not permanently increase their work effort or incentive to invest, which is what is needed to jump-start economic growth.

Second, Keynesian economics assumes the government has the foresight to determine in advance which spending programs would best create economic growth. Well, the obvious problem with this assumption is, Congress does not spend taxpayers' money wisely. We see time and time again how straightforward pieces of legislation get loaded up with special projects which are costly and of questionable value to the public. This has been one of the problems with the stimulus package.

Third, if the problem is lack of consumption and Americans are too broke to spend, how can the government spend for us? We are the government. It is our tax money that is being spent. We have to pay it back if it is borrowed.

The authors of a textbook entitled ''Economics: Public and Private Choice,'' write:

> There are no free lunches. Regardless how they are financed, activities undertaken by the government will be costly. When governments purchase resources and other goods and services to provide rockets, education, highways, health care, and other goods, the resources used by the government will be unavailable to produce goods and services in the private sector. As a result, private-sector output will be lower.

In short, there is a major misconception that consumption fueled by government spending actually creates economic growth. It doesn't. It just moves money around. Taking it from the private sector to be spent by the government removes critical capital that is needed to create jobs.

I noticed, in catching up on reading some of the newspapers over the weekend, that Treasury Secretary Geithner weighed into this debate a little bit. Recall that over the last several weeks there has been a debate about whether we should prevent all taxes from going up or simply prevent a tax increase on the so-called middle class. The idea is that middle-class families spend whatever money they have available. That plays into this Keynesian economic notion that it advances spending so we should let them keep more of their money but that wealthier people—the people in the top two brackets—don't spend their money and, therefore, they do not contribute to economic growth. But of course it totally misses the point that money saved is money ultimately invested. If it is invested, it is either put in a bank, which can then lend more money to people who need to borrow or it is directly invested in stocks or bonds or some other enterprise which generally results in the acquisition of more equipment or the hiring of more people, both of which are essential to reducing unemployment and getting the economy back moving again.

Well, Treasury Secretary Geithner was testifying before the Congress about the possibility of imposing penalties on China because of its currency policies. According to an article in Friday's Washington Times—on the front page:

> While taking his toughest stance to date on China's need to speed up the pace of currency reform, Treasury Secretary Timothy F. Geithner echoed China's point that doing that by itself will not eliminate the gigantic $230 billion trade deficit with China or restore millions of manufacturing jobs lost in the recession.

Continuing to quote from the article:

> ''Americans also must save more and invest more while consuming less of the world's bounty,'' he said, ''to bring a better balance to trade.''

He is right. America does need to save more and invest more. That is the way you restore not just the manufacturing jobs lost in the recession but a lot of the other jobs as well.

Reporting on the same story in another newspaper, Secretary Geithner is quoted as saying:

> We are concerned . . . that the pace of appreciation has been too slow. The most important things we can do to make manufacturing stronger in the United States are going to be about the policies we pursue in the United States.

I think he is right and that the policies we have to pursue are the policies of savings and investment—exactly what he said. It may be fine for the U.S. economy to spend more money, but the reality is, each of our families and our businesses are better off if we save and invest at this important time in our history.

So let there be no mistake; the Secretary's promotion of savings and investment is contrary to this Keynesian notion that all we have to do is spend more money and the economy will get better. There is a need to save and a need to invest. That is what enables businesses to create more jobs.

I think it is very important to remind everyone that economic growth stems from combining three separate inputs—labor, capital, and technology. These three factors of production result in output that we can then consume. Without labor, without capital—that is the savings and investment part—and technology, which enhances our productivity, there can be no consumption. Focusing on policies that stimulate consumption targets the wrong side of the equation.

In order to get the economy going, we need to focus on the inputs, and that is where the second philosophy of economic growth comes in. Some people refer to it as supply-side economics. The fundamental principle of supply-side economics is that people work harder and take more risks when there are more opportunities for economic gain and less government intrusion.

Translating this economic philosophy into policy means reducing government consumption by cutting spending; thus, leaving resources in the private sector. It also means not raising taxes on anyone, especially in these difficult economic times—certainly not on the very employers that we count on to hire more workers. Who employs 25 percent of our workplace? Small businesses. Who would bear the brunt of tax increases in the upper two brackets? Small businesses. So the last thing we should be doing is raising taxes on anyone, most especially our small businesses to which we are looking to produce more jobs.

There is plenty of evidence that the economic theory I am talking about works in practice. We have abundant evidence of what works and what does not. A recent study was conducted by Harvard economists Alberto Alesina and Silvia Ardagna, who recently studied more than 100 fiscal adjustments in 21 separate countries over the past 40 years. The countries are all in the OECD. These are the more economically advanced countries of the world.

The fiscal adjustments that led to economic expansions were generally based around spending cuts. By contrast, the adjustments that led to economic recessions were based around tax increases. Thus, spending cuts, not tax hikes, appear to be the more effective strategy for deficit reduction.

Using data from more than 90 different OECD countries, Alesina and Ardagna also compared the relative benefits of spending increases and tax cuts. Their conclusion: Tax cuts are a much better way to spur economic growth.

Unfortunately, the current administration and Congress have done the exact opposite of what these two economists from Harvard have proposed. They have dramatically increased Federal spending and are now threatening to implement a massive tax hike, exactly the wrong prescription. I believe it is long past time for Congress to consider an alternative strategy, a strategy that rejects misguided income tax increases and, instead, focuses on targeted spending reductions; a strategy that lowers our corporate tax rate, which is the second highest of all of the OECD countries; a strategy that blocks unelected Federal bureaucrats from imposing new energy taxes on small businesses and middle-class households; a strategy that restructures our three biggest entitlement programs—Social Security, Medicare, and Medicaid—to prevent a future fiscal crisis; a strategy that reins in overall health care costs through market-oriented, consumer-driven reforms; a strategy that promotes free trade across the globe and strengthens our bilateral relationships in the process; a strategy that embraces clear, transparent fiscal regulations to end taxpayer bailouts and discourage excessive leveraging.

These are just some of the recommendations that come from the Republican side of the aisle. I note that they track very closely a piece that

four economists and George Shultz, a former Cabinet member—in fact, two different Secretaries in the Cabinet of the President of the United States—George Shultz, Michael Boskin, John Cogan, Allan Meltzer, and John Taylor. They wrote a piece in the September 16 Wall Street Journal called ''Principles for Economic Revival.'' These principles track very closely the principles I have just identified and provide what I think is a very good blueprint for moving forward.

Just a final note. I would note parochially that starting in the third paragraph of their piece: ''The Noble Prize-winning economist Edward Prescott'' is from Arizona State University. I visited with Dr. Prescott, and I can affirm the things he teaches in his classes as well as what he teaches by his writings are the principles upon which we can build economic growth. They are what I said in the very beginning of my remarks. They are the principles of incentive for more economic output and reward.

He talks, in this piece, about the way higher tax rates on labor are associated with the reductions in the labor output, and therefore the productivity of the country, the wages of the people, and the economic condition of the country.

Also, the authors have a very interesting chart in this Wall Street Journal piece called ''The Cost of Washington.'' It is astonishing to see on paper the cost of World War I—in fact, the cost of the Civil War before that, the cost of World War II—pretty high. Then it went back down again. These are all costs as a percent of GDP.

Now when we have the biggest gross domestic product ever, dramatically larger even than what we had in World War II, we have costs of the Federal Government that exceed even the cost as a percentage of GDP of World War II.

The President's folks, as well as those who advise Congress, have all said this is unsustainable. It is one of the reasons it is time for us, as I said, to get back to principles for economic revival and focus on reducing unnecessary spending and making certain that, especially in these times, we resist the notion of raising taxes on any Americans.

I ask unanimous consent this Wall Street Journal op-ed be printed in the RECORD.

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

[From the Wall Street Journal, Sept. 16, 2010]

PRINCIPLES FOR ECONOMIC REVIVAL

(By George P. Shultz, Michael J. Boskin, John F. Cogan, Allan Meltzer and John B. Taylor)

America's financial crisis, deep recession and anemic recovery have largely been driven by economic policies that have deviated from proven fact-based principles. To return to prosperity we must get back to these principles.

The most fundamental starting point is that people respond to incentives and disincentives. Tax rates are a great example because the data are so clear and the results so powerful. A wealth of evidence shows that high tax rates reduce work effort, retard investment and lower productivity growth. Raise taxes, and living standards stagnate.

Nobel Prize-winning economist Edward Prescott examined international labor market data and showed that changes in tax rates on labor are associated with changes in employment and hours worked. From the 1970s to the 1990s, the effective tax rate on work increased by an average of 28% in Germany, France and Italy. Over that same period, work hours fell by an average of 22% in those three countries. When higher taxes reduce the reward for work, you get less of it.

Long-lasting economic policies based on a long-term strategy work; temporary policies don't. The difference between the effect of permanent tax rate cuts and one-time temporary tax rebates is also well-documented. The former creates a sustainable increase in economic output, the latter at best only a transitory blip. Temporary policies create uncertainty that dampen economic output as market participants, unsure about whether and how policies might change, delay their decisions.

Having ''skin in the game,'' unsurprisingly, leads to superior outcomes. As Milton Friedman famously observed: ''Nobody spends somebody else's money as wisely as they spend their own.'' When legislators put other people's money at risk—as when Fannie Mae and Freddie Mac bought risky mortgages—crisis and economic hardship inevitably result. When minimal co-payments and low deductibles are mandated in the insurance market, wasteful health-care spending balloons.

Rule-based policies provide the foundation of a high-growth market economy. Abiding by such policies minimizes capricious discretionary actions, such as the recent ad hoc bailouts, which too often had deleterious consequences. For most of the 1980s and '90s monetary policy was conducted in a predictable rule-like manner. As a result, the economy was far more stable. We avoided lengthy economic contractions like the Great Depression of the 1930s and the rapid inflation of the 1970s.

The history of recent economic policy is one of massive deviations from these basic tenets. The result has been a crippling recession and now a weak, nearly nonexistent recovery. The deviations began with policies—like the Federal Reserve holding interest rates too low for too long—that fueled the unsustainable housing boom. Federal housing policies allowed down payments on home loans as low as zero. Banks were encouraged to make risky loans, and securitization separated lenders from their loans. Neither borrower nor lender had sufficient skin in the game. Lax enforcement of existing regulations allowed both investment and commercial banks to circumvent long-established banking rules to take on far too much leverage. Regulators, not regulations, failed.

The departures from sound principles continued when the Fed and the Treasury responded with arbitrary and unpredictable bailouts of banks, auto companies and financial institutions. They financed their actions with unprecedented money creation and massive issuance of debt. These frantic moves spooked already turbulent markets and led to the financial panic.

More deviations occurred when the government responded with ineffective temporary stimulus packages. The 2008 tax rebate and the 2009 spending stimulus bills failed to improve the economy. Cash for clunkers and the first-time home buyers tax credit merely moved purchases forward by a few months.

Then there's the recent health-care legislation, which imposes taxes on savings and investment and gives the government control over health-care decisions. Fannie Mae and Freddie Mac now sit with an estimated $400 billion cost to taxpayers and no path to resolution. Hundreds of new complex regulations lurk in the 2010 financial reform bill with most of the critical details left to regulators. So uncertainty reigns and nearly $2 trillion in cash sits in corporate coffers.

Since the onset of the financial crisis, annual federal spending has increased by an extraordinary $800 billion—more than $10,000 for every American family. This has driven the budget deficit to 10% of GDP, far above the previous peacetime record. The Obama administration has proposed to lock a sizable portion of that additional spending into government programs and to finance it with higher taxes and debt. The Fed recently announced it would continue buying long-term Treasury debt, adding to the risk of future inflation.

There is perhaps no better indicator of the destructive path that these policy deviations have put us on than the federal budget. The nearby chart puts the fiscal problem in perspective. It shows federal spending as a percent of GDP, which is now at 24%, up sharply from 18.2% in 2000.

Future federal spending, driven mainly by retirement and health-care promises, is likely to increase beyond 30% of GDP in 20 years and then keep rising, according to the Congressional Budget Office. The reckless expansions of both entitlements and discretionary programs in recent years have only added to our long-term fiscal problem.

As the chart shows, in all of U.S. history, there has been only one period of sustained decline in federal spending relative to GDP. From 1983 to 2001, federal spending relative to GDP declined by five percentage points. Two factors dominated this remarkable period. First was strong economic growth. Second was modest spending restraint—on domestic spending in the 1980s and on defense in the 1990s.

The good news is that we can change these destructive policies by adopting a strategy based on proven economic principles:

First, take tax increases off the table. Higher tax rates are destructive to growth and would ratify the recent spending excesses. Our complex tax code is badly in need of overhaul to make America more competitive. For example, the U.S. corporate tax is one of the highest in the world. That's why many tax reform proposals integrate personal and corporate income taxes with fewer special tax breaks and lower tax rates.

But in the current climate, with the very credit-worthiness of the United States at stake, our program keeps the present tax regime in place while avoiding the severe economic drag of higher tax rates.

Second, balance the federal budget by reducing spending. The publicly held debt must be brought down to the pre-crisis safety zone. To do this, the excessive spending of recent years must be removed before it becomes a permanent budget fixture. The government should begin by rescinding unspent ''stimulus'' and TARP funds, ratcheting down domestic appropriations to their pre-binge levels, and repealing entitlement expansions, most notably the subsidies in the health-care bill.

The next step is restructuring public activities between federal and state governments. The federal government has taken on more responsibilities than it can properly manage and efficiently finance. The 1996 welfare reform, which transferred authority and financing for welfare from the federal to the state level, should serve as the model. This reform reduced welfare dependency and lowered costs, benefiting taxpayers and welfare recipients.

Third, modify Social Security and health-care entitlements to reduce their explosive future growth. Social Security now promises much higher benefits to future retirees than to today's retirees. The typical 30-year-old today is scheduled to get an inflation-adjusted retirement benefit that is 50% higher than the benefit for a typical current retiree.

Benefits paid to future retirees should remain at the same level, in terms of purchasing power, that today's retirees receive. A combination of indexing initial benefits to prices rather than to wages and increasing the program's retirement age would achieve this goal. They should be phased-in gradually so that current retirees and those nearing retirement are not affected.

Health care is far too important to the American economy to be left in its current state. In markets other than health care, the legendary American shopper, armed with money and information, has kept quality high and costs low. In health care, service providers, unaided by consumers with sufficient skin in the game, make the purchasing decisions. Third-party payers—employers, governments and insurance companies—have resorted to regulatory schemes and price controls to stem the resulting cost growth.

The key to making Medicare affordable while maintaining the quality of health care is more patient involvement, more choices among Medicare health plans, and more competition. Co-payments should be raised to make patients and their physicians more cost-conscious. Monthly premiums should be lowered to provide seniors with more disposable income to make these choices. A menu of additional Medicare plans, some with lower premiums, higher co-payments and improved catastrophic coverage, should be added to the current one-size-fits-all program to encourage competition.

Similarly for Medicaid, modest co-payments should be introduced except for preventive services. The program should be turned over entirely to the states with federal financing supplied by a ''no strings attached'' block grant. States should then allow Medicaid recipients to purchase a health plan of their choosing with a risk-adjusted Medicaid grant that phases out as income rises.

The 2010 health-care law undermined positive reforms underway since the late 1990s, including higher co-payments and health savings accounts. The law should be repealed before its regulations and price controls further damage availability and quality of care. It should be replaced with policies that target specific health market concerns: quality, affordability and access. Making out-of-pocket expenditures and individual purchases of health insurance tax deductible, enhancing health savings accounts, and improving access to medical information are keys to more consumer involvement. Allowing consumers to buy insurance across state lines will lower the cost of insurance.

Fourth, enact a moratorium on all new regulations for the next three years, with an exception for national security and public safety. Going forward, regulations should be transparent and simple, pass rigorous cost-benefit tests, and rely to a maximum extent on market-based incentives instead of command and control. Direct and indirect cost estimates of regulations and subsidies should be published before new regulations are put into law.

Off-budget financing should end by closing Fannie Mae and Freddie Mac. The Bureau of Consumer Finance Protection and all other government agencies should be on the budget that Congress annually approves. An enhanced bankruptcy process for failing financial firms should be enacted in order to end the need for bailouts. Higher bank capital requirements that rise with the size of the bank should be phased in.

Fifth, monetary policy should be less discretionary and more rule-like. The Federal Reserve should announce and follow a monetary policy rule, such as the Taylor rule, in which the short-term interest rate is determined by the supply and demand for money and is adjusted through changes in the money supply when inflation rises above or falls below the target, or when the economy goes into a recession. When monetary policy decisions follow such a rule, economic stability and growth increase.

In order to reduce the size of the Fed's bloated balance sheet without causing more market disruption, the Fed should announce and follow a clear and predictable exit rule, which describes a contingency path for bringing bank reserves back to normal levels. It should also announce and follow a lender-of-last-resort rule designed to protect the payment system and the economy—not failing banks. Such a rule would end the erratic bailout policy that leads to crises.

The United States should, along with other countries, agree to a target for inflation in order to increase expected price stability and exchange rate stability. A new accord between the Federal Reserve and Treasury should reestablish the Fed's independence and accountability so that it is not called on to monetize the debt or engage in credit allocation. A monetary rule is a requisite for restoring the Fed's independence.

These pro-growth policies provide the surest path back to prosperity.

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

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will be a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. KYL. Mr. President, 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. JOHANNS. 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.

SOUTH KOREAN FREE TRADE AGREEMENT

Mr. JOHANNS. Mr. President, I rise today to ask a pretty straightforward question: Why on Earth is this administration standing by and watching our global competitors gain the upper hand over U.S. businesses?

Last week, the European Union announced that it is taking steps to approve an agreement with South Korea. I have to tip my hat to the Europeans. South Korea represents the 12th largest economy, and Europe's businesses are now one step closer to much greater access to the 12th largest economy in the world. Meanwhile, the United States fails to act on a trade agreement negotiated with South Korea more than 3 years ago, ready for action, actually. Zero action, though, has been taken since this agreement has been finalized by this administration. We all know it is up to the President to send the agreement to Congress for approval before it can go into effect. But that has not happened. On the other hand, other nations are taking advantage of opportunities to save their businesses billions of dollars, while the United States is simply stuck in neutral.

Under our agreement with Korea, most fees our exporters pay—tariffs—to Korea would be completely eliminated, saving U.S. businesses literally billions of dollars. In fact, nearly 95 percent of our exports of consumer and industrial products would become duty free within 3 years and the rest would be eliminated over time. Nearly two-thirds of our agricultural exports would also become duty free under this agreement, and perhaps most significant is the estimate by the U.S. International Trade Commission itself that our agreement with South Korea would add $10 to $12 billion to our economy.

So what does this mean in real dollars for real businesses? Well, the agreement would increase U.S. exports by about $10 billion annually. The way I look at it, our economy could use a $10 billion boost. Instead, our agreement with South Korea languishes, and we sit on the sidelines while other countries clearly are gaining the upper hand and we are losing this marketplace.

If we could ever enact this agreement, American job creators could fairly compete in the South Korean market. Instead, they are at a distinct disadvantage, and the key to a level playing field—this trade agreement—is collecting dust on a shelf at the White House.

The time for the United States to act on our agreement with Korea is not only now, it should have been months ago. Our failure to act is inhibiting job creation, inspiring our competitors, who are winning, and frustrating our trading partners. Last week was just the latest evidence that our trading partners have lost patience with us and decided to find new dance partners. You see, our trading partners look at this and say: There is no leadership.

In June, I came to the Senate floor to express my concern over reports that an official from the South Korean Embassy said the following:

The U.S. runs the risk of losing the Korean market within a decade if we cannot get a free trade agreement ratified.

Let me repeat what he said: Within a decade, we lose this market.

Those reports also warned that South Korea was likely to complete a free-trade agreement with the European Union by January of next year. Well, here we are 3 months later, and that is exactly what has happened.

Most recently, upon announcing the new agreement just last week, South Korea's Ministry of Foreign Affairs and Trade released a statement saying that their deal with the EU ''will bring about economic benefits more than a free trade pact signed with the United States.'' You see, they signed this agreement 3 months ahead of schedule, and our trading partners look at all of the dithering, and they are ready to move forward without us.

We should enact our pending trade agreement with South Korea as well as the pending trade agreements with Colombia and Panama as quickly as possible. Increasing our market share in countries around the world will provide greater opportunities for our businesses, allowing them to expand their operations and to hire more people right here at home. You can translate foreign trade to real jobs for real people in this country who are looking for work. This would help get our economy moving again. But for that to happen, the Obama administration must send Congress the pending agreements for an up-or-down vote. That is the next step. That has been the next step for months and months. The President must simply send the agreements for approval.

Unfortunately, when it comes to the pending trade agreements, what we have seen from this administration has been a lot of talk but no action. If you listen to the President's own words, you would think the administration just can't wait to submit the agreements to Congress. Just last week, President Obama said he would like to see congressional approval of the Korean agreement as soon as possible. That is not the first time he has made those statements. Going all the way back to the State of the Union Address in January, President Obama said the following:

We have to seek new markets aggressively just as our competitors are. If America sits on the sidelines while other nations sign trade deals, we will lose the chance to create jobs on our shores.

The President was right about that when he said that so many months ago. In fact, it bears repeating. In the President's own words:

If America sits on the sidelines while other nations sign trade deals, we will lose the chance to create jobs on our shores.

So the President of the United States is on record saying that the pending trade agreements would create jobs. They would. But these words ring hollow when you do not follow up with action.

As the U.S. unemployment rate has hovered around 10 percent for most of this year, my question is and I think the question of this nation is, What are we waiting for? Why are we waiting? There is no silver bullet here, but our pending trade agreements would be enormously helpful. They would be the absolute right step in the right direction. You see, when roughly 95 percent of the world's consumers live outside the United States, the global marketplace represents unrivaled opportunities. But, unfortunately, while the Senate has spent most of this year on a massive spending spree, three measures that even the President admits will create jobs are withering on the vine. Our businesses and job creators watch as their global competitors simply run by them. They are sitting on the sidelines faced with uncertainty and high tariffs that bar their entry in any reasonable way to the foreign marketplace, uncertainty about new regulations, uncertainty about our economic recovery, uncertainty about this administration's commitment to these trade agreements.

The lack of any kind of coherent position from the White House is a serious part of the problem. Yes, I have heard the speeches. The President says he wants action. He started saying it a long time ago. Yet he takes no action. I would like to know where this administration stands. The agreements are signed and ready. The ball is in the administration's court. If the President has no intention of sending these agreements to us, say so. Let the American public know this.

Taking action could not be easier: simply drop the agreements in the mail to Congress or have somebody walk them over here. The rest of the world is not wasting any time taking advantage of the opportunities and benefits provided by expanded trade. You see, they need jobs too. And they see the world's population and say: Why would we not want to sell our products to those people? Meanwhile, the United States is depriving our businesses of new markets, our people of jobs and new opportunities. And it delays economic recovery while, unfortunately, our competitors gain the upper hand.

If the President is serious about enacting trade deals to create new jobs, I am ready to work with him. I have said that over and over. I will come to the floor and speak on behalf of these agreements, and I know many of my colleagues are ready to do the same.

I urge the President to send the trade agreements to Congress once again for a ''yes'' vote.

I yield the floor, and 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. GRAHAM. I ask unanimous consent that the order for the quorum call be rescinded.

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

DEFENSE AUTHORIZATION

Mr. GRAHAM. Mr. President, I rise to speak about the upcoming vote tomorrow at 2:15 on the Defense authorization bill. I don't know the state of play, but it looks as though we will bring to the floor a Defense authorization bill without any ability to amend the bill beyond a very limited set of amendments. If one is watching the political discourse at the moment, they would not realize we are at war in two different theaters and that Iran is pursuing a nuclear weapon, and that maybe a year from now they will have one. We are talking about domestic politics and spending. That is good. But what is equally important is national security.

The Defense authorization bill is coming to the Senate floor tomorrow, and we have a don't ask, don't tell policy change within the bill that basically says we are going to change the law that would get rid of don't ask, don't tell; a policy that has worked very well, that we would receive input from the military, and we are going to change the law before we ask our men and women in uniform about their opinion. That is a huge mistake. We were told last year there would be a study among all the services about the effect of don't ask, don't tell on recruiting and retention and how it would affect the Armed Forces.

Before we can get the study done, I think the Congress is going to repeal the law because our Democratic friends believe in the fall there will be more Republicans. So they are going to try to do it now. We should not repeal don't ask, don't tell until we get input from our men and women who are serving. That is one thing that is driving this bill.

The DREAM Act is a piece of legislation that would give legal status to young children who were brought into the country illegally, brought here as children as illegal immigrants. They have lived most of their lives here. It would allow them to go to school under State tuition. It would give them legal status. That is an issue that needs to be talked about in terms of comprehensive immigration reform, not the Defense authorization bill.

If someone were listening to the debate on the Defense authorization bill, they would believe the biggest national security threats we face are abortions in military hospitals, the DREAM Act, which has to do with citizenship for young illegal immigrants, and don't ask, don't tell. We are not talking about what happens if Iran gets a nuclear weapon, how we win in Afghanistan, or what we need to do to get Iraq right. We are on the 10 yard line, but we are not there yet.

I have an amendment I would like to offer to the body that would get 99

votes. It says stop reading terrorists their Miranda rights. This is not crime we are fighting. We are fighting a war. I don't believe in torture; I believe in living within our values. But there is a difference between a law enforcement activity and fighting a war.

When we capture a terrorist who just tried to blow up an airplane over Detroit, the last thing we need to do is read them their Miranda rights. We should take them off the airplane, turn them over to the military, the CIA, and let them be questioned about future attacks within our values—not torture but firmly and effectively asked about intelligence.

The moment we read somebody their Miranda rights, we go into the area of law enforcement. We are fighting a war, not a crime. I have a bill that would change our habeas review process where an enemy prisoner is allowed to go to Federal court under Supreme Court holdings, and when they go to court, the habeas review doesn't have any uniform standards. In one case they let the guy go because the government couldn't prove he was a member of al-Qaida on the day he was captured. But they could prove without a doubt that he had trained with al-Qaida, swore an oath to al-Qaida right after 9/11. The burden should be on the enemy combatant to prove they are not a member of al-Qaida once we have established they were at some point in time.

The whole habeas review system needs to be looked at. Our judges are crying out for some congressional involvement to give them uniform standards.

We have 48 people in prison at Guantanamo Bay held for years without trial. Under the law of war, we can hold an enemy prisoner indefinitely without trial because it is part of a war. Under domestic criminal law, we have to charge somebody with a crime or let them go. That is a dilemma we should not face. If someone is being held as an enemy combatant, there ought to be a legal process to make that determination with an annual review. I would like to create that legal process. I would like to create some rational legal system that recognizes we are at war, not fighting a crime. But the only thing I can talk about is don't ask, don't tell and the DREAM Act. This is ridiculous.

We have men and women in harm's way. This Nation is under siege. We have not adjusted our laws since 9/11 to be at war within our values. The extremes can't be the norm. The choice between waterboarding and the Army Field Manual in terms of interrogation should not be the two choices. The CIA today is out of the interrogation business. The Executive order issued by President Obama denies the CIA the ability to use enhanced interrogation techniques that this body passed under the Detainee Treatment Act, so the CIA is basically an organization without any ability to question someone. If we capture terrorists tomorrow, where will we put them? Guantanamo Bay hadn't been used in years. We are a nation without a jail. These are big issues that need to be addressed in a comprehensive fashion.

The Defense authorization bill is the natural venue. But under the process before the Senate, it is being shut down, and the Defense authorization bill is no longer a vehicle to deal with defense matters. It is now a political checklist before the November elections. The Hispanic community, check; they got a vote on the DREAM Act.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. GRAHAM. Absolutely.

Mr. MCCAIN. Is it the understanding of the Senator from South Carolina that we would be taking up the DREAM Act which, if going through the regular process, would go to the Judiciary Committee, and the don't ask, don't tell issue and perhaps something about secret holds, and then go off of the bill until after the elections in a very constrictive timeframe of a lameduck session?

What is the Senator's view about what the priorities of the leadership are? Is it political? Why else would we take up only certain amendments and then move off a bill that would then resume possibly for some truncated period after the election? What is that all about?

Mr. GRAHAM. Sherlock Holmes said what is left on the table, when you rule everything out, is the answer. It makes no sense to me for us to bring the Defense authorization bill to the floor of the Senate at any time where the Senator from Arizona and I cannot offer an amendment about how we try a terrorist. Should Khalid Sheikh Mohammed be given a Federal court right? Should he be put in New York City or any other Federal court and tried as a normal criminal, or should he be tried in a military court as an enemy combatant?

These are big issues. Under the construct created—and the reason I will vote no when I would normally vote yes—I cannot offer amendments. We are going to be voting on the DREAM Act. The DREAM Act is a hot topic in the immigration world but not very hot among our troops.

I have been to Afghanistan and Iraq numerous times. I haven't had one soldier or airman or sailor or marine or Coast Guard member ask me about the DREAM Act. They want to know are they going to get paid more and do they have the tools to win the war. This is politics at its worst, may I say.

As a Republican, I stand here knowing our party has probably abused power in the past but not like this. This, to me, is going to a new level. We are in two wars. Iran is on the verge of making a breakthrough on the nuclear weapons front. We have a Defense bill where we can't amend it to talk about the war on terror or about legal changes—stop reading terrorists their Miranda rights. We will be voting on the DREAM Act which is checking a block. We will be voting on don't ask, don't tell in a way in which I think is offensive to the men and women who serve.

The Senator was promised last year, as the ranking member, when he asked the question, that our men and women would give us input before the administration would move to change don't ask, don't tell. That has all been turned upside down. The law is now that it will be repealed and we ask later.

This idea about secret holds in the Senate, that is probably an internal matter that needs to be resolved but not on Defense authorization. The answer is, this is politics.

Mr. MCCAIN. If we do address the issue on the Defense authorization bill or if we were addressing the issue, would it be more appropriate to assess the impact on battle effectiveness and morale on the men and women serving and then arrive at a decision as to whether that legislation or any other legislation, although this is very important legislation, should be repealed? Instead, isn't it true the construct of the way it went through the Armed Services Committee is that the three individuals who support repeal—the President, who made a political promise; the Secretary of Defense, whom we admire; and the Chairman of the Joint Chiefs of Staff—will make a determination as to whether the study has been completed sufficiently to ensure the repeal of don't ask, don't tell without difficulty as opposed to taking a survey, finding out about the impact on morale and battle readiness and then make a determination?

Also, according to this process set up in the Armed Services Committee, the four service chiefs—Army, Navy, Marine Corps, Air Force—are left out of the decisionmaking. Why? Because they have called for exactly what I was just describing, which is a study to assess the impact on morale and effectiveness prior to repeal. In other words, in this instance, the fix is in.

Mr. GRAHAM. The Senator makes a good point. He has been ranking member. Obviously, his military record is well known. He was promised—I took it as a promise—last year that we would not change don't ask, don't tell until we got input from those who serve our country in uniform. That process is ongoing. But now the law we are expected to vote on tomorrow changes don't ask, don't tell. It completely reverses that policy but allows us to get input later. That is quite offensive. We know there isn't going to be a snowball's chance in hell they are actually going to listen to what the men and women say because the whole goal is to get that vote for a specific constituency.

Special interest groups are dominating this bill unlike any time before. We have changed the law about abortions in military hospitals, we have the DREAM Act which has zero to do with

national defense, and now we have a major change in don't ask, don't tell in a way that is contrary.

I spoke to the incoming Commandant of the Marine Corps who will be up for a vote soon. He said he was very concerned about making this change now. We are in two wars. There is a lot going on in the world. This is a major social change. He thinks it would be smart to listen to the marines and other servicemembers before we make the change. If the bill becomes law, we will not have done that. That is a huge mistake.

I thank the Senator from Arizona for his leadership to make sure the men and women in uniform are heard from before Congress acts.

Mr. McCAIN. One more question: The issue is the proposal to include the so-called DREAM Act. I think every Member of Congress, every American citizen has some sympathy for individuals who were brought to this country without making the decision to do so, not forgetting that the people who brought them to this country were breaking our laws when they did so. Isn't it also true that if we address the DREAM Act or other parts of comprehensive immigration reform before securing the borders, then 1, 2, 5, 10 years from now we will be faced with another generation of young people who were brought here against their will who have a compelling story to tell?

In other words, isn't the moral of this story—to harken back to the 1980s—under our beloved Ronald Reagan we gave amnesty to a couple million people, and they said they would secure the borders, and we ended up with 12 million people who were here illegally? So isn't that the situation we all want to remedy, but we want to make sure we do not have to remedy it again?

Mr. GRAHAM. I say to the Senator, his point is well taken. If the DREAM Act is not considered part of comprehensive immigration reform, it will be a huge mistake. The reason we have 12 million people here illegally in our country is because you can get to America pretty easily illegally, obviously. You can walk across the street in some places. So you have to control the border.

Visa overstays are 40 percent of the illegal immigration problem. If you do not do that, then you are never going to stop the third wave of illegal immigration. You have to deal with why they come: to get jobs. We need better employer verification. We need a temporary worker program so employers can hire people in a win-win situation, where people from other countries can come here and work, make some money, and go back home. It helps us; it helps them. That is what you need to do with immigration, comprehensive reform.

The DREAM Act is about November politics. It is an emotional topic that if you did it in isolation would be undercutting comprehensive reform. Certainly it has nothing to do with defense authorization. It is trying to check a block.

