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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

### PRAYER

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

Let us pray.

We pause at the convening of this Senate session, Eternal God, to acknowledge our total dependence upon You. We are aware of the fragile and temporary nature of our earthly pilgrimage and look to You, the changeless one, to guide our steps. From You we borrow our heartbeats, and because of You we live and move and have our being.

Guide our lawmakers today with more than human wisdom. Give them the ability to solve the difficult problems of these challenging days. Lord, break in and through their human best that justice, truth, and peace may prevail. We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable AL FRANKEN 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. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 24, 2010.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I

hereby appoint the Honorable AL FRANKEN, a Senator from the State of Minnesota, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will proceed to a period of morning business. Senators will be permitted to speak for up to 10 minutes each. There will be no rollcall votes today.

### CONGRESSIONAL BADGE OF BRAVERY BOARD

Mr. REID. Mr. President, sometimes all it takes to be a hero is to do your job the way you are supposed to do that job.

A few days after New Year's, a deranged gunman walked into the Lloyd D. George Federal building in downtown Las Vegas. In addition to housing our Federal courts, it is also the building where my staff works, Senator ENSIGN's staff, and of course many other employees of the people of the State of Nevada.

Court security Officer Stanley Cooper and Deputy U.S. Marshal Richard J. Gardner—everyone calls him Joe—were on duty that day. They were both in the lobby when the gunman got there. Both of them were shot. Officer Cooper didn't make it. He died in the line of duty. I met his family and spoke at his funeral earlier this year, and I know they still miss him every day. Joe Gardner was more fortunate. He re-

turned fire on the gunman. He too was hit while protecting the people working and visiting the courthouse but he did survive.

We can never know for sure how many lives were saved because Officer Cooper gave his or because U.S. Marshal Gardner put his own life at risk. And they can never know how grateful we are for their courage. It is hard to explain.

I am proud to say I have appointed this exemplary Nevadan—U.S. Marshal Joe Gardner—to the Law Enforcement Congressional Badge of Bravery Board. Because if anyone knows what bravery is, it is Joe Gardner. Seven Federal law enforcement officers serve on this board for 2-year terms. I want to express my appreciation to my friend the Republican leader, Senator MCCONNELL, for joining me in making sure Joe Gardner is one of them. It was an easy choice.

Too often we take these heroes for granted. We pass them on the streets or on our way through an office building's lobby. There are precious few like U.S. Marshal Joe Gardner—good men and women who wake up every morning, go to work and put everything on the line to protect people they do not even know. They will tell you they are just doing their jobs, and we should be grateful they are doing their jobs. We should fulfill our responsibility just as often—by thanking them every single day.

Mr. President, would the Chair announce morning business now.

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

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



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will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

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

#### CREATING AMERICAN JOBS AND ENDING OFFSHORING ACT OF 2010—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that at 3 p.m., Monday, September 27, the Senate proceed to consideration of Calendar No. 578, S. 3816, a bill to create American jobs and prevent the offshoring of such jobs overseas.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCONNELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

#### CLOTURE MOTION

Mr. REID. I now move to proceed to Calendar No. 578, S. 3816, and I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 578, S. 3816, the Creating American Jobs and Ending Offshoring Act of 2010.

Richard J. Durbin, Charles E. Schumer, Tom Harkin, Sheldon Whitehouse, Debbie Stabenow, Barbara A. Mikulski, Roland W. Burris, Bernard Sanders, Tom Udall, Mark Begich, Daniel K. Akaka, Jeff Merkley, Benjamin L. Cardin, Edward E. Kaufman, Christopher J. Dodd, Arlen Specter, Sherrod Brown, Amy Klobuchar, Byron L. Dorgan, Barbara Boxer.

Mr. REID. I ask unanimous consent that the vote on the motion to invoke cloture occur at 11:30 a.m., Tuesday, September 28, with the mandatory quorum being waived.

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

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the majority leader has generously consented to allow me to make a few observations before I must leave the Chamber.

My view is the majority has literally wasted months in the Chamber trying to tell the private sector what to do instead of providing certainty to help them make investment decisions. This

bill we will be voting on cloture on Tuesday will do nothing to create jobs in our country. Most of the factories the Durbin bill is trying to prevent from moving overseas are not traveling overseas to sell back to the American market but are moving there to gain competitive advantage over foreign companies in foreign markets. In doing so, they create more jobs and more opportunity in the United States. The nonpartisan Joint Committee on Taxation has informed my staff that this bill, similar to so many others produced by the majority this year, will increase the deficit by nearly \$1 billion, violating the majority's own pay-go rules.

It is my hope we will not decide to debate and pass this bill. I think it would be a step in the wrong direction. I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, my friend is correct. There has been a lot of wasted time in the Senate. But it hasn't been because of the majority. We have had to answer to more than 100 filibusters, which have eaten up weeks and weeks of our time, when we should have been talking about jobs for the American people. For my friend to stand on the floor and say the continual exporting of jobs is good for the country is beyond the ability of someone to believe. Not only does the fact that these jobs are transferred to another country create tremendous job losses, but we give these people tax benefits for doing so. It is hard to comprehend how such a policy ever came to be. This is an effort to stop it.

We have some very commonsense ideas. One says: If you want to come back to the United States and you want to create some jobs here, we will give you a tax benefit for that. But we do say that if you are going to tear down a plant, an operation in America, you should not get a tax benefit for doing that, as now exists. Right now, if you move a wood manufacturing company out of the State of Washington, tear down your plant and move it to China, you get a tax break for that. The American people don't want that. Finally, outsourcing these jobs is the third part of our legislation—shipping jobs overseas, terminating the jobs here and then making the product over there cheaply and then sending the product back here and you get a tax break for it. The American people don't understand that. They don't understand it because it is illogical. That is what the debate will be about.

We will start the debate Monday afternoon. Everyone should be aware that we will have a live quorum at about 7 o'clock on Monday evening. I explained to the minority leader yesterday that we were going to do that so it is no surprise. Then we will see if during the evening we need any more. We will try to set up the debate in a constructive fashion. It is a debate we on this side relish.

Mr. President, I now withdraw my motion to proceed.

The ACTING PRESIDENT pro tempore. The motion is withdrawn.

#### MORNING BUSINESS

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

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

Mr. REID. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. 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.

#### HEALTH CARE REFORM

Mr. BROWN of Ohio. Mr. President, six months ago our Nation accomplished something that so many generations before had struggled to achieve. Six months ago yesterday, with the enactment of the Patient Protection and Affordable Care Act, our Nation stood up and declared that the health of our citizens is worth fighting for.

There has been a lot of debate, as the Presiding Officer knows, in this Chamber and in the House of Representatives and on the talk shows and talk radio. There is a lot of debate about theories and death panels and health care and preexisting conditions. But behind all of that is human beings in difficult situations. After hearing people say things about this health care law that simply aren't true, it is important to remember how this affects individual human beings.

This legislation began to take effect when, yesterday, several things happened. One is that a 22-year-old who is home from school who just got a job but doesn't have insurance in that job can stay on her parents' health care plan until she turns 27. Small businesses can get tax breaks to insure their employees. Something most small businesses—almost every small businessperson I know—want to do is provide decent, affordable health insurance to their employees. They will be better able to do that because of this bill. Also yesterday, because of this legislation, we saw movement toward the doughnut hole being closed. That simply means that senior citizens, conflicted with very high health care costs, having to choose between medication and heating their home or proper food, cutting their pills in half or having to skip a day in taking it because they couldn't afford it—this bill will begin to close that doughnut hole

that President Bush and the Republican Congress created.

We are seeing major progress which affects individual people. Mary from Ashtabula, OH, which is in the northeast corner of the State, shared a story with me about her friend who is paying \$56 each month for medications to treat her chronic illness. After the doughnut hole kicks in, she worries that her friend will have to pay literally 10 times that—not \$56, which she can handle, but literally \$500 per month, which she can't. This increase will catastrophically affect her friend, who is 80 years old and living on a tight budget. Next year, because of this legislation that is taking effect now, Mary's friend will see her prescription drug costs cut in half.

Robert from Cleveland wrote me a letter sharing his concerns about being young and uninsured. As happens to many young adults, Robert was dropped from his mother's insurance on his 21st birthday. He has been unable to obtain full-time employment. He has remained uninsured, not by choice but because he really had no options. In fact, he saw the risks associated with being uninsured firsthand as he accompanied his also uninsured friend to the hospital after sustaining a basketball injury not too long ago. His friend left the emergency room with a \$3,000 bill. Robert understands that young adults such as him and his friend will no longer have to face the uncertainty and fear associated with being uninsured.

This legislation also, as of yesterday, allows States such as Ohio and every State in the country to set up what are called high-risk insurance pools. We all know—and the Presiding Officer knows it from talking to people in Rochester and Duluth and St. Paul, and I have talked to people in Toledo and Dayton and Springfield who can't get insurance because they have a preexisting condition. So 462 Ohioans already have signed up for what is called this high-risk insurance pool. That means that even with a preexisting condition, those 462 Ohioans have insurance. Six months ago, they were uninsured and uninsurable. Today, they have insurance.

Laura from Hamilton County wrote to me when she learned about the health care law. She wrote:

I cheered when I learned that children with chronic conditions cannot be denied health insurance coverage. I have a child with Type 1 diabetes. I have worried for years about what will become of him as he ages and moves off our insurance policy. I have worried for years what his health plan options will be. It is a relief to now be able to shift our efforts to battling the disease, not the health care system.

Any mother or father with a sick child wants to focus their efforts on taking care of that illness, not fighting with insurance companies, not worrying about cobbling together payments to pay the doctor, the hospital, and the drug company.

I am proud to say these changes are just the beginning. As of yesterday,

when you renew or purchase a health insurance plan, you don't have to worry about lifetime limits. We know what happens: If you get sick, if you live in Akron or Youngstown and you get very sick and spend a lot of time in the hospital, insurance companies—it is called rescission—will simply cancel your insurance because you exceeded the lifetime limits they set up. Well, no more lifetime limits because of this bill.

From now on, recommended preventive services, immunizations, mammograms, and other recommended screenings, will be covered without a copay or deductible. We want people to get screened, to get preventive care. It saves their health, and it saves all of us money. So they can get less expensive health care. For them, taking away their requirement to pay copays and deductibles will make a huge difference.

There are now new restrictions on private insurers from placing unreasonable limits on your coverage. Patients can access out-of-network emergency room services and children can no longer be denied insurance because of a preexisting condition. Think of the parents we talk to who have a child who is sick and can't get insurance because that child has a preexisting condition, as if a parent wanted it that way. Now we have fixed this.

The Presiding Officer was part of this debate, as all of us in this institution were, during last year and the beginning of this year when we passed this bill. We know what the opponents—people speaking mostly on behalf of the insurance industry, the drug industry, and people who just don't agree that we should do something like this—we know what they did. They lied about death panels. They spread half-truths about costs. They even labeled health care reform "communism."

