

these activities in this manner, the Committee was guided by the OMB policy letter of September 23, 1992, which established Executive Branch policy relating to service contracting and inherently governmental functions. This policy letter defined an "inherently governmental function" as a "function that is so intimately related to the public interest as to mandate performance by Government employees." While this Act specifies that Government employees are solely to be responsible for the final plan or report, this does not limit agencies from being assisted by non-Federal parties, such as contractors or grantees, in the preparation of these plans and reports. This might be necessitated, for example, when there is a lack of in-house expertise within an agency. The assistance of non-Federal parties may include collection of information, the conduct of studies, analyses, or evaluations, or the providing of advice, opinions, or ideas to Federal officials, or to provide training of Federal employees. This assistance by non-Federal parties in the performance of inherently governmental functions is also consistent with the OMB policy letter. The Committee also recognizes that many Federal programs are carried out by States, local governments, and contractors-not by the Federal Government directly. Federal agencies regularly rely on these parties for performance data, and the Committee neither intends nor expects existing systems, processes, and requirements for measuring current or past performance, or which propose or forecast future performance levels to be duplicated by new parallel efforts involving only Federal employees. Finally, the Committee notes that it is the longstanding policy of the Federal Government that Federal officials should perform the decision and/or policymaking and managerial responsibilities of the government. The basic principle is that accountable Federal employees should not only be responsible for the "products" produced by their agencies (whether contractors or Federal employees produced the product) but also should be involved in a significant manner in the "process" of formulating the product. Thus, agencies are not fulfilling the intent of this legislation if the required plans and reports are largely the products of contractors. To further this need for accountability, agencies should include in their plans and reports an acknowledgment of the role and a description of a significant contribution made by a contractor or other non-Federal entity to the plan or report.

In repeating the inherently governmental functions language of GPRA in H.R. 2142, as amended, the intent of H.R. 2142, as amended, is exactly the same as the intent of the identical language in GPRA, which I previously quoted. My remarks reflect the views of the Homeland Security and Governmental Affairs Committee on the interpretation of this provision. This explanation will be included in the committee's written report on the legislation that will be filed shortly.

Mr. AKAKA. I thank the gentleman from Delaware for his clarification.

CLAIMS RESOLUTION ACT

Mr. BINGAMAN. Mr. President, I rise today to commemorate President Obama's signing of the historic Claims Resolution Act of 2010. The act contains measures that resolve long-standing claims against the United States

including claims relating to three Indian water rights adjudication cases in New Mexico. In addition, the act provides significant funding to implement the settlement agreements. The signing of the Claims Resolution Act of 2010 represents a significant achievement for the people of New Mexico.

I would like to express my gratitude to the many New Mexicans who have worked on these settlement agreements over many years. I would also like to commend the Obama administration for its efforts to engage with the settlement parties to finalize the settlements in ways that will strengthen the relationship between the Federal Government and the tribes and protect the non-Indian residents in the settlement areas. Having the full support of the administration was a very important part of our success.

The Aamodt and Abeyta settlements represent agreements that end longstanding litigation and provide numerous benefits that could never have been possible through the courts. The funding we have provided will ensure that the projects can move forward quickly. It is my hope that the settlement parties will continue to make swift progress toward implementation so that the Pueblo and non-Pueblo residents of Taos and the Pojoaque Valley will soon have access to more secure drinking water and improved litigation systems. In addition, the \$180 million in funding provided for the Navajo settlement will expedite the construction necessary to bring drinking water to Navajo citizens who currently haul water to their homes from watering stations many miles away. The Navajo-Gallup project will also provide water to the city of Gallup and the Jicarilla Apache Tribe. I am pleased the Bureau of Reclamation's planning for the project is well underway and that construction may commence as early as 2012, providing hundreds of jobs for New Mexicans for years to come.

The Aamodt case involves the water rights claims of the Nambe, Pojoaque, San Ildefonso, and Tesuque Pueblos in the Rio Pojoaque stream system north of Santa Fe. It is my understanding that the case, which was filed in 1966, is the longest active Federal case in the country. The Aamodt settlement represents an agreement that quantifies the present and future water rights of the four Pueblos involved in the litigation. The settlement also protects the interests and water rights of non-Indian water users, including the historic acequias irrigation systems that have existed for centuries. The Aamodt settlement will bring new water into the basin for municipal and domestic needs for Pueblo and non-Pueblo residents throughout the Pojoaque basin. I commend the Aamodt settlement parties for their commitment to the negotiation process which will provide benefits to the basin for generations to come.

The Abeyta settlement resolves Taos Pueblo's water rights claims in the Rio Pueblo de Taos stream system. The

Abeyta adjudication case is also over 40 years old and the settlement parties have been working toward this result for decades. I commend them for their hard work and dedication. The Abeyta settlement will quantify the water rights of Taos Pueblo and will protect the interests of the other citizens throughout the Taos region. The Abeyta settlement provides for the construction of mutually beneficial projects designed to modernize water infrastructure and protect historic landscapes. The settlement will help to preserve the region's historic irrigation systems and provide security to domestic water users as well.

The Aamodt and Abeyta settlements represent fair and reasonable conclusions to protracted, contentious litigation. They are the product of countless hours of hard work and determination. Numerous individuals have worked on these issues for decades like Nelson Cordova, Gil Suazo, Palemon Martinez and John Painter in the Taos Valley and David Ortiz, Maxine Goad, Herbert Yates, Ernest Mirabal, Charlie Dorame, James Hena, Perry Martinez, and George Rivera from the Aamodt case. I am grateful to those individuals and the many others who made these settlements possible. I would like to provide a special acknowledgment to Michael Connor, the Commissioner of Reclamation, for his longstanding commitment to resolving Indian water rights claims in ways that promote sound federal policy and fairness to the parties involved. Finally, I would like to recognize both Tanya Trujillo, my water expert on the Committee on Energy and Natural Resources, and Trudy Vincent, my legislative director, for their wise counsel and hard work in passing this important legislation.

Thank you for the opportunity to make these remarks.

PRESERVING CRIMINAL ASSETS FOR FORFEITURE ACT

Mr. WHITEHOUSE. Mr. President, I rise to speak in support of S. 4005, the Preserving Criminal Assets for Forfeiture Act of 2010, which I recently introduced with my distinguished colleague Senator CORNYN. This bill will help keep the proceeds and instrumentalities of crime out of the hands of foreign criminals. It will also encourage foreign countries to assist the United States in recovering the overseas assets of U.S. criminals.

The U.S. Government is currently authorized to assist foreign nations seeking to enforce their forfeiture judgments, for example by seizing the proceeds of large-scale international fraud, drug trafficking, or money laundering. Recent judicial decisions, however, have interpreted existing statutes as not providing our courts with the authority to restrain known criminal assets located in the U.S. prior to the issuance of a foreign forfeiture judgment. Criminals are therefore able to move and hide the assets they hold in