For the people who came to my office last week who were literally praying that I would vote for the DREAM Act in the Defense authorization bill, you are certainly being used and abused, in my view. This is an emotional topic, and at the end of the day, all I can tell you is, this is not a way to change immigration. This is not comprehensive immigration reform. This is not good defense policy. This is just sheer, raw politics at a time when we could do better and should do better.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3454, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the bill (S. 3454) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, we have enacted a National Defense Authorization Act every year for the last 48 years, and we need to do the same this year. I hope we can at least make some progress during the next few days and weeks on this bill.

This year's bill would continue the increases in compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world.

For example, the bill would extend over 30 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by Active-Duty and Reserve military personnel.

The bill would authorize continued TRICARE coverage for eligible dependents of servicemembers up to age 26.

The bill would improve care for our wounded warriors by addressing inequities in rules for involuntary administrative separations based on medical conditions and requiring new education and training programs on the use of pharmaceuticals for patients in wounded warrior units.

The bill would authorize and allow the waiver of maximum age limitations to enable certain highly qualified enlisted members who served in Operation Iraqi Freedom or Operation Enduring Freedom to enter the military service academies.

The bill also includes important funding and authorities needed to provide our troops the equipment and support they will continue to need as long as they remain on the battlefield in Iraq and Afghanistan.

For example, the bill would enhance the military's ability to rapidly acquire and field new capabilities in response to urgent needs on the battlefield by expanding the authority of the Department of Defense to waive statutory requirements when urgently needed to save lives on the battlefield.

The bill would fully fund the President's request to train and equip the Afghan National Army and Afghan Police—growing the capabilities of these security forces to prepare them to take over increased responsibility for Afghanistan's security.

The bill would extend for another year the authority for the Secretary of Defense to transfer equipment coming out of Iraq as our troops withdraw to the security forces of Iraq and Afghanistan, providing through that transfer an important tool for our commanders looking to accelerate the growth of these security forces.

The bill contains a number of provisions that will help improve the management of the Department of Defense and other Federal agencies.

For example, the bill would require the Department of Defense to establish a comprehensive process for evaluating and addressing urgent operational needs identified on the battlefield.

The bill would address shortcomings in the management of private security contractors in Iraq and Afghanistan by making contractors expressly responsible for the conduct of their subcontractors and establishing specific contractual remedies for failures to comply with the requirements and directives.

The bill would require the Department of Defense to establish acquisition baselines for the Missile Defense Agency's programs and provide annual reports to Congress on progress toward achieving those baselines.

The bill also includes important legislative provisions that would promote DOD's cybersecurity and energy security efforts—two important initiatives that would help strengthen our national defense and our Nation.

This bill does include a handful of contentious provisions on which there is disagreement in the Senate. These provisions were debated in committee. I expect them to be debated again on the Senate floor, if we can proceed tomorrow, as I hope we can. We are going to have votes on a number of those issues and other contentious issues, and the Senate will work its will if we are allowed to get to the point where we can debate this bill.

One of the issues which has been raised is whether amendments should be offered or are offerable to this bill, such as the DREAM Act, which are not

relevant to the bill. The Senator from Arizona recently said the following, and he has repeated it:

[F]or many, many years, we never put any extraneous items on the [DOD authorization] bill, because it was so important to defense and we just didn't allow it.

He continued:

Starting last year, Carl Levin and Harry Reid put hate crimes on it.

The Senator from Arizona is incorrect. He is incorrect on a number of accounts. First of all, the Senate previously considered hate crimes amendments to the national defense authorization bill. We did it in 2001. We did it in 2005. We did it again in 2008 on the national defense authorization bill. It was not the first time that hate crimes was added to the defense authorization bill, and each time the hate crimes amendment was approved by overwhelming bipartisan votes: 57 to 42, 65 to 33, and 60 to 39. It received anywhere from 8 to 18 Republican votes. The only thing that was new about last year's action relative to hate crimes was that for the first time the provision was not dropped in conference. It was included in the enacted legislation.

Secondly, the Senator from Arizona is incorrect when he says ''we never put any extraneous items on the [defense authorization] bill . . . we just didn't allow it'' is incorrect for another reason. During our consideration of Defense Authorization Acts over the last dozen years, and before, the Senate has debated other amendments, nonrelevant amendments, on many issues, including on concealed weapons, indecency standards, the extension of pay-go budget procedures, and secret holds on nominations, among other issues.

As a matter of fact, in the year 2000, the Senator from Arizona offered a nonrelevant amendment to the defense authorization bill. His amendment proposed to require campaign finance disclosure by the so-called 527 organizations as an amendment to national defense authorization. Senator WARNER opposed it, as floor manager of the bill. Senator WARNER, as chairman and floor manager, argued it was not relevant to the bill. Indeed, Senator WARNER argued it could endanger the passage of the bill and urged Senator MCCAIN not to offer that nonrelevant amendment. Senator MCCAIN's response:

I yield to no one in this body as to my advocacy for our Nation's defense and the men and women in the military.

He continued:

But if we want to give these men and women in the military confidence in their Government, we should have fully disclosed who it is that contributes to the political campaigns.

When Senator WARNER was asked if he was upset with Senator MCCAIN for tying up the Senate with nonrelevant amendments on the defense authorization bill, Senator WARNER stated:

I don't get upset at anything. The man—

The Senator he is referring to, Senator MCCAIN—

is acting under the rules.

I supported the McCain amendment at that time, and I also supported the right of the Senator from Arizona to offer it, not because it was relevant to the defense authorization bill—it was not—but because it was the only opportunity, apparently, to consider that bill, and it was the right thing to do, in my judgment.

By a vote of 57 to 42, the Senate agreed, and the nonrelevant McCain amendment was adopted to the defense authorization bill. By the way, by comparison, last year's hate crimes amendment was adopted by a vote of 63 to 28.

Particular concern has also been expressed about the committee's decision to cut $1 billion of the $2 billion that the President requested for the Iraq Security Forces Fund. This decision of the committee was consistent with the previously expressed view of the Armed Services Committee and of the Congress that the Government of Iraq should assume a greater responsibility for the financial burden of building Iraqi security forces as U.S. forces draw down.

The Iraqis are in a better position to pay for their defense than we are. Last year, we provided only $1 billion. We should not be increasing that amount as Iraqi resources and finances get stronger and their oil revenues get higher.

The American taxpayers have already paid over $18 billion to build the capacity of the Iraqi Army and police. By contrast, the Government of Iraq has failed to adequately invest in its own security forces. According to a recent DOD report, the Iraqi Ministry of Defense requested $7.4 billion in 2010, but the Ministry of Finance approved only $4.9 billion, choosing to fund little more than personnel costs and to rely almost entirely on the United States to pay for even the most basic equipment needed by the Iraqi Army. Iraq, which according to GAO analysis, has a cumulative budget surplus of $52 billion through the end of fiscal year 2009 and as much as $5 billion in unspent security funds, should be well positioned to pay for its own military equipment instead of coming to us for large handouts.

The argument has been made that the money the committee cut from the Iraqi Security Forces Fund was used to pay for porkbarrel projects. However, the definition of ''porkbarrel projects'' used for this purpose appears to be anything other than what the administration requests. I question why spending money on Iraqi troops should be considered good government, but if we spend the same amount of money on our own military instead, it is considered wasteful porkbarrel spending. We could have no higher priority as a committee or as a Congress than supporting our own defense, and I am proud of the fact that our bill would increase the money available for this purpose by cutting back on subsidies for the Iraqis.

Here is the process we use in our committee. This is how we accomplish where we are today. Every year, our committee staff works hard to identify excess or unneeded spending in the Defense budget request. For example, we identify unsuccessful programs where we appear to be sending good money after bad, programs that are getting money before they need it or are getting more money than they can reasonably spend in a year; programs that cannot spend all the money they have because of schedule delays, and programs that are scheduled to receive funding increases, even though the requirement is declining. We would not be doing our job for the Congress and the American people if we fail to undertake a thorough review and to cut excess or unneeded spending from the budget. When we find unneeded spending, we are then able to shift it to support added force structure or force modernization and the quality of life for our troops. This is much the same process that the Secretary of Defense goes through to identify excess overhead, duplicative programs and other wasteful spending and shift the funds to higher priority defense needs.

This year, we reviewed the Department's $725 billion budget proposal and identified several billion dollars of unneeded spending—just over one-half of 1 percent of the total budget. What did we spend the money on? Mainly modernizing weapons systems, supporting readiness, and supporting the troops. More specifically, this is what the committee proposes to spend the money on that was cut as unneeded from other programs.

This is a relatively long list, but I do wish to give a fairly extensive list of what the additional spending was by the Armed Services Committee when we found that some of the spending in the budget was unneeded for the reasons I just gave.

Here is a list: $532 million to fully fund high-priority requirements identified by the Chief of Naval Operations for ship depot maintenance, aircraft depot maintenance, and spare parts; $363 million to improve missile defense capabilities against existing regional missile threats and provide better protection against such missiles for our deployed forces and our allies; $337 million to fully fund high priority weapons sustainment and depot maintenance requirements identified by the Air Force Chief of Staff; $325 million to procure additional F–18 aircraft to address a looming shortfall of strike fighter aircraft and take advantage of better prices we will get through a multiyear contract; $310 million for new facilities, all of which meet the McCain-Glenn screening requirements for military construction and have been determined by the military to be mission essential, to support operations and training, and ensure that our troops are ready for deployment; $244 million to augment the capability of our communications satellites, continue the

development of infrared sensors for next-generation satellites, and provide for improved space protection and space situational awareness; $213 million for advanced technologies, for advanced weapons systems, including basic and applied research and materials, science for lighter and stronger materials, new sensors, lasers, and information technology; $184 million for unfunded procurement priorities identified by the Army Chief of Staff to meet force protection, mobility, communication, and other needs for deployed forces in Afghanistan, including the Line of Communication Bridge, the Lightweight Counter-Mortar Radar, the Defense Advanced Global Positioning System Receiver, the Tactical Local Area Network, and the Forward Entry Device for the artillery tactical data system; $170 million for the Department's Energy Conservation Improvement Program to competitively fund meritorious programs that have a savings-to-investment ratio of 1.25 or higher and a simple payback period of 10 years or less; $113 million for unfunded requirements identified by the Commander of U.S. Special Operations Command for ground mobility vehicles, deployable communications equipment, thermal and night vision goggles, and nonlethal weapons technologies; $102 million to continue the JSTARS reengining program to ensure that these aircraft have the onstation capability needed to provide real-time intelligence to our ground forces engaged in combat; $100 million to enhance the safety and reliability of our nuclear weapons by providing funding needed for facility design, maintenance, and upgrades, provide diagnostic equipment, and address operational safety issues; $100 million for new quality-of-life facilities such as dormitories, emergency service centers, and health clinics, all of which have been determined by the military to be mission essential; $88 million for research and development to reduce the Department's dependency on fossil fuels through improved energy storage, power systems, renewable energy production, and energy efficiency in Defense programs; $78 million for intelligence, surveillance and reconnaissance activities and programs that are delivering critical capabilities for our troops in Afghanistan; $78 million to meet antiterrorism and force protection requirements at military bases; $76 million to improve the combat capability of Navy submarines; $72 million for improved medical care for our troops and their families, including $22 million for continuity of medical care and to prevent increases in fees and $50 million for critical medical research on trauma care, blast injuries, visual impairment, and other battlefield-related injuries; $71 million to improve the Navy's ability to operate with unmanned systems, improve countermeasures and improve the ability of DOD air and sea systems to handle threats from enemy missiles and shoulder-fired weapons and make operational system improvements on Navy ships; $70 million to modernize Navy facilities and improve their capability to support current operations and new technology developments; $59 million for upgrades for Army weapons systems to enhance operational capabilities and modernize the force; $58 million for cyber-security technology development and demonstrations to enhance protections available for critical DOD infrastructure and information; $57 million for advanced manufacturing technologies to reduce the time required to produce high-demand items such as body and vehicle armor, IED jammers and MRAP vehicles and to modernize the Department of Defense test capabilities facilities to ensure that new weapons systems meet warfighter requirements; $56 million for communications facilities and special operations facilities, all of which have been determined by the military to be mission essential; $46 million for nonproliferation programs, including the screening of cargo containers coming into the United States, plutonium disposition, and related research and development; $45 million for Impact Aid to ensure a quality education for military dependents by compensating local school districts that lose property tax revenue due to the presence of tax-exempt military installations; $35 million for the National Guard to assist State and local law enforcement with counternarcotics operations; $34 million for the Department of Defense inspector general to continue growth designed to provide more effective oversight and help identify waste, fraud, and abuse in Department of Defense programs; $30 million to reduce technical risk and increase program performance in the Army's Paladin self-propelled howitzer integrated management program; $26 million for simulators and trainers for the Army to reduce training costs and increase the preparedness of our troops for the battlefield in Iraq and Afghanistan; and $25 million to fund a competitive program to protect critical mission training sites by preventing or reducing encroachment through the creation of compatible-use buffer zones.

These are real military needs. These are not ''bridges to nowhere''—quite the opposite. This year, we took $75 million that the Department of Defense planned to spend on military museums and spent it instead on more immediate military needs consistent with our committee policy that military museums should be funded through private donations rather than taxpayer funds.

I am not going to tell the Presiding Officer or anybody else that every judgment the committee made was correct. There is no way I could agree to that. In fact, some of the decisions we made I didn't agree with, but I can say the money that was added was added for what we saw as needed measures to modernize our forces and provide for our troops. Others may disagree. Some may honestly believe that any spending not included in the administration budget, no matter how important it may be to the military, is wasteful. However, we will not be able to have that debate and vote on any amendments to the funding proposed by the committee unless we vote tomorrow to proceed to consideration of this bill.

We currently have 50,000 U.S. soldiers, sailors, airmen, and marines on the ground in Iraq and roughly twice as many in Afghanistan. While there are some issues on which we may disagree, I think we all know we must provide our troops the support they need as long as they remain in harm's way. Senate action on the National Defense Authorization Act for Fiscal Year 2011 will improve the quality of life of our men and women in uniform. It will give them the tools they need to remain the most effective fighting force in the world. Most important of all, it will send an important message that we as a nation stand behind them and appreciate their service.

I hope our colleagues will allow us to proceed to consideration of this bill. There obviously will be many amendments offered, some to change or strike the language which is in the bill. That is understandable. There will be some amendments aimed at adding provisions to the bill, and that is not unusual either. As I said, both relevant and nonrelevant amendments have been debated to this bill in the past. It is not unusual. It complicates, obviously, the life of the manager, but that is what we are here for, to consider amendments—both relevant and nonrelevant amendments—to the bill and to try to get a Defense bill passed.

I hope we can make progress on this bill this week. As somebody who may be overly optimistic, I would love to see this bill passed prior to our next recess. But our goal should be to make progress on this bill, and in order to do that, we will need to adopt cloture tomorrow. I hope the Senate does that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will be brief because I know there will be a lot more debate tomorrow.

The distinguished chairman just mentioned a number of authorized programs that sound pretty good. They were put in without debate, discussion or amendments. He also left out several that might be of interest to taxpayers, which may be the reason why we see such anger about the kind of spending—out-of-control spending and unnecessary spending.

Here is $1 million for foreign language correlation and translation; $3 million for plant-based vaccine development; $4.5 million for decision and energy reduction tool. The list goes on and on. Here is $5 million for operator driving simulator; $1 million for Permafrost Tunnel; $2.5 million for body temperature conditioner.

All of these, in the eyes of the chairman, are more important than taking care of our allies and cementing success in our operations in Iraq, which was a result of the surge which the chairman, of course, adamantly opposed.

Here is $7.6 million for a Quiet Propulsion Load House; $3 million for tribology research. The list goes on and on: $8 million for a physical fitness center.

By the way, none of these were requested by the Department of Defense.

So we will be going into this some more tomorrow, and we will request an earmark for where they went—one of the key elements of it. None of it is completed. All of those earmarks are designated for certain places and certain manufacturers. It is something the people of this country, again, steadfastly are in opposition to.

I was interested to hear the chairman talk about amendments being allowed and that there will be debate and discussion. That is not the message we got through the media, which the majority leader didn't share with us. My understanding is that we are going to take up three issues. He is going to fill up the tree, which means no other amendments will be allowed. The issues will be the secret holds, the DREAM Act, and, of course, don't ask, don't tell. I hope the chairman is accurate here because there are many issues that many Americans would feel are very important: treatment of terrorists, Guantanamo Bay, and so many other issues that affect the readiness of the men and women and their training and ability, as opposed to the DREAM Act and a repeal of don't ask, don't tell.

Let me point out again that this issue is not on don't ask, don't tell, not an assessment of the effect on the readiness and morale of the men and women in the military. This language is a repeal, then signed onto by the President of the United States, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff. One wonders, what about the Chief of Staff of the Army? What about the Chief of Naval Operations, the Commandant of the Marine Corps, and the Chief of Staff of the Air Force, all of whom have objected to this provision because it is being railroaded through without a proper assessment on the morale and effectiveness of our military?

I read from the bill itself that this Secretary's memorandum says:

> . . . determine any impacts to military readiness, military effectiveness, unit cohesion [et cetera] that may result from repeal of the law.

That may result from the repeal of the law. Every provision says that the law will be repealed if the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff sign off on a report that doesn't assess the effect on morale and readiness of the men and women in the military. It would only assess impacts of repeal. That is not right. We are in two wars. Should we not assess the impact on the readiness, the morale, and effectiveness of the men and women who are in harm's way, who would be affected by the repeal of don't ask, don't tell? Should we not have that assessment?

What the chairman has done and what the majority of the Democrats have done is in blatant disregard for the morale, effectiveness, recruitment, and retention of the men and women serving in the military today. Why couldn't we have done what our service chiefs want and what our senior enlisted people want, and that is an assessment of battle effectiveness and morale regarding a repeal of it, and then decide whether to repeal don't ask, don't tell?

This is really a remarkable act on the part of the Democrats because this is a political issue, just as the DREAM Act is a political issue. It is a political issue. I understand the season. I understand it is not that far between now and the elections. But to use the Defense bill, which has to do with defending our national security interests when we are in two wars, to pursue a social agenda and legislative agenda to galvanize voting blocks I think is reprehensible.

We will be talking a lot about this in the next day or so. I appeal to the American people, who understand what we are about here.

I wish to return to the DREAM Act for another minute. If we enact any legislation that provides people with citizenship in this country without securing our borders, then we have placed ourselves in a situation where we will have more people in this country illegally and we will have to address that issue again. It is no longer a border issue; it is a national security issue. The drug cartels and the human smugglers have now posed a threat to our Nation's security. That is why our Secretary of State, just a couple weeks ago, said the situation in Mexico was comparable to that of Colombia in the 1980s, when they had an active insurgency called the FARC.

To use the Defense authorization bill as a vehicle to enact legislation, which there would be numerous amendments to, there would be hours and hours of debate—by the way, the amendment I proposed about 10 years ago was a rifle shot on a specific issue. This is, of course, a major piece of legislation that affects at least, I am told, 800,000 people who are living in this country illegally.

I hope that we will return to the days I remember in the past when we had unlimited amendments, unlimited debate, and that we move forward in a bipartisan fashion on this issue. Unfortunately, the politicization of this very important legislation that affects our ability to fight and win wars is being compromised for short-term political purposes.

I yield the floor.

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

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

Mr. LEVIN. Mr. President, I am going to briefly comment on a number of points the Senator from Arizona made. First, he read a list of items that he thought were wasteful items that we added to the bill. I went through a long list of the items we added to the bill, probably three pages of types of items that we added in the Armed Services Committee that support the troops, their readiness, their capabilities, their benefits.

He suggested—in fact, stated that these spending items were put in the bill without debate, discussion, or amendment. I first want to comment on that because, as the Presiding Officer knows as a very valued and esteemed member of our committee, we spent days on markup. I think we have at least 60 amendments—at least that is my recollection.

Every proposed funding item in this bill and every item of the bill and report language was shared with the minority staff at least a full week before the beginning of the markup. This is, by the way, about twice as much time as was provided by any other committee chairman I can remember in the 30-plus years I have been here in order to give the minority staff an opportunity to look at what the proposed markup documents were.

We then provided the minority staff with several days to suggest changes to the proposed language. A number of significant changes, as a matter of fact, were made on the basis of those discussions and recommendations from the minority staff.

After the changes were made, then the full package was provided to all the members of the committee and their staffs. Again, several days earlier than this had been done in any previous year. So every item the Senator from Arizona mentioned, like every other spending item in the bill, was subject to amendment in committee. I believe it was 2 days of committee deliberations. Again, dozens and dozens of amendments were adopted, some defeated. But a large number of amendments were dealt with.

The opportunity was more than I think has historically been the case for the minority staff, and obviously the majority staff as well, to make recommendations for changes prior to the markup document being presented to members for amendment, and many of those changes were made.

Now, just a couple of examples that the Senator from Arizona used as being evidence of wasteful spending that we added. One was $3 million for plant-based vaccine development. The background for that $3 million we added is

the Department of Defense has been working to develop rapid processes for manufacturing vaccines for a variety of biological threat agents in order to safeguard our troops in the battlefield.

The most promising path so far to a speedy response for new vaccines is the use of plants to produce millions of vaccine doses in a matter of weeks at a very low cost, as compared to the 6-plus months for standard production processes that cost many times as much.

So that funding is very valuable funding. I do not think most objective observers would consider that to be pork. It will help meet military needs by continuing the progress toward rapid, tailored vaccine production for new diseases for biological threats.

Another one which was mentioned by my friend from Arizona was the money we added for a physical fitness center at the Malmstrom Air Force Base. Now, fitness is a military requirement. According to the Air Force, the existing fitness center at Malmstrom Air Force Base, which was built in 1957, so that is now over 50 years ago, ''does not adequately satisfy personnel or infrastructure demands.'' The Air Force said in the absence of a new fitness center, ''there will continue to be very few options to maintain physical fitness during the winter months.'' The project meets the criteria established for military construction projects more than a decade ago by Senators Glenn and MCCAIN.

Those are just a couple of the items Senator MCCAIN mentioned. Another point the Senator from Arizona made is that the language relative to don't ask, don't tell does not give the Department of Defense the opportunity to consider the impact of the change on morale and readiness, recruiting and retention of our troops. Here is what the language of our bill does. We were very careful in order to be sure there would be a certification that there would be no negative impact in terms of military readiness, military effectiveness, unit cohesion, and recruiting and retention.

We changed the language in the bill so it was not a direct repeal of don't ask, don't tell, but rather that that policy is going to stay in effect explicitly. This is in subsection C, that don't ask, don't tell shall remain in effect until such time that all of the requirements and certifications by subsection B are met. If these requirements and certifications are not met, section 654 of title 10—that is the don't ask, don't tell policy—shall remain in effect.

One of the certifications that is required before there is a change in policy says:

> The implementation of necessary policies and regulations pursuant to the discretion provided by the amendments made by subsection F—

Here is the key language—

> is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

This policy will stay in effect unless and until there is, No. 1, a report—which is underway now—which the Secretary of Defense is going to provide to the Congress relative to the impact of the change in policy. But, secondly, the policy will stay in effect until the President transmits—that is unless and until—the President transmits to the congressional defense committees a written certification signed by the President, Secretary of Defense, Chairman of the Joint Chiefs of Staff, stating, again, the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces are being met and would be met with a change in policy.

Those are just two points the Senator from Arizona made that I wish to commend at this time. I believe there is going to be opportunity for further debate tomorrow something like an hour and a half in the morning, although that is being worked on at this time.

But further debate on this bill can be had by anybody who wishes to proceed to it. But I hope we can proceed to the consideration of this bill. This is a motion to proceed to consideration of the bill. All the rights of filibustering and extended debate will be preserved on the bill itself if we can only get to debate the bill. Amendments will be available. Either amendments adding or amendments striking will be available.

But we have to get to the bill. I mean, people are making arguments about the bill which belong at the time of the debate on the bill. But unless we can get to the point where we can debate the bill, it is kind of a theoretical debate we are having—whether it is don't ask, don't tell, whether it is the DREAM Act, whether it is other things which people would either like to change that are in the bill or would like to add to the bill.

As my good friend from Delaware who is presiding at the moment knows, there are provisions in this bill that I opposed in committee that I would like to see stricken from the bill. But to oppose debate on a bill because there are provisions in the bill that we do not like or we would like to see added, it seems to me, engages in an exercise which is not what the intent of the Senate ever was. We should debate bills. We should amend bills. We should offer amendments to strike provisions, to add provisions. But to deny the Senate the opportunity to get to the point where we are debating on the Defense authorization bill is something which seems to me totally unacceptable.

We need to support our troops. This bill is a bill to support the men and women wearing the uniform of this country and their families. One can argue there are provisions in this bill which should not be in the bill. Fine. Debate them. Vote on them. But to say we should not get to the bill which contains provisions so critical for the well being and success of our men and women in the Armed Forces, it seems to me, is totally inconsistent with what the Armed Services Committee and this Senate need to be about, which is providing for the defense and security of the country and the well being of the men and women who put on the uniform of this country.

So I hope we will get cloture tomorrow and proceed to the debate, which is totally appropriate, on a whole bunch of issues.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO ALICE AND EDWARD PALMER

Mr. DURBIN. Mr. President, today I recognize Alice and Edward ''Buzz'' Palmer for their service and dedication to Chicago's African-American community.

The Palmers have worked for many years in a variety of capacities to build a strong, involved, and educated African-American community in the city of Chicago.

Alice graduated from high school at the age of 16, and with the help of four jobs and a scholarship, she was able to attend Indiana University. When she graduated in 1965, she used her degree to help others. She became an educator. While she taught at Malcolm X College, Northwestern University, and the University of Illinois at Chicago, she also managed to continue her own education, earning a master's degree from Roosevelt University and a Ph.D. from Northwestern.

Alice realized that education extended outside of the classroom, and so did her work. She helped create voter education programs and founded the Metropolitan Chicago chapter of the YMCA's youth and government program. The YMCA program aims to inspire young people to civic engagement and create opportunities to interact with the political system through service learning and model government.

As a teacher, and later as a legislator, Alice firmly believed that all students could learn. She made it her job to see that each student had that opportunity. She began a drop-out intervention program in the Chicago

Public Schools to give students the skills and encouragement to stay in school. As an Illinois State senator, she made it a priority to bring charter schools to Chicago. She knew the status quo in the public schools was not good enough, and she worked to create more opportunity for Chicago's students.

Alice has always strived to provide the African-American community with the education and tools necessary to build a better future. Alice shares that goal with her husband, Buzz.

Buzz grew up in Chicago and experienced the racism that plagued the city in the 1940s and 1950s. After serving in the Air Force as an elite intelligence officer, he returned to Chicago and joined the Chicago Police Department. There, Buzz observed firsthand the tense relationship between the police and the African-American community, and in response, he created the African American Patrolman's League. The league worked within the department and the African-American community to counteract racism and change the way the CPD was perceived and the way it behaved.

In the 1970s, Buzz focused his energy on addressing racial prejudice in the health care system. He started a community group that petitioned local hospitals to provide better quality health care for Black families and to hire more African-American medical professionals. He joined with other health-focused community groups and Chicago area medical schools to create the Chicago Area Health and Medical Careers Program. The program uses structured academics, counseling, motivational and financial support to help underrepresented minorities pursue degrees in medicine.

Over the years, Buzz expanded his view and took a keen interest in better connecting African Americans with the international community. Together Alice and Buzz Palmer founded the Black Press Institute to compile and edit news from Black media outlets throughout the United States for distribution worldwide.

On October 2 of this year, Alice and Buzz Palmer are being honored with lifetime achievement awards from the United Black Fund of Illinois for their decades of work with the African-American community in Chicago. I congratulate them on this award and thank them for their lifetime of dedication to Chicago and the African American community.

HONORING OUR ARMED FORCES

CORPORAL JOHN C. BISHOP

Mr. BAYH. Mr. President, I rise today to honor the life of Corporal John C. Bishop of the U.S. Marine Corps and Versailles, IN.

Corporal Bishop was assigned to the 2nd Battalion, 9th Marine Regiment, 2nd Marine Division. He lost his life on September 8, 2010, while serving bravely in support of Operation Enduring Freedom in Helmand province, Afghanistan. He was serving his third tour of duty and was 25 years old.

John graduated from Southwestern Shelby High School in 2003 and immediately joined the Marines. John aspired to become a marine from a young age, hoping to follow in the footsteps of his older brother Tyson. Tyson joined the Marines in 1993, and each time he returned home, John would climb into his older brother's Marine uniform.

Today, I join John's family and friends in mourning his tragic death. He is survived by his wife Cristle Bishop, who is expecting their first daughter in October; his son K'Sean Bishop; his mother Sarah Thomas; his brothers William Bishop, Mike Bishop, Anthony Thomas, Eric Thomas, Jamey Bishop, and Tyson Bishop; and his sisters Nancy Braley and Amy Parker.

As we struggle to express our sorrow over this loss, we take pride in the example of this American hero. We cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.''

It is my sad duty to enter the name of CPL John C. Bishop in the official RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy and peace.

STAFF SERGEANT PHILLIP CHAD JENKINS

Mr. President, I also rise today to honor the life of SSG Phillip Chad Jenkins of the U.S. Army and Decatur, IN.

Staff Sergeant Jenkins was assigned to B Company, 1st Battalion, 27th Infantry Regiment, 25th Infantry Division. He was only 26 years old when he lost his life on September 7, 2010, while bravely serving during his second tour of duty in support of Operation New Dawn in Balad, Iraq. Staff Sergeant Jenkins' first tour was in support of Operation Enduring Freedom in Afghanistan.

A Decatur native, Staff Sergeant Jenkins graduated from Bellmont High School in 2002 and joined the army soon after. While in high school, Staff Sergeant Jenkins enjoyed playing the saxophone in the school band and worked at Scott's Food & Pharmacy.

Staff Sergeant Jenkins was a dedicated soldier who always went above and beyond the call of duty. One of his fellow soldiers, Fritz Bultemeyer, described Staff Sergeant Jenkins as ''a great American fallen hero.''

Today, I join Staff Sergeant Jenkins' family and friends in mourning his death. He is survived by his wife Melissa; his two daughters Piper and Lindly; his mother and father Rose and David Jenkins; and his sister Cassie Jenkins.

We take pride in the example of this dedicated soldier and great American hero, even as we struggle to express our grief over this loss. We cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.''

It is my sad duty to enter the name of SSG Phillip Chad Jenkins in the official RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy and peace.

STAFF SERGEANT MICHAEL BOCK

Mr. NELSON of Nebraska. Mr. President, I rise today to honor SSG Michael Bock of Springfield, NE.

Sergeant Bock grew up in Springfield, attending Elkhorn Mount Michael High School for 2 years before moving with his family to Leesburg, FL. About a month after graduating from Leesburg High School in 2002, Sergeant Bock joined the U.S. Marine Corps.

Marrying his high school sweetheart, Tiffany, in 2003, Sergeant Bock was very much a family man. According to Tiffany, no matter what he was doing or how long he was working, he would still call his family. He even got up in the middle of the night recently while in Afghanistan to get online and watch Zander, his 3-year-old son, blow out his birthday candles.

Sergeant Bock was also very dedicated to his career in the Marine Corps. He served two tours in Iraq and also served in Australia and Indonesia, where he received a Marine Corps humanitarian ribbon for his help during the tsunami recovery in 2004.

Sergeant Bock's goals of starting a college fund for his son and purchasing a house for his family were interrupted on August 13, 2010. He was on his second deployment in Afghanistan serving with the 3rd Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force when he was killed while supporting combat operations in the Helmand province.

SSG Michael Bock knew the dangers he faced and the risks he took. He also knew the importance of the work he did in the Marine Corps on behalf of his fellow Americans. He risked—and ultimately sacrificed—his own life so people a world away could have the chance to enjoy the freedoms he had found in America. I join all Nebraskans in mourning the loss of Sergeant Bock and in offering my deepest condolences to this young hero's family.

FIRST LIEUTENANT MARK NOZISKA

Mr. President, I also rise today to honor an American hero 1LT Mark Noziska of Papillion, NE.

First Lieutenant Noziska vowed to follow in his grandfather's footsteps by joining the Army after the attacks of September 11, 2001. He graduated from Papillion High School in 2004 and enlisted in the Nebraska Army National Guard. In 2005 he was named Soldier of the Year. While serving in the Guard, Lieutenant Noziska went on to get a degree in criminal justice from the University of Nebraska—Omaha.

After earning his degree, Lieutenant Noziska joined the active Army and became an officer serving with Company D, 1st Battalion, 22nd Infantry out of Fort Carson, CO. Lieutenant Noziska was about a month into his tour of duty in Afghanistan when his dream of eventually earning the rank of general was cut short by an improvised explosive device as he was serving as part of a dismounted patrol conducting clearance operations.

The life and service of 1LT Mark Noziska represents an example we can all look up to and seek to emulate. He served his country honorably and made the ultimate sacrifice. Lieutenant Noziska made the most of his short life, and the greatest tragedy is that now it is impossible to know what more this promising young man might have accomplished. I join all Nebraskans, indeed all Americans, in mourning the loss of Lieutenant Noziska and in offering my deepest condolences to this young hero's family and friends.

MILLENNIUM DEVELOPMENT GOALS

Mr. LUGAR. Mr. President, I ask unanimous consent that the attached editorial by Bono for the September 19, 2010, New York Times be printed in the RECORD. The editorial notes the language that I championed with Senator CARDIN on requiring U.S.-listed extractive companies to reveal their payments which was incorporated in the Dodd-Frank Wall Street Reform and Consumer Protection Act.