They did the same thing with Medicare. I remember the same arguments when I was a kid. I was 12 years old, 13 years old when Medicare passed. They used the same arguments about Medicare. They said: The government is going to stand between you and your doctor. They said: It is going to turn the United States into the Soviet Union. They said: We are never going to be able to get health insurance again. It is going to be big government running our lives. I don't think they say that about Medicare anymore. They have tried to dismantle and privatize Medicare, but they know it has worked.

In the 1930s, these same people with the same philosophy campaigned against Social Security, saying it wouldn't work. In the 1960s, they campaigned against Medicare, saying it wouldn't work. Now they are campaigning against the health care law.

There are Republicans all over this country—not many voters, I don't think—who are talking about repealing the health care law. So what they are going to do is kick the 23-year-old off

their parents' insurance. Now they are going to take away these tax breaks for small businesses to insure their employees. They are going to reinstate the doughnut hole. They are going to put more costs back on senior citizens, who finally are getting some help with their drug costs. I don't get it. They are going to bring back preexisting conditions. They are going to say it is OK again to deny somebody coverage for a preexisting condition. I don't think the public is going to buy that. I don't think this institution will vote that way.

It is important to recognize from where we have come. Most of all, it is important to think about individual human beings we have met who are affected so positively by this law. They are going to be able to get insurance. They are not going to be denied coverage if they have a preexisting condition. Businesses will be able to help their employees by covering them for insurance. Senior citizens are going to get significant help for their drug costs. What is not to like about that? That is why it is important that we stand firm as we mark this 6-month beginning of these changes that will make our health care system work better, be more responsive to people, and, most importantly, take care of individual Americans better than ever before.

#### STEELDAY 2010

Mr. DURBIN. Mr. President, I rise today to recognize the critical role of structural steel in our Nation's infrastructure and industrial economy.

Today, September 24, 2010, is the second annual SteelDay and is being celebrated through events nationwide. These events highlight the many American jobs provided by the structural steel industry and the contributions of structural steel as a safe, strong, green, and effective building material.

The structural steel industry is a major employer in Illinois. Today, the United States has 4 major structural steel mills, 10 hollow structural shape producers, and more than 2,600 steel fabricators. Together, they employ over 185,000 Americans, producing 4.5 million tons of fabricated structural steel in 2009. In Illinois, more than 100 structural steel firms provide more than 2,000 good jobs.

Most of the structured steel in a building can be recovered and recycled—as much as 98 percent. In fact, columns and beams that are made at U.S. steel mills include an average 93 percent of recycled materials. It is the most recycled material on the planet.

There is a renewed interest in this country in domestic steel as a building material, and structural steel accounts for 5 percent of the steel consumed in the United States. Shipping steel from other countries creates a huge and unnecessary carbon footprint. LEED certification, an environmental rating

system developed by the U.S. Green Building Council, relies heavily on the use of domestic steel in new construction.

The industry continues to incorporate improvements in the technology used to build steel projects. These improvements are also bringing down construction costs and increasing safety at construction sites. In light of these economic, environmental, and safety factors, it is no surprise that there is a three-to-one preference for using structural steel in the construction of multistory residential and non-residential buildings.

Mr. President, I congratulate the structural steel industry on its second annual SteelDay. Steel manufacturing and construction is driving our Nation's progress into the future.

#### GREATER OWENSBORO CHAMBER OF COMMERCE

Mr. MCCONNELL. Mr. President, I rise today to recognize the remarkable accomplishments of the Greater Owensboro Chamber of Commerce. They were selected as the winner, out of eight National finalists, in the 2010 Chamber of the Year competition sponsored by the American Chamber of Commerce Executives, ACCE. This is quite a feat, as the ACCE's Chamber of the Year is the Nation's only award that recognizes local chambers for their dual role in creating and leading businesses and communities.

Chambers wanting to apply for this award could do so if they had an exceptional year or if they had a program or initiative that went above and beyond expectations. With this in mind, the Greater Owensboro Chamber of Commerce highlighted their success in developing the Chamber Leadership Initiatives for Northwestern Kentucky, C-LINK, alliance and the Owensboro Buys It! program in the application process.

C-LINK includes 12 chambers in the region and has been a leading proponent of Interstate 69 in western Kentucky, one of the largest transportation projects in the region, which has seen significant progress in the past two years. Owensboro Buys It! was started in 2009 to create local commerce and to teach small business leaders how to initiate an "elevator pitch" and sharpen their ability to gain and retain customers. When the chamber board of directors mapped out a strategic plan in 2008, they made it their goal to earn this award by 2012. Because of their hard work, they managed to beat even that audacious goal.

Under the leadership of chamber president Jody Wassmer, the board of directors, staff, and members of the Greater Owensboro Chamber of Commerce made their hometown, their Commonwealth, and this Senator very proud. I ask my colleagues to rise and join me in congratulating them on this honor.

#### FREEDOM OF INFORMATION ACT AMENDMENTS

Mr. LEAHY. Mr. President, I commend the House of Representatives for promptly enacting the Freedom of Information Act amendments to the Securities and Exchange Act, Investment Company Act, and Investment Advisers Act of 2010, S. 3717. This bipartisan bill will ensure that the Freedom of Information Act, FOIA, remains an effective tool to provide public access to information about the stability of our financial markets.

This bill will also ensure that the important goals of the historic Wall Street reform law—enhancing transparency, accountability, and confidence in our financial system—will become a reality for all Americans. The bill eliminates several broad FOIA exemptions for Security and Exchange Commission, SEC, records that were recently enacted as part of Public Law 111-203. The bill also helps to ensure that the SEC has access to the information that the Commission needs to carry out its new enforcement activities under the new reforms.

I thank Representative EDOLPHUS TOWNS, the distinguished chairman of the House Committee on Oversight and Government Reform, and Representative BARNEY FRANK, the distinguished chairman of the House Committee on Financial Services, for their support of this bill and for working with me to quickly enact this legislation. I also thank Senators GRASSLEY, CORNYN, and KAUFMAN for cosponsoring this important open government bill. In addition, I commend the many open government organizations, including OpenTheGovernment.org, the Project on Government Oversight, the American Library Association, and the Sunlight Foundation for their support of this bill.

The Freedom of Information Act has long recognized the need to balance the government's legitimate interest in protecting confidential business records, trade secrets, and other sensitive information from public disclosure, and preserving the public's right to know. To accomplish this, care must always be taken to ensure that exemptions to FOIA's disclosure requirements are narrowly and properly applied. The bill accomplishes this important goal.

I commend the Congress for working in a bipartisan and expeditious manner to eliminate these overly broad FOIA exemptions. I urge the President to promptly sign this good government bill into law.

#### FEDERAL HIRING FREEZE

Mr. AKAKA. Mr. President, as chairman of the Senate subcommittee that oversees the Federal workforce, I strongly oppose the proposal by my colleagues on the other side of the aisle to impose a hiring freeze for all non-security positions in the Federal Gov-

ernment. If adopted, this proposal would sacrifice our Nation's long-term investments in the employees needed to efficiently and effectively run government programs for a short-sighted approach that does nothing to address our current fiscal challenges.

Far from being fiscally responsible, these policies would end up costing the government more over the long run, by increasing our reliance on contractors whose work would not be capped. Arbitrary restrictions on hiring Federal employees open up opportunities for waste, fraud, and abuse as contracting expands without investment in oversight. Over the past decade, Federal contracts have nearly doubled in size, to over \$500 billion, but the size of the workforce overseeing contractors has stayed constant. We must reverse, not reinforce, that trend.

Over the past two years, we have made efforts to rebalance the work performed by Federal employees and contractors. Many times, replacing contractors with Federal employees allows agencies to more efficiently meet their missions and provide vital services. The American people expect strong leadership from the Federal Government and we must make sure the Federal Government has the people it needs to perform critical functions and to properly oversee the important work done by contractors. Freezing the Federal workforce could once again lead to dramatic overreliance on contractors, putting agency missions and taxpayer dollars at risk.

The American people deserve a government that hires the right people with the right skills to run their government in an effective and efficient manner. An arbitrary cap on Federal employees is a poor substitute for the careful, thoughtful approach to Federal workforce planning we need.

Our Federal civil service is comprised of hard working, talented people who have dedicated their lives to the service of this country—and our way of life would not exist without them. These are honorable men and women who provide critical services to the American people, including protecting our Nation, ensuring that our food and drugs are safe, caring for our wounded warriors, and responding to natural disasters. America's public servants deserve our gratitude and respect. I thank them for their dedication.

#### AQUACULTURE DISASTER ASSISTANCE

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on an issue that is of great importance to my home State of Louisiana: Federal disaster assistance. As you know, along the gulf coast, we keep an eye trained on the Gulf of Mexico during hurricane season. This is following the devastating one-two punch of Hurricanes Katrina and Rita of 2005 as well as Hurricanes Gustav and Ike last year. Our communities and businesses are still

recovering from these disasters—some from a disaster that devastated the gulf coast almost 5 years ago. We are now also dealing with the economic and environmental damage from the Deepwater Horizon disaster which occurred this April. For this reason, as chair of the Senate Committee on Small Business and Entrepreneurship ensuring effective Federal disaster coordination is one of my top priorities. While the gulf coast is prone to hurricanes, other parts of the country are no strangers to disaster. For example, the Midwest has tornadoes, California experiences earthquakes and wildfires, and the Northeast sees crippling snowstorms. So no part of our country is spared from disasters—disasters which can and will strike at any moment. With this in mind, we must ensure that the Federal Government is better prepared and has the tools necessary to respond quickly, effectively following a disaster.

In order to help ongoing recovery efforts in the gulf coast, and to give the U.S. Small Business Administration, SBA, more tools to respond after a future disaster, I am proud that the House of Representatives passed H.R. 5297, the Small Business Jobs Act of 2010. I have spoken at length on the Senate floor about the huge impact this legislation will have for small business owners. Today I also note that this legislation includes an important provision improving SBA disaster assistance. This provision builds off of SBA disaster reforms enacted in 2008 and ensures that small businesses in the aquaculture sector will not be left without disaster assistance following future disasters. In particular, the provision is section 1501 of H.R. 5297. I note that this provision is similar to section 205 of legislation I introduced last year, the Small Business Administration Disaster Recovery and Reform Act of 2009. This section amends the Small Business Act to make aquaculture businesses eligible for SBA economic injury disaster loans.

Currently, the SBA determines that aquaculture includes any industry where an individual farms aquatic organisms, farming means intervention in the rearing process to enhance production—regular stocking, feeding, protection from predators. These include farmers of: algae, alligators, frogs, turtles, seaweed, clams, crawfish, pearls, fish farms/hatcheries, mussels, and oysters. Under current provisions of the Small Business Act, SBA is prohibited from providing assistance to these industries as it was wrongly assumed that they would be covered by other Federal agencies. This is because, when Congress repealed SBA disaster assistance for agricultural businesses in the 1980s, they mistakenly assumed that all of these businesses, including aquaculture businesses, would be helped by the U.S. Department of Agriculture, USDA.