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

[From the New York Times, Sept. 19, 2010]

M.D.G.'S FOR BEGINNERS . . . AND FINISHERS

(By Bono)

I've noticed that New Yorkers, and I sometimes try to pass for one these days, tend to greet the word ''summit'' with an irritated roll of the eyes, a grunt, an impatient glance at the wristwatch. In Manhattan, a summit has nothing to do with crampons and ice picks, but refers instead to a large gathering of important persons, head-of-state types and their rock-star retinues in the vicinity of the United Nations building and creates, therefore, a near total immobilization of the East Side. Can world peace possibly be worth this? Never, never . . . Eleanor Roosevelt, look what you've done . . . .

Recent global summit meetings, from Copenhagen to Toronto, have frankly been a bust, so the world, which may not know it yet, is overdue for a good multilateral confab—one that's not just about the gabbing but about the doing. The subject of the summit meeting at the United Nations this week is one whose monumental importance is matched only by its minuscule brand recognition: the Millennium Development Goals, henceforth known as the M.D.G.'s (God save us from such dull shorthand).

The M.D.G.'s are possibly the most visionary deal that most people have never heard of. In the run-up to the 21st century, a grand global bargain was negotiated at a series of summit meetings and then signed in 2000. The United Nations' ''Millennium Declaration'' pledged to ''ensure that globalization becomes a positive force for all the world's people,'' especially the most marginalized in developing countries. It wasn't a promise of rich nations to poor ones; it was a pact, a partnership, in which each side would meet obligations to its own citizens and to one another.

Of course, this is the sort of airy-fairy stuff that people at summit meetings tend to say and get away with because no one else can bear to pay attention. The 2000 gathering was different, though, because signatories agreed to specific goals on a specific timeline: cutting hunger and poverty in half, giving all girls and boys a basic education, reducing infant and maternal mortality by two-thirds and three-quarters respectively, and reversing the spread of AIDS, tuberculosis and malaria. All by 2015. Give it an A for Ambition.

So where are we now, 10 years on, with some ''first-world'' economies looking as if they could go bang, and some second- and third-level economies looking as if they could be propping us up?

Well, I'd direct you to the plenary sessions and panel discussions for a detailed answer . . . but if you're, eh, busy this week . . . my view, based on the data and what I've seen on the ground, is that in many places it's going better than you'd think.

Much better, in fact. Tens of millions more kids are in school thanks to debt cancellation. Millions of lives have been saved through the battle against preventable disease, thanks especially to the Global Fund to Fight AIDS, Tuberculosis and Malaria. Apart from fallout from the market meltdown, economic growth in Africa has been gathering pace—over 5 percent per year in the decade ending in 2009. Poverty declined by 1 percent a year from 1999 to 2005.

The gains made by countries like Ghana show the progress the Millennium Goals have helped create.

At the same time, the struggles of places like Congo remind us of the distance left to travel. There are serious headwinds: 64 million people have been thrown back into poverty as a result of the financial crises, and 150 million are hungry because of the food crisis. And extending the metaphor, there are storms on the horizon: the poor will be hit first—and worst—by climate change.

So there should be no Champagne toasts at this year's summit meeting. The 10th birthday of our millennium is, or ought to be, a purposeful affair, a redoubling of efforts. After all, there's only five years before 2015, only five years to make all that Second Avenue gridlock worth it. With that in mind I'd like to offer three near-term tests of our commitment to the M.D.G.'s.

1. Find what works and then expand on it. Will mechanisms like the Global Fund get the resources to do the job?

Energetic, efficient and effective, the fund saves a staggering 4,000 lives a day. Even a Wall Streeter would have to admit, that's some return on investment. But few are aware of it, a fact that allows key countries—from the United States to Britain, France and Germany—to go unnoticed if they ease off the throttle. The unsung successes of the fund should be, well, sung, and after this summit meeting, its work needs to be fully financed. This would help end the absurdity of death by mosquito, and the preventable calamity of 1,000 babies being born every day with H.I.V., passed to them by their mothers who had no access to the effective, inexpensive medicines that exist.

2. Governance as an effect multiplier. In this column last spring, I described some Africans I've met who see corruption as more deadly than the deadliest of diseases, a cancer that eats at the foundation of good governance even as the foundation is being built. I don't just mean ''their'' corruption; I mean ours, too. For example, multinational oil companies. They want oil, and governments of poor countries rich in just one thing, black gold, want to sell it to them. All well and good. Except the way it too often happens, as democracy campaigners in these countries point out, is not at all good. Some of these companies knowingly participate in a system of backhanders and bribery that ends up cheating the host nation and turning what should be a resource blessing into a kind of curse of black market cabals.

Well, I'm pleased to give you an update on an intervention that some of us thought of and fought for as critical: hidden somewhere in the Dodd-Frank financial reform bill (admit it . . . you haven't read it all either) there is a hugely significant ''transparency'' amendment, added by Senators Richard Lugar and Benjamin Cardin. Now energy companies traded on American exchanges will have to reveal every payment they make to government officials. If money changes hands, it will happen in the open. This is the kind of daylight that makes the cockroaches scurry.

The British government should institute the same requirement for companies trading in Britain, as should the rest of the European Union and ultimately all the G–20 nations. According to the African entrepreneur Mo Ibrahim, who has emerged as one of the most important voices on that continent, transparency could do more to transform Africa than even debt cancellation has. Measures like this one should be central to any renewed Millennium Development Goal strategy.

And the cost to us is zero, nada. It's a clear thought in a traffic jam.

3. Demand clarity; measure inputs and outputs.

Speaking of transparency, let's have a little more, please, when it comes to the question of who is doing what toward which goal and to what effect. We have to know where we are to know how far we've left to go.

Right now it's near impossible to keep track. Walk (if you dare) into M.D.G. World and you will encounter a dizzying array of vague financing and policy commitments on critical issues, from maternal mortality to agricultural development. You come across a load of bureau-babble that too often is used to hide double counting, or mask double standards. This is the stuff that feeds the cynics.

What we need is an independent unit—made up of people from governments, the private sector and civil society—to track pledges and progress, not just on aid but also on trade, governance, investment. It's essential for the credibility of the United Nations, the M.D.G.'s, and all who work toward them.

And that was the deal, wasn't it? The promise we made at the start of this century was not to perpetuate the old relationships between donors and recipients, but to create new ones, with true partners accountable to each other and above all to the citizens these

systems are supposed to work for. Strikes me as the right sort of arrangement for an age of austerity as well as interdependence. (The age of interrupted affluence should sharpen our focus on future markets for our sake as well as theirs.)

No leader scheduled to speak at the summit meeting is more painfully aware of this context than President Obama, who one year ago pledged to put forth a global plan to reach the development goals. If promoting transparency and investing in what works is at the core of that strategy, he can assure Americans that their dollars are reinforcing their values, and their leadership in the world is undiminished. Action is required to make these words, these dull statistics, sing. The tune may not be pop but it won't leave your head—this practical, achievable idea that the world, now out of kilter, can re-balance itself and offer all, not just some, a chance to exit the unfathomable deprivation that brings about the need for such global bargains.

I understand the critics who groan or snooze through the pious pronouncements we will hear from the podium in the General Assembly. But still in my heart and mind, undiminished and undaunted, is this thought planted by Nelson Mandela in his quest to tackle extreme poverty: ''Sometimes it falls upon a generation to be great.''

We have a lot to prove, but if the M.D.G. agreement had not been made in 2000, much less would have happened than has happened. Already, we've seen transformative results for millions of people whose lives are shaped by the priorities of people they will never know or meet—the very people causing gridlock this week. For this at least, the world should thank New Yorkers for the loan of their city.

PHYSICIAN FEE SCHEDULE: IMPACT ON THERAPY SERVICES

Mr. BARRASSO. Mr. President, for the past 6 months I have come to the floor of the U.S. Senate to offer my doctor's ''second opinion'' about the health reform law. Day after day, week after week, we continue to see disturbing news reports uncovering the law's consequences—consequences that restrict individual freedoms, erode patient access to medical care, and increase our Nation's debt and deficit.

Specifically, I have listened closely as President Obama and congressional Democrats repeatedly try to convince the American people that the health care law does not cut Medicare. Having practiced medicine for well over two decades, I can tell you that the Nation's Medicare patients and Medicare providers are not fooled. They know the Democrat's health care law cuts over $500 billion from the Medicare Program. They know the law does not use that money to make sure Medicare is strong and solvent for generations to come. They know the law raids Medicare and uses the money to start a brand new entitlement program for the nonelderly.

America's seniors, and the medical professionals who treat them, understand that if we take over $500 billion away from Medicare then patients will lose benefits. They understand that if we take over $500 billion away from Medicare, then the quality of care will go down. They understand it will be increasingly difficult to see a doctor—especially in rural and frontier States like Wyoming. And they understand the local community hospitals, home health agencies, nursing homes, and skilled nursing facilities will struggle to keep their doors open.

Over the August work period, I traveled all across the State of Wyoming—talking to folks at town meetings, parades, picnics, fairs, and rodeos. Everyone agrees Medicare is going broke—and that the new health care law does nothing to fix the problem. In fact, it only serves to make a bad situation worse.

I want to share with the Senate a guest editorial printed in the Casper Journal. Written by Kathy Blair, a board certified orthopedic physical therapist, the article explains how proposed Medicare reimbursement cuts to physical and occupational therapists will limit patient access to medical care.

On Friday, June 25, 2010, the Obama administration released its proposed 2011 Physician Fee Schedule rule and regulation. The draft rule sets Medicare payments for individual physician services. As Kathy's editorial explains, the new health care law requires the Administration to institute a so-called Multiple Procedure Payment Reduction—MPPR. Originally designed to impact payment for multiple surgeries performed simultaneously, the administration now plans to apply the MPPR policy to physical and occupational therapy services. This move is expected to cut Medicare physical and occupational therapy payments next year by 12 percent.

I thank Kathy Blair for bringing this important matter to the Senate's attention and ask unanimous consent to have her editorial printed in the RECORD.

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

[From the Casper Journal, Aug. 18–24, 2010]

PROPOSED MEDICARE POLICY MAY REDUCE PHYSICAL THERAPY SERVICES

(By Dr. Kathy Blair)

On June 25, 2010, the Centers for Medicare and Medicaid Services (CMS) issued a proposed rule that updates 2011 payment rates for physician services, outpatient physical therapy services and other services. In the rule, CMS proposes to implement a multiple procedure payment reduction (MPPR) policy that would result in significant reductions in payment for outpatient therapy services, regardless of the setting in which the services are delivered. It will apply to physician offices, outpatient private practice settings and outpatient services in hospitals, as well as some home health and skilled nursing services (Part B).

Estimates indicate that these changes will result in a 12- to 13-percent decrease in payment for outpatient physical therapy services in 2011. These cuts, along with the sustainable growth rate (SCR) cuts and therapy cap, would combine to reduce reimbursement by as much as 35 percent in 2011.

Physical therapists may have to elect not to see Medicare beneficiaries or close their doors as a result of such significant reductions in reimbursement. It will clearly have an impact on the ability of Medicare beneficiaries to gain access to needed therapy services.

Access to necessary therapy services has the potential to decrease costs associated with the management of conditions typically seen by physical therapists under the Medicare program. Therapy services are important to keep Medicare beneficiaries healthy and functioning in their homes or the facilities in which they reside.

Additionally, individuals considering a career in physical therapy may reconsider their choice. The inability to serve the rehabilitation needs of seniors and individuals with disabilities due to unsustainable payment cuts would limit access today and has the potential to worsen health care workforce issues in the future.

CMS needs to hear from you to understand the implications the MPPR policy will have on physical therapy practices and the healthcare of all Medicare recipients. Comments must be received by an Aug. 24 deadline and can be submitted electronically at http://www.regulations.gov/search/Regs/home.&fnl;html #submitComment?R=0900006480b182c9.

For contact information about mailing letters to comment, call Wind City Physical Therapy at 235–3910. Please allow adequate time for letter delivery before the comment period ends.

2010 DAVIDSON FELLOW AWARD RECIPIENTS

Mr. GRASSLEY. Mr. President, today, I have the distinct pleasure of recognizing before the Senate some of the most talented and brightest young people in the United States. The 2010 Davidson Fellows Award is being given to 20 young students who are under the age of 18 and have already demonstrated superior ability and achievement in the areas science, music, literature, mathematics, and technology. I would like to take this time to recognize each of these extraordinary young individuals and their projects.

In the area of science, we have 12 young students with remarkable projects that have contributed to scientific progress. This includes Kyle Loh, a 16-year-old young man from Piscataway, NJ, who conducted screening of chemical libraries and identified compounds that can help convert human and mouse skin cells into pluripotent stem cells. Pluripotent stem cells have the potential to differentiate into many different cell types. The chemical compounds he identified obviate the need to destroy embryos. Kyle's studies advance regenerative medicine and provide insights into the molecular mechanisms that underlie the conversion of skin cells into pluripotent stem cells.

Jonathan Rajaseelan, a 17-year-old young man from Millersville, PA, synthesized six new chemical carbene complexes of the metal Rhodium. Rhodium complexes act as catalysts in multiple organic synthesis reactions, including the manufacturing of pharmaceuticals and industrial chemicals. The catalytic effects of his complexes make these processes safer, inexpensive, and less

environmentally hazardous by eliminating the need for large quantities of hydrogen gas, a dangerous explosive. Jonathan's work has the potential to contribute to greener methods of making medicines, pharmaceuticals, and other chemical products.

Eric Brooks, a 16-year-old young man from Hewlett, NY, studied the genetic factors affecting metastatic progression of prostate cancer. Approximately 30 percent of men with prostate cancer will die from it, but it is difficult to predict who will get the metastatic diagnosis. Eric developed models based on evolutionary selection to identify genes that may affect metastatic potential either positively or negatively. His observations may be used to design better clinical predictors to indicate who must undergo painful treatment and for whom the treatment is unnecessary.

Meredith Lehmann, a 14-year-old young woman from La Jolla, CA, researched the spread of epidemics. Using trip data from all 3,076 counties in the continental United States, she found long distance auto travel, which accounts for five times as many passenger-miles as air travel, governs simulated epidemic evolution. Large hub airports near population centers are not disproportionately more important in contrast to existing research. Meredith's findings suggest epidemic models should incorporate automobile and air travel data, but transportation network restrictions are unlikely to be effective.

Laurie Rumker, a 17-year-old young woman from Portland, OR, investigated the susceptibility of organoclay to biodegradation by microorganisms within river sediments. Organoclay is a chemically modified clay material used to prevent hydrophobic pollutants from rising into the water ecosystem. Through spectrophotometric analyses and oxygen uptake tests, Laurie found biodegradation of the chemical structures within organoclay which could impair the ability of the organoclay to adsorb and retain pollutants. Laurie's work has important implications for the treatment of contaminated sediments.

Benjamin Song, a 16-year-old young man from Audubon, PA, researched colon cancer biomarkers in urine. Colon cancer is the second leading cause of cancer death in the United States, even with the sensitive but invasive colonoscopy. Benjamin designed and tested polymerase chain reaction assays targeting a known colon cancer epigenetic marker. His work shows potential for a urine test for colon cancer that is noninvasive, fast, affordable, and sensitive. In addition, his method could be adapted to virtually any cancers with known DNA alterations.

Merry Sun, a 16-year-old young woman from Chappaqua, NY, studied therapeutic ultrasound's potential in treating recurrent and metastatic cancers. Traditional therapies like radiation, chemotherapy, and surgical resection are ineffective in immune responses against tumor cells. Merry found that therapeutic ultrasound causes stress and light damage to tumor cells, which alerts the immune system to respond and target the tumor. Her results demonstrate the possibility of a novel, non-invasive, non-toxic cancer therapy that treats solid tumors as well as systemic metastases.

James Ting, a 17-year-old young man from Holmdel, NJ, synthesized bismuth nanowires which demonstrate quantum confinement, the reduction of electrons to a one-dimensional axis. By using physical vapor deposition, he created lawns of bismuth nanowires as well as isolating single nanowires to add to silicon chips. James' research focuses on the creation of single electron transistors, which are useful in the new field of spintronics. The spins of these electrons could then be harnessed and used for information storage and act as the building blocks for quantum computers.

Scott Boisvert, a 16-year-old young man from Chandler, AZ, demonstrated a link between amphibian aquatic environments and the growth of pathogenic fungus, Batrachochytrium dendrobatidis, which has contributed to the loss of over 32 percent of amphibian species worldwide. Using ion chromatography and ion-coupled plasma spectrometry, Scott studied how the water chemistry of a habitat affects the growth of the microorganism. Scott's project has broad implications for understanding the pathogen's propensity to infect an amphibian host and controlling the spread of infection, benefiting conservation efforts.

Janie Gu, a 16-year-old young woman from Morganville, NJ, researched noise reduction of atomic magnetometer systems, advanced devices that measure magnetic fields with extreme precision. To increase the signal-to-noise ratio, she tested the loss factors, such as measurements of magnetic noise produced, of various ferromagnetic materials for use in the magnetic shield around the system, improving the precision by more than 44 percent. Janie's work has applications in the military, medicine, information storage, mineral and oil detection, space exploration and fundamental physics experiments.

Rebecca Jolitz, a 15-year-old young woman from Los Gatos, CA, examined whether hypolithic cyanobacteria, a photosynthetic organism found under rocks in climatically extreme environments, could theoretically have enough sunlight to survive on Mars. Using an original computer program that simulated a million individual beams of sunlight hitting a Martian rock, Rebecca found that there was enough light for cyanobacteria to survive on Mars, indicating that Mars may not be a dead world. Rebecca's research could help to discover the means through which life on Mars may exist.

Sahil Khetpal, a 17-year-old young man from Plano, TX, developed a carbon nanotube-based drug-delivery system for tumor targeted chemotherapy and photo-therapy of cancer, a dual therapy. This versatile platform attacks tumors on two fronts and mitigates the severe side effects associated with conventional chemotherapy. He also investigated a gadonanotube for the development of a new drug delivery system. Sahil's system has the potential to both diagnose cancer at an earlier stage and provide the dual therapy mechanism to efficiently combat it.

In the area of music, there are two talented young musicians that have produced significant contributions to the art of music. Yeeren Low, a 13-year-old young man from East Stroudsburg, PA, explored and experimented with sound in various aspects of music through five compositions. In his portfolio, Art of Sound, his goal is to enrich the body of the contemporary classical music genre, and create new musical expressions and listening experiences. Yeeren is particularly interested in promoting greater awareness and exposure to the richness of the classical music genre, thus contributing to its wider recognition, appreciation and overall advancement.

Kevin Hu, a 16-year-old young man from Naperville, IL, traverses the globe and explores cross-sections of humanity in his violin portfolio, Sociomusicology: Exploring and Sharing the Worlds of Music. His portfolio includes selections of music that, at times, were repressed by political regimes, or conversely, celebrated for their heartbreaking beauty, all while representing an array of raw humanity. Kevin's goal is to present music as a tangible and dynamic tool in human healing, self-discovery, and dignity.

In the area of literature, we have one creative and inspired student, John Michael Colon, a 17-year-old young man from Wayside, NJ. John's portfolio, Art as Empathy: A Study of the Syncretic Potential of Literature, demonstrates the utility of literature and art in society. He writes that although human beings want to communicate their fundamental experience, this worldview is too ineffable to express directly; art and literature articulate this on a visceral level. John Michael proposes through art and literature, the expression of ideas can help tame the tendency to dehumanize others by helping us see their ideas the same way we see ours, inspiring empathy.

We have two bright young individuals whose projects have advanced the field of mathematics. Damien Jiang, a 17-year-old young man from Raleigh, NC, studied the parallel chip-firing game, PCFG. Though not a game, the PCFG is played on a graph, or network of nodes and edges, and is closely related to a variety of mathematical models for complex phenomena such as earthquakes, avalanches, and forest fires. By running computer simulations of randomized PCFGs, Damien studied their tendency to reach a cycle of repeating configurations, and mathematically proved a theorem about its

behavior on a graph. Damien's work has broad applications in disaster preparedness.

Jonathan Li, a 17-year-old young man from Laguna Niguel, CA, developed a mathematical model and computer simulation to analyze tumor growth and is the first to study motility and contact inhibition, a mechanism that limits cell growth when pressured by neighboring cells. His research also revealed an inherent flaw of the Cellular Potts Model, used to simulate cellular structure behavior. Jonathan's work provides a method to predict the effects of motility on tumor development and can be used to identify cancer phenotypes that chemotherapy drugs can target, potentially improving treatment.

Finally, in the area of technology, we honor three innovative young minds. Anna Kornfeld Simpson, a 17-year-old young woman from San Diego, CA, developed a chemical-detecting robot. She used porous silicon, a material that changes color in the presence of chemicals like alcohols or nerve gas, and simple, low-cost circuit elements to detect color change. The robotic microcomputer then ''sees'' the chemical instead of ''smelling'' it. Prototypes had a 100 percent response rate. Anna's work has applications in security and counterterrorism, monitoring industrial settings for toxins, and exploring locations too hazardous for humans.

Alexander Gilbert, a 16-year-old young man from McLean, VA, developed a computer algorithm which improves contrast in magnetic resonance imaging, MRI. His program has been successfully applied to brain MRI images, enabling more accurate image definition of tissues, such as areas of demyelination, or plaques, which are often present in patients with multiple sclerosis. Alexander's work is pertinent to MRIs of the spine and other areas, and offers the potential for better diagnosis and monitoring of multiple sclerosis and other neurological diseases including Alzheimer's disease.

Gavin Ovsak, a 16-year-old young man from Hopkins, MN, designed a device to allow disabled individuals more effective access to computers. His project, known as CHAD, circuit head accessibility device, is a circuit board integrated onto a baseball hat to replace the functions of a computer mouse through head movements and a bite sensor. Gavin's work is less expensive, more efficient, and uses fewer complex software interfaces than are currently available in the assistive technology market, equalizing access to the social, occupational, and global significance of the Internet.

I often say that America's gifted and talented students possess remarkable potential. These 20 young individuals have demonstrated more than potential. They have already made significant contributions to our society in their short lives and one can scarcely begin to imagine how much they will contribute to society throughout their lives, thanks in no small part to the encouragement of the Davidson Institute as well as their parents and mentors. They are an inspiration and a reminder that if we fully support our most talented young people, we can look forward to a bright future.

ADDITIONAL STATEMENTS

TRIBUTE TO IRVING BURGIE

• Mr. BURRIS. Mr. President, I stand today to honor a great man of American music—a man whose name is largely unknown, but his music is known and loved around the world. This man is Mr. Irving Burgie.

Mr. Irving Burgie more popularly known as ''Lord Burgess'' was born in Brooklyn, NY, in 1924. He was raised in the close-knit West Indian-American community of New York City during the Great Depression.

The Second World War took him from Brooklyn to the other side of the world in the jungles of what is now Thailand. Under the guns of the Japanese army, a young Irving Burgie and other troops in the segregated Army of the time built and maintained the famous ''Burma Road.''

Following the war, Mr. Burgie studied music at Julliard, the University of Arizona, and the University of California.

While performing in New York in the mid-1950s, he met Harry Belafonte. This was the beginning of a collaboration that would lead to the 1956 release of ''Calypso,'' the first album to sell 1 million copies. The album included Irving Burgie's adaptation of ''The Banana Boat Song'' better known as ''Day-O'' and spent 99 weeks on the charts.

Irving Burgie is credited with composing and arranging over 50 songs on ASCAP. He wrote the ''National Anthem of Barbados'' his beloved mother's native land. His world-famous songs, including ''Island in the Sun'' and ''Jamaica Farewell,'' have been recorded by Harry Belafonte, Miriam Makeba, The Kingston Trio and Jimmy Buffet and featured in the hit movies ''Island in the Sun'' and ''Beetlejuice.''

In his later years, Mr. Irving Burgie helped to form the Black Men of Queens County Federation, an organization devoted to helping African-American young men find their own success, through mentoring and scholarship programs. He later established the Irving Burgie Award for Excellence in Literary and Creative Arts.

Irving Burgie is a songwriter, author, and committed citizen who has brought joy to the world through music and has contributed to the best of American culture and society.•

TRIBUTE TO DAVID KRANZ

• Mr. JOHNSON. Mr. President, with great honor and pride, today I pay tribute to a retiring member of the Fourth Estate in my home State of South Dakota. David Kranz is retiring after a journalism career that has spanned 42 years, an impressive mark in any profession but most certainly in the newspaper field.

David, the son of Wilfred and Sally Kranz, was born November 3, 1945. After attending Holy Rosary Grade School in Kranzburg, he graduated from Watertown High School and obtained his degree in journalism in 1968 from South Dakota State University.

David began his career by spending 8 years as a city reporter and city editor at the Austin Daily Herald in Minnesota, where he began penning a political column. It would be that political column that would define and shape David's journalism career. He left Austin in 1976 and moved back to his beloved home State of South Dakota to become managing editor of the Mitchell Daily Republic, a position he held until 1983 when he left to work for South Dakota's largest newspaper, the Sioux Falls Argus Leader. From executive city editor and managing editor to reporter and columnist, there wasn't much David didn't witness, or comment on, during his 24 years with the Argus Leader.

Dave Kranz ranks with other widely known and popular journalists from South Dakota, including Tom Brokaw, Al Neuharth and Ken Bode. People in political circles valued Dave's wit and wisdom, his speculation and satire, his candor, and commentary.

David received the National Scripps-Howard Public Service Reporting Award at the National Press Club. He also has earned numerous state and national awards, was recognized for countless individual stories, and was presented with the SDSU Distinguished Alumni Award.

There is perhaps no better tribute to a person than to listen to the heartfelt words of one's peers. Here are just a few of David's contemporaries in the journalism world and what they have to say about this dedicated writer.

''Dave is the heart and conscience of South Dakota journalism. He was a walking databank of history, trends and current events long before the term was invented. Dave has a special knack for telling the stories of real South Dakotans and giving them the dignity and devotion they deserve. He has a gift of friendship that transcends his craft and puts him on a first-name basis with people all over the state,'' says Chuck Raasch of the Gannett News Service.

Distinguished professor Robert Burns of the South Dakota State University and the University of South Dakota, said of Dave, ''He enjoys a high readership because of the quality and timing of his reporting. David's column is consistently timely and accurate because he has cultivated an excellent professional relationship with the leading political actors and political observers in our state. Political actors are candid in

their discussions with him because they know he will be fair in his reporting of political developments and news.''

Sioux Falls Argus Leader publisher Randell Beck says, ''Dave is the hardest working journalist I know. He's often at work when I arrive—hunkered down, on the phone, in his cubicle that is eternally overstuffed with reports, stacks of old papers, scrawled notes on napkins—and he's often there when I leave.''

I am among those who have long valued Dave's political instincts, wit and wisdom. During my years in the State legislature and in Congress, I missed very few of his political columns. I always knew Dave would be well prepared when he interviewed me. Over his career, David has interviewed every national political candidate and office holder who came to South Dakota. David was always fair and honest in his reporting.

David and I would frequently meet for coffee where it was often more interesting to hear the political news from him directly rather than waiting for his column to appear in the paper. I sometimes got more out of those coffees than he did from me. But most importantly, I valued his friendship and insight. I know he will have more time now to add to his impressive collections of baseball cards and political buttons. He may also find more time to follow his beloved Atlanta Braves.

Thank you, David, for sharing your career with the newspaper readers and the citizens of South Dakota—a career filled with professionalism and dedication. You are a true credit to your craft.●

TRIBUTE TO DELBERT F. REYNOLDS

● Mr. KOHL. Mr. President, today I recognize and congratulate Delbert F. Reynolds on his retirement as the field office director of the U.S. Department of Housing and Urban Development office in Wisconsin.

For the past 41 years, Mr. Reynolds has dedicated himself to helping others through his work with HUD. During his tenure, he served under eight Presidents and 13 of the 15 HUD Secretaries. In 1987, he became director of the Milwaukee Field Office, where he coordinated and oversaw all programs assigned to the office. His 23 years in this position make him the longest serving field office director in Milwaukee's history and an asset to our State that will be greatly missed.

While director, Mr. Reynolds has contributed significantly to HUD and its programs. His insight and experience lead to his selection as special adviser to HUD policymakers. In Wisconsin, he created many successful programs, which were then incorporated on a national level.

Mr. Reynolds's leadership and dedication have not gone unnoticed by his peers. He has received numerous awards for his service, including the Manager of the Year Award and the Vice President's National Performance Review—Hammer—Award in 1998. Given to those who work towards a better government, this award recognized Mr. Reynolds for his team's efforts on Section 8 financial management. His awards reflect not only his contributions to HUD and our Nation but also his commendable work ethic.

A native of Milwaukee and an alumnus from the University of Wisconsin, Mr. Reynolds exemplifies dedication to providing quality, affordable housing to the people of Wisconsin and public service at its finest. On behalf of our State, I extend my heartfelt appreciation for the 41 years of service Mr. Reynolds has provided.●

TRIBUTE TO REVEREND SAM MANN

● Mrs. MCCASKILL. Mr. President, I ask the Senate to join me today in honoring the work of Reverend Sam Mann, a leader in the Kansas City community. Reverend Mann's retirement is yet one more wonderful milestone in a life of service.

Sam was raised in Eufala, AL, and made Kansas City his home as a young man. Over the years, he has been a tireless civil rights advocate in Kansas City and the Nation. He marched with Dr. Martin Luther King, Jr. and participated in numerous activities to raise awareness of race and justice issues.

Since 1971, Sam has been the pastor of St. Mark's United Methodist Church in downtown Kansas City. He has been the executive director of United Inner City Services, a multiservice community-based agency, since 1967.

I have always known Reverend Mann as ''rubber band.'' This derives from the time I was walking with him through a roomful of young children who were attending a program he had designed that predated his establishment of the St. Mark center. From the beginning, Sam was always looking out for children. As we were walking through the room, the children were pulling on his coattail saying, ''Reverend Mann, Reverend Mann'' but it sounded like ''rubber band, rubber band.'' From that day forward, he has always been ''rubber band'' to me.

Sam believes in the importance of education and has been a strong advocate for early childhood education. Under his leadership, St. Mark Child and Family Development Center was established. This center started in a church basement and now is located in a beautiful state-of-the-art facility. In addition, the center serves as a neighborhood anchor, providing a safe, warm and attractive site for a variety of community services. St. Mark annually serves approximately 225 very low and low-income families through its early childhood education program, before- and after-school program and summer camp. These children and their families have been forever impacted by Sam's work and dedication.

Sam was the founder of the Presbyterian Urban Ministers Network, was a cosponsor of Kansas City's Urban Peace & Justice Summit, and served on the Board of the Black Archives of Mid-America. For 25 years, he has served as chair of Kansas City's local chapter of the Southern Christian Leadership Conference.

While we hope that retirement affords Sam some much deserved relaxation and time on the golf course, we also look forward to his continued involvement in education projects and social justice issues important to the lives of Kansas Citians.

Mr. President, I ask that the Senate join me in congratulating and honoring Reverend Sam Mann on his retirement.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, 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.)

MESSAGES FROM THE HOUSE

At 2:06 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4785. An act to authorize the Secretary of Agriculture to make loans to certain entities that agree that the funds will be used to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce energy use, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 3562) to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the ''James Chaney, Andrew Goodman, and Michael Schwerner, and Roy K. Moore Federal Building''.

ENROLLED BILLS SIGNED

At 2:47 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 3656. An act to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes.

H.R. 3978. An act to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to accept and

use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for a response to terrorism, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4785. An act to authorize the Secretary of Agriculture to make loans to certain entities that agree that the funds will be used to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce energy use, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3793. A bill to extend expiring provisions and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–7374. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''S-metolachlor; Pesticide Tolerances'' (FRL No. 8842–3) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7375. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenarimol; Pesticide Tolerance'' (FRL No. 8844–6) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7376. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ammonium Formate; Exemption from the Requirement of a Tolerance'' (FRL No. 8839–3) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7377. A communication from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Competitive and Noncompetitive Non-formula Federal Assistance Programs-General Award Administrative Provisions and Specific Administrative Provisions at Subpart G-Agriculture and Food Research Initiative; Subpart H—Organic Agriculture Research and Extension Initiative; and Subpart I—Integrated Research, Education, and Extension Competitive Grants Program'' (RIN0524–AA58) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7378. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Black Stem Rust; Additions of Rust-Resistant Varieties'' (Docket No. APHIS–2010–0088) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7379. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Conservation Loan Program'' (RIN0560–AI04) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7380. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Enforceable Consent Agreement Procedural Rules'' (FRL No. 8832–8) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Environment and Public Works.

EC–7381. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments for Marine Spark-Ignition Engines and Vessels'' (FRL No. 9202–4) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Environment and Public Works.

EC–7382. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Diego County Air Pollution Control District'' (FRL No. 9200–6) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Environment and Public Works.

EC–7383. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Carbaryl; Order Denying NRDC's Objections and Requests for Hearing'' (FRL No. 8843–7) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Environment and Public Works.

EC–7384. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Alabama: Birmingham; Determination of Attaining Data for the 2006 24-Hour Fine Particulate Standard'' (FRL No. 9209–9) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Environment and Public Works.

EC–7385. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Multi-Walled Carbon Nanotubes and Single-Walled Carbon Nanotubes; Significant New Use Rules'' (FRL No. 8835–5) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Environment and Public Works.

EC–7386. A communication from the President of the United States, transmitting, pursuant to law, a report relative to his extension of the national emergency period pertaining to the terrorist attacks of September 11, 2001, for an additional year; to the Committee on Banking, Housing, and Urban Affairs.

EC–7387. A communication from the Secretary of the Treasury, transmitting, pursuant to Executive Order 13313 of July 31, 2003, the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses; to the Committee on Banking, Housing, and Urban Affairs.

EC–7388. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Iraqi Sanctions Regulations'' (31 CFR Part 575) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7389. A communication from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provision of the Surface Transportation Assistance Act of 1982'' (RIN1218–AC36) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7390. A communication from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Procedures for the Handling of Retaliation Complaints Under the National Transit Systems Security Act and the Federal Railroad Safety Act'' (RIN1218–AC36) received in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7391. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Services Surveys: BE–180, Benchmark Survey of Financial Services Transactions between U.S. Financial Services Providers and Foreign Persons'' (RIN0691–AA73) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7392. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the Commonwealth of Massachusetts'' (RIN0648–XY35) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7393. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and

Segment Rates'' (Notice No. 2010–61) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Finance.

EC–7394. A communication from the Director of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Improvements to the Supplemental Security Income Program–Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act)'' (RIN0960–AD78) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Finance.

EC–7395. A communication from the Principal Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for manufacture of significant military equipment abroad for the manufacture of Executable Object Code for the Have Quick I/II Electronic Counter Counter-Measures (ECCM) Waveform to be used by Japan; to the Committee on Foreign Relations.

EC–7396. A communication from the Principal Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, to include technical data, and defense services for Commercial Communication Satellite Systems in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–7397. A communication from the Principal Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to support the Proton launch of the Anik G1 Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–7398. A communication from the Principal Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, to include technical data, and defense services for the assembly, modification, rework, integration and test of Antenna Subsystems, Payload Units and Bus Units for use in commercial communications satellites in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–7399. A joint communication from the Acting Deputy Assistant Administrator for Legislative Affairs, U.S. Agency for International Development (USAID) and the Assistant Secretary, Bureau for Legislative and Public Affairs, Department of State, transmitting, pursuant to law, the ''Joint Summary of Performance and Financial Information Fiscal Year 2009 Summary''; to the Committee on Foreign Relations.

EC–7400. A communication from the Assistant Secretary of the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Senior Community Service Employment Program; Final Rule'' (RIN1205–AB48; RIN1205–AB47) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7401. A communication from the Chief Human Capital Officer, National Science Foundation, transmitting, pursuant to law, a report relative to the National Science Foundation's use of the alternative method for ranking and selecting candidates for competitive appointment for Federal positions; to the Committee on Health, Education, Labor, and Pensions.

EC–7402. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's budget request for the fiscal year 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–7403. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Office of Inspector General's budget request for the fiscal year 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–7404. A communication from the Assistant General Counsel of the Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Definition of Federal Election Activity'' (Notice No. 2010–18) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1252. A bill to promote ocean and human health and for other purposes (Rept. No. 111–296).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2871. A bill to make technical corrections to the Western and Central Pacific Fisheries Convention Implementation Act, and for other purposes (Rept. No. 111–297).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 3119. A bill to amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship (Rept. No. 111–298).

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 Ms. MURKOWSKI:

S. 3802. A bill to designate a mountain and icefield in the State of Alaska as the ''Mount Stevens'' and ''Ted Stevens Icefield'', respectively; to the Committee on Energy and Natural Resources.

By Mr. ROBERTS (for himself and Mrs. LINCOLN) (by request):

S. 3803. A bill to amend the Internal Revenue Code of 1986 to expand the availability of employee stock ownership plans in S corporations, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. HATCH, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. SCHUMER, Mr. KOHL, Mr. SPECTER, Mr. DURBIN, Mr. BAYH, Mr. VOINOVICH, and Mrs. FEINSTEIN):

S. 3804. A bill to combat online infringement, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. UDALL of New Mexico, Mr. SCHUMER, and Mr. BENNET):

S. 3805. A bill to authorize the Attorney General to award grants for States to implement minimum and enhanced DNA collection processes; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH):

S. 3806. A bill to protect Federal employees and visitors, improve the security of Federal facilities and authorize and modernize the Federal Protective Service; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 3807. A bill to amend title 10, United States Code, to authorize long-term contracts for the purchase of liquid synthetic or biomass-derived aviation or aviation blend fuels for the Department of Defense, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON (for himself, Mr. CHAMBLISS, and Ms. KLOBUCHAR):

S. Res. 630. A resolution designating November 28, 2010, as ''Drive Safer Sunday''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 833

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 850

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 1153

At the request of Mr. SCHUMER, the names of the Senator from California (Mrs. BOXER) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1197

At the request of Mr. VOINOVICH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1197, a bill to establish a grant program for automated external defibrillators in elementary and secondary schools.

S. 1349

At the request of Ms. SNOWE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1349, a bill to amend the Internal Revenue Code of 1986 to simplify the deduction for use of a portion of a residence as a home office by providing an optional standard home office deduction.

S. 1481

At the request of Mr. MENENDEZ, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1481, a bill to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

S. 1695

At the request of Mr. BURRIS, the names of the Senator from Missouri (Mr. BOND) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1695, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 2747

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 2814

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2814, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 2899

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2899, a bill to amend the American Recovery and Reinvestment Act of 2009 and the Internal Revenue Code of 1986 to provide incentives for the development of solar energy.

S. 3039

At the request of Mr. UDALL of New Mexico, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3039, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 3184

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3189

At the request of Mr. BROWN of Ohio, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3189, a bill to amend title 49, United States Code, to allow for additional transportation assistance grants.

S. 3315

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3315, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 3430

At the request of Ms. SNOWE, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of 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.

S. 3622

At the request of Mr. JOHANNS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3622, a bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes.

S. 3657

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3657, a bill 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.

S. 3716

At the request of Mrs. GILLIBRAND, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3716, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for the installation and maintenance of mechanical insulation property.

S. 3735

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 3735, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 3747

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3747, a bill to provide for a reduction and limitation on the total number of Federal employees, and for other purposes.

S. 3748

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3748, a bill to amend title 10, United States Code, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations of homeland defense missions to support their reintegration into civilian life, and for other purposes.

S. 3772

At the request of Mr. REID, the names of the Senator from Ohio (Mr. BROWN), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Mr. CARDIN) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 3772, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. CON. RES. 63

At the request of Mr. JOHNSON, the names of the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. LEMIEUX) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

AMENDMENT NO. 4618

At the request of Mr. NELSON of Florida, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from New York (Mr. SCHUMER), the Senator from Maine (Ms. SNOWE), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. SANDERS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 4618 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI:

S. 3802. A bill to designate a mountain and icefield in the State of Alaska as the ''Mount Stevens'' and ''Ted Stevens Icefield'', respectively; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation that is very near to my heart, a bill to provide a lasting permanent tribute to former Alaska U.S. Senator Ted Stevens, who died Aug. 9th in a plane crash in southwest Alaska during a fishing trip. The bill actually calls for creation of two permanent tributes to the Senator, the naming of Alaska's currently highest unnamed mountain peak in honor of the Senator, calling the 13,895-foot peak in southern Denali National Park, Mount Stevens, and the naming of part of the State's largest ice field in the Chugach Mountains as the Ted Stevens Icefield.

Ted Stevens, a colleague of most of us in this body, and a lawmaker that I interned for more than 30 years ago, truly was Alaska. He was the State's senator for all but 11 years of its current existence as a State. During his more than 40 years in the Senate he played a significant role in the transformation of Alaska from an impoverished territory to a full-fledged State. Senator Stevens, a pilot during World War II, came to Alaska as a U.S. Attorney in the then territory of Alaska in 1956. He later served in the Eisenhower Administration where he was a leading force in writing the legislation that led to the admission of Alaska as the 49th State in the Union on Jan. 3, 1959.

In 1961, he moved back from Washington, D.C. to Alaska where he was elected to the Alaska House of Representatives just after the state's great earthquake in 1964. He was subsequently elected as Speaker pro tempore and majority leader until his appointment to the U.S. Senate on Christmas Eve of 1968 upon the death of one of the State's two original senators, E.L. ''Bob'' Bartlett. He was elected in his own right 7 times over the next 40 years, becoming the longest-serving Republican Senator in U.S. history. Stevens was third in line for the Presidency from 2003 through 2007.

While he is remembered by all in Alaska for his tireless efforts to win Federal support to develop the young State's largely 19th Century frontier infrastructure, he did so much more for all Alaskans. He worked tirelessly to enact the Alaska Native Claims Settlement Act that settled aboriginal land claims and gave Alaska Natives the right to select about 44 million acres of Alaska's 365-million acres to protect their long-term economic, cultural and political future.

Ted helped the State develop an economy by authoring the Trans-Alaska Pipeline Authorization Act, which permitted oil to flow to market from the State's North Slope. He authored the Magnuson-Stevens Fishery Conservation and Management Act and the High Seas Driftnet Fisheries Enforcement Act that ended the foreign domination of fishing fleets in Alaskan and American waters, allowing the State's commercial fishing industry to rebound. He was a leader in telecommunication policies, leading efforts to pass the Telecommunications Act of 1996 that paved the way to an era of digital television and communications in this country and also launched telemedicine and distance learning. And he attempted to make the Alaska National Interest Lands Conservation Act as workable as possible for the State, while protecting more than 100 million acres of Alaska in parks and refuges—the largest single conservation bill in the Nation's history.

Ted was a committed sportsman, who loved outdoor pursuits such as fishing and hunting, and also amateur sports, authoring the Ted Stevens Amateur and Olympic Sports Act, Title IX amendments to encourage women's sports, and the Carol M. White Physical Education Program that did so much to improve physical education in schools and colleges nationwide. He also became a true expert on defense issues, providing unconditional support to the Armed Forces of the United States in his role as chairman and ranking member of the Subcommittee on Defense Appropriations for more than two decades.

Ted Stevens truly was a mountain of a man in policy development for the State of Alaska and thus it is a pleasure to seek to name both a mountain and an ice field in his honor. The peak proposed for naming is the peak referred to as South Hunter peak in the climbing community. It is located on the southern side of Denali National Park. At 13,895 feet it is the largest peak still unnamed in the State and also a peak visible on a clear day from the Parks Highway, the main north-south road for travelers between Fairbanks and Anchorage, two cities in Alaska that Ted is most associated with helping develop.

The ice field in the uplands of the Chugach Mountains is the base for the Harvard, Yale, Columbia, Matanuska, Nelchina, Tazlina, Valdez and Shoup Glaciers—the Harvard being particularly appropriate to be associated with a man who graduated from Harvard Law School in 1950. The entire Chugach Icefield, at 8,340 square miles, the largest in Alaska, will provide a fitting tribute for a senator whose breadth of knowledge covered all of Alaska's 586,000 square miles and whose love of the State and its residents was even larger.

This bill follows proper procedure by directing the U.S. Geographical Place Names Board to name the peak and ice field for the State's former senior senator, it not being done directly by Congress. But to guarantee timely action, it requires the board to act within 30 days of the bill's enactment.

While there are a number of facilities in Alaska that bear the name of Senator Stevens, this bill will guarantee that future generations of Alaskans will remember him when they engage in the outdoor pursuits that all Alaskans love, from mountain climbing to fishing in the waters of Prince William Sound and the rivers of South central Alaska, all fueled by the meltwater from the huge ice field that dominates the South central landscape.

This is a fitting tribute for a mentor and friend, to whom Alaskans owe so much. I hope for quick passage of this act by this Congress to provide another lasting legacy for Senator Ted Stevens.

By Mr. LEAHY (for himself, Mr. HATCH, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. SCHUMER, Mr. KOHL, Mr. SPECTER, Mr. DURBIN, Mr. BAYH, Mr. VOINOVICH, and Mrs. FEINSTEIN):

S. 3804. A bill to combat online infringement, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, few things are more important to the future of the American economy and job creation than protecting our intellectual property. The Chamber of Commerce estimates that American intellectual property accounts for more than $5 trillion of the country's gross domestic product, and IP-intensive industries employ more than 18 million workers. Each year, online piracy and the sale of counterfeit goods cost American businesses billions of dollars, and result in hundreds of thousands of lost jobs. Studies recently cited by the AFL–CIO estimate that digital theft of movies and music alone costs more than 200,000 jobs. This is unacceptable in any economic climate. It is devastating today.

The severity of the problem continues to increase and businesses of all types and sizes—and their employees—are the victims. In Vermont, companies like Burton Snowboards and the Vermont Teddy Bear Company are well recognized brands that depend on the enforcement of our intellectual property laws to keep their businesses thriving.

The growth of the digital marketplace is extraordinary and it gives creators and producers new opportunities to reach consumers. But it also brings with it the perils of piracy and counterfeiting. The increased usage and accessibility of the Internet has transformed it into the new Main Street. Internet purchases have become so commonplace that consumers are less wary of online shopping and therefore more easily victimized by online products that may have health, safety or other quality concerns when they are counterfeit.

Today, I am introducing the bipartisan Combating Online Infringement and Counterfeits Act, which will provide the Justice Department with an important tool to crack down on Web sites dedicated to online infringement.

This legislation will protect the investment American companies make in developing brands and creating content and will protect the jobs associated with those investments. Protecting intellectual property is not uniquely a Democratic or Republican priority—it is a bipartisan priority.

The Justice Department is currently limited in the remedies available to prevent Web sites dedicated to offering infringing content. These Web sites are often based overseas yet target American consumers. American consumers are too often deceived into thinking the products they are purchasing are legitimate because the Web sites reside at familiar-sounding domain names and are complete with corporate advertising, credit card acceptance, and advertising links that make them appear legitimate.

The Combating Online Infringement and Counterfeits Act will give the Department of Justice an expedited process for cracking down on these rogue Web sites, regardless of whether the Web site's owner is located inside or outside of the United States. This legislation authorizes the Justice Department to file an in rem civil action against the domain name, and to seek an order from the court that the domain name is used to access a Web site that is dedicated to infringing activities. Once the court issues an order against the domain name, the Attorney General would have the authority to serve the domain name's U.S. based registry or registrar with that order, which would then be required to suspend the infringing domain name.

Where the registry or registrar is not located in the United States, the Act would provide the Attorney General the authority to serve the order on other specified third parties at its discretion, including Internet service providers, payment processors, and online ad network providers. These third parties, which are critical to the financial viability of the infringing Web site's business, would then be required to stop doing business with that Web site by, for example, blocking online access to the rogue site or not processing the Web site's purchases.

This legislation will provide the Department of Justice with an important tool to protect American consumers, American businesses, and American jobs. We should not expect that enactment of the legislation will completely solve the problem of online infringement, but it will make it more difficult for foreign entities to profit off American hard work and ingenuity. This bill targets the most egregious actors, and is an important first step to putting a stop to online piracy and sale of counterfeit goods.

I look forward to working with all Senators to pass this important, bipartisan legislation.

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

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

S. 3804

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 ''Combating Online Infringement and Counterfeits Act''.

SEC. 2. INTERNET SITES DEDICATED TO INFRINGING ACTIVITIES.

Chapter 113 of title 18, United States Code, is amended by adding at the end the following:

''§ 2324. Internet sites dedicated to infringing activities

''(a) DEFINITION.—For purposes of this section, an Internet site is 'dedicated to infringing activities' if such site—

''(1) is otherwise subject to civil forfeiture to the United States Government under section 2323; or

''(2) is—

''(A) primarily designed, has no demonstrable, commercially significant purpose or use other than, or is marketed by its operator, or by a person acting in concert with the operator, to offer—

''(i) goods or services in violation of title 17, United States Code, or enable or facilitate a violation of title 17, United States Code, including by offering or providing access to, without the authorization of the copyright owner or otherwise by operation of law, copies of, or public performance or display of, works protected by title 17, in complete or substantially complete form, by any means, including by means of download, transmission, or otherwise, including the provision of a link or aggregated links to other sites or Internet resources for obtaining such copies for accessing such performance or displays; or

''(ii) to sell or distribute goods, services, or materials bearing a counterfeit mark, as that term is defined in section 34(d) of the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes', approved July 5, 1946 (commonly referred to as the 'Trademark Act of 1946' or the 'Lanham Act'; 15 U.S.C. 1116(d)); and

''(B) engaged in the activities described in subparagraph (A), and when taken together, such activities are central to the activity of the Internet site or sites accessed through a specific domain name.

''(b) INJUNCTIVE RELIEF.—On application of the Attorney General following the commencement of an action pursuant to subsection (c), the court may issue a temporary restraining order, a preliminary injunction, or an injunction against the domain name used by an Internet site dedicated to infringing activities to cease and desist from undertaking any infringing activity in violation of this section, in accordance with rule 65 of the Federal Rules of Civil Procedure. A party described in subsection (e) receiving an order issued pursuant to this section shall take the appropriate actions described in subsection (e).

''(c) IN REM ACTION.—

''(1) IN GENERAL.—The Attorney General may commence an in rem action against any domain name used by an Internet site in the judicial district in which the domain name registrar or domain name registry is located, or, if pursuant to subsection (d)(2), in the District of Columbia, if—

''(A) the domain name is dedicated to infringing activities; and

''(B) the Attorney General simultaneously—

''(i) sends a notice of the alleged violation and intent to proceed under this subsection to the registrant of the domain name at the postal and e-mail address provided by the registrant to the registrar, if available; and

''(ii) publishes notice of the action as the court may direct promptly after filing the action.

''(2) SERVICE OF PROCESS.—For purposes of this section, the actions described under paragraph (1)(B) shall constitute service of process.

''(d) SITUS.—

''(1) DOMAINS FOR WHICH THE REGISTRY OR REGISTRAR IS LOCATED DOMESTICALLY.—In an in rem action commenced under subsection (c), a domain name shall be deemed to have its situs in the judicial district in which—

''(A) the domain name registrar or registry is located, provided that for a registry that is located in more than 1 judicial district, venue shall be appropriate at the principal place where the registry operations are performed; or

''(B) documents sufficient to establish control and authority regarding the disposition of the registration and use of the domain name are deposited with the court.

''(2) DOMAINS FOR WHICH THE REGISTRY OR REGISTRAR IS NOT LOCATED DOMESTICALLY.—

''(A) ACTION BROUGHT IN DISTRICT OF COLUMBIA.—If the provisions of paragraph (1) do not apply to a particular domain name, the in rem action may be brought in the District of Columbia to prevent the importation into the United States of goods and services offered by an Internet site dedicated to infringing activities if—

''(i) the domain name is used to access such Internet site in the United States; and

''(ii) the Internet site—

''(I) conducts business directed to residents of the United States; and

''(II) harms intellectual property rights holders that are residents of the United States.

''(B) DETERMINATION BY THE COURT.—For purposes of determining whether an Internet site conducts business directed to residents of the United States under subparagraph (A)(ii)(I), a court shall consider, among other indicia whether—

''(i) the Internet site is actually providing goods or services to subscribers located in the United States;

''(ii) the Internet site states that it is not intended, and has measures to prevent, infringing material from being accessed in or delivered to the United States;

''(iii) the Internet site offers services accessible in the United States; and

''(iv) any prices for goods and services are indicated in the currency of the United States.

''(e) SERVICE OF COURT ORDER.—

''(1) DOMESTIC DOMAINS.—In an in rem action to which subsection (d)(1) applies, the Attorney General shall serve any court order issued pursuant to this section on the domain name registrar or, if the domain name registrar is not located within the United States, upon the registry. Upon receipt of such order, the domain name registrar or domain name registry shall suspend operation of, and lock, the domain name.

''(2) NONDOMESTIC DOMAINS.—

''(A) ENTITY TO BE SERVED.—In an in rem action to which subsection (d)(2) applies, the Attorney General may serve any court order issued pursuant to this section on any entity listed in clauses (i) through (iii) of subparagraph (B).

''(B) REQUIRED ACTIONS.—Upon receipt of a court order issued pursuant to this section—

''(i) a service provider, as that term is defined in section 512(k)(1) of title 17, United States Code, or other operator of a domain name system server shall take reasonable

steps that will prevent a domain name from resolving to that domain name's Internet protocol address;

''(ii) a financial transaction provider, as that term is defined in section 5362(4) of title 31, United States Code, shall take reasonable measures, as expeditiously as practical, to prevent—

''(I) its service from processing transactions for customers located within the United States based on purchases associated with the domain name; and

''(II) its trademarks from being authorized for use on Internet sites associated with such domain name; and

''(iii) a service that serves contextual or display advertisements to Internet sites shall take reasonable measures, as expeditiously as practical, to prevent its network from serving advertisements to an Internet site accessed through such domain name.

''(3) IMMUNITY.—No cause of action shall lie in any Federal or State court or administrative agency against any entity receiving a court order issued under this section, or against any director, officer, employee, or agent thereof, for any action reasonably calculated to comply with this section or arising from such order.

''(f) PUBLICATION OF ORDERS.—The Attorney General shall inform the Intellectual Property Enforcement Coordinator of all court orders issued under this section directed to specific domain names associated with Internet sites dedicated to infringing activities. The Intellectual Property Enforcement Coordinator shall post such domain names on a publicly available Internet site, together with other relevant information, in order to inform the public.

''(g) ENFORCEMENT OF ORDERS.—In order to compel compliance with this section, the Attorney General may bring an action against any party receiving a court order issued pursuant to this section that willfully or persistently fails to comply with such order. A showing by the defending party in such action that it does not have the technical means to comply with this section shall serve as a complete defense to such action.

''(h) MODIFICATION OR VACATION OF ORDERS; DISMISSAL.—

''(1) MODIFICATION OR VACATION OF ORDER.—At any time after the issuance of a court order constituting injunctive relief under this section—

''(A) the Attorney General may apply for a modification of the order—

''(i) to expand the order to apply to a domain name that is reconstituted using a different domain name subsequent to the original order, and

''(ii) to include additional domain names that are used in substantially the same manner as the Internet site against which the action was brought,

by providing the court with clear indicia of joint control, ownership, or operation of the Internet site associated with the domain name subject to the order and the Internet site associated with the requested modification; and

''(B) a defendant or owner or operator of a domain name subject to the order, or any party required to take action based on the order, may petition the court to modify, suspend, or vacate the order, based on evidence that—

''(i) the Internet site associated with the domain name subject to the order is no longer dedicated to infringing activities; or

''(ii) the interests of justice require that the order be modified, suspended, or vacated.

''(2) DISMISSAL OF ORDER.—A court order constituting injunctive relief under this section issued against a domain name used by an Internet site dedicated to infringing activities shall automatically cease to have any force or effect upon expiration of the registration of the domain name. It shall be the responsibility of the domain name registrar to notify the court of such expiration.

''(i) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit civil or criminal remedies available to any person (including the United States) for infringing activities on the Internet pursuant to any other Federal or State law.

''(j) INTERNET SITES ALLEGED BY THE DEPARTMENT OF JUSTICE TO BE DEDICATED TO INFRINGING ACTIVITIES.—

''(1) IN GENERAL.—The Attorney General shall maintain a public listing of domain names that, upon information and reasonable belief, the Department of Justice determines are dedicated to infringing activities but for which the Attorney General has not filed an action under this section.

''(2) PROTECTION FOR UNDERTAKING CORRECTIVE MEASURES.—If an entity described under subsection (e) takes any action specified in such subsection with respect to a domain name that appears on the list established under paragraph (1), then such entity shall receive the immunity protections described under subsection (e)(3).

''(3) REMOVAL FROM LIST.—The Attorney General shall establish and publish procedures for the owner or operator of a domain name appearing on the list established under paragraph (1) to petition the Attorney General to remove such domain name from the list based on any of the factors described under subsection (h)(1)(B).

''(4) JUDICIAL REVIEW.—

''(A) IN GENERAL.—After the Attorney General makes a final determination on a petition to remove a domain name appearing on the list established under paragraph (1) filed by an individual pursuant to the procedures referred to in paragraph (3), the individual may obtain judicial review of such determination in a civil action commenced not later than 90 days after notice of such decision, or such further time as the Attorney General may allow.

''(B) JURISDICTION.—A civil action for such judicial review shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has a principal place of business, or, if the plaintiff does not reside or have a principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.

''(C) ANSWER.—As part of the Attorney General's answer to a complaint for such judicial review, the Attorney General shall file a certified copy of the administrative record compiled pursuant to the petition to remove, including the evidence upon which the findings and decision complained of are based.

''(D) JUDGMENT.—The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming or reversing the result of the Attorney General's determination on the petition to remove, with or without remanding the cause for a rehearing.''.

SEC. 3. REQUIRED ACTIONS BY THE ATTORNEY GENERAL.

The Attorney General shall—

(1) publish procedures to receive information from the public about Internet sites that are dedicated to infringing activities, as that term is defined under section 2324 of title 18, United States Code;

(2) provide guidance to intellectual property rights holders about what information such rights holders should provide the Department of Justice to initiate an investigation pursuant to such section 2324;

(3) provide guidance to intellectual property rights holders about how to supplement an ongoing investigation initiated pursuant to such section 2324;

(4) establish standards for prioritization of actions brought under such section 2324; and

(5) provide appropriate resources and procedures for case management and development to affect timely disposition of actions brought under such section 2324.

Mr. HATCH. Mr. President, I rise to express my support for S. 3804, the Combating Online Infringement and Counterfeits Act, as introduced by Senator PATRICK LEAHY of Vermont. Over the years, Senator LEAHY and I have tackled some of the most complex issues related to intellectual property enforcement. With the introduction of today's bill, we narrow our focus on the pervasive practice of online piracy and counterfeiting.

In our global economy the Internet has become the glue of international commerce—connecting consumers with a wide-array of products and services worldwide. But it has also become a tool for online thieves to sell counterfeit and pirated goods. These online thieves are making hundreds of millions of dollars by luring consumers to what appear to be legitimate websites, where unauthorized downloads, streaming or downloaded copyrighted content and counterfeit goods are sold. Not only do these websites facilitate massive theft of American IP, but they undermine legitimate commerce.

We cannot afford to not act, especially when, by some estimates, IP accounts for a third of the market value of all U.S. stocks—approximately five trillion dollars or more. That accounts for more than 40 percent of the U.S. gross domestic product, and is greater than the entire GDP of any other nation in the world.

Utah is considered a very popular state for film and television production activity. Nothing compares to the red rock of Southern Utah or the sweeping grandeur of the Wasatch Mountains. Not to mention Utah's workforce is one of the most highly educated and hard-working around. It is estimated that the motion picture and television industries are responsible for over 6,930 direct jobs and $180.8 million in wages in Utah. That is why we must combat online piracy and counterfeiting, for they threaten the vitality of the U.S. economy and its workforce.

Just recently the Congressional International Anti-Piracy Caucus, on which I serve as cochairman, introduced the 2010 International Piracy Watch List, a report of those nations where copyright piracy has reached alarming levels. For the first time the Caucus also highlighted the problem of websites that provide unauthorized access to copyrighted works made by U.S. creators. The websites singled out were China's Baidu, Canada's isoHunt, Ukraine's MP3fiesta, Sweden's Pirate Bay, Germany's Rapidshare and Luxembourg's RMX4U. This is a sobering reminder of just how organized and sophisticated these websites have become in perpetrating online criminal activity.

There is no quick fix to this problem, unfortunately. But one thing is for certain: doing nothing is not an option. We must explore ways, albeit in incremental steps, to take down offending websites. For this reason, I believe the Combating Online Infringement and Counterfeits Act is a critical step forward in our ongoing fight against online piracy and counterfeiting.

If enacted, the Combating Online Infringement and Counterfeits Act would provide the Department of Justice, DOJ, an expedited process for cracking down on websites that traffic in pirated goods or services.

The bill would also authorize the DOJ to file an in rem civil action against a domain name, and seek a preliminary order from the court that the domain name is being used to sell infringing material.

If this legislation is enacted, the DOJ will be required to publish notice of the action promptly after filing, and it would have to demonstrate that the owners of the site engaged in substantial and repeated online piracy or counterfeiting. The bill also includes substantial safeguards to prevent abuse by the DOJ. For example, a Federal court would have the final say as to whether a particular site would be cut off from supportive services. In addition, the bill would allow owners or site operators to petition the court to lift the order.

I am pleased with the progress that we have made so far on this bill and look forward to working with my colleagues on further refinements as it moves through the legislative process. We must take steps to combat those websites that are profiting from stolen American intellectual property.

By Mr. BINGAMAN (for himself, Mr. UDALL of New Mexico, Mr. SCHUMER, and Mr. BENNET):

S. 3805. A bill to authorize the Attorney General to award grants for States to implement minimum and enhanced DNA collection processes; to the Committee on the Judiciary.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Katie Sepich Enhanced DNA Collection Act of 2010. I am pleased that Senators UDALL of New Mexico, SCHUMER, and BENNET of Colorado, are joining me today in sponsoring this important piece of legislation.

Similar legislation, which was championed in the House of Representatives by Congressman TEAGUE, overwhelmingly passed that body with a bipartisan vote of 357 to 32. The bill is named after Katie Sepich, a promising graduate student attending New Mexico State University who was tragically murdered in 2003.

The man who killed Katie was arrested for aggravated assault about three months after the murder. Although police had collected the killer's DNA from the crime scene, because there was no requirement that DNA be taken from individuals arrested for serious felonies, police weren't able to get a match until about three years after the murder when the man was sent to prison after being convicted of unrelated crimes.

If New Mexico had the arrestee law then that it has today it would have taken three months, not three years, to solve the crime. Katie's mother, Jayann, has worked tirelessly at the state and Federal level to give law enforcement the tools they need to promptly solve crimes and ensure that other mothers don't have to suffer the same horrible ordeal that her family has. I commend Congressman TEAGUE for taking up this cause in the House, and I look forward to helping with this effort in the Senate.

We can't get Katie back, or the other lives that have been lost to these senseless crimes, but we can do something to help solve cases and prevent similar crimes from occurring in the future. One such step is to enhance the capacity of states to collect the DNA of individuals arrested for certain felony crimes, which would substantially increase the ability of law enforcement to match DNA found at crimes scenes with that of suspects and individuals who have been previously arrested, charged, or convicted of crimes.

The Federal Government and about half the states, including New Mexico, currently collect arrestee DNA for serious offenses. This has proven to be a very effective tool in solving cases, and it makes sense to incentivize states to continue and to expand this effort. Since New Mexico implemented ''Katie's Law'' in 2007, there have been about 100 matches of arrestees. It is also important to note that DNA collection has not only demonstrated its effectiveness in terms of saving lives and preventing crimes, but it has also proved to be an important means of ensuring that innocent individuals are not mistakenly jailed for crimes they did not commit.

Let me take a moment to specifically describe what this legislation would, and would not, do. First, this legislation is aimed at creating an incentive for states to enact arrestee DNA collection programs. It is not a mandate. States that meet minimum collection guidelines could apply for DOJ grant assistance in covering the first-year costs that they have incurred or will incur in implementing the standards. If they enact laws in accordance with the enhanced guidelines, States would be eligible for an additional bonus payment.

Second, the bill encourages DNA testing for serious felonies, such as murder, sex crimes, aggravated assault, and burglary. It is narrowly tailored to apply to the most serious crimes. Third, the legislation provides that all of the expungement provisions under federal law are applicable. Arrestees who have their DNA included in the federal database may have their records expunged if their conviction is overturned, they are acquitted, or charges are dismissed or not filed within the applicable time period. Furthermore, the bill provides that as a condition of receiving a grant states must notify individuals who submit samples of the relevant expungement procedures and post the information on a public Web site.

Lastly, I would like to address the concerns some have raised about the constitutionality of collecting arrestee DNA. Although courts have upheld the collection of arrestee DNA, I recognize that the question of whether the collection of a DNA sample from an arrestee is consistent with the Fourth Amendment isn't a completely settled question of law. Some courts have viewed the collection as something akin to fingerprinting and other courts have viewed it as a more intrusive search, such as the taking of a blood sample. However, the Department of Justice has stated that it believes that this legislation is constitutional and is supportive of encouraging states to pass DNA arrestee laws. I believe that such programs, with appropriate safeguards in place, have demonstrated that they can be a very effective mechanism to save lives, solve crimes, and prevent wrongful convictions.

For these reasons, I urge my colleagues to support this important legislation.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH):

S. 3806. A bill to protect Federal employees and visitors, improve the security of Federal facilities and authorize and modernize the Federal Protective Service; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I am pleased to join with Senators COLLINS, AKAKA, and VOINOVICH today to introduce the bipartisan SECURE Facilities Act of 2010—legislation that would modernize and reform an important but often overlooked agency within the Department of Homeland Security, DHS: the Federal Protective Service, FPS.

FPS—with just 1,200 full time employees and approximately 15,000 contract guards—is responsible for security at 9,000 Federal buildings across the land. That mission, unfortunately, is in grave peril—due to severe budget shortfalls, mismanagement, and multiple operational challenges. That is why we are introducing legislation today to reform the agency, provide it with adequate resources, strengthen its management capabilities, and help it function at a higher level so it can protect visitors and employees at Federal buildings across this country more effectively.

Let me provide some background. When FPS was folded into DHS in 2003, it lost access to supplemental funding from its previous parent agency—the General Services Administration. FPS immediately ran into trouble. It had

difficulty paying its bills, budget cuts hurt employee training and other important functions, and personnel cuts negatively affected the agency's performance. All this occurred even as the agency was given more responsibilities, and the Administration was trying to downsize the FPS workforce by one-third.

To assist us in our oversight of the agency, Senators COLLINS, AKAKA, VOINOVICH, and I asked the Government Accountability Office, GAO, in February 2007 to initiate a comprehensive review of the FPS. GAO reported to Congress 8 times between 2004 and 2010 on the financial and management challenges at FPS, and made 32 recommendations for improvement, some of which FPS adopted.