For example, oystermen who seed private grounds which they own or rent are engaged in aquaculture and are currently ineligible. Public ground oys-

termen, however, who do not have exclusive use of any area, do not farm and are eligible for SBA economic injury disaster loans. In Louisiana, our aquaculture businesses in the southern part of the State were hit hard by both Hurricane Katrina and Rita. These businesses, many crawfish farmers or those with fish farms, were ineligible for U.S. Department of Agriculture, USDA, disaster assistance, but were also ineligible for SBA disaster loans. We also learned that similar problems followed Hurricanes Gustav and Ike in 2008. A more recent example of the huge problem this causes is that the SBA is currently offering \$2 million economic injury disaster loans, EIDLs, to businesses impacted by the Deepwater Horizon disaster. Since the Small Business Act currently prohibits aquaculture businesses from receiving EIDLs, they were ineligible. However, no other Federal agency, including USDA was providing assistance for this disaster. So small businesses impacted by a disaster were told. We cannot help you, even though no other Federal agency was there to fill in the gap.

In closing, I believe that the commonsense fix sent to the President today will give these businesses they help they need to recover from future disasters. Businesses involved in the farming of the following stand to benefit greatly from this new legislation: algae, alligators, frogs, turtles, seaweed, clams, crawfish, pearls, fish farms/hatcheries, mussels, and oysters. I thank the chair and ask that my entire statement and a copy of this particular provision appear in the RECORD.

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

**SEC. 1501. AQUACULTURE BUSINESS DISASTER ASSISTANCE.**

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1343, is amended by adding at the end the following: “(z) AQUACULTURE BUSINESS DISASTER ASSISTANCE.—Subject to section 18(a) and notwithstanding section 18(b)(1), the Administrator may provide disaster assistance under section 7(b)(2) to aquaculture enterprises that are small businesses.”.

**ADDITIONAL STATEMENTS**

**TRIBUTE TO PASTOR RUFUS BRADLEY, JR.**

• Mr. LEVIN. Mr. President, I am pleased to pay tribute to a distinguished religious leader in Saginaw, MI, Pastor Rufus Bradley, Jr. Pastor Bradley will be honored at a banquet on September 25, 2010, by his church family. The banquet will celebrate his 30 years of ministry and his 23 years as Pastor of New Life Baptist Church Ministries.

Since accepting his call to the ministry, Pastor Bradley has persistently sought to encourage and enlighten his congregation, and through these efforts, has earned the respect and admiration of people throughout Michigan. His pastoral leadership and commitment to service is admirable, and The

New Life Baptist Church Ministries has flourished under his spiritual guidance. Through his stewardship and many community-based efforts such as the “Mission in the City Movement,” Pastor Bradley has provided much needed assistance to those most in need in the greater Saginaw community.

Before becoming pastor of New Life, Pastor Bradley studied theology under the tutelage of several well-known religious leaders. He also earned a bachelor's degree from the United Theological Seminary in Monroe, LA, and is a graduate of the Beeson Institute for Advanced Church Leadership. Pastor Bradley is a family man and is supported by his wife, Relinda Bradley. They have enjoyed 32 wonderful years together and are the proud parents of two children, June and Rufus, Jr.

I know my colleagues join me in congratulating Pastor Bradley on 30 years of pastoral leadership and faithful service to the greater Saginaw community. We wish him the best as he continues this important work for many more years.●

**MESSAGE FROM THE HOUSE**

At 11:08 a.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 bills, without amendment:

S. 846. An act to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1055. An act to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1745. An act to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act.

H.R. 3199. An act to amend the Public Health Service Act to provide grants to State emergency medical service departments to provide for expedited training and licensing for veterans with prior medical training, and for other purposes.

H.R. 5307. An act to amend the Tariff Act of 1930 to include ultralight vehicles under the definition of aircraft for purposes of the aviation smuggling provisions under that Act.

H.R. 5710. An act to amend and reauthorize the controlled substance monitoring program under section 3990 of the Public Health Service Act.

H.R. 5756. An act to amend subtitle D of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to provide grants and technical assistance to University Centers for Excellence in Developmental Disabilities Education, Research, and Service to improve services rendered to children and adults on the autism spectrum, and their families, and for other purposes.



H.R. 6156. An act to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs.

At 12:04 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. 2701. An act to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

### MEASURES REFERRED

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

H.R. 1745. An act to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3199. An act to amend the Public Health Service Act to provide grants to State emergency medical service departments to provide for the expedited training and licensing of veterans with prior medical training, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5307. An act to amend the Tariff Act of 1930 to include ultralight vehicles under the definition of aircraft for purposes of the aviation smuggling provisions under that Act; to the Committee on Finance.

H.R. 5710. An act to amend and reauthorize the controlled substance monitoring program under section 3990 of the Public Health Service Act; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5756. An act to amend subtitle D of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to provide grants and technical assistance to University Centers for Excellence in Developmental Disabilities Education, Research, and Service to improve services rendered to children and adults on the autism spectrum, and their families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 6156. An act to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs; to the Committee on Finance.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Res. 573. A resolution urging the development of a comprehensive strategy to ensure stability in Somalia, and for other purposes.

### EXECUTIVE REPORT OF COMMITTEE—NOMINATION

The following executive report of a nomination was submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Robert Leon Wilkins, of the District of Columbia, to be United States District Judge for the District of Columbia.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

### EXECUTIVE REPORTS OF COMMITTEE—TREATIES

The following executive reports of committee were submitted:

By Mr. KERRY, from the Committee on Foreign Relations:

TREATY DOC. 110-7 TREATY WITH UNITED KINGDOM CONCERNING DEFENSE TRADE COOPERATION WITH 9 CONDITIONS, 7 UNDERSTANDINGS, AND 3 DECLARATIONS (EX. REPT. 111-5); AND TREATY DOC. 110-10 TREATY WITH AUSTRALIA CONCERNING DEFENSE TRADE COOPERATION WITH 8 CONDITIONS, 6 UNDERSTANDINGS, AND 3 DECLARATIONS (EX. REPT. 111-5)

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

[110-7: Treaty with United Kingdom Concerning Defense Trade Cooperation]

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent Subject to Conditions, Understandings And Declarations.

The Senate advises and consents to the ratification of the 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. 110-7) (as defined in section 5 of this resolution), subject to the conditions in section 2, the understandings in section 3 and the declarations in section 4.

Section 2. Conditions.

The Senate's advice and consent to the ratification of the Treaty with the United Kingdom Concerning Defense Trade Cooperation is subject to the following conditions, which shall be binding upon the President:

(1) United States preparation for treaty implementation.

(A) At least 15 days before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a report—

(i) describing steps taken to ensure that the Executive branch and United States industry are prepared to comply with Treaty requirements;

(ii) analyzing the implications of the Treaty, and especially of Article 3(3) of the Treaty, for the protection of intellectual property rights of United States persons;

(iii) explaining what steps the United States Government is taking and will take to combat improper or illegal intangible exports (i.e., exports as defined in part 120.17(a)(4) of title 22, Code of Federal Regulations) under the Treaty; and

(iv) setting forth the issues to be addressed in the Management Plan called for by Section 12(3)(f) of the Implementing Arrangement and the procedures that are expected to be adopted in that Plan.

(B) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a certification that changes to the International Traffic in Arms Regulations (parts 120-130 of title 22, Code of Federal Regulations) have been published in the Federal Register pursuant to the Arms Export Control Act, as appro-

priate, that would, upon entry into force of the Treaty,—

(i) make clear the legal obligation for any person involved in an Export, Re-export, Transfer, or Re-transfer under the Treaty to comply with all requirements in the revised International Traffic in Arms Regulations, including by taking all reasonable steps to ensure the accuracy of information received from a member of the Approved Community that is party to an Export, Re-export, Transfer, or Re-transfer under the Treaty;

(ii) make clear the legal obligation for Approved Community members to comply with United States Government instructions and requirements regarding United States Defense Articles added to the list of exempt Defense Articles pursuant to Article 3(2) of the Treaty;

(iii) limit a person from being a member of the United States Community, pursuant to Article 5(2) of the Treaty, if that person is generally ineligible to export pursuant to section 120.1(c) of title 22, Code of Federal Regulations; and

(iv) require any nongovernmental entity that ceases to be included in the United States Community to comply with instructions from authorized United States Government officials and to open its records of transactions under the Treaty to inspection by United States Government and, as appropriate, authorized United Kingdom Government officials pursuant to Article 12 of the Treaty.

(C) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress—

(i) a certification that appropriate mechanisms have been established to identify, in connection with the process for determining whether a nongovernmental entity is in the United States Community pursuant to Article 5(2) of the Treaty, persons who meet the criteria in section 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1));

(ii) a certification that appropriate mechanisms have been established to verify that nongovernmental entities in the United States that Export pursuant to the Treaty are eligible to export Defense Articles under United States law and regulation as required by Article 5(2) of the Treaty;

(iii) a certification that United States Department of Homeland Security personnel at United States ports—

(a) have prompt access to a State Department database containing registered exporters, freight forwarders and consignees, and watch lists regarding United States companies; and

(b) are prepared to prevent attempts to export pursuant to the Treaty by United States persons who are not eligible to export Defense Articles under United States law or regulation, even if such person has registered with the United States Government;

(iv) a certification that the Secretary of Defense has promulgated appropriate changes to the National Industrial Security Program Operating Manual and to Regulation DoD 5200.1-R, "Information Security Program," and has issued guidance to industry regarding marking and other Treaty compliance requirements; and

(v) a certification that a capability has been established to conduct post-shipment verification, end-use/end-user monitoring and related security audits for Exports under the Treaty, accompanied by a report setting forth the legal authority, staffing and budget provided for this capability and any further Executive branch or congressional action recommended to ensure its effective implementation.

(2) Treaty partner preparation for treaty implementation.

Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall

certify to Congress that the Government of the United Kingdom has promulgated all necessary regulatory changes, including:

(A) changes to export control regulations, setting forth a Treaty-specific Open General Export License (OGBEL);

(B) changes to the United Kingdom Security Policy Framework and related security regulations for Government and United Kingdom Industry; and

(C) changes to the MOD Classified Material Release Procedure (F680), to take account of Treaty Re-exports and Re-transfers.

(3) Joint operations, programs and projects.

The Secretary of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives informed of the lists of combined military and counter-terrorism operations developed pursuant to Article 3(1)(a) of the Treaty; cooperative security and defense research, development, production, and support programs developed pursuant to Article 3(1)(b) of the Treaty; and specific security and defense projects developed pursuant to article 3(1)(c) of the Treaty.

(4) Exempted defense articles.