What did GAO find? Unfortunately, it found a seriously dysfunctional agency that lacked much, if any, focus or strategy for accomplishing its mission—where guards were caught sleeping on the job, and GAO investigators were able to successfully smuggle bomb-making ingredients past security to build an explosive device in a restroom and then stroll around the building undetected. GAO's review concluded that contract guards lacked adequate training, FPS personnel suffered from low morale, oversight of the contract guards was poor, and that many of the standards that guide Federal building security and guard behavior are outdated.

The SECURE Facilities Act of 2010 addresses these shortcomings and incorporates recommendations from GAO. For the first time, we would formally authorize the Federal Protective Service and the interagency government body responsible for establishing security standards for all Federal facilities, the Interagency Security Committee. Our legislation also addresses four major challenges.

First, the bill ensures that FPS has sufficient personnel to carry out its mission. Though the agency has assumed increased responsibilities since it joined DHS, it has done so with fewer personnel.

Second, our legislation tackles deficiencies within the contract guard program. FPS contract guards are the first line of defense at Federal facilities, so we must ensure they are held to a high standard and are prepared and equipped to face the many different kinds of threats Federal buildings are vulnerable to.

Third, the bill ensures the FPS is focused and prepared to address the threat of explosives. The 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City drew our attention to this threat, but FPS has been slow to deploy sufficient countermeasures to detect and deter this type of attack.

Fourth, our bill is mindful of the delicate balance between public access and security. We have worked to ensure that the emphasis on securing Federal facilities remains on security but we also support avenues of appeal if a building tenant believes a security countermeasure unduly hinders public access. If the Federal Protective Service is to be held accountable—by Congress, the administration, and the American people—it should no longer be forced to defend Federal agencies that choose to implement less costly and potentially less effective security countermeasures for buildings.

Our bill would provide additional funding for the agency by directing OMB to adjust the building security fees paid by other agencies to ensure adequate funding for FPS. We would provide sufficient resources so that FPS can hire 500 full time employees over the next 4 years. We would also ensure that FPS never employs fewer than 1,200 full time employees at any point—a conservative number that may well require an increase over time.

While many of those additional 500 new employees will be law enforcement officers, the legislation also provides FPS with the flexibility to hire additional administrative and support personnel, allowing it to improve its overall management, strengthen its oversight of contract guards, monitor contractor performance, and share contract assessments throughout the agency. The legislation also provides Federal law enforcement retirement benefits to FPS officers, to help the agency recruit and retain quality personnel.

The bill further would require the FPS to maintain overt and covert testing programs to assess the training of guards, the security of Federal facilities, and to establish procedures for retraining or terminating ineffective guards. The bill ensures the basic documents outlining a security guard's general and specific responsibilities, the Security Guard Information Manual, and their post orders, are up to date and periodically reviewed.

We would require DHS to establish performance-based standards for checkpoint detection technologies for explosives and other threats at Federal facilities. It would allow FPS officers to carry firearms off duty, as most other Federal law enforcement officers can, allowing them to respond to incidents more quickly. Finally, the bill includes several reporting requirements, including one on agency personnel needs, one on retention rates of contract guards, and another looking at the feasibility of federalizing the contract guard workforce.

We are deeply indebted to the excellent work of GAO which we highlighted in a July 8, 2009, Homeland Security and Governmental Affairs Committee hearing. At the hearing, GAO unveiled the results of its year-long investigation conducted at the Committee's request. GAO visited 6 of 11 FPS regions throughout the country and observed the guard inspection process; interviewed regional managers, inspectors, guards and contract guard managers; met with representatives from security guard companies; analyzed guard contract requirements, guard training and certification requirements, and guard instruction documents.

GAO found that the security provided at Federal buildings by FPS personnel and contract security guards fell well short of what we expect of them. Some guards lacked basic security or x-ray machine training. The FPS was hard pressed to identify which guards were qualified or effective, leading to several embarrassing incidents. One guard used a government computer to run an adult website during his shift, while another inattentive guard allowed a baby in a carrier to pass through an X-ray machine. A third guard was photographed asleep at his station.

GAO's special investigations unit conducted its own covert tests at ten high security Federal facilities in several different cities. Using readily available components to make a liquid-based improvised explosive device, they smuggled the components through security, manufactured a bomb in a public restroom, and then moved throughout the Federal building undetected. Some of the buildings tested by GAO investigators house district offices for our colleagues right here in the House and Senate. I note, however, that while the components were real, the actual explosive liquids were diluted to ensure the bomb was not functional.

Based on the Committee's and GAO's oversight work over the past several years, it is clear that Congress must move quickly to address the remaining security vulnerabilities associated with our Federal buildings.

I am confident that this comprehensive, bipartisan legislation will foster meaningful reform, modernize the Federal Protective Service, and improve the security of our Federal facilities across the country. I urge my colleagues to support the bill and I thank Senator COLLINS, Senator AKAKA, Senator VOINOVICH and their hardworking staffs for all that they have done on this issue so we could introduce this bill today.

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. 3806

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 ''Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010'' or the ''SECURE Facilities Act of 2010''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Homeland Security of the House of Representatives;

(D) the Committee on Transportation and Infrastructure of the House of Representatives; and

(E) the Committee on Appropriations of the House of Representatives.

(2) DIRECTOR.—The term ''Director'' means the Director of the Federal Protective Service.

(3) FEDERAL FACILITY.—The term ''Federal facility''—

(A) means any building and grounds and all property located in or on that building and grounds, that are owned, occupied or secured by the Federal Government, including any agency, instrumentality or wholly owned or mixed-ownership corporation of the Federal Government; and

(B) does not include any building, grounds, or property used for military activities.

(4) FEDERAL PROTECTIVE SERVICE OFFICER.—The term ''Federal protective service officer''—

(A) has the meaning given under sections 8331 and 8401 of title 5, United States Code; and

(B) includes any other employee of the Federal Protective Service designated as a Federal protective service officer by the Secretary.

(5) QUALIFIED CONSULTANT.—The term ''qualified consultant'' means an non-Federal entity with experience in homeland security, infrastructure protection and physical security, Government workforce issues, and Federal human capital policies.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. FEDERAL PROTECTIVE SERVICE.

(a) IN GENERAL.—Title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

''Subtitle E—Federal Protective Service

''SEC. 241. DEFINITIONS.

''In this subtitle:

''(1) AGENCY.—The term 'agency' means an executive agency.

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Appropriations of the Senate;

''(C) the Committee on Homeland Security of the House of Representatives;

''(D) the Committee on Transportation and Infrastructure of the House of Representatives; and

''(E) the Committee on Appropriations of the House of Representatives.

''(3) DIRECTOR.—The term 'Director' means the Director of the Federal Protective Service.

''(4) FACILITY SECURITY LEVEL.—The term 'facility security level'—

''(A) means a rating of each Federal facility based on the analysis of several facility factors that provides a basis for that facility's attractiveness as a target and potential affects or consequences of a criminal or terrorist attack, which then serves as a basis for the implementation of certain levels of security protection; and

''(B) is determined by the Federal Protective Service, or agency authorized to provide all protective services for a facility under the provisions of section 263 and guided by Interagency Security Committee standards.

''(5) FEDERAL FACILITY.—The term 'Federal facility'—

''(A) means any building and grounds and all property located in or on that building and grounds, that are owned, occupied or secured by the Federal Government, including any agency, instrumentality or wholly owned or mixed-ownership corporation of the Federal Government; and

''(B) does not include any building, grounds, or property used for military activities.

''(6) FEDERAL FACILITY PROTECTED BY THE FEDERAL PROTECTIVE SERVICE.—The term 'Federal facility protected by the Federal Protective Service'—

''(A) means those facilities owned or leased by the General Services Administration, and other facilities at the discretion of the Secretary; and

''(B) does not include any facility, or portion thereof, which the United States Marshals Service is responsible for under section 566 of title 28, United States Code.

''(7) FEDERAL PROTECTIVE SERVICE OFFICER.—The term 'Federal protective service officer'—

''(A) has the meaning given under sections 8331 and 8401 of title 5, United States Code; and

''(B) includes any other employee of the Federal Protective Service designated as a Federal protective service officer by the Secretary.

''(8) INFRASTRUCTURE SECURITY CANINE TEAM.—The term 'infrastructure security canine team' means a canine and a Federal protective service officer that are trained to detect explosives or other threats as defined by the Secretary.

''(9) IN-SERVICE FIELD STAFF.—The term 'in-service field staff' means Federal Protective Service law enforcement officers who, while working, are directly engaged on a daily basis protecting and enforcing law at Federal facilities, including police officers, inspectors, area commanders and special agents, and such other equivalent positions as designated by the Secretary.

''(10) SECURITY ORGANIZATION.—The term 'security organization' means an agency or an internal agency component responsible for security at a specific Federal facility.

''SEC. 242. ESTABLISHMENT.

''(a) ESTABLISHMENT.—There is established the Federal Protective Service within the Department of Homeland Security.

''(b) MISSION.—The mission of the Federal Protective Service is to render Federal facilities protected by the Federal Protective Service safe and secure for Federal employees, officials, and visitors in a professional manner.

''(c) DIRECTOR.—The head of the Federal Protective Service shall be the Director of the Federal Protective Service. The Director shall report to the Under Secretary for the National Protection and Programs Directorate.

''(d) DUTIES AND POWERS OF THE DIRECTOR.—

''(1) IN GENERAL.—Subject to the supervision and direction of the Secretary, the Director shall be responsible for the management and administration of the Federal Protective Service and the employees and programs of the Federal Protective Service.

''(2) PROTECTION.—The Director shall secure Federal facilities which are protected by the Federal Protective Service, and safeguard all occupants, including Federal employees, officers, and visitors.

''(3) ENFORCEMENT POLICY.—The Director shall establish and direct the policies of the Federal Protective Service, and advise the Under Secretary for the National Protection and Programs Directorate on policy matters relating to the Federal Protective Service.

''(4) TRAINING.—The Director shall—

''(A) determine the minimum level of training or certification for—

''(i) employees of the Federal Protective Service; and

''(ii) armed contract security guards; and

''(B) provide training, in coordination with the Interagency Security Committee, to members of a Facility Security Committee.

''(5) INVESTIGATIONS.—The Director shall investigate and refer for prosecution the violation of any Federal law relating to the security of Federal facilities protected by the Federal Protective Service.

''(6) INSPECTIONS.—The Director shall inspect Federal facilities protected by the Federal Protective Service for the purpose of determining compliance with Federal security standards.

''(7) PERSONNEL.—The Director shall provide adequate numbers of trained personnel to ensure Federal security standards are met.

''(8) INFORMATION SHARING.—The Director shall provide crime prevention and threat awareness training to tenants of Federal facilities.

''(9) PATROL.—The Director shall ensure areas in and around Federal facilities protected by the Federal Protective Service are regularly patrolled by Federal Protective Service officers.

''SEC. 243. FULL-TIME EQUIVALENT EMPLOYEE REQUIREMENTS.

''(a) IN GENERAL.—The Director shall ensure that the Federal Protective Service maintains not fewer than—

''(1) 1,350 full-time equivalent employees, including not fewer than 950 in-service field staff in fiscal year 2011;

''(2) 1,500 full-time equivalent employees, including not fewer than 1,025 in-service field staff in fiscal year 2012;

''(3) 1,600 full-time equivalent employees, including not fewer than 1,075 in-service field staff in fiscal year 2013; and

''(4) 1,700 full-time equivalent employees, including not fewer than 1,125 in-service field staff in fiscal year 2014.

''(b) MINIMUM FULL-TIME EQUIVALENT EMPLOYEE LEVEL.—

''(1) IN GENERAL.—The Director shall ensure that the Federal Protective Service shall maintain at any time not fewer than 1,200 full-time equivalent employees, including not fewer than 900 in-service field staff.

''(2) REPORT.—In any fiscal year after fiscal year 2014 in which the number of full-time equivalent employees of the Federal Protective Service is fewer than the number of full-time equivalent employees of the Federal Protective Service in the previous fiscal year, the Director shall submit a report to the appropriate congressional committees that provides—

''(A) an explanation of the decrease in full-time equivalent employees; and

''(B) a revised model of the number of full-time equivalent employees projected for future fiscal years.

''SEC. 244. OVERSIGHT OF CONTRACT GUARD SERVICES.

''(a) ARMED GUARD TRAINING REQUIREMENTS.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010, the Director shall establish minimum training requirements for all armed guards procured by the Federal Protective Service.

''(2) REQUIREMENTS.—Training requirements under this subsection shall include—

''(A) at least 80 hours of instruction before a guard may be deployed, and at least 16 hours of recurrent training on an annual basis thereafter; and

''(B) Federal Protective Service monitoring or provision of the initial training of armed guards procured by the Federal Protective Service of —

''(i) at least 10 percent of the hours of required instruction in fiscal year 2011;

''(ii) at least 15 percent of the hours of required instruction in fiscal year 2012;

''(iii) at least 20 percent of the hours of required instruction in fiscal year 2013; and

''(iv) at least 25 percent of the hours of required instruction in fiscal year 2014 and each fiscal year thereafter.

''(b) TRAINING AND SECURITY ASSESSMENT PROGRAM.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010, the Director shall establish a program to periodically assess—

''(A) the training of guards procured by the Federal Protective Service for the protection of Federal facilities; and

''(B) the security of Federal facilities.

''(2) PROGRAM.—The program under this subsection shall include an assessment of—

''(A) methods to test the training and certifications of guards;

''(B) a remedial training program for guards;

''(C) procedures for taking personnel actions, including processes for removing individuals who fail to conform to the training or performance requirements of the contract; and

''(D) an overt and covert testing program for the purposes of assessing guard performance and other facility security countermeasures.

''(3) REPORTS.—The Director shall annually submit a report to the appropriate congressional committees, in a classified manner, if necessary, on the results of the assessment of the overt and covert testing program of the Federal Protective Service.

''(c) REVISION OF GUARD MANUAL AND POST ORDERS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010, the Director shall—

''(A) update the Security Guard Information Manual and post orders for each guard post overseen by the Federal Protective Service; or

''(B) certify to the Secretary that the Security Guard Information Manual and post orders described under subparagraph (A) have been updated during the 1-year period preceding the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010.

''(2) REVIEW AND UPDATE.—Beginning with the first calendar year following the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010, and every 2 years thereafter, the Director shall review and update the Security Guard Information Manual and post orders for each guard post overseen by the Federal Protective Service.

''(d) DATABASE OF GUARD SERVICE CONTRACTS.—The Director shall establish a database to monitor all contracts for guard services. The database shall include information relating to contract performance.

''SEC. 245. INFRASTRUCTURE SECURITY CANINE TEAMS.

''(a) IN GENERAL.—

''(1) INCREASED CAPACITY.—Not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010, the Director shall—

''(A) begin to increase the number of infrastructure security canine teams certified by the Federal Protective Service for the purposes of infrastructure-related security by up to 10 canine teams in each of fiscal years 2011 through 2014; and

''(B) encourage State and local governments and private owners of high-risk facilities to strengthen security through the use of highly trained infrastructure security canine teams.

''(2) INFRASTRUCTURE SECURITY CANINE TEAMS.—To the extent practicable, the Director shall increase the number of infrastructure security canine teams by—

''(A) partnering with the Customs and Border Protection Canine Enforcement Program and the Canine Training Center Front Royal, the Transportation Security Administration's National Explosives Detection Canine Team Training Center, or other offices or agencies within the Department with established canine training programs;

''(B) partnering with agencies, State or local government agencies, nonprofit organizations, universities, or the private sector to increase the training capacity for canine detection teams; or

''(C) procuring explosives detection canines trained by nonprofit organizations, universities, or the private sector, if the canines are trained in a manner consistent with the standards and requirements developed under subsection (b) or other criteria developed by the Secretary.

''(b) STANDARDS FOR INFRASTRUCTURE SECURITY CANINE TEAMS.—

''(1) IN GENERAL.—The Director shall establish criteria, including canine training curricula, performance standards, and other requirements, necessary to ensure that infrastructure security canine teams trained by nonprofit organizations, universities, and private sector entities are adequately trained and maintained.

''(2) EXPANSION.—In developing and implementing the criteria, the Director shall—

''(A) coordinate with key stakeholders, including international, Federal, State, and local government officials, and private sector and academic entities to develop best practice guidelines;

''(B) require that canine teams trained by nonprofit organizations, universities, or private sector entities that are used or made available by the Secretary be trained consistent with the criteria; and

''(C) review the status of the private sector programs on at least an annual basis to ensure compliance with the criteria.

''(c) DEPLOYMENT.—The Director—

''(1) shall use the additional canine teams increased under subsection (a) to enhance security at Federal facilities;

''(2) may use the additional canine teams increased under subsection (a) on a more limited basis to support other homeland security missions;

''(3) may make available canine teams from other agencies within the Department—

''(A) for high-risk areas;

''(B) to address specific threats; or

''(C) on an as-needed basis; and

''(4) shall encourage, but not require, any Federal facility under the purview of Federal Protective Service to deploy Federal Protective Service-certified infrastructure security canine teams developed under this section.

''(d) CANINE PROCUREMENT.—The Director, shall ensure that infrastructure security canine teams are procured as efficiently as possible and at the lowest cost, while maintaining the needed level of quality.

''SEC. 246. ADVANCED IMAGING TECHNOLOGY.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Federal Protective Service, shall designate 3 Federal facilities protected by the Federal Protective Service for the deployment of advanced imaging technology.

''(b) PRIVACY PROTECTION.—

''(1) PROCEDURES.—The Secretary shall establish procedures that protect the privacy of individuals who are screened with advanced imaging technology.

''(2) PROHIBITION ON STORED IMAGES.—An agency may not store images of individuals screened by advanced imaging technology.

''(3) REGULATIONS.—Before the deployment of any advanced imaging technology which generates images of individuals that are viewed by a human operator, the Secretary shall prescribe regulations to protect the privacy of individuals who are screened using that advanced imaging technology.

''(c) COORDINATION.—The Secretary shall coordinate with the Administrator of the General Services Administration and the head of the relevant agencies in the deployment under subsection (a).

''(d) REPORT.—Not later than 1 year after the implementation of this section, the Secretary shall submit a report to the appropriate congressional committees that includes—

''(1) an analysis of the readiness or use of automatic detection technology for building security;

''(2) an evaluation of the lessons learned from the advanced imaging technology implemented under this section;

''(3) an analysis of the effect of such implementation on entry into Federal facilities;

''(4) an analysis for requirements, including costs, to install and maintain advanced imaging technology; and

''(5) an analysis of the privacy protections used under the program.

''SEC. 247. CHECKPOINT DETECTION TECHNOLOGY STANDARDS.

''The Under Secretary for the National Protection and Programs Directorate, in coordination with the Under Secretary for Science and Technology, and in consultation with the Interagency Security Committee, shall develop performance-based standards for checkpoint detection technologies for explosives and other threats at Federal facilities.

''SEC. 248. COMPLIANCE OF FEDERAL FACILITIES WITH FEDERAL SECURITY STANDARDS.

''(a) IN GENERAL.—The Director may assess security charges to an agency that is the owner or the tenant of a Federal facility protected by the Federal Protective Service in addition to any security charge assessed under section 249 for the costs of necessary security countermeasures if—

''(1) the Director, in coordination with the Interagency Security Committee, determines a Federal facility to be in noncompliance with Federal security standards established by the Interagency Security Committee; and

''(2) the Interagency Security Committee or the Director of the Federal Protective Service—

''(A) provided notice to that agency and the Facility Security Committee of—

''(i) the noncompliance;

''(ii) the actions necessary to be in compliance; and

''(iii) the latest date on which such actions need to be taken; and

''(B) the agency is not in compliance by that date.

''(b) REPORT ON NONCOMPLIANT FACILITIES.—The Director shall submit a report to the appropriate congressional committees, in a classified manner if necessary, of any facility determined to be in noncompliance with the Federal security standards established by the Interagency Security Committee.

''SEC. 249. FEES FOR PROTECTIVE SERVICES.

''(a) IN GENERAL.—The Director of the Federal Protective Service may assess and collect fees and security charges from agencies for the costs of providing protective services.

''(b) DEPOSIT OF FEES.—Any fees or security charges paid under this section shall be deposited in the appropriations account under the heading 'FEDERAL PROTECTION SERVICES' under the heading 'NATIONAL PROTECTION AND PROGRAMS DIRECTORATE' of the Department of Homeland Security.

''(c) ADJUSTMENT OF FEES.—The Director of the Office of Management and Budget shall adjust fees as necessary to carry out this subtitle.

''Subtitle F—Interagency Security Committee

''SEC. 261. DEFINITIONS.

''In this subtitle, the definitions under section 241 shall apply.

''SEC. 262. INTERAGENCY SECURITY COMMITTEE.

''(a) ESTABLISHMENT.—There is established within the executive branch the Interagency Security Committee (in this subtitle referred to as the 'Committee').

''(b) CHAIRPERSON.—The Committee shall be chaired by the Secretary, or the designee of the Secretary. The chairperson shall be responsible for the daily operations of the Committee and appeals board, final approval and enforcement of Committee standards, and the promulgation of regulations related to Federal facility security prescribed by the Committee.

''(c) MEMBERSHIP.—

''(1) VOTING MEMBERS.—The Committee shall consist of the following voting members:

''(A) AGENCY REPRESENTATIVES.—Representatives from the following agencies, appointed by the agency heads:

''(i) Department of Homeland Security.

''(ii) Department of State.

''(iii) Department of the Treasury.

''(iv) Department of Defense.

''(v) Department of Justice.

''(vi) Department of the Interior.

''(vii) Department of Agriculture.

''(viii) Department of Commerce.

''(ix) Department of Labor.

''(x) Department of Health and Human Services.

''(xi) Department of Housing and Urban Development.

''(xii) Department of Transportation.

''(xiii) Department of Energy.

''(xiv) Department of Education.

''(xv) Department of Veterans Affairs.

''(xvi) Environmental Protection Agency.

''(xvii) Central Intelligence Agency.

''(xviii) Office of Management and Budget.

''(xix) General Services Administration.

''(B) OTHER OFFICERS.—The following Federal officers or the designees of those officers:

''(i) The Director of the United States Marshals Service.

''(ii) The Director of the Federal Protective Service.

''(iii) The Assistant to the President for National Security Affairs.

''(C) JUDICIAL BRANCH REPRESENTATIVES.—A representative from the judicial branch appointed by the Chief Justice of the United States.

''(2) ASSOCIATE MEMBERS.—The Committee shall include the following associate members who shall be nonvoting members:

''(3) AGENCY REPRESENTATIVES.—Representatives from the following agencies, appointed by the agency heads:

''(A) Federal Aviation Administration.

''(B) Federal Bureau of Investigation.

''(C) Federal Deposit Insurance Corporation.

''(D) Federal Emergency Management Agency.

''(E) Federal Reserve Board.

''(F) Government Accountability Office.

''(G) Internal Revenue Service.

''(H) National Aeronautics and Space Administration.

''(I) National Capital Planning Commission.

''(J) National Institute of Standards & Technology.

''(K) Nuclear Regulatory Commission.

''(L) Office of Personnel Management.

''(M) Securities and Exchange Commission.

''(N) Smithsonian Institution.

''(O) Social Security Administration.

''(P) United States Coast Guard.

''(Q) United States Postal Service.

''(R) United States Army Corps of Engineers.

''(S) Court Services and Offender Supervision Agency.

''(T) Any other Federal officers as the President shall appoint.

''(d) WORKING GROUPS.—The Committee may establish interagency working groups to perform such tasks as may be directed by the Committee.

''(e) CONSULTATION.—The Committee may consult with other parties, including the Administrative Office of the United States Courts, to perform its responsibilities, and, at the discretion of the Committee, such other parties may participate in the working groups.

''(f) MEETINGS.—The Committee shall at minimum meet quarterly.

''(g) RESPONSIBILITIES.—The Committee shall—

''(1) not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010, prescribe regulations—

''(A) for determining facility security levels, unless the Committee determines that similar regulations are issued by the Secretary before the end of that 90-day period; and

''(B) to establish risk-based performance standards for the security of Federal facilities, unless the Committee determines that similar regulations are issued by the Secretary before the end of that 90-day period;

''(2) establish protocols for the testing of the compliance of Federal facilities with Federal security standards, including a mechanism for the initial and recurrent testing of Federal facilities;

''(3) prescribe regulations to determine minimum levels of training and certification of contract guards;

''(4) prescribe regulations to establish a list of prohibited items for entry into Federal facilities;

''(5) establish minimum requirements and a process for providing basic security training for members of Facility Security Committees; and

''(6) take such actions as may be necessary to enhance the quality and effectiveness of security and protection of Federal facilities, including—

''(A) encouraging agencies with security responsibilities to share security-related intelligence in a timely and cooperative manner;

''(B) assessing technology and information systems as a means of providing cost-effective improvements to security in Federal facilities;

''(C) developing long-term construction standards for those locations with threat levels or missions that require blast resistant structures or other specialized security requirements;

''(D) evaluating standards for the location of, and special security related to, day care centers in Federal facilities; and

''(E) assisting the Secretary in developing and maintaining a centralized security database of all Federal facilities; and

''(7) carry out such other duties as assigned by the President.

''(h) APPEALS BOARD.—

''(1) ESTABLISHMENT.—The Committee shall establish an appeals board to consider appeals from any Facility Security Committee of—

''(A) a facility security level determination;

''(B) Federal Protective Service or designated security organization recommendations for countermeasures for a facility; or

''(C) a determination of noncompliance with Federal facility security standards.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The appeals board shall consist of 7 voting members of the Committee, of whom—

''(i) 1 shall be designated by the Secretary;

''(ii) 4 shall be selected by the voting members of the Committee; and

''(iii) 2 shall be selected by the voting members of the Committee to serve as alternates in the case of recusal by a member of the appeals board.

''(B) RECUSAL.—An appeals board member shall recuse himself or herself from any appeal from an agency which that member represents.

''(3) FINAL APPEAL.—A decision of the appeals board is final and shall not be subject to administrative or judicial review.

''(i) AGENCY SUPPORT AND COOPERATION.—

''(1) ADMINISTRATIVE SUPPORT.—To the extent permitted by law and subject to the availability of appropriations, the Secretary shall provide the Committee such administrative services, funds, facilities, staff and other support services as may be necessary for the performance of the functions of the Committee.

''(2) COOPERATION AND COMPLIANCE.—

''(A) IN GENERAL.—Each agency shall cooperate and comply with the policies and recommendations of the Committee.

''(B) SUPPORT.—To the extent permitted by law and subject to the availability of appropriations, agencies shall provide such support as may be necessary to enable the Committee to perform the duties and responsibilities of the Committee.

''(3) COMPLIANCE.—The Secretary shall be responsible for monitoring agency compliance with the policies and recommendations of the Committee.

''(j) AUTHORIZATION.—There are authorized to be appropriated to the Department of Homeland Security such sums as necessary to carry out the provisions of this section.

''SEC. 263. AUTHORIZATION OF AGENCIES TO PROVIDE PROTECTIVE SERVICES.

''(a) IN GENERAL.—The Committee shall establish a process under which the Secretary may authorize an agency to provide protective services for a Federal facility instead of the Federal Protective Services.

''(b) REQUIREMENTS.—The process under subsection (a) shall—

''(1) provide that—

''(A) an agency may submit an application to the Secretary for an authorization;

''(B) an authorization shall be for a 1-year period; and

''(C) an authorization may be renewed on an annual basis; and

''(2) require an agency to—

''(A) demonstrate security expertise; and

''(B) provide sufficient information through a security plan that the agency shall be in compliance with the Federal security standards of the Committee.

''SEC. 264. FACILITY SECURITY COMMITTEES.

''(a) IN GENERAL.—

''(1) MAINTENANCE OF FACILITY SECURITY COMMITTEES.—Except as provided under paragraph (2), the agencies that are tenants at each Federal facility shall maintain a Facility Security Committee for that Federal facility. Each agency that is a tenant at a Federal facility shall provide 1 employee to

serve as a member of the Facility Security Committee.

''(2) EXEMPTIONS.—The Secretary may exempt a Federal facility from the requirement under paragraph (1), if that Federal facility is authorized under section 263 to provide protective services.

''(b) CHAIRPERSON.—

''(1) IN GENERAL.—Each Facility Security Committee shall be headed by a chairperson, elected by a majority of the members of the Facility Security Committee.

''(2) RESPONSIBILITIES.—The chairperson shall be responsible for—

''(A) maintaining accurate contact information for agency tenants and providing that information, including any updates, to the Federal Protective Service or designated security organization;

''(B) setting the agenda for Facility Security Committee meetings;

''(C) referring Facility Security Committee member questions to Federal Protective Service or designated security organization for response;

''(D) accompanying Federal Protective Service or designated security organization representatives during on-site building security assessments;

''(E) maintaining an official record of each meeting;

''(F) acknowledging receipt of the building security assessment from Federal Protective Service or designated security organization; and

''(G) any other duties as determined by the Interagency Security Committee.

''(c) TRAINING FOR MEMBERS.—

''(1) IN GENERAL.—Except as provided under paragraphs (3) and (4), before serving as a member of a Facility Security Committee, an employee shall successfully complete a training course that meets a minimum standard of training as established by the Interagency Security Committee.

''(2) TRAINING.—Training under this subsection shall—

''(A) be provided by the Federal Protective Service or designated security organization, in coordination with the Interagency Security Committee;

''(B) be commensurate with the security level of the facility; and

''(C) include training relating to—

''(i) familiarity with published standards of the Interagency Security Committee;

''(ii) physical security criteria for Federal facilities;

''(iii) use of physical security performance measures;

''(iv) facility security levels determinations; and

''(v) best practices for safe mail handling.

''(3) WAIVERS.—The training requirement under this subsection may be waived by the Director or the Chairperson of the Interagency Security Committee if the Director or the Chairperson determines that an employee has related experience in physical security, law enforcement, or infrastructure security disciplines.

''(4) INCUMBENT MEMBERS.—

''(A) IN GENERAL.—This subsection shall apply to any Facility Security Committee established before, on, or after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010, except that any member of a Facility Security Committee serving on that date shall during the 1-year period following that date—

''(i) successfully complete a training course as required under paragraph (1); or

''(ii) obtain a waiver under paragraph (3).

''(B) COMPLIANCE.—Any member of a Facility Security Committee described under subparagraph (A) who does not comply with that subparagraph may not serve on that Facility Security Committee.

''(d) MEETINGS AND QUORUM.—

''(1) MEETINGS.—Each Facility Security Committee shall meet on a quarterly basis.

''(2) QUORUM.—A majority of the members of a Facility Security Committee shall be present for a quorum to conduct business.

''(e) APPEAL.—

''(1) IN GENERAL.—If a Facility Security Committee disagrees with a recommendation of the Federal Protective Service for necessary countermeasures or physical security improvements, the Chairperson of a Facility Security Committee may file an appeal of the recommendation with the Interagency Security Committee appeals board.

''(2) DECISION TO APPEAL.—The decision to file an appeal shall be agreed to by a majority of the members of a Facility Security Committee

''(3) MATTERS SUBJECT TO APPEAL.—A recommendation of the Federal Protective Service may be appealed under this subsection, including recommendations relating to—

''(A) prohibited items lists determined for Federal buildings by the Federal Protective Service and how those lists apply to employees and visitors;

''(B) countermeasure improvements;

''(C) building security assessment findings; and

''(D) building security levels.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for the Homeland Security Act of 2002 is amended by inserting after the matter relating to title II the following:

''Subtitle E—Federal Protective Service

''Sec. 241. Definitions.
''Sec. 242. Establishment.
''Sec. 243. Full-time equivalent employee requirements.
''Sec. 244. Oversight of contract guard services.
''Sec. 245. Infrastructure security canine teams.
''Sec. 246. Advanced imaging technology.
''Sec. 247. Checkpoint detection technology standards.
''Sec. 248. Compliance of Federal facilities with Federal security standards.
''Sec. 249. Fees for protective services.

''Subtitle F—Interagency Security Committee

''Sec. 261. Definitions.
''Sec. 262. Interagency Security Committee.
''Sec. 263. Authorization of agencies to provide protective services.
''Sec. 264. Facility security committees.''.

SEC. 4. FEDERAL PROTECTIVE SERVICE OFFICERS OFF-DUTY CARRYING OF FIREARMS.

Section 1315(b)(2) of title 40, United States Code, is amended—

(1) in subsection (b)(2), by striking ''While engaged in the performance of official duties, an'' and inserting ''An''; and

(2) by striking subsection (c) and inserting the following:

''(c) REGULATIONS.—

''(1) IN GENERAL.—

''(A) PROTECTION AND ADMINISTRATION.—The Secretary may prescribe regulations necessary for the protection and administration of property owned or occupied by the Federal Government and persons on the property. The regulations may include reasonable penalties, within the limits prescribed in subparagraph (B), for violations of the regulations. The regulations shall be posted and remain posted in a conspicuous place on the property.

''(B) PENALTY.—A person violating a regulation prescribed under this paragraph shall be fined under title 18, United States Code, imprisoned for not more than 30 days, or both.

''(2) OFF-DUTY FIREARMS.—The Secretary may prescribe regulations relating to the carrying of firearms while off-duty, including a list of firearms which may be carried while off-duty.''.

SEC. 5. CIVIL SERVICE RETIREMENT SYSTEM AND FEDERAL EMPLOYEES RETIREMENT SYSTEM.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) DEFINITION.—Section 8331 of title 5, United States Code is amended—

(A) in paragraph (30), by striking ''and'' at the end;

(B) in paragraph (31), by striking the period and inserting ''and''; and

(C) by adding at the end the following:

''(32) 'Federal protective service officer' means an employee in the Federal Protective Service of the Department of Homeland Security—

''(A) who holds a position within the GS–0083, GS–0080, GS–1801, or GS–1811 job series (determined applying the criteria in effect as of September 1, 2007 or any successor position; and

''(B) who are authorized to carry firearms and empowered to make arrests in the performance of duties related to the protection of buildings, grounds and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality or wholly owned or mixed-ownership corporation thereof) and the persons on the property, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties in 1 or more positions (as described under subparagraph (A)) for at least 3 years.''.

(2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—Section 8334 of title 5, United States Code, is amended—

(A) in subsection (a)(1)(A), by inserting ''Federal protective service officer,'' before ''or customs and border protection officer,''; and

(B) in the table contained in subsection (c), by adding at the end the following:

''Federal Protective Service Officer.	7.5	After June 29, 2011.''.

(3) MANDATORY SEPARATION.—The first sentence of section 8335(b)(1) of title 5, United States Code, is amended by inserting ''Federal protective service officer,'' before ''or customs and border protection officer,''.

(4) IMMEDIATE RETIREMENT.—Section 8336 of title 5, United States Code, is amended—

(A) in subsection (c)(1), by inserting ''Federal protective service officer,'' before ''or customs and border protection officer,''; and

(B) in subsections (m) and (n), by inserting ''as a Federal protective service officer,'' before ''or as a customs and border protection officer,''.

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

(1) DEFINITION.—Section 8401 of title 5, United States Code, is amended—

(A) in paragraph (35), by striking ''and'' at the end;

(B) in paragraph (36), by striking the period and inserting ''and''; and

(C) by adding at the end the following:

''(37) 'Federal protective service officer' means an employee in the Federal Protective Service of the Department of Homeland Security—

''(A) who holds a position within the GS–0083, GS–0080, GS–1801, or GS–1811 job series (determined applying the criteria in effect as of September 1, 2007) or any successor position; and

''(B) who are authorized to carry firearms and empowered to make arrests in the performance of duties related to the protection of buildings, grounds and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality or wholly owned or mixed-ownership corporation thereof) and the persons on the property, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties in 1 or more positions (as described under subparagraph (A)) for at least 3 years.''.

(2) IMMEDIATE RETIREMENT.—Paragraphs (1) and (2) of section 8412(d) of title 5, United States Code, are amended by inserting ''Federal protective service officer,'' before ''or customs and border protection officer,''.

(3) COMPUTATION OF BASIC ANNUITY.—Section 8415(h)(2) of title 5, United States Code, is amended by inserting ''Federal protective service officer,'' before ''or customs and border protection officer,''.

(4) DEDUCTIONS FROM PAY.—The table contained in section 8422(a)(3) of title 5, United States Code, is amended by adding at the end the following:

''Federal Protective Service Officer.	7.5	After June 29, 2011.''.

(5) GOVERNMENT CONTRIBUTIONS.—Paragraphs (1)(B)(i) and (3) of section 8423(a) of title 5, United States Code, are amended by inserting ''Federal protective service officer,'' before ''customs and border protection officer,'' each place that term appears.

(6) MANDATORY SEPARATION.—Section 8425(b)(1) of title 5, United States Code, is amended—

(A) by inserting ''Federal protective service officer,'' before ''or customs and border protection officer,'' the first place that term appears; and

(B) inserting ''Federal protective service officer,'' before ''or customs and border protection officer,'' the second place that term appears.

(c) MAXIMUM AGE FOR ORIGINAL APPOINTMENT.—Section 3307 of title 5, United States Code, is amended by adding at the end the following:

''(h) The Secretary of Homeland Security may determine and fix the maximum age limit for an original appointment to a position as a Federal protective service officer, as defined by section 8401(37).''.

(d) REGULATIONS.—Any regulations necessary to carry out the amendments made by this section shall be prescribed by the Director of the Office of Personnel Management in consultation with the Secretary.

(e) EFFECTIVE DATE; TRANSITION RULES; FUNDING.—

(1) EFFECTIVE DATE.—The amendments made by this section shall become effective on the later of June 30, 2011 or the first day of the first pay period beginning at least 6 months after the date of enactment of this Act.

(2) TRANSITION RULES.—

(A) NONAPPLICABILITY OF MANDATORY SEPARATION PROVISIONS TO CERTAIN INDIVIDUALS.—The amendments made by subsections (a)(3) and (b)(6), respectively, shall not apply to an individual first appointed as a Federal protective service officer before the effective date under paragraph (1).

(B) TREATMENT OF PRIOR FEDERAL PROTECTIVE SERVICE OFFICER SERVICE.—

(i) GENERAL RULE.—Except as provided in clause (ii), nothing in this section shall be considered to apply with respect to any service performed as a Federal protective service officer before the effective date under paragraph (1).

(ii) EXCEPTION.—Service described in section 8331(32) and 8401(37) of title 5, United States Code (as amended by this section) rendered before the effective date under paragraph (1) may be taken into account to determine if an individual who is serving on or after such effective date then qualifies as a Federal protective service officer by virtue of holding a supervisory or administrative position in the Department of Homeland Security.

(C) MINIMUM ANNUITY AMOUNT.—The annuity of an individual serving as a Federal protective service officer on the effective date under paragraph (1) pursuant to an appointment made before that date shall, to the extent that its computation is based on service rendered as a Federal protective service officer on or after that date, be at least equal to the amount that would be payable to the extent that such service is subject to the Civil Service Retirement System or Federal Employees Retirement System, as appropriate, by applying section 8339(d) of title 5, United States Code, with respect to such service.

(D) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (c) shall be considered to apply with respect to any appointment made before the effective date under paragraph (1).

(3) FEES AND AUTHORIZATIONS OF APPROPRIATIONS.—

(A) FEES.—The Federal Protective Service shall adjust fees as necessary to ensure collections are sufficient to carry out amendments made in this section.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(4) ELECTION.—

(A) INCUMBENT DEFINED.—For purposes of this paragraph, the term ''incumbent'' means an individual who is serving as a Federal protective service officer on the date of the enactment of this Act.

(B) NOTICE REQUIREMENT.—Not later than 30 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall take measures reasonably designed to ensure that incumbents are notified as to their election rights under this paragraph, and the effect of making or not making a timely election.

(C) ELECTION AVAILABLE TO INCUMBENTS.—

(i) IN GENERAL.—An incumbent may elect, for all purposes, either—

(I) to be treated in accordance with the amendments made by subsection (a) or (b), as applicable; or

(II) to be treated as if subsections (a) and (b) had never been enacted.

(ii) FAILURE TO MAKE A TIMELY ELECTION.—Failure to make a timely election under clause (i) shall be treated in the same way as an election made under clause (i)(I) on the last day allowable under clause (iii).

(iii) DEADLINE.—An election under this subparagraph shall not be effective unless it is made at least 14 days before the effective date under paragraph (1).

(5) DEFINITION.—For the purposes of this subsection, the term ''Federal protective service officer'' has the meaning given such term by section 8331(32) or 8401(37) of title 5, United States Code (as amended by this section).

(6) EXCLUSION.—Nothing in this section or any amendment made by this section shall be considered to afford any election or to otherwise apply with respect to any individual who, as of the day before the date of the enactment of this Act—

(A) holds a positions within the Federal Protective Service; and

(B) is considered a law enforcement officers for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, by virtue of such position.

SEC. 6. REPORT ON FEDERAL PROTECTION SERVICE PERSONNEL NEEDS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on the personnel needs of the Federal Protection Service that includes recommendations on the numbers of Federal protective service officers and the workforce composition of the Federal Protection Service needed to carry out the mission of the Federal Protective Service during the 10-fiscal year period beginning after the date of enactment of this Act.

(b) PREPARATION.—The Secretary shall enter into a contract with a qualified consultant to prepare the report submitted under this section.

SEC. 7. REPORT ON RETENTION RATE FEDERAL PROTECTIVE SERVICE CONTRACT GUARD WORKFORCE.

Not later than 45 days after the date of enactment of this Act, the Director shall submit a report to the appropriate congressional committees on—

(1) retention rates within the Federal Protective Service contract guard workforce; and

(2) how the retention rate affects operations of the Federal Protective Service and the security of Federal facilities.

SEC. 8. REPORT ON THE FEASIBILITY OF FEDERALIZING THE FEDERAL PROTECTIVE SERVICE CONTRACT GUARD WORKFORCE.

(a) CONTRACT WITH CONSULTANT.—The Director shall enter into a contract with a qualified consultant to prepare the report submitted under this section.

(b) SUBMISSIONS.—Not later than 1 year after the date of enactment of this Act, the qualified consultant shall concurrently submit the report to the Secretary and the appropriate congressional committees.

(c) CONTENTS.—The report under this section shall include an evaluation of—

(1) converting in its entirety, or in part, the Federal Protective Service contract workforce into full-time Federal employees, including an option to post a full-time equivalent Federal protective service officer at each Federal facility that on the date of enactment of this Act has a contract guard stationed at that facility;

(2) the immediate and projected costs of the conversion;

(3) the immediate and projected costs of maintaining guards under contract status and of maintaining full-time Federal employee guards;

(4) the potential increase in security if converted, including an analysis of using either a Federal security guard, police officer, or Federal protective service officer instead of a contract guard;

(5) the hourly and annual costs of contract guards and the Federal counterparts of those guards; and

(6) a comparison of similar conversions of large groups of contracted workers and potential benefits and challenges.

SEC. 9. SAVINGS CLAUSE.

Nothing in this Act, including the amendments made by this Act, shall be construed to affect—

(1) the authorities under section 566 of title 28, United States Code;

(2) the authority of any Federal law enforcement agency other than the Federal Protective Service; or

(3) any authority of the Federal Protective Service not specifically enumerated by this Act that is in effect on the day before the date of enactment of this Act.

Ms. COLLINS. Mr. President, I rise today to introduce the SECURE Act of 2010—Supporting Employee Competency and Updating Readiness Enhancements. This bill would help to improve inadequate security at too many of our Federal buildings.

As a Nation, we have learned several hard truths: Terrorists are intent on attacking the United States, and their tactics continue to evolve. The early identification of a security gap can save countless lives if we act promptly to close it. There is no substitute for pre-emptive action to detect, disrupt, and defend against terrorist plots.

As we remember the lives lost when terrorists attacked the United States 9 years ago, we must avoid complacency. Our country's defenses must be nimble, multi-layered, informed by timely intelligence, and coordinated across multiple agencies.

This is difficult work, requiring painstaking attention to detail and an unwavering focus. We must remain vigilant to the threats we face. Unfortunately, the evidence indicates that there are significant security problems at Federal buildings, where thousands of employees serve thousands more of our citizens every work day.

The Federal Protective Service, FPS, is charged with securing nearly 9,000 Federal facilities and protecting the government employees who work in them, and the Americans who use them to access vital services.

But, independent investigations by the Government Accountability Office and the Department of Homeland Security Inspector General have documented serious and systemic security flaws within the operations of the FPS. These lapses place Federal employees and private citizens at risk.

In June of last year, for example, GAO's undercover investigators smuggled bomb-making materials into 10 Federal office buildings. Every single building GAO targeted was breached—a perfect record of security failure. At each facility, concealed bomb components passed through checkpoints monitored by FPS guards. Once inside, the covert GAO investigators were able to assemble the simulated explosive devices without interruption.

A July 2009 GAO report documented training flaws for FPS contract guards, some of whom failed to receive mandatory training on the operation of metal detectors and x-ray equipment. Other contract guards were deficient in key certifications such as CPR, First Aid, and firearms training. All told, GAO found that 62 percent of the FPS contract guards it reviewed lacked valid certifications in one or more of these areas.

This review also found that FPS did little to ensure compliance with rules and regulations and failed to conduct inspections of guard posts after regular business hours. When GAO investigators tested these posts, they found some guards sleeping on an overnight shift.

In another example, an inattentive guard allowed a baby in a carrier to pass through an x-ray machine on its conveyor belt. That guard was fired, but he ultimately won a lawsuit against the FPS because the agency could not document that he had received required training on the machine.

A few months earlier, in April 2009, the Department of Homeland Security's Inspector General also found critical failings in the FPS contract guard program. The Inspector General's recommendations included many concrete steps to strengthen contract guard performance, such as improving the award and management of contracts and increasing the amount of training and number of compliance inspections.

These reports demonstrate that American taxpayers are simply not receiving the security they have paid for and that they expect FPS to provide. The reports also show the vulnerabilities facing Federal employees and Federal infrastructure because of lax security.

While shining a light on these failings in multiple hearings, our Committee pressed the FPS to take action to close these security gaps. Although some tentative steps have been taken by FPS, we can no longer wait for OMB and DHS to implement the absolutely critical security measures necessary to help protect our Federal buildings, our Federal employees, and the American public.

The legislation that I introduce today, with Senators LIEBERMAN, AKAKA, and VOINOVICH, would help close these security gaps at our Federal buildings.

First, the bill would mandate the Interagency Security Committee, which was established by Executive Order 6 months after the Oklahoma City bombing, to increase security standards at Federal facilities. The ISC, comprised of representatives from agencies across the government, would establish risk-based performance standards for the security of federal buildings. FPS would then enforce these requirements based on the risk tier assigned the facility by the ISC.

Prior reports clearly demonstrate that FPS lacks authority to require tenant agencies of a Federal facility to comply with recommended security countermeasures.

For example, although FPS may ask tenant agencies to purchase or repair security equipment like cameras and x-ray machines, based on the ISC's recommended security countermeasures, these tenant agencies can refuse to purchase or repair the equipment based on cost.

Since FPS has no enforcement mechanism, these machines are not upgraded, or remain inoperable, and security suffers. With so much at stake, tenant agencies should not be able to effectively overrule the security experts on the ISC and at FPS.

To address this problem, our legislation would provide FPS the authority needed to mandate the implementation of security measures at a facility. FPS also would have the authority to inspect federal facilities to enforce compliance.

The bill would allow the FPS Director to charge additional fees if tenant agencies fail to comply with applicable security standards. In such cases, the Secretary also must notify Congress of the non-compliant facilities.

Our bill also would require an independent analysis of FPS's long-term staffing needs.

The Government has an obligation to protect our Nation's security, and our Federal buildings are targets for violence. This legislation would provide FPS with stronger authority to improve security at our Federal buildings. The American public that relies on these facilities and the Federal employees who work in them deserve better and more reliable protection.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 630—DESIGNATING NOVEMBER 28, 2010, AS ''DRIVE SAFER SUNDAY''

Mr. ISAKSON (for himself, Mr. CHAMBLISS, and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 630

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas every individual traveling on the roads and highways needs to drive in a safer manner in order to reduce deaths and injuries that result from motor vehicle accidents;

Whereas according to the National Highway Traffic Safety Administration, wearing a seat belt saves more than 15,000 lives each year;

Whereas the Senate wants all people of the United States to understand the life-saving importance of wearing a seat belt and encourages motorists to drive safely, not just during the holiday season, but every time they get behind the wheel; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be focused on safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely on the Sunday after Thanksgiving, and to publicize the importance of the day through use of Citizen's Band (''CB'') radios and truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive safely, particularly on the Sunday after Thanksgiving; and

(E) all people of the United States to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 28, 2010, as ''Drive Safer Sunday''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4619. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4620. Mr. LEVIN (for Mr. DURBIN) proposed an amendment to the bill S. 624, to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

SA 4621. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4622. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4623. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 5136, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4624. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4625. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4619. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division C of the bill, insert the following:

TITLE ____—EDUCATION JOBS FUND

SEC. ____1. ELIMINATION OF PROVISIONS RELATING TO TEXAS.

Section 101 of Public Law 111–226 (124 Stat. 2389) is amended by striking paragraph (11).

SA 4620. Mr. LEVIN (for Mr. DURBIN) proposed an amendment to the bill S. 624, to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Senator Paul Simon Water for the World Act of 2010''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121)—

(A) makes access to safe water and sanitation for developing countries a specific policy objective of United States foreign assistance programs;

(B) requires the Secretary of State to—

(i) develop a strategy to elevate the role of water and sanitation policy; and

(ii) improve the effectiveness of United States assistance programs undertaken in support of that strategy;

(C) codifies Target 10 of the United Nations Millennium Development Goals; and

(D) seeks to reduce by half between 1990 (the baseline year) and 2015—

(i) the proportion of people who are unable to reach or afford safe drinking water; and

(ii) the proportion of people without access to basic sanitation.

(2) On December 20, 2006, the United Nations General Assembly, in GA Resolution 61/192, declared 2008 as the International Year of Sanitation, in recognition of the impact of sanitation on public health, poverty reduction, economic and social development, and the environment.

(3) On August 1, 2008, Congress passed H. Con. Res. 318, which—

(A) supports the goals and ideals of the International Year of Sanitation; and

(B) recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment.

(4) While progress is being made on safe water and sanitation efforts—

(A) more than 884,000,000 people throughout the world lack access to safe drinking water; and

(B) 2 of every 5 people in the world do not have access to basic sanitation services.

(5) The health consequences of unsafe drinking water and poor sanitation are significant, accounting for—

(A) nearly 10 percent of the global burden of disease; and

(B) more than 2,000,000 deaths each year.

(6) Water scarcity has negative consequences for agricultural productivity and food security for the 1,200,000,000 people who, as of 2010, suffer from chronic hunger and seriously threatens the ability of the world to more than double food production to meet the demands of a projected population of 9,000,000,000 people by 2050.

(7) According to the November 2008 report entitled, ''Global Trends 2025: A Transformed World'', the National Intelligence Council expects rapid urbanization and future population growth to exacerbate already limited access to water, particularly in agriculture-based economies.

(8) According to the 2005 Millennium Ecosystem Assessment, commissioned by the United Nations, more than ⅕ of the world population relies on freshwater that is either polluted or excessively withdrawn.

(9) The impact of water scarcity on conflict and instability is evident in many parts of the world, including the Darfur region of Sudan, where demand for water resources has contributed to armed conflict between nomadic ethnic groups and local farming communities.

(10) In order to further the United States contribution to safe water and sanitation efforts, it is necessary to—

(A) expand foreign assistance capacity to address the challenges described in this section; and

(B) represent issues related to water and sanitation at the highest levels of United States foreign assistance and diplomatic deliberations, including those related to issues of global health, food security, the environment, global warming, and maternal and child mortality.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that the United States should help undertake a global effort to bring sustainable access to clean water and sanitation to poor people throughout the world.

SEC. 4. PURPOSE.

The purpose of this Act is—

(1) to enable first-time access to safe water and sanitation, on a sustainable basis, for 100,000,000 people in high priority countries (as designated under section 6(f) of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) within 6 years of the date of enactment of this Act through direct funding, development activities, and partnerships; and

(2) to enhance the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121).

SEC. 5. DEVELOPING UNITED STATES GOVERNMENT CAPACITY.

Section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) is amended by adding at the end the following:

''(e) SENIOR ADVISOR FOR WATER.—

''(1) IN GENERAL.—To carry out the purposes of subsection (a), the Administrator of the United States Agency for International Development shall designate a senior advisor to coordinate and conduct the activities described in this section and the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121). The Advisor shall report directly to the Administrator and be known as the 'Senior Advisor for Water'. The initial Senior Advisor for Water shall be the individual serving as Water Team Leader as of the date of the enactment of the Senator Paul Simon Water for the World Act of 2010.

''(2) DUTIES.—The Advisor shall—

''(A) implement this section and the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121);

''(B) develop and oversee implementation in high priority countries of country-specific water strategies and expertise, in coordination with appropriate United States Agency for International Development Mission Directors, to enable the goal of providing 100,000,000 additional people with sustainable access to safe water and sanitation through direct funding, development activities, and partnerships within 6 years of the date of the enactment of the Senator Paul Simon Water for the World Act of 2010; and

''(C) place primary emphasis on providing safe, affordable, and sustainable drinking water, sanitation, and hygiene in a manner that—

''(i) is consistent with sound water resource management principles; and

''(ii) utilizes such approaches as direct service provision, capacity building, institutional strengthening, regulatory reform, and partnership collaboration; and

''(D) integrate water strategies with country-specific or regional food security strategies.

''(3) CAPACITY.—The Advisor shall be designated appropriate staff and may utilize interagency details or partnerships with universities, civil society, and the private sector, as needed, to strengthen implementation capacity.

''(f) SPECIAL COORDINATOR FOR INTERNATIONAL WATER.—

''(1) ESTABLISHMENT.—To increase the capacity of the Department of State to address international issues regarding safe water, sanitation, integrated river basin management, and other international water programs, the Secretary of State shall establish a Special Coordinator for International Water (referred to in this subsection as the 'Special Coordinator'), who shall report to the Under Secretary for Democracy and Global Affairs. The initial Special Coordinator shall be the individual serving as Special Coordinator for Water Resources as of the date of the enactment of the Senator Paul Simon Water for the World Act of 2010.

''(2) DUTIES.—The Special Coordinator shall—

''(A) oversee and coordinate the diplomatic policy of the United States Government with respect to global freshwater issues, including interagency coordination related to—

''(i) sustainable access to safe drinking water, sanitation, and hygiene;

''(ii) integrated river basin and watershed management;

''(iii) global food security;

''(iv) transboundary conflict;

''(v) agricultural and urban productivity of water resources;

''(vi) disaster recovery, response, and rebuilding,

''(vii) pollution mitigation; and

''(viii) adaptation to hydrologic change due to climate variability; and

''(B) ensure that international freshwater issues are represented—

''(i) within the United States Government; and

''(ii) in key diplomatic, development, and scientific efforts with other nations and multilateral organizations.

''(3) SUPPORT STAFF.—The Special Coordinator shall be designated appropriate staff to support the duties described in paragraph (2).''.

SEC. 6. SAFE WATER, SANITATION, AND HYGIENE STRATEGY.

Section 6 of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) is amended—

(1) in subsection (b), by adding at the end the following: ''The Coordinator shall take actions to ensure that the safe water and sanitation strategy is integrated into any review or development of a Federal strategy for global development, global health, or global food security that sets forth or establishes the United States mission for global development, guidelines for assistance programs, and how development policy will be coordinated with policies governing trade, immigration, and other relevant international issues.'';

(2) in subsection (c), by adding at the end the following: ''In developing the program activities needed to implement the strategy, the Secretary shall consider the results of the assessment described in subsection (e)(9).''; and

(3) in subsection (e)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(7) an assessment of all United States Government foreign assistance allocated to the drinking water and sanitation sector during the 3 previous fiscal years, across all United States Government agencies and programs, including an assessment of the extent to which the United States Government's efforts are reaching and supporting the goal of enabling first-time access to safe water and sanitation on a sustainable basis for 100,000,000 people in high priority countries;

''(8) recommendations on what the United States Government would need to do to achieve and support the goals referred to in paragraph (7), in support of the United Nation's Millennium Development Goal on access to safe drinking water; and

''(9) an assessment of best practices for mobilizing and leveraging the financial and technical capacity of business, governments, nongovernmental organizations, and civil society in forming public-private partnerships that measurably increase access to safe, affordable, drinking water and sanitation.''.

SEC. 7. DEVELOPING LOCAL CAPACITY.

The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121) is amended—

(1) by redesignating sections 9, 10, and 11 as sections 10, 11, and 12, respectively; and

(2) by inserting after section 8 the following:

''SEC. 9. WATER AND SANITATION INSTITUTIONAL CAPACITY-BUILDING PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development (referred to in this section as the 'Secretary' and the 'Administrator', respectively), in consultation with host country institutions, the Centers for Disease Control and Prevention, the Department of Agriculture, and other agencies, as appropriate, shall establish, in coordination with mission directors in high priority countries, a program to build the capacity of host country institutions and officials responsible for water and sanitation in countries that receive assistance under section 135 of the Foreign Assistance Act of 1961, including training at appropriate levels, to—

''(A) provide affordable, equitable, and sustainable access to safe drinking water and sanitation;

''(B) educate the populations of such countries about the dangers of unsafe drinking water and lack of proper sanitation; and

''(C) encourage behavior change to reduce individuals' risk of disease from unsafe drinking water and lack of proper sanitation and hygiene.

''(2) EXPANSION.—The Secretary and the Administrator may establish the program described in this section in additional countries if the receipt of such capacity building would be beneficial for promoting access to safe drinking water and sanitation, with due consideration given to good governance.

''(3) CAPACITY.—The Secretary and the Administrator—

''(A) should designate appropriate staff with relevant expertise to carry out the strategy developed under section 6; and

''(B) may utilize, as needed, interagency details or partnerships with universities, civil society, and the private sector to strengthen implementation capacity.

''(b) DESIGNATION.—The United States Agency for International Development Mission Director for each country receiving a 'high priority' designation under section 6(f) and for each region containing a country receiving such designation shall report annually to Congress on the status of—

''(1) designating safe drinking water and sanitation as a strategic objective;

''(2) integrating the water strategy into a food security strategy;

''(3) assigning an employee of the United States Agency for International Development as in-country water and sanitation manager to coordinate the in-country implementation of this Act and section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) with host country officials at various levels of government responsible for water and sanitation, the Department of State, and other relevant United States Government agencies; and

''(4) coordinating with the Development Credit Authority and the Global Development Alliance to further the purposes of this Act.''.

SEC. 8. OTHER ACTIVITIES SUPPORTED.

In addition to the requirements of section 135(c) of the Foreign Assistance Act (22 U.S.C. 2152h(c)) the Administrator should—

(1) foster global cooperation on research and technology development, including regional partnerships among water experts to address safe drinking water, sanitation, water resource management, and other water-related issues;

(2) establish regional and cross-border cooperative activities between scientists and specialists that work to share technologies and best practices, mitigate shared water challenges, foster international cooperation, and defuse cross-border tensions;

(3) provide grants through the United States Agency for International Development to foster the development, dissemination, and increased and consistent use of low cost and sustainable technologies, such as household water treatment, hand washing stations, and latrines, for providing safe drinking water, sanitation, and hygiene that are suitable for use in high priority countries, particularly in places with limited resources and infrastructure;

(4) in collaboration with the Centers for Disease Control and Prevention, Department of Agriculture, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and other agencies, as appropriate, conduct formative and operational research and monitor and evaluate the effectiveness of programs that provide safe drinking water and sanitation; and

(5) integrate efforts to promote safe drinking water, sanitation and hygiene with existing foreign assistance programs, as appropriate, including activities focused on food security, HIV/AIDS, malaria, tuberculosis, maternal and child health, food security, and nutritional support.

SEC. 9. MONITORING AND EVALUATION.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) achieving United States foreign policy objectives requires the consistent and systematic evaluation of the impact of United States foreign assistance programs and analysis on what programs work and why, when, and where they work;

(2) the design of assistance programs and projects should include the collection of relevant baseline data required to measure outcomes and impacts;

(3) the design of assistance programs and projects should reflect the knowledge gained from evaluation and analysis;

(4) a culture and practice of high quality evaluation should be revitalized at agencies managing foreign assistance programs, which requires that the concepts of evaluation and analysis are used to inform policy and programmatic decisions, including the training of aid professionals in evaluation design and implementation;

(5) the effective and efficient use of funds cannot be achieved without an understanding of how lessons learned are applicable in various environments and under similar or different conditions; and

(6) project evaluations should be used as sources of data when running broader analyses of development outcomes and impacts.

(b) COORDINATION AND INTEGRATION.—To the extent possible, the Administrator shall coordinate and integrate evaluation of United States water programs with the learning, evaluation, and analysis efforts of the United States Agency for International Development aimed at measuring development impact.

SEC. 10. UPDATED REPORT REGARDING WATER FOR PEACE AND SECURITY.

Section 11(b) of the Senator Paul Simon Water for the Poor Act of 2005, as redesignated by section 7, is amended by adding at the end the following: ''The report submitted under this subsection shall include an assessment of current and likely future political tensions over water sources and multidisciplinary assessment of the expected impacts of changes to water supplies and agricultural productivity in 10, 25, and 50 years.''.

SEC. 11. COMPTROLLER GENERAL REPORT ON EFFECTIVENESS AND EFFICIENCY OF UNITED STATES EFFORTS TO PROVIDE SAFE WATER AND SANITATION FOR DEVELOPING COUNTRIES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the effectiveness and efficiency of United States efforts to provide safe water and sanitation for developing countries.

(b) ELEMENTS.—In preparing the report required by subsection (a), the Comptroller General shall, at a minimum—

(1) identify all programs (and respective Federal agencies) in the Federal Government that perform the mission of providing safe water and sanitation for developing countries, including capacity-building, professional exchanges, and other related programs;

(2) list the actual costs for the implementation, operation, and support of the individual programs;

(3) assess the effectiveness of these programs in meeting their goals;

(4) assess the efficiency of these programs compared to each other and to programs to provide similar aid performed by nongovernmental organizations and other governments, and identify best practices from this assessment;

(5) identify and assess programs that are duplicative of each other or of efforts by nongovernmental organizations and other governments;

(6) assess whether appropriate oversight of these programs is being conducted by Federal agencies, especially in the programs in which Federal agencies are utilizing contractors instead of government employees to perform this mission; and

(7) make such recommendations as the Comptroller General considers appropriate.

SA 4621. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2704. TRANSPORTATION PLAN FOR BRAC PROJECT 133 UNDER FORT BELVOIR, VIRGINIA, DEFENSE BASE CLOSURE AND REALIGNMENT INITIATIVE.

(a) LIMITATION ON PROJECT IMPLEMENTATION.—The Secretary of the Army may not take beneficial occupancy of more than 1,000 parking spaces provided by the combination of spaces provided by the BRAC 133 project and the lease of spaces in the immediate vicinity of the BRAC 133 project until both of the following occur:

(1) The Secretary submits to the congressional defense committees a viable transportation plan for the BRAC 133 project.

(2) The Secretary certifies to the congressional defense committees that construction has been completed to provide adequate ingress to and egress from the business park at which the BRAC 133 project is located.

(b) VIABILITY OF TRANSPORTATION PLAN.—To be considered a viable transportation plan under subsection (a)(1), the transportation plan must provide for the ingress and egress of all personnel to and from the BRAC 133 project site without further reducing the level of service at the following six intersections:

(1) The intersection of Beauregard Street and Mark Center Drive.

(2) The intersection of Beauregard Street and Seminary Road.

(3) The intersection of Seminary Road and Mark Center Drive.

(4) The intersection of Seminary Road and the northbound entrance-ramp to I–395.

(5) The intersection of Seminary Road and the northbound exit-ramp from I–395.

(6) The intersection of Seminary Road and the southbound exit-ramp from I–395.

(c) INSPECTOR GENERAL REPORT.—Not later than September 30, 2011, the Inspector General of the Department of Defense shall submit to the congressional defense committees a report evaluating the sufficiency and coordination conducted in completing the requisite environmental studies associated with the site selection of the BRAC 133 project pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The report of the Inspector General shall give specific attention to the transportation determinations associated with the BRAC 133 project and review and provide comment on the transportation plan of the Secretary of the Army under subsection (a)(1) and its adherence to the limitations imposed by subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term ''BRAC 133 project'' means the proposed office complex to be developed at an established mixed-use business park in Alexandria, Virginia, to implement recommendation 133 of the Defense Base Closure and Realignment Commission contained in the report of the Commission transmitted to Congress on September 15, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term ''level of service'' has the meaning given that term in the current Highway Capacity Manual of the Transportation Research Board.

SA 4622. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII of division A, add the following:

SEC. 705. PILOT PROGRAM ON PAYMENT FOR TREATMENT OF MEMBERS OF THE ARMED FORCES AND VETERANS FOR TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs shall carry out a five-year pilot program under which each such Secretary shall establish a process through which each Secretary shall provide payment for treatments (including diagnostic testing) of traumatic brain injury or post-traumatic stress disorder received by members of the Armed Forces and veterans in health care facilities other than military treatment facilities or Department of Veterans Affairs medical facilities. Such process shall provide that payment be made directly to the health care facility furnishing the treatment.

(b) CONDITIONS FOR PAYMENT.—The approval by a Secretary for payment for a treatment pursuant to subsection (a) shall be subject to the following conditions:

(1) Any drug or device used in the treatment must be approved or cleared by the Food and Drug Administration for any purpose.

(2) The treatment or study protocol used in treating the member or veteran must have been approved by an institutional review board operating in accordance with regulations issued by the Secretary of Health and Human Services.

(3) The approved treatment or study protocol (including any patient disclosure requirements) must be used by the health care provider delivering the treatment.

(4) The patient receiving the treatment or study protocol must demonstrate an improvement as a result of the treatment on one or more of the following:

(A) Standardized independent pre-treatment and post-treatment neuropsychological testing.

(B) Accepted survey instruments.

(C) Neurological imaging.

(D) Clinical examination.

(5) The patient receiving the treatment or study protocol must be receiving the treatment voluntarily.

(c) ADDITIONAL RESTRICTIONS PROHIBITED.—Except as provided in this subsection (b), no restriction or condition for reimbursement may be placed on any health care provider that is operating lawfully under the laws of the State in which the provider is located with respect to the receipt of payment under this section.

(d) PAYMENT DEADLINE.—The Secretary of Defense and the Secretary of Veterans Affairs shall make a payment for a treatment or study protocol pursuant to subsection (a) not later than 30 days after a member of the Armed Forces or veteran (or health care provider on behalf of such member or veteran) submits to the Secretary documentation regarding the treatment or study protocol. The Secretary of Defense and the Secretary of Veterans Affairs shall ensure that the documentation required under this subsection may not be an undue burden on the member of the Armed Forces or veteran or on the health care provider.