(A) The President may remove a Defense Article from the list of Defense Articles exempt from the Scope of the Treaty, if such removal is not barred by United States law, 30 days after the President informs the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of such proposed removal.

(B) When a Defense Article is added to the list of Defense Articles exempt from the Scope of the Treaty, the Secretary of State shall provide a copy of the Federal Register Notice delineating the policies and procedures that will govern the control of such Defense Article, consistent with Section 4(7) of the Implementing Arrangement, as well as an explanation of the reasons for adopting those policies and procedures, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives within five days of the issuance of such Notice.

(5) Changes to the definition of the territory of the United Kingdom.

(A) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives within 15 days of the initiation of consultations with the United Kingdom concerning the inclusion of any additional territory or territories in the definition of "Territory of the United Kingdom" for the purposes of Article 1(8) of the Treaty, and shall inform the Committees within 15 days of receipt through diplomatic channels of notice that a territory or group of territories has been added to the definition of "Territory of the United Kingdom" for the purposes of Article 1(8) of the Treaty.

(B) The Secretary of State shall consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives before approving any addition to the United Kingdom Community of a non-governmental entity or facility outside the territory of England, Scotland, Wales, or Northern Ireland.

(6) Approved community membership.

(A) If sanctions are in effect against a person in the United Kingdom Community pursuant to section 73(a)(2)(B) or section 81 of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)(B) or 2798), the United States shall raise the matter pursuant to Article 4(2) of the Treaty and Section 7(9) of the Implementing Arrangement.

(B) The Secretary of State shall inform the Committee on Foreign Relations of the Sen-

ate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days before the U.S. Government agrees to the initial inclusion in the United Kingdom Community of a nongovernmental United Kingdom entity, if the Department of State is aware that the entity, or any one or more of its relevant senior officers or officials:

(i) Has been convicted of violating a statute cited in paragraph 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1)); or

(ii) is, or would be if that person were a United States person,

(a) ineligible to contract with any agency of the U.S. Government;

(b) ineligible to receive a license or other form of authorization to export from any agency of the U.S. Government; or

(c) ineligible to receive a license or any form of authorization to import defense articles or defense services from any agency of the U.S. Government.

(C) The Secretary of State shall inform and consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days after the United States Government agrees to the continued inclusion in the United Kingdom Community of a nongovernmental United Kingdom entity, if the Department is aware that the entity, or any one or more of its relevant senior officers or officials, raises one or more of the concerns referred to in paragraph (B).

(7) Transition policies and procedures.

(A) No fewer than 15 days before formally establishing the procedures called for in Section 5(5) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the transition to the application of the Treaty, pursuant to Article 3(3) of the Treaty, of Defense Articles acquired and delivered under the Foreign Military Sales program.

(B) No fewer than 15 days before formally establishing the procedures called for in Section 8(2) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the members of the United Kingdom Community wishing to transition to the processes established under the Treaty, pursuant to Article 14(2) of the Treaty, from the requirements of a United States Government export license or other authorization.

(8) Congressional oversight.

(A) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives promptly of any report, consistent with Section 11(4)(b)(vi) of the Implementing Arrangement, of a material violation of Treaty requirements or procedures by a member of the Approved Community.

(B) The Department of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regularly regarding issues raised in the Management Board called for in Section 12(3) of the Implementing Arrangement, and the resolution of such issues.

(9) Annual report.

Not later than March 31, 2011, and annually thereafter, the President shall submit to Congress a report, which shall cover all Treaty activities during the previous calendar year. This report shall include:

(A) a summary of the amount of Exports under the Treaty and of Defense Articles transitioned into the Treaty, with an analysis of how the Treaty is being used;

(B) a list of all political contributions, gifts, commissions and fees paid, or offered or agreed to be paid, by any person in connection with Exports of Defense Articles under the Treaty in order to solicit, promote, or otherwise to secure the conclusion of such sales;

(C) any action to remove from the United Kingdom Community a nongovernmental entity or facility previously engaged in activities under the Treaty, other than due to routine name or address changes or mergers and acquisitions;

(D) any concerns relating to infringement of intellectual property rights that were raised to the President or an Executive branch Department or Agency by Approved Community members, and developments regarding any concerns that were raised in previous years;

(E) a description of any relevant investigation and each prosecution pursued with respect to activities under the Treaty, the results of such investigations or prosecutions and of such investigations and prosecutions that continued over from previous years, and any shortfalls in obtaining prompt notification pursuant to Article 13(3) of the Treaty or in cooperation between the Parties pursuant to Article 13(3) and (4) of the Treaty;

(F) a description of any post-shipment verification, end-user/end-use monitoring, or other security activity related to Treaty implementation conducted during the year, the purposes of such activity and the results achieved; and

(G) any Office of Inspector General activity bearing upon Treaty implementation conducted during the year, any resultant findings or recommendations, and any actions taken in response to current or past findings or recommendations.

Section 3. Understandings.

The Senate's advice and consent to the ratification of the Treaty with the United Kingdom Concerning Defense Trade Cooperation is subject to the following understandings, which shall be included in the instrument of ratification:

(1) Meaning of the phrase "identified in."

It is the understanding of the United States that the phrase "identified in" in the Treaty shall be interpreted as meaning "identified pursuant to."

(2) Meaning of the word "scope."

It is the understanding of the United States that the word "Scope" in the Treaty shall be interpreted as meaning "the Treaty's coverage as identified in Article 3."

(3) Cooperative programs with exempt and non-exempt defense articles.

It is the understanding of the United States that if a cooperative program is mutually determined, consistent with Section 2(2)(e) of the Implementing Arrangement, to be within the Scope of the Treaty pursuant to Article 3(1)(b) of the Treaty despite involving Defense Articles that are exempt from the Scope of the Treaty pursuant to Article 3(2) of the Treaty, the exempt Defense Articles shall remain exempt from the Scope of the Treaty and the Treaty shall apply only to non-exempt Defense Articles required for the program.

(4) Investigations and reports of alleged violations.

It is the understanding of the United States that the words "as appropriate" in Section 10(3)(f) of the Implementing Arrangement do not detract in any way from the obligation in Article 13(3) of the Treaty, that "Each Party shall promptly investigate all suspected violations and reports of alleged violations of the procedures established pursuant to this Treaty, and shall promptly inform the other Party of the results of such investigations."

(5) Exempt defense articles.

It is the understanding of the United States that if one Party to the Treaty exempts a type of Defense Articles from the scope of the Treaty pursuant to Article 3(2) of the Treaty, then Defense Articles of that type will be treated as exempt by both Parties to the Treaty.

(6) Intermediate consignees.

It is the understanding of the United States that any intermediate consignee of an Export from the United States under the Treaty must be a member of the Approved Community or otherwise approved by the United States Government.

(7) Scope of treaty exemption.

The United States interprets the Treaty not to exempt any person or entity from any United States statutory and regulatory requirements, including any requirements of licensing or authorization, other than those included in the International Traffic in Arms Regulations, as modified or amended. Accordingly, the United States interprets the term 'license or other written authorization' in Article 2 and the term 'licenses or other authorizations' in Article 6(1), as these terms apply to the United States, and the term 'prior written authorization by the United States Government' in Article 7, to refer only to such licenses, licensing requirements, and other authorizations as are required or issued by the United States pursuant to the International Traffic in Arms Regulations, as modified or amended; and the United States interprets the reference to 'the applicable licensing requirements and the implementing regulations of the United States Arms Export Control Act' in Article 13(1) to refer only to the applicable licensing requirements under the International Traffic in Arms Regulations, as modified or amended.

Section 4. Declarations.

The Senate's advice and consent to the ratification of the Treaty with the United Kingdom Concerning Defense Trade Cooperation is subject to the following declarations:

(1) Self-execution.

This Treaty is not self-executing in the United States, notwithstanding the statement in the preamble to the contrary.

(2) Private rights.

This Treaty does not confer private rights enforceable in United States courts.

(3) Intellectual property rights.

No liability will be incurred by or attributed to the United States Government in connection with any possible infringement of privately owned patent or proprietary rights, either domestic or foreign, by reason of the United States Government's permitting Exports or Transfers or its approval of Re-exports or Re-transfers under the Treaty.

Section 5. Definitions.

As used in this resolution:

(1) The terms "Treaty with the United Kingdom Concerning Defense Trade Cooperation" and "Treaty" mean the 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.

(2) The terms "Implementing Arrangement Pursuant to the Treaty" and "Implementing Arrangement" mean the Implementing Arrangement Pursuant to the 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, which was signed in Washington on February 14, 2008.

(3) The terms "Defense Articles," "Export," "Re-export," "Re-transfer," "Transfer," "Approved Community," "United States Community," "United Kingdom Com-

munity," and "Territory of the United Kingdom" have the meanings given to them in Article 1 of the Treaty.

(4) The terms "Management Board" and "Management Plan" have the meanings given to them in Section 1 of the Implementing Arrangement.

(5) The terms "person" and "foreign person" have the meaning given to them by section 38(g)(9) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)). The term "U.S. person" has the meaning given to it by part 120.15 of title 22, Code of Federal Regulations.

[110-10 Treaty with Australia Concerning Defense Trade Cooperation]

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent Subject to Conditions, Understandings And Declarations.

The Senate advises and consents to the ratification of the 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) (as defined in section 5 of this resolution), subject to the conditions in section 2, the understandings in section 3 and the declarations in section 4.

Section 2. Conditions.

The Senate's advice and consent to the ratification of the Treaty with Australia Concerning Defense Trade Cooperation is subject to the following conditions, which shall be binding upon the President:

(1) United States preparation for treaty implementation.

(A) At least 15 days before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a report—

(i) describing steps taken to ensure that the Executive branch and United States industry are prepared to comply with Treaty requirements;

(ii) analyzing the implications of the Treaty, and especially of Article 3(3) of the Treaty, for the protection of intellectual property rights of United States persons;

(iii) explaining what steps the United States Government is taking and will take to combat improper or illegal intangible exports (i.e., exports as defined in part 120.17(a)(4) of title 22, Code of Federal Regulations) under the Treaty; and

(iv) setting forth the issues to be addressed in the Management Plan called for by Section 12(3)(f) of the Implementing Arrangement and the procedures that are expected to be adopted in that Plan.

(B) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a certification that changes to the International Traffic in Arms Regulations (parts 120-130 of title 22, Code of Federal Regulations) have been published in the Federal Register pursuant to the Arms Export Control Act, as appropriate, that would, upon entry into force of the Treaty,—

(i) make clear the legal obligation for any person involved in an Export, Re-export, Transfer, or Re-transfer under the Treaty to comply with all requirements in the revised International Traffic in Arms Regulations, including by taking all reasonable steps to ensure the accuracy of information received from a member of the Approved Community that is party to an Export, Re-export, Transfer, or Re-transfer under the Treaty;

(ii) make clear the legal obligation for Approved Community members to comply with United States Government instructions and requirements regarding United States Defense Articles added to the list of exempt Defense Articles pursuant to Article 3(2) of the Treaty;

(iii) limit a person from being a member of the United States Community, pursuant to Article 5(2) of the Treaty, if that person is generally ineligible to export pursuant to section 120.1(c) of title 22, Code of Federal Regulations; and

(iv) require any nongovernmental entity that ceases to be included in the United States Community to comply with instructions from authorized United States Government officials and to open its records of transactions under the Treaty to inspection by United States Government and, as appropriate, authorized Australian Government officials pursuant to Article 12 of the Treaty.

(C) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress—

(i) a certification that appropriate mechanisms have been established to identify, in connection with the process for determining whether a nongovernmental entity is in the United States Community pursuant to Article 5(2) of the Treaty, persons who meet the criteria in section 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1));

(ii) a certification that appropriate mechanisms have been established to verify that nongovernmental entities in the United States that Export pursuant to the Treaty are eligible to export Defense Articles under United States law and regulation as required by Article 5(2) of the Treaty;

(iii) a certification that United States Department of Homeland Security personnel at United States ports—

(a) have prompt access to a State Department database containing registered exporters, freight forwarders and consignees, and watch lists regarding United States companies; and

(b) are prepared to prevent attempts to export pursuant to the Treaty by United States persons who are not eligible to export Defense Articles under United States law or regulation, even if such person has registered with the United States Government;

(iv) a certification that the Secretary of Defense has promulgated appropriate changes to the National Industrial Security Program Operating Manual and to Regulation DoD 5200.1-R, "Information Security Program," and has issued guidance to industry regarding marking and other Treaty compliance requirements; and

(v) a certification that a capability has been established to conduct post-shipment verification, end-use/end-user monitoring and related security audits for Exports under the Treaty, accompanied by a report setting forth the legal authority, staffing and budget provided for this capability and any further Executive branch or congressional action recommended to ensure its effective implementation.

(2) Treaty partner preparation for treaty implementation.

Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall certify to Congress that the Government of Australia has—

(A) enacted legislation to strengthen generally its controls over defense and dual-use goods, including controls over intangible transfers of controlled technology and brokering of controlled goods, technology, and services, and setting forth:

(i) the criteria for entry into the Australian Community and the conditions Australian Community members must abide by to maintain membership, including personnel, information and facilities security requirements;

(ii) the record-keeping and notification and reporting requirements under the Treaty;

(iii) the handling, marking and classification requirements for United States and Australian Defense Articles Exported or Transferred under the Treaty;



(iv) the requirements for Exports and Transfers of United States Defense Articles outside the Approved Community or to a third country;

(v) the rules for handling United States Defense Articles that are added to or removed from the list of items exempted from Treaty application;

(vi) the rules for transitioning into and out of the Australian Community;

(vii) auditing, monitoring and investigative powers for Commonwealth officials and powers to allow Commonwealth officials to perform post-shipment verifications and end-user monitoring; and (viii) offenses and penalties, and administrative requirements, necessary for the enforcement of the Treaty and its Implementing Arrangement; and

(B) promulgated regulatory changes setting forth:

(i) the criteria for entry into the Australian Community, and terms for maintaining Australian Community membership;

(ii) the criteria for individuals to become authorized to access United States Defense Articles received pursuant to the Treaty;

(iii) benefits stemming from Australian Community membership, including a framework for license-free trade with the United States in classified or controlled items falling within the scope of the Treaty;

(iv) the conditions Australian Community members must abide by to maintain membership, including:

(a) record-keeping and notification requirements;

(b) marking and classification requirements for defense articles Exported or Transferred under the Treaty;

(c) requirements for the Re-transfer to non-Approved Community members and Re-export to a third country of defense articles; and

(d) maintaining security standards and measures articulated in Defense protective security policy to protect defense articles pursuant to the Treaty;

(v) provisions to enforce the procedures established pursuant to the Treaty, including auditing and monitoring powers for Australian Department of Defence officials and powers to allow Department of Defence officials to perform post-shipment verifications and end-user/end-user monitoring;

(vi) offenses and penalties, including administrative and criminal penalties and suspension and termination from the Australian Community, to enforce the provisions of the Treaty; and

(vii) requirements and standards for transition into or out of the Australian Community and Treaty framework.

(3) Joint operations, programs and projects.

The Secretary of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives informed of the lists of combined military and counter-terrorism operations developed pursuant to Article 3(1)(a) of the Treaty; cooperative security and defense research, development, production, and support programs developed pursuant to Article 3(1)(b) of the Treaty; and specific security and defense projects developed pursuant to article 3(1)(c) of the Treaty.

(4) Exempted defense articles.

(A) The President may remove a Defense Article from the list of Defense Articles exempt from the Scope of the Treaty, if such removal is not barred by United States law, 30 days after the President informs the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of such proposed removal.

(B) When a Defense Article is added to the list of Defense Articles exempt from the

Scope of the Treaty, the Secretary of State shall provide a copy of the Federal Register Notice delineating the policies and procedures that will govern the control of such Defense Article, consistent with Section 4(7) of the Implementing Arrangement, as well as an explanation of the reasons for adopting those policies and procedures, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives within five days of the issuance of such Notice.

(5) Approved community membership.

(A) If sanctions are in effect against a person in the Australian Community pursuant to section 73(a)(2)(B) or section 81 of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)(B) or 2798), the United States shall raise the matter pursuant to Article 4(2) of the Treaty and Section 6(9) of the Implementing Arrangement.

(B) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days before the U.S. Government agrees to the initial inclusion in the Australian Community of a nongovernmental Australian entity, if the Department of State is aware that the entity, or any one or more of its relevant senior officers or officials:

(i) Has been convicted of violating a statute cited in paragraph 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1)); or

(ii) is, or would be if that person were a United States person,

(a) ineligible to contract with any agency of the U.S. Government;

(b) ineligible to receive a license or other form of authorization to export from any agency of the U.S. Government; or

(c) ineligible to receive a license or any form of authorization to import defense articles or defense services from any agency of the U.S. Government.

(C) The Secretary of State shall inform and consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days after the United States Government agrees to the continued inclusion in the Australian Community of a nongovernmental Australian entity, if the Department is aware that the entity, or any one or more of its relevant senior officers or officials, raises one or more of the concerns referred to in paragraph (B).

(6) Transition policies and procedures.

(A) No fewer than 15 days before formally establishing the procedures called for in Section 5(5) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the transition to the application of the Treaty, pursuant to Article 3(3) of the Treaty, of Defense Articles acquired and delivered under the Foreign Military Sales program.

(B) No fewer than 15 days before formally establishing the procedures called for in Section 7(2) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the members of the Australian Community wishing to transition to the processes established under the Treaty, pursuant to Article 14(2) of the Treaty, from the requirements of a United States Government export license or other authorization.

(7) Congressional oversight.

(A) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of

the House of Representatives promptly of any report, consistent with Section 11(6)(f) of the Implementing Arrangement, of a material violation of Treaty requirements or procedures by a member of the Approved Community.

(B) The Department of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regularly regarding issues raised in the Management Board called for in Section 12(3) of the Implementing Arrangement, and the resolution of such issues.

(8) Annual report.

Not later than March 31, 2011, and annually thereafter, the President shall submit to Congress a report, which shall cover all Treaty activities during the previous calendar year. This report shall include:

(A) a summary of the amount of Exports under the Treaty and of Defense Articles transitioned into the Treaty, with an analysis of how the Treaty is being used;

(B) a list of all political contributions, gifts, commissions and fees paid, or offered or agreed to be paid, by any person in connection with Exports of Defense Articles under the Treaty in order to solicit, promote, or otherwise to secure the conclusion of such sales;

(C) any action to remove from the Australian Community a nongovernmental entity or facility previously engaged in activities under the Treaty, other than due to routine name or address changes or mergers and acquisitions;

(D) any concerns relating to infringement of intellectual property rights that were raised to the President or an Executive branch Department or Agency by Approved Community members, and developments regarding any concerns that were raised in previous years;

(E) a description of any relevant investigation and each prosecution pursued with respect to activities under the Treaty, the results of such investigations or prosecutions and of such investigations and prosecutions that continued over from previous years, and any shortfalls in obtaining prompt notification pursuant to Article 13(3) of the Treaty or in cooperation between the Parties pursuant to Article 13(3) and (4) of the Treaty;

(F) a description of any post-shipment verification, end-user/end-use monitoring, or other security activity related to Treaty implementation conducted during the year, the purposes of such activity and the results achieved; and

(G) any Office of Inspector General activity bearing upon Treaty implementation conducted during the year, any resultant findings or recommendations, and any actions taken in response to current or past findings or recommendations.

Section 3. Understandings.

The Senate's advice and consent to the ratification of the Treaty with Australia Concerning Defense Trade Cooperation is subject to the following understandings, which shall be included in the instrument of ratification:

(1) Meaning of the phrase "identified in."

It is the understanding of the United States that the phrase "identified in" in the Treaty shall be interpreted as meaning "identified pursuant to."

(2) Cooperative programs with exempt and non-exempt defense articles.

It is the understanding of the United States that if a cooperative program is mutually determined, consistent with Section 2(2)(e) of the Implementing Arrangement, to be within the Scope of the Treaty pursuant to Article 3(1)(b) of the Treaty despite involving Defense Articles that are exempt from the Scope of the Treaty pursuant to Article 3(2) of the Treaty, the exempt Defense

Articles shall remain exempt from the Scope of the Treaty and the Treaty shall apply only to non-exempt Defense Articles required for the program.

(3) Investigations and reports of alleged violations.

It is the understanding of the United States that the words "as appropriate" in Section 10(3)(f) of the Implementing Arrangement do not detract in any way from the obligation in Article 13(3) of the Treaty, that "Each Party shall promptly investigate all suspected violations and reports of alleged violations of the procedures established pursuant to this Treaty, and shall promptly inform the other Party of the results of such investigations."

(4) Exempt defense articles.

It is the understanding of the United States that if one Party to the Treaty exempts a type of Defense Articles from the scope of the Treaty pursuant to Article 3(2) of the Treaty, then Defense Articles of that type will be treated as exempt by both Parties to the Treaty.

(5) Intermediate consignees.

It is the understanding of the United States that any intermediate consignee of an Export from the United States under the Treaty must be a member of the Approved Community or otherwise approved by the United States Government.

(6) Scope of treaty exemption.

The United States interprets the Treaty not to exempt any person or entity from any United States statutory and regulatory requirements, including any requirements of licensing or authorization, other than those included in the International Traffic in Arms Regulations, as modified or amended. Accordingly, the United States interprets the term 'license or other written authorization' in Article 2 and the term 'licenses or other authorizations' in Article 6(1), as these terms apply to the United States, and the term 'prior written authorization by the United States Government' in Article 7, to refer only to such licenses, licensing requirements, and other authorizations as are required or issued by the United States pursuant to the International Traffic in Arms Regulations, as modified or amended; and the United States interprets the reference to 'the applicable licensing requirements and the implementing regulations of the United States Arms Export Control Act' in Article 13(1) to refer only to the applicable licensing requirements under the International Traffic in Arms Regulations, as modified or amended.