(e) PAYMENT SOURCE.—Subsection (c)(1) of section 1074 of title 10, United States Code, shall apply with respect to the payment by the Secretary of Defense for treatment or study protocols pursuant to subsection (a) of traumatic brain injury and post-traumatic stress disorder received by members of the Armed Forces.

(f) PAYMENT AMOUNT.—A payment under this section shall be made at the equivalent Centers for Medicare and Medicaid Services

reimbursement rate in effect for appropriate treatment codes for the State or territory in which the treatment or study protocol is received. If no such rate is in effect, payment shall be made at a fair market rate, as determined by the Secretary of Defense, in consultation with the Secretary of Health and Human Services, with respect to a patient who is a member of the Armed Forces or the Secretary of Veterans Affairs with respect to a patient who is a veteran.

(g) DATA COLLECTION AND AVAILABILITY.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and maintain a database containing data from each patient case involving the use of a treatment under this section. The Secretaries shall ensure that the database preserves confidentiality and be made available only—

(A) for third-party payer examination;

(B) to the appropriate congressional committees and employees of the Department of Defense, the Department of Veterans Affairs, the Department of Health and Human Services, and appropriate State agencies; and

(C) to the primary investigator of the institutional review board that approved the treatment or study protocol, in the case of data relating to a patient case involving the use of such treatment or study protocol.

(2) ENROLLMENT IN INSTITUTIONAL REVIEW BOARD STUDY.—In the case of a patient enrolled in a registered institutional review board study, results may be publically distributable in accordance with the regulations prescribed pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) and other regulations and practices in effect as of the date of the enactment of this Act.

(3) QUALIFIED INSTITUTIONAL REVIEW BOARDS.—The Secretary of Defense and the Secretary of Veterans Affairs shall each ensure that the Internet website of their respective departments includes a list of all civilian institutional review board studies that have received a payment under this section.

(h) ASSISTANCE FOR MEMBERS TO OBTAIN TREATMENT.—

(1) ASSIGNMENT TO TEMPORARY DUTY.—The Secretary of a military department may assign a member of the Armed Forces under the jurisdiction of the Secretary to temporary duty or allow the member a permissive temporary duty in order to permit the member to receive treatment or study protocol for traumatic brain injury or posttraumatic stress disorder, for which payments shall be made under subsection (a), at a location beyond reasonable commuting distance of the member's permanent duty station.

(2) PAYMENT OF PER DIEM.—A member who is away from the member's permanent station may be paid a per diem in lieu of subsistence in an amount not more than the amount to which the member would be entitled if the member were performing travel in connection with a temporary duty assignment.

(3) GIFT RULE WAIVER.—Notwithstanding any rule of any department or agency with respect to ethics or the receipt of gifts, any assistance provided to a member of the Armed Forces with a service-connected injury or disability for travel, meals, or entertainment incidental to receiving treatment or study protocol under this section, or for the provision of such treatment or study protocol, shall not be subject to or covered by any such rule.

(i) RETALIATION PROHIBITED.—No retaliation may be made against any member of the Armed Forces or veteran who receives treatment or study protocol as part of registered institutional review board study carried out by a civilian health care practitioner.

(j) TREATMENT OF UNIVERSITY AND NATIONALLY ACCREDITED INSTITUTIONAL REVIEW BOARDS.—For purposes of this section, a university-affiliated or nationally accredited institutional review board shall be treated in the same manner as a Government institutional review board.

(k) MEMORANDA OF UNDERSTANDING.—The Secretary of Defense and the Secretary of Veterans Affairs shall seek to expeditiously enter into memoranda of understandings with civilian institutional review boards described in subsection (j) for the purpose of providing for members of the Armed Forces and veterans to receive treatment carried out by civilian health care practitioners under a treatment or study protocol approved by and under the oversight of civilian institutional review boards that would qualify for payment under this section.

(l) OUTREACH REQUIRED.—

(1) OUTREACH TO VETERANS.—The Secretary of Veterans Affairs shall notify each veteran with a service-connected injury or disability of the opportunity to receive treatment or study protocol pursuant to this section.

(2) OUTREACH TO MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall notify each member of the Armed Forces with a service-connected injury or disability of the opportunity to receive treatment or study protocol pursuant to this section.

(m) REPORT TO CONGRESS.—Not later than 30 days after the last day of each fiscal year during which the Secretary of Defense and the Secretary of Veterans Affairs are authorized to make payments under this section, the Secretaries shall jointly submit to Congress an annual report on the implementation of this section. Such report shall include each of the following for that fiscal year:

(1) The number of individuals for whom the Secretary has provided payments under this section.

(2) The condition for which each such individual receives treatment for which payment is provided under this section and the success rate of each such treatment.

(3) Treatment methods that are used by entities receiving payment provided under this section and the respective rate of success of each such method.

(4) The recommendations of the Secretaries with respect to the integration of treatment methods for which payment is provided under this section into facilities of the Department of Defense and Department of Veterans Affairs.

(n) TERMINATION.—The authority to make a payment under this section shall terminate on the date that is five years after the date of the enactment of this Act.

(o) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year during which the Secretary of Veterans Affairs and the Secretary of Defense are authorized to make payments under this section.

SA 4623. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 5136, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, between lines 6 and 7, insert the following:

SEC. 3___. OIL AND GAS PRODUCTION ON DEPARTMENT OF DEFENSE LAND.

Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

(1) in the first sentence of subsection (a), by striking ''All money received'' and inserting ''Subject to subsection (d), all money received''; and

(2) by adding at the end the following:

''(d) CERTAIN SALES, BONUSES, AND ROYALTIES.—

''(1) IN GENERAL.—The Secretary of the Treasury shall transfer to the Secretary of Defense the amounts received under subsection (a) from oil and gas production carried out on land that is occupied by, or title to which is held by, a military installation.

''(2) USE OF FUNDS.—Any amount received by the Secretary of Defense under paragraph (1) shall be used to offset costs of military installations for—

''(A) administrative operations; and

''(B) the maintenance and repair of facilities and infrastructure of military installations.''.

SA 4624. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 591.

SA 4625. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 713.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

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 Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, September 23, 2010, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the U.S. Department of Energy's Loan Guarantee Program and its effectiveness in spurring the near-term deployment of clean energy technology.

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 may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Abigail_Campbell@energy.senate.gov

For further information, please contact Mike Carr or Abigail Campbell.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

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 Energy. The hearing will be held on Thursday, September 30, 2010, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to examine the role of strategic minerals in clean energy technologies and other applications as well as legislation to address the issue, including S. 3521, the Rare Earths Supply Technology and Resources Transformation Act of 2010.

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 may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov

For further information, please contact Allyson Anderson or Rosemarie Calabro.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 22, 2010, at 10 a.m., to hear testimony on ''Examining the Filibuster: Legislative Proposals to Change Senate Procedures.''

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee.

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, on behalf of Senator REID, I ask unanimous consent that Joshua Campbell, currently serving as his military legislative fellow, be granted the privilege of the floor for the duration of S. 3454, the Defense authorization bill.

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that Glen MacDonald, a military legislative fellow in Senator VITTER's office, be granted floor privileges for the duration of the debate on S. 3454, the National Defense Authorization Act.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that Jocelyn Hemler, a military fellow in Senator DODD's office, and Anna Staton, of the HELP Committee, be granted the privilege of the floor for the remainder of the 111th Congress.

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

SENATOR PAUL SIMON WATER FOR THE WORLD ACT OF 2009

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 374, S. 624.

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

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 624) to provide 100 million people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Senator Paul Simon Water for the World Act of 2010''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121)—

(A) makes access to safe water and sanitation for developing countries a specific policy objective of United States foreign assistance programs;

(B) requires the Secretary of State to—

(i) develop a strategy to elevate the role of water and sanitation policy; and

(ii) improve the effectiveness of United States assistance programs undertaken in support of that strategy;

(C) codifies Target 10 of the United Nations Millennium Development Goals; and

(D) seeks to reduce by half between 1990 (the baseline year) and 2015—

(i) the proportion of people who are unable to reach or afford safe drinking water; and

(ii) the proportion of people without access to basic sanitation.

(2) On December 20, 2006, the United Nations General Assembly, in GA Resolution 61/192, declared 2008 as the International Year of Sanitation, in recognition of the impact of sanitation on public health, poverty reduction, economic and social development, and the environment.

(3) On August 1, 2008, Congress passed H. Con. Res. 318, which—

(A) supports the goals and ideals of the International Year of Sanitation; and

(B) recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment.

(4) While progress is being made on safe water and sanitation efforts—

(A) more than 884,000,000 people throughout the world lack access to safe drinking water; and

(B) 2 of every 5 people in the world do not have access to basic sanitation services.

(5) The health consequences of unsafe drinking water and poor sanitation are significant, accounting for—

(A) nearly 10 percent of the global burden of disease; and

(B) more than 2,000,000 deaths each year.

(6) Water scarcity has negative consequences for agricultural productivity and food security for the 1,200,000,000 people who, as of 2010, suffer from chronic hunger and seriously threatens the ability of the world to more than double food production to meet the demands of a projected population of 9,000,000,000 people by 2050.

(7) The effects of climate change are expected to produce severe consequences for water availability and resource management in the future, with 2,800,000,000 people in more than 48 countries expected to face severe and chronic water shortages by 2025.

(8) According to the November 2008 report entitled, ''Global Trends 2025: A Transformed World'', the National Intelligence Council expects rapid urbanization and future population growth to exacerbate already limited access to water, particularly in agriculture-based economies.

(9) A 2009 report published in the Proceedings of the National Academy of Sciences projects that the effects of climate change will produce long-term droughts and raise sea levels for the next 1,000 years, regardless of future efforts to combat climate change.

(10) According to the 2005 Millennium Ecosystem Assessment, commissioned by the United Nations, more than ⅕ of the world population relies on freshwater that is either polluted or excessively withdrawn.

(11) The impact of water scarcity on conflict and instability is evident in many parts of the world, including the Darfur region of Sudan, where demand for water resources has contributed to armed conflict between nomadic ethnic groups and local farming communities.

(12) In order to further the United States contribution to safe water and sanitation efforts, it is necessary to—

(A) expand foreign assistance capacity to address the challenges described in this section; and

(B) represent issues related to water and sanitation at the highest levels of United States foreign assistance and diplomatic deliberations, including those related to issues of global health, food security, the environment, global warming, and maternal and child mortality.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that the United States should lead a global effort to bring sustainable access to clean water and sanitation to poor people throughout the world.

SEC. 4. PURPOSE.

The purpose of this Act is—

(1) to enable first-time access to safe water and sanitation, on a sustainable basis, for 100,000,000 people in high priority countries (as designated under section 6(f) of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) within 6 years of the date of enactment of this Act through direct funding, development activities, and partnerships; and

(2) to enhance the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121).

SEC. 5. DEVELOPING UNITED STATES GOVERNMENT CAPACITY.

Section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) is amended by adding at the end the following:

''(e) SENIOR ADVISOR FOR WATER.—

''(1) IN GENERAL.—To carry out the purposes of subsection (a), the Administrator of the United States Agency for International Development shall designate a senior advisor to coordinate and conduct the activities described in this section and the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121). The advisor shall report directly to the Administrator and be known as the 'Senior Advisor for Water'.

''(2) DUTIES.—The Advisor shall—

''(A) implement this section and the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121);

''(B) develop and oversee implementation in high priority countries of country-specific water strategies and expertise, in coordination with appropriate United States Agency for International Development Mission Directors, to enable the goal of providing 100,000,000 additional people with sustainable access to safe water and sanitation through direct funding, development activities, and partnerships within 6 years of the date of the enactment of the Senator Paul Simon Water for the World Act of 2010; and

''(C) place primary emphasis on providing safe, affordable, and sustainable drinking

water, sanitation, and hygiene in a manner that—

''(i) is consistent with sound water resource management principles; and

''(ii) utilizes such approaches as direct service provision, capacity building, institutional strengthening, regulatory reform, and partnership collaboration; and

''(D) integrate water strategies with country-specific or regional food security strategies.

''(3) CAPACITY.—The Advisor shall be designated appropriate staff and may utilize interagency details or partnerships with universities, civil society, and the private sector, as needed, to strengthen implementation capacity.

''(f) SPECIAL COORDINATOR FOR INTERNATIONAL WATER.—

''(1) ESTABLISHMENT.—To increase the capacity of the Department of State to address international issues regarding safe water, sanitation, integrated river basin management, and other international water programs, the Secretary of State shall establish a Special Coordinator for International Water (referred to in this subsection as the 'Special Coordinator'), who shall report to the Under Secretary for Democracy and Global Affairs.

''(2) DUTIES.—The Special Coordinator shall—

''(A) oversee and coordinate the diplomatic policy of the United States Government with respect to global freshwater issues, including interagency coordination related to—

''(i) sustainable access to safe drinking water, sanitation, and hygiene;

''(ii) integrated river basin and watershed management;

''(iii) global food security;

''(iv) transboundary conflict;

''(v) agricultural and urban productivity of water resources;

''(vi) disaster recovery, response, and rebuilding,

''(vii) pollution mitigation; and

''(viii) adaptation to hydrologic change due to climate variability; and

''(B) ensure that international freshwater issues are represented—

''(i) within the United States Government; and

''(ii) in key diplomatic, development, and scientific efforts with other nations and multilateral organizations.

''(3) SUPPORT STAFF.—The Special Coordinator shall be designated appropriate staff to support the duties described in paragraph (2).''.

SEC. 6. SAFE WATER, SANITATION, AND HYGIENE STRATEGY.

Section 6 of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) is amended—

(1) in subsection (b), by adding at the end the following: ''The Coordinator shall take actions to ensure that the safe water and sanitation strategy is integrated into any review or development of a Federal strategy for global development, global health, or global food security that sets forth or establishes the United States mission for global development, guidelines for assistance programs, and how development policy will be coordinated with policies governing trade, immigration, and other relevant international issues.'';

(2) in subsection (c), by adding at the end the following: ''In developing the program activities needed to implement the strategy, the Secretary shall consider the results of the assessment described in subsection (e)(9).''; and

(3) in subsection (e)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(7) an assessment of all United States Government foreign assistance allocated to the drinking water and sanitation sector during the 3 previous fiscal years, across all United States Government agencies and programs, including an assessment of the extent to which the United States Government's efforts are reaching and supporting the goal of enabling first-time access to safe water and sanitation on a sustainable basis for 100,000,000 people in high priority countries;

''(8) recommendations on what the United States Government would need to do to achieve and support the goals referred to in paragraph (7), in support of the United Nation's Millennium Development Goal on access to safe drinking water; and

''(9) an assessment of best practices for mobilizing and leveraging the financial and technical capacity of business, governments, nongovernmental organizations, and civil society in forming public-private partnerships that measurably increase access to safe, affordable, drinking water and sanitation.''.

SEC. 7. DEVELOPING LOCAL CAPACITY.

The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121) is amended—

(1) by redesignating sections 9, 10, and 11 as sections 10, 11, and 12, respectively; and

(2) by inserting after section 8 the following:

''SEC. 9. WATER AND SANITATION INSTITUTIONAL CAPACITY-BUILDING PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development (referred to in this section as the 'Secretary' and the 'Administrator', respectively), in consultation with host country institutions, the Centers for Disease Control and Prevention, the Department of Agriculture, and other agencies, as appropriate, shall establish, in coordination with mission directors in high priority countries, a program to build the capacity of host country institutions and officials responsible for water and sanitation in countries that receive assistance under section 135 of the Foreign Assistance Act of 1961, including training at appropriate levels, to—

''(A) provide affordable, equitable, and sustainable access to safe drinking water and sanitation;

''(B) educate the populations of such countries about the dangers of unsafe drinking water and lack of proper sanitation; and

''(C) encourage behavior change to reduce individuals' risk of disease from unsafe drinking water and lack of proper sanitation and hygiene.

''(2) EXPANSION.—The Secretary and the Administrator may establish the program described in this section in additional countries if the receipt of such capacity building would be beneficial for promoting access to safe drinking water and sanitation, with due consideration given to good governance.

''(3) CAPACITY.—The Secretary and the Administrator—

''(A) should designate appropriate staff with relevant expertise to carry out the strategy developed under section 6; and

''(B) may utilize, as needed, interagency details or partnerships with universities, civil society, and the private sector to strengthen implementation capacity.

''(b) DESIGNATION.—The United States Agency for International Development Mission Director for each country receiving a 'high priority' designation under section 6(f) and for each region containing a country receiving such designation shall report annually to Congress on the status of—

''(1) designating safe drinking water and sanitation as a strategic objective;

''(2) integrating the water strategy into a food security strategy;

''(3) assigning an employee of the United States Agency for International Development as in-country water and sanitation manager to coordinate the in-country implementation of this Act and section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) with host country officials at various levels of government responsible for water and sanitation, the Department of State, and other relevant United States Government agencies; and

''(4) coordinating with the Development Credit Authority and the Global Development Alliance to further the purposes of this Act.''.

SEC. 8. OTHER ACTIVITIES SUPPORTED.

In addition to the requirements of section 135(c) of the Foreign Assistance Act (22 U.S.C. 2152h(c)) the Administrator should—

''(5) foster global cooperation on research and technology development, including regional partnerships among water experts to address safe drinking water, sanitation, water resource management, and other water-related issues;

''(6) establish regional and cross-border cooperative activities between scientists and specialists that work to share technologies and best practices, mitigate shared water challenges, foster international cooperation, and defuse cross-border tensions;

''(7) provide grants through the United States Agency for International Development to foster the development, dissemination, and increased and consistent use of low cost and sustainable technologies, such as household water treatment, hand washing stations, and latrines, for providing safe drinking water, sanitation, and hygiene that are suitable for use in high priority countries, particularly in places with limited resources and infrastructure;

''(8) in collaboration with the Centers for Disease Control and Prevention, Department of Agriculture, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and other agencies, as appropriate, conduct formative and operational research and monitor and evaluate the effectiveness of programs that provide safe drinking water and sanitation; and

''(9) integrate efforts to promote safe drinking water, sanitation and hygiene with existing foreign assistance programs, as appropriate, including activities focused on food security, HIV/AIDS, malaria, tuberculosis, maternal and child health, food security, and nutritional support.''.

SEC. 9. MONITORING AND EVALUATION.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) achieving United States foreign policy objectives requires the consistent and systematic evaluation of the impact of United States foreign assistance programs and analysis on what programs work and why, when, and where they work;

(2) the design of assistance programs and projects should include the collection of relevant baseline data required to measure outcomes and impacts;

(3) the design of assistance programs and projects should reflect the knowledge gained from evaluation and analysis;

(4) a culture and practice of high quality evaluation should be revitalized at agencies managing foreign assistance programs, which requires that the concepts of evaluation and analysis are used to inform policy and programmatic decisions, including the training of aid professionals in evaluation design and implementation;

(5) the effective and efficient use of funds cannot be achieved without an understanding of how lessons learned are applicable in various environments and under similar or different conditions; and

(6) project evaluations should be used as sources of data when running broader analyses of development outcomes and impacts.

(b) COORDINATION AND INTEGRATION.—To the extent possible, the Administrator shall coordinate and integrate evaluation of United States water programs with the learning, evaluation, and analysis efforts of the United States Agency for International Development aimed at measuring development impact.

SEC. 10. UPDATED REPORT REGARDING WATER FOR PEACE AND SECURITY.

Section 11(b) of the Senator Paul Simon Water for the Poor Act of 2005, as redesignated by section 7, is amended by adding at the end the following: ''The report submitted under this subsection shall include an assessment of current and likely future political tensions over water sources and multidisciplinary assessment of the expected impacts of global climate change on water supplies and agricultural productivity in 10, 25, and 50 years.''.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each of the 6 fiscal years beginning after the date of the enactment of this Act such sums as may be necessary to carry out this Act and the amendments made by this Act, pursuant to the criteria set forth in the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121).

(b) USE OF FUNDS.—Any amounts appropriated to implement this Act shall be primarily allocated for activities related to safe drinking water, sanitation, and hygiene.

Mr. DURBIN. Mr. President, today, with the passage of the Paul Simon Water for the World Act, the Senate will take an important step in fighting poverty and saving the lives of the world's poor by increasing access to the most fundamental human need—clean water.

I introduced this bill in honor of my friend and mentor, the man whose seat I now occupy in the Senate, the late Senator Paul Simon. Solving the global water crisis was his last great campaign and the topic of a book he authored called ''Tapped Out: The Coming World Crisis in Water and What We Can Do About It.''

If he were here today, he would be proud of the Senate's action.

I was joined in this effort by Senators BOB CORKER, PATTY MURRAY and 31 other cosponsors from both sides of the aisle—and would like to thank all of them for their support and commitment to addressing one of the defining challenges of the 21st century.

I would also like to thank Senator TOM COBURN for working constructively with me to advance legislation that we both could agree upon. And finally I would like to express my appreciation to Foreign Relations Committee Chairman JOHN KERRY and Ranking Member RICHARD LUGAR for their critical support of this bill.

While we have made progress in recent years on clean water and sanitation, tragically nearly 1 billion people around the world still lack access to clean, safe water. More than 2 billion people lack access to basic sanitation. Most of these people live on less than $2 a day.

They are the voiceless and the powerless of the world, but today the U.S. Senate sent a clear message to them, ''We hear you, we see what you're going through, and we want to help with this most basic of human needs.''

We want to help because the global water crisis is not just a problem for Africa or the Middle East, but rather a problem for all of humanity.

Mr. President, competition for water is often at the heart of international conflict—just look at the conflict in Darfur.

The burdens of water in the developing world fall most solidly on the women. So many thousands of women in Africa spend hours every day carrying water back and forth.

Young girls are often denied the opportunity to go to school because they have work to do. They have to carry water, often walking several hours both ways.

And sick children miss nearly 300 million school days a year from water-related causes. An estimated 320 million productive work days are lost to illness resulting from unsafe drinking water and lack of access to sanitation.

Quite simply, the global water crisis is a quiet killer. In the developing world, water-related diseases claim the lives of 5,000 children every day.

During my trips overseas, I have seen the hardships that befall populations without clean water and sanitation, and I've also seen the transformation that gaining access to these basic human needs creates.

Earlier this year I traveled to Africa with Senator SHERROD BROWN where we visited a number of countries, including Ethiopia. We visited a slum outside Ethiopia's capital Addis Ababa, where we were greeted by two beautiful little girls who gave us flowers and invited us to a coffee ceremony.

The 380 inhabitants of this area lived without running water until a nongovernmental organization called AMREF installed a simple but critical water kiosk that now provides safe drinking water, showers, toilet facilities, and even jobs to the community.

The same two girls who greeted us beamed with pride as we looked at the source of water and sanitation that did not exist before. What seems so ordinary to us in the developed world, access to water and sanitation, changed the lives of these two young girls living in squalor outside Addis Ababa.

But you do not have to travel halfway around the world to see the devastating consequences of a lack of clean water and sanitation—travel just 90 minutes from Miami to Haiti.

There are no public sewage treatment or disposal systems anywhere in the country. Even in the capital, Port-au-Prince, a city of 2 million people, the drainage canals are choked with garbage and sewage.

And this was before the earthquake.

It is no wonder that Haiti has the highest infant and child mortality rate in the Western Hemisphere. One-third of Haiti's children do not live to see the age of five.

The leading killer? Water-borne diseases: hepatitis, typhoid and diarrhea.

The goal of the bill passed today is to reach an additional 100 million of the world's poorest people with sustainable, first-time access to safe drinking water and basic sanitation over the next 6 years.

This would represent the largest single commitment of any donor country to meeting the Millennium Development Goal on water, which is to reduce by half the proportion of people without access to safe drinking water and sanitation by 2015.

I believe American leadership in helping provide the world's poor with such a fundamental human need as clean water is not only the right thing to do, but the smart thing to do.

In fact, for every $1 invested in safe drinking water and sanitation, an estimated $8 is saved in work time, productivity and health care costs in poor countries.

Throughout history, civilized nations have put aside political differences to address compelling issues of life and survival. Today, on this issue, by passing the Paul Simon Water for the World Act, the Senate did just that.

I now urge my colleagues in the House to work with Representatives EARL BLUMENAUER and DONALD PAYNE, House Foreign Affairs Committee Chairman HOWARD BERMAN and Ranking Member ILEANA ROS-LEHTINEN, and Speaker PELOSI to do the same.

Mr. LEVIN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be considered; that a Durbin amendment, which is at the desk, be agreed to; that the substitute amendment, as amended, be agreed to; that the bill, as amended, be read the third time and passed; that the motions to reconsider be laid upon the table with no intervening action or debate; and that any statements related to the bill be printed in the RECORD.

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

The amendment (No. 4620) was agreed to.

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

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 624), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

FURNISHING NURSING HOME CARE TO PARENTS OF CHILDREN WHO DIED WHILE SERVING IN THE ARMED FORCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 4505 and the Senate proceed to its immediate consideration.

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

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4505) to enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, I ask unanimous consent that the bill be

read the third time and passed, that the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The bill (H.R. 4505) was ordered to be read a third time, was read the third time, and passed.

DRIVE SAFER SUNDAY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 630, which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 630) designating November 28, 2010, as ''Drive Safer Sunday.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, I ask unanimous consent that 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. 630) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 630

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas every individual traveling on the roads and highways needs to drive in a safer manner in order to reduce deaths and injuries that result from motor vehicle accidents;

Whereas according to the National Highway Traffic Safety Administration, wearing a seat belt saves more than 15,000 lives each year;

Whereas the Senate wants all people of the United States to understand the life-saving importance of wearing a seat belt and encourages motorists to drive safely, not just during the holiday season, but every time they get behind the wheel; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be focused on safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely on the Sunday after Thanksgiving, and to publicize the importance of the day through use of Citizen's Band (''CB'') radios and truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive safely, particularly on the Sunday after Thanksgiving; and

(E) all people of the United States to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 28, 2010, as ''Drive Safer Sunday''.

ORDERS FOR TUESDAY, SEPTEMBER 21, 2010

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, September 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate proceed to a period for the transaction of morning business until 11 a.m., with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and Republicans controlling the second half; that following morning business, the Senate resume consideration of the motion to proceed to S. 3454, the Department of Defense authorization bill, as provided under the previous order; and finally, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

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

PROGRAM

Mr. LEVIN. Mr. President, at 2:15 p.m., the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to the Defense authorization bill. That will be the first vote of the day.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:34 p.m., adjourned until Tuesday, September 21, 2010, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL MARITIME COMMISSION

MARIO CORDERO, OF CALIFORNIA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2014, VICE HAROLD J. CREEL, JR., RESIGNED.

REBECCA F. DYE, OF NORTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2015. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

STACIA A. HYLTON, OF VIRGINIA, TO BE DIRECTOR OF THE UNITED STATES MARSHALS SERVICE. VICE JOHN F. CLARK, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C, SECTION 271:

To be rear admiral (lower half)

CAPTAIN BRUCE D. BAFFER
CAPTAIN DAVID R. CALLAHAN
CAPTAIN RICHARD T. GROMLICH
CAPTAIN FREDERICK J. KENNEY
CAPTAIN MARSHALL B. LYTLE
CAPTAIN STEPHEN P. METRUCK
CAPTAIN FRED M. MIDGETTE

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

MAJ. GEN. JOHN D. JOHNSON

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. BRIAN K. BALFE

THE FOLLOWING NAMED OFFCIERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL BRADLEY A. BECKER
COLONEL SCOTT D. BERRIER
COLONEL MICHAEL A. BILLS
COLONEL GWENDOLYN BINGHAM
COLONEL DAVID J. BISHOP
COLONEL MATTHEW L. BRAND
COLONEL JAMES B. BURTON
COLONEL DOMINIC J. CARACCILO
COLONEL JOHN W. CHARLTON
COLONEL GUY T. COSENTINO
COLONEL JAMES H. DICKINSON
COLONEL TIMOTHY J. EDENS
COLONEL CHARLES A. FLYNN
COLONEL GEORGE J. FRANZ III
COLONEL THEODORE C. HARRISON
COLONEL FREDERICK A. HENRY
COLONEL TERENCE J. HILDNER
COLONEL HENRY L. HUNTLEY
COLONEL PAUL C. HURLEY, JR.
COLONEL MARK S. INCH
COLONEL FERDINAND IRIZARRY II
COLONEL THOMAS S. JAMES, JR.
COLONEL OLE A. KNUDSON
COLONEL THOMAS W. KULA
COLONEL CLARK W. LEMASTERS, JR.
COLONEL THEODORE D. MARTIN
COLONEL BRIAN J. MCKIERNAN
COLONEL ROBIN L. MEALER
COLONEL JOHN B. MORRISON, JR.
COLONEL SEAN P. MULHOLLAND
COLONEL KEVIN G. O'CONNELL
COLONEL BARRYE L. PRICE
COLONEL MARK R. QUANTOCK
COLONEL JAMES M. RICHARDSON
COLONEL DARSIE D. ROGERS, JR.
COLONEL MARTIN P. SCHWEITZER
COLONEL JEFFREY A. SINCLAIR
COLONEL RICHARD L. STEVENS
COLONEL PETER D. UTLEY
COLONEL GARY J. VOLESKY
COLONEL KIRK F. VOLLMECKE
COLONEL DARRYL A. WILLIAMS
COLONEL MICHAEL E. WILLIAMSON
COLONEL CEDRIC T. WINS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ERNEST J. PROCHAZKA

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DAVID C. DECKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ELIZABETH S. MASON

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

YVONNE J. FLEISCHMAN
WENDY M. ROSS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARILYN S. CHIAFULLO
HOWARD D. REITZ, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CONNIE C. DYER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JONATHAN J. BEITLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID K. POWELL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN J. FERENCE
FRANCIS A. KESTLER
JOHN C. MCCABE
MALCOLM B. MIRACLE
GINO A. ORLANDI
DOUGLAS B. PETERSON
DAVID M. SCHLAACK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JULIE A. BLIKE
LISA K. COURTNEY
JAMES K. ENGSTRAND
ERIC S. EVANS
CARLA R. HENSON
PAMELA S. MINDT
LEAH M. MOORE
MICHAEL M. TALLMAN
AVA J. WALKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203:

To be colonel

WILLIAM B. BRITT
WILLIAM R. COVEY
CHARLES M. GRINNELL
JEFFREY W. HART
RICHARD A. HOPKINS
GERALD R. KRIMBILL
PAUL A. MARONE
WILLIAM T. MCMURRY, JR.
ROBERT J. MOORE
PAUL A. RAAF
CHARLES R. RAPHUN
DAVID A. SHIVELY
KENLEY J. THOMPSON
LYNN A. WISE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES T. BARBER, JR.
DONALD T. BROCK
JOSEPH T. BURNS
THOMAS W. ESSEX
PHILIP D. ISHERWOOD
THOMAS E. LAUTZENHEISER
DOUGLAS W. LITTLE
PAUL A. MABRY
JOHN L. MANSELL
GREGORY S. MCKINNEY
ROBERT A. MONTELEONE
GUILLERMO J. PIERLUISI
CHRISTOPHER W. RATCHFORD
SALVADOR P. RENTERIA
GUY W. SNEED
JOSEPH C. WOOD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SANDRA L. ALVEY
JONATHON D. BAILEY, SR.
MICKEY W. BAKER
THOMAS J. DECICCO
LISA L. DOUMONT
JOHN W. FASANO
ESTELA C. HAMBLEN
GEORGE N. HOVIS, JR.
EVELYN LANGFORD
KEITH J. LOSTROH
THOMAS J. MOTEL
JAMES D. PILLOW
ROBERTO F. REID
NEVA L. ROGERS
JAMES L. SIMON
AARON TUCKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C. , SECTIONS 624 AND 3064:

To be colonel

EDWIN E. AHL
PETER A. BAKTIS
JOSEPH M. FLEURY
DAVID J. GIAMMONA
GARY HENSLEY
JEFFREY D. HOUSTON
KEITH A. JACKSON
ALLEN L. KOVACH
WILLIAM C. MCCOY
STEVEN F. MICHALKE
DAVID A. NEETZ
JOHN W. SHEDD
FRANK R. SPENCER
MICHAEL E. STROHM
D004841
D002419

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

JAN E. ALDYKIEWICZ
EUGENE E. BAIME
MARK A. BRIDGES
KIRSTEN V. BRUNSON
LORIANNE M. CAMPANELLA
DAVID T. CRAWFORD
MARY M. FOREMAN
EDWARD K. LAWSON IV
JAMES A. LEWIS
FRANK A. MARCH
TANIA M. MARTIN
WILLIAM R. MARTIN
SCOTT E. REID
GEORGE R. SMAWLEY
MARK H. SYDENHAM
CHRISTOPHER B. VALENTINO
JOHN B. WELLS III
LOUIS P. YOB

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

REBECCA L. ALLEN
MARK A. ARTURI
THOMAS E. BROOKS
CYNTHIA G. DUCKETT
CAROL A. FOX
PETER C. GOULD
JO E. GRANDELLI
IVA G. GRIGGS
ELAINE W. HANNA
KAREN H. JOHNSON
COLLEEN A. KLOEHN
SYLVIA A. MCCANTS
THERESA MERCADOSCONZO
PEGGY A. MILLER
DEBORAH L. MITCHELL
DEBORAH J. NELSON
VERONICA G. OSWALDHRUTKAY
DONNA R. ROJAS
ARGARTHA L. RUSSELL
CHRISTINE C. SANFORD
ANNETTE L. TUCKEROSBORNE
GLORIA VIGNONE
TONI Y. WILSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GEORGE A. BERNDT III
RANDALL K. BOOTH
KIMBERLY A. BURGESS
ROBERT H. BUTTS
EARL J. CAMPBELL
WILLIAM R. CARSON
BRADLEY T. CLAIR
PETER J. COCHRANE
DONALD C. DAGATI
PAUL D. DANIELSON
NETLEY J. DSOUZA
CRAIG H. DURCK
JOHN J. FRASER, JR.
DANIEL W. HAMRE
DAVID N. HOANG
RONALD P. JANUCHOWSKI, JR.
ANTHONY KATRAS
ROBERT W. KIEFFER
ROBERT F. KIELY
NORMA LUBECK
ANTONIO T. MARTINEZLUENGO
MICHAEL P. MCNAMARA, JR.
TIMOTHY W. MULLETT
CHARLES PERROTTA, JR.
CYNTHIA L. PERRY
STEPHAN PETRANKER
PAUL PHILLIPS III
CHARLES K. POWERS, JR.
ERIC ROMANUCCI
JOHN S. SHIN
GEORGE J. SMITH
PETER SORINI
THOMAS E. SOUTHERLAND
JAMES D. SWENSON
JOSEPH A. TRONCALE
ALISON M. WARD
GARY R. WELTMAN
JOHN A. WILEY
DOUGLAS W. YODER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ALAN D. ABRAMS
LOUIS R. BAINBRIDGE
DANIEL A. BRIMM
CARL E. BUSH
ARNOLD E. JONES
EDWIN K. NEWINGTON
MARK D. SCHULTHESS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PAMELA Y. DELANCY
DAVID H. FULLERTON
ROBERT A. MOORE
BERNADETTE WINN
KAREN L. WRIGHT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ERICK J. ALVERIO
PHILIP R. GOOD
POLLY R. GRAHAM
CYNTHIA E. PIERCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

BESS J. PIERCE
JULIE A. ROCHE
TY J. VANNIEUWENHOVEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

STEVEN M. GRODDY
STEVEN R. SLAVKIN
HEIDI M. WIEGAND

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

HOWARD A. ALLEN III
CURTIS D. ARNOLD
LINDEN J. BERCEGEAY III
LAMAR BLAIR, JR.
EDWARD J. BYRNE
SCOTT A. DOUST
LAURA J. GARREN
JOSEPH R. HANCOCK
SAMUEL E. HAYES III
KEVIN R. KOEHLER
COREY L. LAKE
ANDREW LAWLOR
KATHLEEN G. MCDILL
ULYSSES L. MIRAMONTES
MICHEL A. NATALI
CHARLES H. PERENICK, JR.
THOMAS C. PERISON
ROBERT K. RYAN
DAVID K. SARJI
STEVEN M. SCHEMINE
CRAIG H. SMITH
KENNETH J. STYNEN
SUZANNE P. VARESLUM

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

TYLER C. CRANER
SAMUEL J. DEAN
BARRY J. GORE
CELIA A. FLORCRUZ
DAVID K. HOWE
SAMUEL B. PHILLIPS
KEVIN S. SNYDER

To be major

JAMES C. CAMPBELL
PAUL G. CASTELLS
COREY B. CHASSE
JOE L. CHERRY
PATRICK R. HOBIN
MARKUS J. LEWIS
EDMUNDO LINERRARIVERA
JOHN R. KILBY
RONANDO D. MOORE
ALFRED NAVARRO
AMANDA K. PARKHURST
JOEL C. SEPPALA
JOHN D. TAYLOR
JUSTIN E. TOWELL
BRENNAN V. WALLACE

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

STEPHEN J. BETHONEY

RICHARD A. BLAIR
KIM S. LABRIE
CHRISTIAN A. ROFRANO
WAYMON B. STOREY III
KIRK A. YAUKEY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

LAWRENCE E. WIDMAN

To be major

JOSEPH E. GARDELLA
JAMES I. JOUBERT

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 6221:

To be captain

BRIAN O. WALDEN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

JEFFRY P. SIMKO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PATRICK A. GARVEY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

SHERWIN Y. CHO
JEFFREY G. SOTACK

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PAMELA K. KING
JOHN D. MULLINAX
KIM R. SCHLECHT
MARILYN TORRES

DISCHARGED NOMINATIONS

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nominations pursuant to an order of the Senate of 01/07/2009 and the nominations were placed on the Executive Calendar:

*STEVE A. LINICK, OF VIRGINIA, TO BE INSPECTOR GENERAL OF THE FEDERAL HOUSING FINANCE AGENCY.
*OSVALDO LUIS GRATACOS MUNET, OF PUERTO RICO, TO BE INSPECTOR GENERAL, EXPORT-IMPORT BANK.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

LITTLE JOE Y LA FAMILIA

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 2010

Mr. REYES. Madam Speaker, as Chairman of the Congressional Hispanic Caucus Task Force on Communications, Technology, and the Arts, I rise to recognize Little Joe y La Familia, the renowned Tejano music group which has become one of the most popular Tex-Mex bands. My good friend, Little Joe Hernandez, has worked in the music industry for more than 50 years, and his success is attributable not only to his talent, but also to his strong dedication to his community.