Section 4. Declarations.

The Senate's advice and consent to the ratification of the Treaty with Australia Concerning Defense Trade Cooperation is subject to the following declarations:

(1) Self-execution.

This Treaty is not self-executing in the United States, notwithstanding the statement in the preamble to the contrary.

(2) Private rights.

This Treaty does not confer private rights enforceable in United States courts.

(3) Intellectual property rights.

No liability will be incurred by or attributed to the United States Government in connection with any possible infringement of privately owned patent or proprietary rights, either domestic or foreign, by reason of the United States Government's permitting Exports or Transfers or its approval of Re-exports or Re-transfers under the Treaty.

Section 5. Definitions.

As used in this resolution:

(1) The terms "Treaty with Australia Concerning Defense Trade Cooperation" and "Treaty" mean the Treaty between the Government of the United States of America and the Government of Australia Concerning De-

fense Trade Cooperation, done at Sydney, September 5, 2007.

(2) The terms "Implementing Arrangement Pursuant to the Treaty" and "Implementing Arrangement Pursuant to the Treaty between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, which was signed in Washington on March 14, 2008.

(3) The terms "Defense Articles," "Export," "Re-export," "Re-transfer," "Transfer," "Approved Community," "United States Community," "Australian Community," and "Scope" have the meanings given to them in Article 1 of the Treaty.

(4) The terms "Management Board" and "Management Plan" have the meanings given to them in Section 1 of the Implementing Arrangement.

(5) The terms "person" and "foreign person" have the meaning given to them by section 38(g)(9) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)). The term "U.S. person" has the meaning given to it by part 120.15 of title 22, Code of Federal Regulations.

### 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. LANDRIEU (for herself and Ms. SNOWE):

S. 3839. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; considered and passed.

By Mr. CASEY (for himself and Mr. HARKIN):

S. 3840. A bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KAUFMAN (for himself, Mr. CRAPO, Mr. CARDIN, Mr. ALEXANDER, Mr. CASEY, Mrs. MURRAY, Mrs. LINCOLN, Ms. LANDRIEU, Mr. BURRIS, Mr. UDALL of Colorado, Mr. BINGAMAN, Mr. KERRY, Mrs. SHAHEEN, Mrs. FEINSTEIN, Mr. BENNETT, Mr. FEINGOLD, Ms. CANTWELL, Mr. CORKER, Mr. REED, Mr. UDALL of New Mexico, Mr. PRYOR, Ms. STABENOW, Mr. WHITEHOUSE, Mr. INOUE, and Mr. LEVIN):

S. Res. 644. A resolution designating the week beginning October 10, 2010, as "National Wildlife Refuge Week"; considered and agreed to.

By Mr. ENSIGN:

S. Res. 645. A resolution expressing the sense of the Senate regarding the Parliamentary elections to be held in Venezuela on September 26, 2010; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. LEVIN, Mr. BENNETT, Mr. DURBIN, Mr. CRAPO, Mr. CASEY, and Mr. COCHRAN):

S. Res. 646. A resolution designating Thursday, November 18, 2010, as "Feed America Day"; to the Committee on the Judiciary.

### ADDITIONAL COSPONSORS

S. 730

At the request of Mr. ENSIGN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 730, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3773

At the request of Mr. SCHUMER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3708, a bill to amend titles XVIII and XIX of the Social Security Act to clarify the application of EHR payment incentives in cases of multi-campus hospitals.

S. 3773

At the request of Mr. JOHANNES, his name was added as a cosponsor of S. 3773, a bill to permanently extend the 2001 and 2003 tax relief provisions and to provide permanent AMT relief and estate tax relief, and for other purposes.

S. 3834

At the request of Ms. KLOBUCHAR, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 3834, a bill to amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to require the appointment of a member of the Science Advisory Board based on the recommendation of the Secretary of Agriculture.

S. CON. RES. 71

At the request of Mr. FEINGOLD, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Missouri (Mrs. McCASKILL) were added as cosponsors of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. RES. 642

At the request of Mr. INOUE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 642, a resolution congratulating the National Institute of Nursing Research on the occasion of its 25th anniversary.

S. RES. 643

At the request of Mr. INOUE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 643, a resolution designating the week beginning October 3, 2010, as "National Nurse-Managed Health Clinic Week".

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mr. CASEY (for himself and Mr. HARKIN):

S. 3840. A bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CASEY. Mr. President:

We all fill many roles in our lives. We are workers, parents, sons and daughters, and members of our communities. We struggle to do well in each responsibility. But when the demands of work overshadow the rest of our lives, our lives feel out of balance. This legislation gives millions of American workers the opportunity to restore that balance—to be good employees and responsible citizens and family members, too. They deserve no less.—Senator Ted Kennedy delivered these words on December 6, 2007.

With those words, Senator Kennedy introduced the Working Families Flexibility Act in 2007. Today, I continue his essential work by reintroducing the legislation he championed.

Millions of Americans face unbelievable demands on their time due to work and familial responsibilities. Thirty years ago, people worked fewer hours and it was commonplace for one parent to stay at home while the other worked. Today, 70 percent of households are led by either two employed parents, or a single parent.

There are numerous demands on our personal time. Parents spend countless hours on childcare, caring for older relatives, doctor's appointments, kids sporting events, and school activities—on top of putting in a full day at work. Then, there is the time it takes to get to work. It is not uncommon for people to spend hours every day in their cars, or on some form of public transportation, getting to and from work each day.

These time commitments lead to stress and a loss of productivity. According to research compiled by Workplace Flexibility 2010, a public policy initiative at Georgetown Law, a staggering 92 percent of employees feel they don't have enough flexibility on the job to meet the needs of their children and families.

We need a change. Parents deserve options. We must encourage an evolution in the modern workplace to acknowledge the realities of our outside time commitments.

One thing we can do is promote workplace flexibility. Flexibility can mean telecommuting, job sharing or part-time work. For workers, this flexibility means greater control about when and where they get their work done. For employers, it means less turn over, higher morale and more productive employees. It is a win-win for both employer and employee.

That is why I am introducing the Workplace Flexibility Fairness Act. Long championed by Senator Ted Kennedy, this bill acknowledges the realities of our modern workforce by providing employees the “right to re-

quest” flexible work options in terms of hours, schedules and work location. Further, the legislation provides employers with flexibility by encouraging them to review these requests, propose changes and even deny workers if the request is not in the best interest of the business. Lastly, the legislation imposes civil penalties on any employer who discriminates against an employee for exercising any right granted under this legislation. This provision is necessary to protect workers who initiate a conversation with their employer about workplace flexibility options.

Countries around the world, including Great Britain, Germany, the Netherlands and New Zealand have “Right to Request” laws that have been shown to increase productivity, attendance and overall job satisfaction. It is time for Congress to encourage workplace flexibility in the United States. I look forward to working with my colleagues in the Senate to pass this common sense legislation.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 644—DESIGNATING THE WEEK BEGINNING OCTOBER 10, 2010, AS “NATIONAL WILDLIFE REFUGE WEEK”

Mr. KAUFMAN (for himself, Mr. CRAPO, Mr. CARDIN, Mr. ALEXANDER, Mr. CASEY, Mrs. MURRAY, Mrs. LINCOLN, Ms. LANDRIEU, Mr. BURRIS, Mr. UDALL of Colorado, Mr. BINGAMAN, Mr. KERRY, Mrs. SHAHEEN, Mrs. FEINSTEIN, Mr. BENNET, Mr. FEINGOLD, Ms. CANTWELL, Mr. CORKER, Mr. REED, Mr. UDALL of New Mexico, Mr. PRYOR, Ms. STABENOW, Mr. WHITEHOUSE, Mr. INOUE, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 644

Whereas, in 1903, President Theodore Roosevelt established the first national wildlife refuge on Florida's Pelican Island;

Whereas, in 2010, the National Wildlife Refuge System is the premier system of lands and waters to conserve wildlife in the world, and has grown to more than 150 million acres, 552 national wildlife refuges, and 38 wetland management districts in every State and territory of the United States;

Whereas national wildlife refuges are important recreational and tourism destinations in communities across the Nation, and these protected lands offer a variety of recreational opportunities, including 6 wildlife-dependent uses that the National Wildlife Refuge System manages: hunting, fishing, wildlife observation, photography, environmental education, and interpretation;

Whereas hunting is permitted on more than 320 national wildlife refuges and fishing is permitted on 272 national wildlife refuges, welcoming more than 2,500,000 hunters and more than 7,000,000 anglers;

Whereas national wildlife refuges are important to local businesses and gateway communities;

Whereas, for every \$1 appropriated, national wildlife refuges generate \$4 in economic activity;

Whereas approximately 41,000,000 people visit national wildlife refuges every year,

generating nearly \$1,700,000,000 and 27,000 jobs in local economies;

Whereas the National Wildlife Refuge System encompasses every kind of ecosystem in the United States, including temperate, tropical, and boreal forests, wetlands, deserts, grasslands, arctic tundras, and remote islands, and spans 12 time zones from the Virgin Islands to Guam;

Whereas national wildlife refuges are home to more than 700 species of birds, 220 species of mammals, 250 species of reptiles and amphibians, and more than 1,000 species of fish;

Whereas 59 refuges were established specifically to protect imperiled species and of the more than 1,200 federally listed threatened and endangered species in the United States, 280 species are found on units of the National Wildlife Refuge System;

Whereas national wildlife refuges are cores of conservation for larger landscapes and resources for other agencies of the Federal Government and State governments, private landowners, and organizations in their efforts to secure the wildlife heritage of the United States;

Whereas 39,000 volunteers and more than 220 national wildlife refuge “Friends” organizations contribute nearly 1,400,000 hours annually, the equivalent of 665 full-time employees, and provide an important link with local communities;

Whereas national wildlife refuges provide an important opportunity for children to connect with nature and discover the natural world;

Whereas, because there are national wildlife refuges located in several urban and suburban areas and 1 refuge located within an hour's drive of every metropolitan area in the United States, national wildlife refuges employ, educate, and engage young people from all backgrounds in exploring, connecting with, and preserving the natural heritage of the Nation;

Whereas, since 1995, refuges across the Nation have held festivals, educational programs, guided tours, and other events to celebrate National Wildlife Refuge Week during the second full week of October;

Whereas the week beginning on October 10, 2010, has been designated as “National Wildlife Refuge Week” by the United States Fish and Wildlife Service; and

Whereas, in 2010, the designation of National Wildlife Refuge Week would recognize more than a century of conservation in the United States and would serve to raise awareness about the importance of wildlife and the National Wildlife Refuge System and to celebrate the myriad recreational opportunities available to enjoy this network of protected lands: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning on October 10, 2010, as “National Wildlife Refuge Week”;

(2) supports the goals and ideals of National Wildlife Refuge Week;

(3) acknowledges the importance of national wildlife refuges for their recreational opportunities and contribution to local economies across the United States;

(4) pronounces that national wildlife refuges play a vital role in securing the hunting and fishing heritage of the United States for future generations;

(5) recognizes the importance of national wildlife refuges to wildlife conservation and the protection of imperiled species and ecosystems;

(6) applauds the work of refuge “Friends” groups, national and community organizations, and public partners that promote awareness, compatible use, protection, and restoration of national wildlife refuges;

(7) reaffirms the support of the Senate for wildlife conservation and the National Wildlife Refuge System; and

(8) expresses the intent of the Senate—

(A) to continue working to conserve wildlife; and

(B) to manage the National Wildlife Refuge System for current and future generations.