Born Jose Maria De Leon Hernandez, Little Joe serves an inspiration to aspiring artists. In 1955, Joe played his first musical performance for $5 at a high school sock hop. He went on to make his first recording 3 years later and founded a number of music labels in the following years. With each new endeavor, he opened doors both for himself and his band as well as for fellow musicians and songwriters. His music has defined and promoted a culture unique to the Texas-Mexico border. His pioneering work helped make Tejano music what it is today.

In 1992, Little Joe y La Familia received a Grammy Award for Best Mexican American Performance for their album Diez y Seis de Septiembre. They won two more Grammy Awards for Best Tejano Album for Chicanismo in 2006 and Before the Last Teardrop Falls in 2008. This year Little Joe y La Familia have been nominated for a Latin Grammy for the album A Night of Classics in El Chuco'' recorded live during a 2009 performance at the Plaza Theater in my home district of El Paso, Texas. With more than 60 albums in his discography, Little Joe continues to break down cultural and musical barriers and remains an influential innovator in the music industry.

Little Joe y La Familia are committed to giving back to their community. Later this week, they will perform in El Paso at their first annual benefit concert, An Evening Por El Bien de la Mujer. The proceeds will benefit Centro Mujeres de la Esperanza, a non-profit organization dedicated to helping women in El Paso and the surrounding areas to become more self-sufficient. The Center is a multicultural and faith-based community that provides programs to improve interpersonal skills, family relationships, and instill confidence needed to pursue education and employment. By helping women succeed, the Center is also improving their families' lives and the El Paso community as a whole.

I applaud Little Joe for lending his talent to support and raise awareness for a community organization like Centro Mujeres de la Esperanza. I am proud to see a leading Hispanic artist give back to the greater community, both professionally and philanthropically. I extend my sincerest thanks to Little Joe y La Familia, and I wish them continued success for many years to come.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 2010

Ms. ESHOO. Madam Speaker, I was not present during rollcall vote Nos. 521–525, on September 15, 2010, and rollcall vote Nos. 526–531 on September 16, 2010.

I would like the RECORD to reflect how I would have voted:

On rollcall vote No. 521, I would have voted ''yes.''

On rollcall vote No. 522, I would have voted ''yes.''

On rollcall vote No. 523, I would have voted ''yes.''

On rollcall vote No. 524, I would have voted ''yes.''

On rollcall vote No. 525, I would have voted ''yes.''

On rollcall vote No. 526, I would have voted ''yes.''

On rollcall vote No. 527, I would have voted ''yes.''

On rollcall vote No. 528, I would have voted ''yes.''

On rollcall vote No. 529, I would have voted ''yes.''

On rollcall vote No. 530, I would have voted ''yes.''

On rollcall vote No. 531, I would have voted ''yes.''

CONGRATULATING MIAMI DADE COLLEGE ON 50TH ANNIVERSARY

SPEECH OF

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. MEEK of Florida. Madam Speaker, I rise today in support of H. Res. 1571, which acknowledges and congratulates Miami Dade College on the occasion of its 50th anniversary. Miami Dade College has a rich history in educating a diverse student population and continues to be a leader in expanding access to college for all those in South Florida, and the nation who wish to attend. I commend my colleague, Rep. Ros-Lehtinen for introducing and bringing this legislation to the floor.

Miami Dade College has always been a leader in opening doors to students. When it started in 1960, Miami Dade College was the first integrated college in the State of Florida. It led the way for other colleges to adopt more inclusive recruitment and acceptance policies and to help expand education opportunities to minorities and the under-served. Now, Miami Dade College educates more than 160,000 students from across the world every year, and is the largest and most diverse institute of higher learning in the United States.

At a time when we need to expand college opportunities and compete on a global level, Miami Dade College continues to lead the way, bringing access to non-traditional and non-legacy students. Fifty two percent of its students are the very first in their families to attend college, creating a new generation of college graduates. The school ranks first in the nation in the number of Pell grants awarded, with 39 percent of its students living below the poverty line, yet its students continue to not only excel, but to give back to the community in impressive numbers. Miami Dade College is one of only 40 community colleges to be named to the President's Higher Education Community Service Honor Roll, recognizing the school's commitment to, and achievement in community service.

I applaud Miami Dade College's commitment to access, quality and service and the efforts of its leaders, like President Padrón. I would like to wish Miami Dade College a happy 50th, and all the success for years to come. I ask that you and my distinguished colleagues join me in recognizing the hard work of the school and congratulating it on 50 years.

TRIBUTE TO CARLIST ATHEL CREECH

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 2010

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the deeds of a person I am proud to call a friend, Mr. Carlist Athel Creech, who will be recognized on Thursday September 16, 2010 on the occasion of his retirement, for his dedication to education and community service.

Carl was born and raised in South Carolina. As an only child, he lived on a farm with his grandparents. He attended elementary and high school in South Carolina where he graduated second in his class. Upon graduating high school, Carl received a full four year music scholarship to Jarvis Christian College, Hawkins, Texas. Mr. Creech was also very active in college. As a means of earning extra money he started his own Rhythm and Blues band. He played professionally for four years in the Dallas/Fort Worth area.

In September 1969 Carl's career in the Passaic Schools began when he obtained a job as an Instrumental Music teacher. He taught concert, marching and jazz band at various levels. He quickly became an important part of the community, not only teaching, but to working at the Passaic Boys & Girls Club for fifteen years while earning his masters degree at Montclair State University.

Mr. Creech started his administrative career in 1974 serving as an elementary school assistant principal, then moving on to become a vice principal at Passaic High School. He then became the first African American principal of Passaic High School.

Carl's dedication continues to enrich the lives of both the students and the entire Passaic community. He is a member of the Passaic Optimist Club, Past Distinguished President of the Passaic Chapter of the NAACP. He is the recipient of numerous awards and honors for community service such as Alpha Kappa Alpha Sorority, Inc., Pi Xi Omega Chapter 2003 Legacy Award, 2002 Passaic Liam Club Educator of Year, 2000 Outstanding Community Leader Award Passaic Chapter of NAACP, and the 1995 Roger Williams Baptist Outstanding Community Service Award In recognition of Black History Month in 2006, Carl was named one of the many exceptional African Americans by the Passaic County Board of Chosen Freeholders. Over the years, Carl has received numerous other awards and recognitions.

Creech is very humbled by opportunities provided to him to make a difference in the lives of others. He finds solace in the words of the spiritual song ''If I can help someone as I pass this way, then my living would not have been in vain''.

Carl was married to the late Susie Carol Siler Creech, a union that was blessed with two sons, Rodney and Corey. He is a grandfather to two boys, Carl Michael Creech, son of Rodney and Caden Termain Creech, son of Corey.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to working with and recognizing the efforts of dedicated public servants like Carl Creech.

Madam Speaker, I ask that you join our colleagues, the students and alumni of the Passaic Schools, the City of Passaic and its' education community, Carl's family and friends, and me in recognizing Carlist Athel Creech's outstanding service to his community.

RECOGNIZING A CHAMPION OF THE ARTS AND CHRISTIAN EDUCATION: SISTER LANNIE SPANN McBRIDE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 2010

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to recognize Sister Lannie Spann McBride of Jackson, Mississippi. As a humanitarian, educator and spiritual leader, Sister McBride's life has been a testament to her dedication to the community, the arts and the edification of our youth. She has devoted much of her life to public education and delivering the word of God.

Sister McBride is the sixth of eight children of the late Dr. and Mrs. S.L. Spann. She received her Bachelor of Arts Degree in Music with an emphasis in Voice/Piano from Tougaloo College in 1970, where she also completed the Summer Curriculum Institute in Black Music in 1972. After one complete year of study at Jackson State University, she obtained her Masters of Music Education Degree in 1982. Due to her devote love of music and her passion for education, Sister McBride continues to work as an adjunct professor in the music department at Jackson State.

For the last several decades, Sister McBride has served her community while carrying out the mission of the Lord. She serves as Minister of Music at the Greater Fairview Missionary Baptist Church in Jackson, Mississippi and has devoted countless years to educating students in the Jackson Public School system.

In addition to her work as a minister, Sister McBride has worked as an adjudicator, lecturer, consultant, and clinician. Mrs. McBride has recorded several albums with the Greater Fairview Youth Adult Choir and was casted in the movie, Mississippi Burning by Allen Parker.

Madam Speaker, Sister McBride is founder and Chief Executive Officer of F&S Music KC Publishing in Jackson, Mississippi. Since the start of her company, she has written and published five faith books, nine volumes of music books, and many cross genre products of sheet music. She has also published school products including seven resource books, two scored music books, classroom programs, and one scored patriotic musical.

In 2004, after the catastrophic damage caused to Grenada and the extreme damage caused to Jamaica, the Grand Caymans and the western tip of Cuba, Mrs. McBride devoted much time and resources to the disaster relief efforts to those areas, particularly Jamaica after the destruction of the storm. Sister McBride has traveled all over the world, giving performances in places such as Spain during her affiliation with the Black Heritage Choir of the United States of America.

Madam Speaker, I ask that you and my colleagues to join me in celebrating a champion of the arts and Christian and music education, Sister Lannie Spann McBride. Her tenacious and zealous works as an artist, teacher, minister and performer have all been great contributions to both our communities and the arts.

RECOGNIZING NATIONAL SUICIDE WEEK AND COMMENDING CRISISLINK FOR 40 YEARS OF SERVICE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise today to express my support for the week of September 5th through the 12th, 2010 to be designated as the National Suicide Prevention Week. Suicide is the third leading cause of death among teens and young adults in the United States. Every 2 hours, a person under the age of 25 commits suicide, resulting in an estimated 12 youth suicides every day. CrisisLink, a nonprofit located in Arlington, Virginia, is a prime example of an organization dedicated to saving lives and preventing these tragedies. Located in my Northern Virginia eighth congressional district, CrisisLink gives vital support to people facing life crises, trauma and thoughts of suicide. They provide information, education and links to community resources throughout the Washington, D.C. Metropolitan region to those in need.

Mental health issues are a stark reality for many Americans, whether it may be themselves, a family member, friend, or coworker. Currently, more than 78,000 veterans of the military operations in Iraq and Afghanistan have sought help for mental health related issues. Sadly, 120 veterans commit suicide every week. Nationally, suicide rates are highest among people older than 65; this age group makes up 12.5 percent of the population and accounts for 15.9 percent of all suicides. Although these are just a few examples, every community experiences the debilitating effects of suicide.

Since 1969, CrisisLink has provided invaluable, free and confidential crisis intervention and referral services to anyone who calls. CrisisLink has also played a vital role in educating the community on how to recognize the signs of depression and respond quickly to the signs that someone is in trouble. 2009 was a difficult year for many in our community. But CrisisLink has quickly been there to help every step of the way. I have known CrisisLink's work for many years and have seen both how they operate and the impact they have on our community. I know that they put their resources to good use. I commend CrisisLink for the 40 years of service to our community; answering more than a half-million crisis calls, responding to more than 25,000 potential suicides, providing more than a quarter million referrals, promoting mental wellness, educating people about depression and other mental illnesses, and reducing the stigma attached to mental illness.

My best to CrisisLink and good luck on another 40 years of commendable, vital service to those in need.

HONORING THE BICENTENNIAL OF MEXICAN INDEPENDENCE AND THE CENTENNIAL MEXICAN REVOLUTION

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 2010

Mr. GRIJALVA. Madam Speaker, I am honored to recognize two important celebratory events, the bicentennial celebration of Mexican Independence from Spain (Dia de La Independencia) that was (or will be) celebrated on September 16th and the Centennial of The Mexican Revolution (La Revolucíon Mexicana) which will be celebrated on November 20th.

Both Dia de La Independencia and La Revolucíon Mexicana are celebrating rather significant dates this year as Mexico celebrates their 200th year of independence and 100 years since the removal of Dictator Porfirio Diaz.

My Constituents will certainly celebrate these significant dates with events too numerous to list. I would however like to highlight two special events produced by the University of Arizona, which is located in my Congressional District.

On September 24th, UAPresents a nationally recognized host of world-class performances and programs for the communities of Southern Arizona, will celebrate Da de La Independencia. This celebration of the bicentennial celebration of Mexican Independence will also celebrate the rich and diverse culture and heritage of the Southwest. Arts programs such as this promote a common understanding that bridges all cultures and boundaries, coupled with education and dialog which will foster an understanding of the diverse cultures in the Southern Arizona community and

in the world. This concert demonstrates how these ideals come together at this cultural crossroads, the great stage of Centennial Hall located on the University of Arizona's campus.

On November 10th, the University of Arizona Library Special Collections will host "The Borderlands and the Mexican Revolution" lecture featuring Oscar J. Martinez. Dr. Martinez, a Regents' Professor in the department of history at the University of Arizona will assess the role of the U.S.-Mexico Borderlands in the Mexican Revolution, with an emphasis on controversies, disturbances and battles that affected the destiny of Mexico and the United States.

I am pleased to acknowledge and thank President Robert Shelton of the University of Arizona for his leadership and outstanding contributions towards honoring these historic dates with events that will both educate and enlighten our community.

THANKING THE MASTER TEACHERS OF THE HOUSE FELLOWS PROGRAM

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 2010

Mr. LARSON of Connecticut. Madam Speaker, I rise today to thank the Master Teachers from last summer's House Fellows Program. The House Fellows Program, run by the Office of the House Historian, is a unique opportunity for a select group of secondary education American history and government teachers to experience firsthand the inner-workings of Congress. These Master Teachers, Ms. Valerie Ziegler from San Francisco, California and Ms. Dodie Kasper from Frisco, Texas, demonstrated their leadership in mentoring and advising the Fellows here in Washington. Both teachers are dedicated to educating our Nation's youth and are truly deserving of our recognition.

One of the goals of the House Fellows Program is to develop curriculum on the history and practice of the House for use in schools. During this summer's program, the Fellows were guided by Ms. Ziegler, Ms. Kasper and the staff of the Office of the Historian, in preparing a brief lesson plan on a Congressional topic of their choosing. These plans will become part of a larger teaching resource database on the history of the House. During the school year following their participation in the House Fellows Program, each Fellow is responsible for presenting his or her experience and lesson plans to at least one in-service institute for teachers of history and government.

The House Fellows Program began in 2006, and today 120 teachers from across the country have participated in this innovative program. The Fellows experience an intensive weeklong seminar, of around fifty-five hours of program activities, centered around the history and practice of the House of Representatives. With plans to select a teacher from every Congressional district over the next several years, the House Fellows Program will impact hundreds of high school teachers and their students and will energize thousands of students to become informed and active citizens.

As a former U.S. history teacher, I believe strongly in the importance of civic education. We must continue our efforts to get our youth involved in the political process in districts across the country. Educating teachers about the "People's House" is one of the best ways to do that.

Madam Speaker, I urge all of my colleagues to join me in thanking Master Teachers Ms. Valerie Ziegler and Ms. Dodie Kasper for their hard work, dedication, leadership and cooperation with the Office of the Historian in making this past summer's House Fellows Program one of the most successful since its inception.

HONORING MONROE UDELL

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 2010

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today to pay tribute to Monroe Udell, a small business owner in Florida's 20th District.

The man, like his restaurant, Jaxson's Ice Cream Parlor is an institution in South Florida. Monroe founded the famous restaurant in 1956 and he's been a pillar in the South Florida business community ever since, receiving numerous honors and accolades from industry organizations, civic and charity groups.

Monroe has made numerous philanthropic contributions to the community. His favorite charity is Joe DiMaggio Children's Hospital. He holds annual events on their behalf and this charity work undoubtedly contributes to the incredible life-saving work done at the hospital.

I was pleased to learn that for all his service to our community, the city of Dania Beach is naming a street after him. The naming of Monroe Udell Street marks the first time in its 100 plus year history that Dania Beach, the oldest city in Broward County, has named a street in honor of a living person.

As a long-time customer and friend, I can attest to Monroe's dedication not only to his customers, but to our community and the charities he supports. He sets a remarkable example for all Floridians.

Congratulations to Monroe Udell and thank you for your service and ongoing efforts to improve the lives of South Floridians.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 21, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 22

8 a.m.

Impeachment Trial Committee (Porteous)

To continue hearings to examine the Articles Against Judge G. Thomas Porteous, Jr.

SH–216

10 a.m.

Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine the Securities and Exchange (SEC) Inspector General's Report on the Investigation of the SEC's Response to Concerns Regarding Robert Allen Stanford's Alleged Ponzi Scheme and Improving SEC Performance.

SD–538

Budget

To hold hearings to examine assessing the Federal policy response to the economic crisis.

SD–608

Finance

To hold hearings to examine tax and fiscal policy, focusing on the effects on the military and veterans community.

SD–215

Foreign Relations

To hold hearings to examine the nominations of Mark M. Boulware, of Texas, to be Ambassador to the Republic of Chad, Jo Ellen Powell, of Maryland, to be Ambassador to the Islamic Republic of Mauritania, Christopher J. McMullen, of Virginia, to be Ambassador to the Republic of Angola, and Wanda L. Nesbitt, of Pennsylvania, to be Ambassador to the Republic of Namibia, all of the Department of State.

SD–419

Homeland Security and Governmental Affairs

To hold hearings to examine nine years after 9/11, focusing on confronting the terrorist threat to the homeland.

SD–342

Judiciary

To hold hearings to examine the Electronic Communications Privacy Act, focusing on promoting security and protecting privacy in the digital age.

SD–226

Rules and Administration

To hold hearings to examine the filibuster, focusing on legislative proposals to change Senate procedures, including S. Res. 416, amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate, and S. Res. 619, expressing the sense of the Senate that the Senate of each new Congress is not bound by the Rules of previous Senates.

SR–301

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine a legislative presentation focusing on the American Legion.

345, Cannon Building

11 a.m.

Foreign Relations

To hold hearings to examine the nominations of Donald Kenneth Steinberg, of California, to be Deputy Administrator, and Nancy E. Lindborg, of the District of Columbia, to be an Assistant Administrator, both of the United States Agency for International Development, and Robert P. Mikulak, of Virginia, for the rank of Ambassador during his tenure of service as United States Representative to the Organization for the Prohibition of Chemical Weapons, Department of State.

SD–419

2 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine reauthorization of the National Flood Insurance Program.

SD–538

Judiciary

To hold hearings to examine investigating and prosecuting financial fraud after the Fraud Enforcement and Recovery Act.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

Consumer Protection, Product Safety, and Insurance Subcommittee

To hold hearings to examine S. 3742, to protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a security breach.

SR–253

3 p.m.

Foreign Relations

To hold hearings to examine the nominations of Kristie Anne Kenney, of Virginia, to be Ambassador to the Kingdom of Thailand, and Karen Brevard Stewart, of Florida, to be Ambassador to the Lao People's Democratic Republic, both of the Department of State.

SD–419

SEPTEMBER 23

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the Department of Energy's Loan Guarantee Program and its effectiveness in spurring the near-term deployment of clean energy technology.

SD–366

Veterans' Affairs

To hold an oversight hearing to examine Veterans' Affairs disability compensation, focusing on presumptive disability decision-making.

SDG–50

9:45 a.m.

Foreign Relations

To hold hearings to examine the nomination of Cameron Munter, of California, to be Ambassador to the Islamic Republic of Pakistan, Department of State.

SD–419

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the Federal Housing Administration, focusing on current condition and future challenges.

SD–538

Commerce, Science, and Transportation

To hold hearings to examine the need for a nationwide public safety network.

SR–253

Finance

To hold hearings to examine tax reform, focusing on lessons from the Tax Reform Act of 1986.

SD–215

Judiciary

Business meeting to consider S. 3675, to amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, S. 2888, to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section, S. 3767, to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated, an original bill entitled ''Combating Online Infringement and Counterfeits Act'', and the nominations of Kathleen M. O'Malley, of Ohio, to be United States Circuit Judge for the Federal Circuit, Beryl Alaine Howell, and Robert Leon Wilkins, both to be United States District Judge for the District of Columbia, Edward Milton Chen, to be United States District Judge for the Northern District of California, Louis B. Butler, Jr., to be United States District Judge for the Western District of Wisconsin, John J. McConnell, Jr., to be United States District Judge for the District of Rhode Island, Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the Second Circuit, and William C. Killian, to be United States Attorney for the Eastern District of Tennessee, Robert E. O'Neill, to be United States Attorney for the Middle District of Florida, Albert Najera, to be United States Marshal for the Eastern District of California, William Claud Sibert, to be United States Marshal for the Eastern District of Missouri, Myron Martin Sutton, to be United States Marshal for the Northern District of Indiana, David Mark Singer, to be United States Marshal for the Central District of California, Steven Clayton Stafford, to be United States Marshal for the Southern District of California, and Jeffrey Thomas Holt, to be United States Marshal for the Western District of Tennessee, all of the Department of Justice.

SD–226

2 p.m.

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine challenges to water and security in Southeast Asia.

SD–419

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

SEPTEMBER 28

10 a.m.
Armed Services
To hold hearings to examine the Department of Defense efficiencies initiatives.
SD–G50

SEPTEMBER 29

2 p.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine charges against Mikhail Khodorkovsky's Yukos Oil Company.
1539, Longworth Building

SEPTEMBER 30

10 a.m.
Energy and Natural Resources
Energy Subcommittee
To hold hearings to examine the role of strategic minerals in clean energy technologies and other applications as well as legislation to address the issue, including S. 3521, to provide for the reestablishment of a domestic rare earths materials production and supply industry in the United States.
SD–366

2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine implementation, improvement, sustainability, focusing on management matters at the Department of Homeland Security.
SD–342

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Veterans' Affairs Information Technology (IT) program, focusing on looking ahead.
SR–418

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7187–S7227

Measures Introduced: Six bills and one resolution were introduced, as follows: S. 3802–3807, and S. Res. 630. **Page S7205**

Measures Reported:

S. 1252, to promote ocean and human health and for other purposes, with an amendment in the nature of a substitute. (S. Rept. No. 111–296)

S. 2871, to make technical corrections to the Western and Central Pacific Fisheries Convention Implementation Act. (S. Rept. No. 111–297)

S. 3119, to amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship, with an amendment in the nature of a substitute. (S. Rept. No. 111–298) **Page S7205**

Measures Passed:

Senator Paul Simon Water for the World Act: Senate passed S. 624, to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S7222–24**

Levin (for Durbin) Amendment No. 4620, in the nature of a substitute. **Page S7224**

Nursing Home Care: Committee on Veterans' Affairs was discharged from further consideration of H.R. 4505, to enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces, and the bill was then passed. **Pages S7224–25**

Drive Safer Sunday: Senate agreed to S. Res. 630, designating November 28, 2010, as "Drive Safer Sunday". **Page S7225**

Measures Considered:

National Defense Authorization Act—Agreement: Senate resumed consideration of the motion to proceed to consideration of S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year. **Pages S7193–97**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 11:00 a.m., on Tuesday, September 21, 2010. **Page S7225**

Nominations Received: Senate received the following nominations:

Mario Cordero, of California, to be a Federal Maritime Commissioner for the term expiring June 30, 2014.

Rebecca F. Dye, of North Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2015.

Stacia A. Hylton, of Virginia, to be Director of the United States Marshals Service. vice John F. Clark, resigned.

46 Army nominations in the rank of general.

7 Coast Guard nominations in the rank of admiral.

Routine lists in the Air Force, Army, and Navy. **Pages S7225–27**

Nominations Discharged: The following nominations were discharged from further committee consideration and placed on the Executive Calendar:

Steve A. Linick, of Virginia, to be Inspector General of the Federal Housing Finance Agency, which was sent to the Senate on April 12, 2010, from the Senate Committee on Homeland Security and Governmental Affairs.

Osvaldo Luis Gratacos Munet, of Puerto Rico, to be Inspector General, Export-Import Bank, which was sent to the Senate on May 13, 2010, from the Senate Committee on Homeland Security and Governmental Affairs. **Page S7227**

Messages from the House: **Pages S7203–04**

Measures Referred: **Page S7204**

Measures Placed on the Calendar: **Page S7204**

Executive Communications: **Pages S7204–05**

Additional Cosponsors: Pages S7205–06

Statements on Introduced Bills/Resolutions: Pages S7207–18

Additional Statements: Pages S7202–03

Amendments Submitted: Pages S7218–21

Notices of Hearings/Meetings: Pages S7221–22

Privileges of the Floor: Page S7222

Adjournment: Senate convened at 2 p.m. and adjourned at 5:34 p.m., until 10 a.m. on Tuesday, September 21, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7227.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 1 public bills, H.R. 6157; 1 private bill, H.R. 6158; and 1 resolution, H. Res. 1638, were introduced. Page H6809

Additional Cosponsors: Page H6809

Reports Filed: Reports were filed today as follows:

H.R. 4387, to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building" (H. Rept. 111–610);

H.R. 5591, to designate the facility of the Federal Aviation Administration located at Spokane International Airport in Spokane, Washington, as the "Ray Daves Air Traffic Control Tower", with amendments (H. Rept. 111–611); and

H.R. 5717, to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility and to enter into agreements relating to education programs at the National Zoological Park facility in Front Royal, Virginia, and for other purposes, with an amendment (H. Rept. 111–612, Pt. 1). Page H6809

Speaker: Read a letter from the Speaker wherein she appointed Representative Edwards (MD) to act as Speaker pro tempore for today. Page H6807

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Wednesday, September 22. Page H6807

Privileged Resolution: Agreed by unanimous consent that Representative Price (GA) may be recognized only on the legislative day of Thursday, September 23, 2010, to offer the resolution that he noticed on Thursday, September 16, 2010, without further notice under clause 9(a)(1) of rule 9. Page H6807

Quorum Calls—Votes: There were no yea-and-nay votes, and there were no recorded votes. There were no quorum calls.

Adjournment: The House met at 2:30 p.m. and adjourned at 2:35 p.m.

Committee Meetings

No committee meetings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, SEPTEMBER 21, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the nomination of General James F. Amos, USMC, for reappointment to the grade of general and to be Commandant of the Marine Corps, 9:30 a.m., SD–G50.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine investigating infrastructure, focusing on creating jobs and growing the economy, 10 a.m., SD–538.

Committee on Finance: to hold hearings to examine welfare reform, focusing on women and poverty, 10 a.m., SD–215.

Committee on Foreign Relations: business meeting to consider S. 1183, to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, S. 3184, to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries

through the implementation of Child Protection Compacts, S. 3581, to implement certain defense trade treaties, S. 3665, to promote the strengthening of the private sector in Pakistan, S. 3297, to update United States policy and authorities to help advance a genuine transition to democracy and to promote recovery in Zimbabwe, S. 987, to protect girls in developing countries through the prevention of child marriage, S. Res. 573, urging the development of a comprehensive strategy to ensure stability in Somalia, treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (Treaty Doc. 110–10), treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (Treaty Doc. 110–07), and the nominations of Alexander A. Arvizu, of Virginia, to be Ambassador to the Republic of Albania, Matthew J. Bryza, of Illinois, to be Ambassador to the Republic of Azerbaijan, Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic, Joseph A. Mussomeli, of Virginia, to be Ambassador to the Republic of Slovenia, and Duane E. Woerth, of Nebraska, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization, all of the Department of State, and Edward W. Brehm, of Minnesota, Johnnie Carson, Assistant Secretary of State for African Affairs, and Mimi E. Alemayehou, Executive Vice President of the Overseas Private Investment Corporation, all to be a Member of the Board of Directors of the African Development Foundation, 2:30 p.m., S–116, Capitol.

Committee on Homeland Security and Governmental Affairs: business meeting to consider the nomination of Jacob J. Lew, of New York, to be Director of the Office of Management and Budget, 9 a.m., SD–342.

Full Committee, to hold hearings to examine the nomination of Maria Elizabeth Raffinan, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia, 2:30 p.m., SD–342.

Select Committee on Intelligence: to hold hearings to examine the nomination of David B. Buckley, of Virginia, to be Inspector General, Central Intelligence Agency, 2:30 p.m., SD–124.

Impeachment Trial Committee (Porteous): to resume hearings to examine the Articles Against Judge G. Thomas Porteous, Jr, 8 a.m., SH–216.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

10 a.m., Tuesday, September 21

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of the motion to proceed to consideration of S. 3454, National Defense Authorization Act, and after a period of debate, vote on the motion to invoke cloture on the motion to proceed thereon at 2:15 p.m.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Wednesday, September 22

House Chamber

Program for Wednesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Eshoo, Anna G., Calif., E1683
Grijalva, Raúl M., Ariz., E1684
Larson, John B., Conn., E1685
Meek, Kendrick B., Fla., E1683
Moran, James P., Va., E1684
Pascrell, Bill, Jr., N.J., E1683
Reyes, Silvestre, Tex., E1683
Thompson, Bennie G., Miss., E1684
Wasserman Schultz, Debbie, Fla., E1685

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