**SENATE RESOLUTION 645—EXPRESSING THE SENSE OF THE SENATE REGARDING THE PARLIAMENTARY ELECTIONS TO BE HELD IN VENEZUELA ON SEPTEMBER 26, 2010**

Mr. ENSIGN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 645

Whereas both the United States and Venezuela were among the 21 original members that founded the Organization of American States on May 5, 1948;

Whereas both the United States and Venezuela joined the other 34 Organization of American States member nations and approved and accepted the Inter-American Democratic Charter on September 11, 2001;

Whereas Article 1 of the Organization of American States Inter-American Democratic Charter states the peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it;

Whereas Article 4 of the Organization of American States Inter-American Democratic Charter states transparency in government activities, probity, responsible public administration on the part of governments, respect for social rights, and freedom of expression and of the press are essential components of the exercise of democracy;

Whereas Article 57 of the Constitution of the Bolivarian Republic of Venezuela guarantees the right of all citizens to freely express their thoughts and opinions;

Whereas Article 106 of the Charter for the Organization of American States establishes “an Inter-American Commission on Human Rights, whose principal function shall be to promote the observance and protection of human rights and to serve as a consultative organ of the Organization in these matters”;

Whereas the Inter-American Commission on Human Rights report entitled Democracy and Human Rights in Venezuela, published February 24, 2010, found that the government of President Hugo Chavez employs the punitive power of the state to intimidate or punish people inside Venezuela on account of their political opinions;

Whereas the Inter-American Commission on Human Rights report entitled Democracy and Human Rights in Venezuela found that conditions do not exist for human rights defenders and journalists to be able to freely carry out their work in Venezuela;

Whereas the Department of State declared on November 29, 2009, that the United States “commends the Honduran people for peacefully exercising their democratic right to select their leaders in an electoral process that began over a year ago”;

Whereas, prior to the election in Honduras, President Chavez announced on Venezuelan state television that he put the military of Venezuela on alert in response to the removal by the people of Honduras of Chavez’s ally Manuel Zelaya;

Whereas the Inter-American Commission on Human Rights report entitled Democracy and Human Rights in Venezuela concluded that constraints on freedom of expression and the right to protest peaceably and the existence of a climate hostile to the free ex-

ercise of dissenting political participation contribute to the weakening of the rule of law and democracy in Venezuela;

Whereas, on June 14, 2010, the Department of State described an arrest order issued by the government of President Chavez for the owner of Venezuela’s last remaining independent television station as “the latest example of the government of Venezuela’s continuing assault on the freedom of the press” and urged Venezuela to “honor its commitment under the Inter-American Democratic Charter to uphold the principle that respect for human rights, including freedom of the press, is essential to representative democracies”; and

Whereas the people of Venezuela will hold parliamentary elections on September 26, 2010: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the people and Government of the United States support the right of the people of Venezuela to free and fair elections as guaranteed by the Organization of American States Democratic Charter;

(2) the people and Government of the United States support the right of the people of Venezuela to the freedom of speech, the freedom of assembly, and their right to freely express their political views as guaranteed by the Organization of American States Democratic Charter; and

(3) the people and Government of the United States summarily reject any effort by President Chavez to invoke the punitive power of the state to intimidate or punish the people of Venezuelan who exercise their right to express their political opinions, their right to assemble, and their right to vote in a free and fair elections.

**SENATE RESOLUTION 646—DESIGNATING THURSDAY, NOVEMBER 18, 2010, AS “FEED AMERICA DAY”**

Mr. HATCH (for himself, Mr. LEVIN, Mr. BENNETT, Mr. DURBIN, Mr. CRAPO, Mr. CASEY, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 646

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas, according to the Department of Agriculture, roughly 35,000,000 people in the United States, including 12,000,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates Thursday, November 18, 2010, as “Feed America Day”; and

(2) encourages the people of the United States to sacrifice 2 meals on Thursday, November 18, 2010, and to donate the money that would have been spent on that food to the religious or charitable organization of their choice for the purpose of feeding the hungry.

Mr. HATCH. Mr. President, I rise today to introduce Senate Resolution 646, also known as Feed America Day.

Feed America Day began in 2002 as a small effort in Provo, UT. From that small beginning, the campaign has re-

ceived support from over 1,100 large and small cities. This includes over 60 cities that have responded with proclamations, covering a population exceeding seven million.

This eighth year of promoting Feed America Day is held on the Thursday immediately preceding Thanksgiving Day. On that day, each person is encouraged to fast two meals and then to contribute to a food bank, church, or charity the equivalent dollar amount saved.

The U.S. Department of Agriculture has reported that 35 million Americans, including 12 million children, live in homes that do not have an adequate supply of food. This resolution recalls that selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society. In that spirit, I encourage individuals and families to remember to help those in need one week before Thanksgiving.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 4658. Mr. BROWN of Ohio (for Mr. KAUFMAN (for himself and Mr. VOINOVICH)) proposed an amendment to the bill S. 3196, to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

**TEXT OF AMENDMENTS**

**SA 4658.** Mr. BROWN of Ohio (for Mr. KAUFMAN (for himself and Mr. VOINOVICH)) proposed an amendment to the bill S. 3196, to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Pre-Election Presidential Transition Act of 2010”.

**SEC. 2. CERTAIN PRESIDENTIAL TRANSITION SERVICES MAY BE PROVIDED TO ELIGIBLE CANDIDATES BEFORE GENERAL ELECTION.**

(a) IN GENERAL.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended by adding at the end the following new subsection:

“(h)(1)(A) In the case of an eligible candidate, the Administrator—

“(i) shall notify the candidate of the candidate’s right to receive the services and facilities described in paragraph (2) and shall provide with such notice a description of the nature and scope of each such service and facility; and

“(ii) upon notification by the candidate of which such services and facilities such candidate will accept, shall, notwithstanding subsection (b), provide such services and facilities to the candidate during the period beginning on the date of the notification and ending on the date of the general elections described in subsection (b)(1).

The Administrator shall also notify the candidate that sections 7601(c) and 8403(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 provide additional services.

“(B) The Administrator shall provide the notice under subparagraph (A)(i) to each eligible candidate—

“(i) in the case of a candidate of a major party (as defined in section 9002(6) of the Internal Revenue Code of 1986), on one of the first 3 business days following the last nominating convention for such major parties; and

“(ii) in the case of any other candidate, as soon as practicable after an individual becomes an eligible candidate (or, if later, at the same time as notice is provided under clause (i)).

“(C)(i) The Administrator shall, not later than 12 months before the date of each general election for President and Vice-President (beginning with the election to be held in 2012), prepare a report summarizing modern presidential transition activities, including a bibliography of relevant resources.

“(ii) The Administrator shall promptly make the report under clause (i) generally available to the public (including through electronic means) and shall include such report with the notice provided to each eligible candidate under subparagraph (A)(i).

“(2)(A) Except as provided in subparagraph (B), the services and facilities described in this paragraph are the services and facilities described in subsection (a) (other than paragraphs (2), (3), (4), (7), and 8(A)(v) thereof), but only to the extent that the use of the services and facilities is for use in connection with the eligible candidate's preparations for the assumption of official duties as President or Vice-President.

“(B) The Administrator—

“(i) shall determine the location of any office space provided to an eligible candidate under this subsection;

“(ii) shall, as appropriate, ensure that any computers or communications services provided to an eligible candidate under this subsection are secure;

“(iii) shall offer information and other assistance to eligible candidates on an equal basis and without regard to political affiliation; and

“(iv) may modify the scope of any services to be provided under this subsection to reflect that the services are provided to eligible candidates rather than the President-elect or Vice-President-elect, except that any such modification must apply to all eligible candidates.

“(C) An eligible candidate, or any person on behalf of the candidate, shall not use any services or facilities provided under this subsection other than for the purposes described in subparagraph (A), and the candidate or the candidate's campaign shall reimburse the Administrator for any unauthorized use of such services or facilities.

“(3)(A) Notwithstanding any other provision of law, an eligible candidate may establish a separate fund for the payment of expenditures in connection with the eligible candidate's preparations for the assumption of official duties as President or Vice-President, including expenditures in connection with any services or facilities provided under this subsection (whether before such services or facilities are available under this section or to supplement such services or facilities when so provided). Such fund shall be established and maintained in such manner as to qualify such fund for purposes of section 501(c)(4) of the Internal Revenue Code of 1986.

“(B)(i) The eligible candidate may—

“(I) transfer to any separate fund established under subparagraph (A) contributions (within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8))) the candidate received for the general election for President or Vice-President or payments from the Presidential Election Campaign Fund under chapter 95 of the Internal Revenue Code of 1986 the candidate received for the general election; and

“(II) solicit and accept amounts for receipt by such separate fund.

“(ii) Any expenditures from the separate fund that are made from such contributions or payments described in clause (i)(I) shall be treated as expenditures (within the meaning of section 301(9) of such Act (2 U.S.C. 431(9))) or qualified campaign expenses (within the meaning of section 9002(11) of such Code), whichever is applicable.

“(iii) An eligible candidate establishing a separate fund under subparagraph (A) shall (as a condition for receiving services and facilities described in paragraph (2)) comply with all requirements and limitations of section 5 in soliciting or expending amounts in the same manner as the President-elect or Vice-President-elect, including reporting on the transfer and expenditure of amounts described in subparagraph (B)(i) in the disclosures required by section 5.

“(4)(A) In this subsection, the term ‘eligible candidate’ means, with respect to any presidential election (as defined in section 9002(10) of the Internal Revenue Code of 1986)—

“(i) a candidate of a major party (as defined in section 9002(6) of such Code) for President or Vice-President of the United States; and

“(ii) any other candidate who has been determined by the Administrator to be among the principal contenders for the general election to such offices.

“(B) In making a determination under subparagraph (A)(ii), the Administrator shall—

“(i) ensure that any candidate determined to be an eligible candidate under such subparagraph—

“(I) meets the requirements described in Article II, Section 1, of the United States Constitution for eligibility to the office of President;

“(II) has qualified to have his or her name appear on the ballots of a sufficient number of States such that the total number of electors appointed in those States is greater than 50 percent of the total number of electors appointed in all of the States; and

“(III) has demonstrated a significant level of public support in national public opinion polls, so as to be realistically considered among the principal contenders for President or Vice-President of the United States; and

“(ii) consider whether other national organizations have recognized the candidate as being among the principal contenders for the general election to such offices, including whether the Commission on Presidential Debates has determined that the candidate is eligible to participate in the candidate debates for the general election to such offices.”

(b) ADMINISTRATOR REQUIRED TO PROVIDE TECHNOLOGY COORDINATION UPON REQUEST.—Section 3(a)(10) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended to read as follows:

“(10) Notwithstanding subsection (b), consultation by the Administrator with any President-elect, Vice-President-elect, or eligible candidate (as defined in subsection (h)(4)) to develop a systems architecture plan for the computer and communications systems of the candidate to coordinate a transition to Federal systems if the candidate is elected.”

(c) COORDINATION WITH OTHER TRANSITION SERVICES.—

(1) SECURITY CLEARANCES.—Section 7601(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b note) is amended—

(A) by striking paragraph (1) and inserting:

“(1) DEFINITION.—In this section, the term ‘eligible candidate’ has the meaning given such term by section 3(h)(4) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note).”, and

(B) by striking “major party candidate” in paragraph (2) and inserting “eligible candidate”.

(2) PRESIDENTIALLY APPOINTED POSITIONS.—Section 8403(b)(2)(B) of such Act (5 U.S.C. 1101 note) is amended to read as follows:

“(B) OTHER CANDIDATES.—After making transmittals under subparagraph (A), the Office of Personnel Management shall transmit such electronic record to any other candidate for President who is an eligible candidate described in section 3(h)(4)(B) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) and may transmit such electronic record to any other candidate for President.”

(d) CONFORMING AMENDMENTS.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in subsection (a)(8)(B), by striking “President-elect” and inserting “President-elect or eligible candidate (as defined in subsection (h)(4)) for President”; and

(2) in subsection (e), by inserting “, or eligible candidate (as defined in subsection (h)(4)) for President or Vice-President,” before “may designate”.

### SEC. 3. AUTHORIZATION OF TRANSITION ACTIVITIES BY THE INCUMBENT ADMINISTRATION.

(a) IN GENERAL.—The President of the United States, or the President's delegate, may take such actions as the President determines necessary and appropriate to plan and coordinate activities by the Executive branch of the Federal Government to facilitate an efficient transfer of power to a successor President, including—

(1) the establishment and operation of a transition coordinating council comprised of—

(A) high-level officials of the Executive branch selected by the President, which may include the Chief of Staff to the President, any Cabinet officer, the Director of the Office of Management and Budget, the Administrator of the General Services Administration, the Director of the Office of Personnel Management, the Director of the Office of Government Ethics, and the Archivist of the United States; and

(B) any other persons the President determines appropriate;

(2) the establishment and operation of an agency transition directors council which includes career employees designated to lead transition efforts within Executive Departments or agencies;

(3) the development of guidance to Executive Departments and agencies regarding briefing materials for an incoming administration, and the development of such materials; and

(4) the development of computer software, publications, contingency plans, issue memoranda, memoranda of understanding, training and exercises (including crisis training and exercises), programs, lessons learned from previous transitions, and other items appropriate for improving the effectiveness and efficiency of a Presidential transition that may be disseminated to eligible candidates (as defined in section 3(h)(4) of the Presidential Transition Act of 1963, as added by section 2(a)) and to the President-elect and Vice-President-elect.

Any information and other assistance to eligible candidates under this subsection shall be offered on an equal basis and without regard to political affiliation.

(b) REPORTS.—

(1) IN GENERAL.—The President of the United States, or the President's delegate, shall provide to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of



the Senate reports describing the activities undertaken by the President and the Executive Departments and agencies to prepare for the transfer of power to a new President.

(2) **TIMING.**—The reports under paragraph (1) shall be provided six months and three months before the date of the general election for the Office of President of the United States.

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

### NOTICE OF HEARING

#### 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 joint hearing has been scheduled before the Subcommittee on National Parks and the Subcommittee on Public Lands and Forests.

The hearing will be held on Wednesday, September 29, 2010, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 3261, to establish the Buffalo Bayou National Heritage Area in the State of Texas, and for other purposes; S. 3283, A bill to designate Mt. Andrea Lawrence;

S. 3291, to establish Coltsville National Historical Park in the State of Connecticut, and for other purposes;

S. 3524 and H.R. 1858, to authorize the Secretary of the Interior to enter into a cooperative agreement for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes;

S. 3565, to provide for the conveyance of certain Bureau of Land Management land in Mohave County, Arizona, to the Arizona Game and Fish Commission, for use as a public shooting range;

S. 3612, to amend the Marsh-Billings-Rockefeller National Historical Park Establishment Act to expand the boundary of the Marsh-Billings-Rockefeller National Historical Park in the State of Vermont, and for other purposes;

S. 3616, to withdraw certain land in the State of New Mexico, and for other purposes;

S. 3744, to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes;

S. 3778 and H.R. 4773, to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes;

S. 3820, to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes;

S. 3822, to adjust the boundary of the Carson National Forest, New Mexico; and

H.R. 1858, to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [testimony@energy.senate.gov](mailto:testimony@energy.senate.gov).

For further information, please contact David Brooks at (202) 224-9863 or Allison Seyferth at (202) 224-4905.

### PREELECTION PRESIDENTIAL TRANSITION ACT OF 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 499, S. 3196.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 3196) to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Kaufman-Voinovich substitute amendment, which is at the desk, be considered and agreed to, the bill, as amended, be read the third time and passed; that the motions to reconsider be laid upon the table, without any intervening action or debate; and that any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 4658) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Pre-Election Presidential Transition Act of 2010”.

#### SEC. 2. CERTAIN PRESIDENTIAL TRANSITION SERVICES MAY BE PROVIDED TO ELIGIBLE CANDIDATES BEFORE GENERAL ELECTION.

(a) **IN GENERAL.**—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended by adding at the end the following new subsection:

“(h)(1)(A) In the case of an eligible candidate, the Administrator—

“(i) shall notify the candidate of the candidate’s right to receive the services and facilities described in paragraph (2) and shall provide with such notice a description of the nature and scope of each such service and facility; and

“(ii) upon notification by the candidate of which such services and facilities such can-

didate will accept, shall, notwithstanding subsection (b), provide such services and facilities to the candidate during the period beginning on the date of the notification and ending on the date of the general elections described in subsection (b)(1).

The Administrator shall also notify the candidate that sections 7601(c) and 8403(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 provide additional services.

“(B) The Administrator shall provide the notice under subparagraph (A)(i) to each eligible candidate—

“(i) in the case of a candidate of a major party (as defined in section 9002(6) of the Internal Revenue Code of 1986), on one of the first 3 business days following the last nominating convention for such major parties; and

“(ii) in the case of any other candidate, as soon as practicable after an individual becomes an eligible candidate (or, if later, at the same time as notice is provided under clause (i)).

“(C)(i) The Administrator shall, not later than 12 months before the date of each general election for President and Vice-President (beginning with the election to be held in 2012), prepare a report summarizing modern presidential transition activities, including a bibliography of relevant resources.

“(ii) The Administrator shall promptly make the report under clause (i) generally available to the public (including through electronic means) and shall include such report with the notice provided to each eligible candidate under subparagraph (A)(i).

“(2)(A) Except as provided in subparagraph (B), the services and facilities described in this paragraph are the services and facilities described in subsection (a) (other than paragraphs (2), (3), (4), (7), and 8(A)(v) thereof), but only to the extent that the use of the services and facilities is for use in connection with the eligible candidate’s preparations for the assumption of official duties as President or Vice-President.

“(B) The Administrator—

“(i) shall determine the location of any office space provided to an eligible candidate under this subsection;

“(ii) shall, as appropriate, ensure that any computers or communications services provided to an eligible candidate under this subsection are secure;

“(iii) shall offer information and other assistance to eligible candidates on an equal basis and without regard to political affiliation; and

“(iv) may modify the scope of any services to be provided under this subsection to reflect that the services are provided to eligible candidates rather than the President-elect or Vice-President-elect, except that any such modification must apply to all eligible candidates.

“(C) An eligible candidate, or any person on behalf of the candidate, shall not use any services or facilities provided under this subsection other than for the purposes described in subparagraph (A), and the candidate or the candidate’s campaign shall reimburse the Administrator for any unauthorized use of such services or facilities.

“(3)(A) Notwithstanding any other provision of law, an eligible candidate may establish a separate fund for the payment of expenditures in connection with the eligible candidate’s preparations for the assumption of official duties as President or Vice-President, including expenditures in connection with any services or facilities provided under this subsection (whether before such services or facilities are available under this section or to supplement such services or facilities when so provided). Such fund shall be established and maintained in such manner as to

qualify such fund for purposes of section 501(c)(4) of the Internal Revenue Code of 1986.

“(B)(i) The eligible candidate may—

“(I) transfer to any separate fund established under subparagraph (A) contributions (within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8))) the candidate received for the general election for President or Vice-President or payments from the Presidential Election Campaign Fund under chapter 95 of the Internal Revenue Code of 1986 the candidate received for the general election; and

“(II) solicit and accept amounts for receipt by such separate fund.

“(ii) Any expenditures from the separate fund that are made from such contributions or payments described in clause (i)(I) shall be treated as expenditures (within the meaning of section 301(9) of such Act (2 U.S.C. 431(9))) or qualified campaign expenses (within the meaning of section 9002(11) of such Code), whichever is applicable.

“(iii) An eligible candidate establishing a separate fund under subparagraph (A) shall (as a condition for receiving services and facilities described in paragraph (2)) comply with all requirements and limitations of section 5 in soliciting or expending amounts in the same manner as the President-elect or Vice-President-elect, including reporting on the transfer and expenditure of amounts described in subparagraph (B)(i) in the disclosures required by section 5.

“(4)(A) In this subsection, the term ‘eligible candidate’ means, with respect to any presidential election (as defined in section 9002(10) of the Internal Revenue Code of 1986)—

“(i) a candidate of a major party (as defined in section 9002(6) of such Code) for President or Vice-President of the United States; and

“(ii) any other candidate who has been determined by the Administrator to be among the principal contenders for the general election to such offices.

“(B) In making a determination under subparagraph (A)(ii), the Administrator shall—

“(i) ensure that any candidate determined to be an eligible candidate under such subparagraph—

“(I) meets the requirements described in Article II, Section 1, of the United States Constitution for eligibility to the office of President;

“(II) has qualified to have his or her name appear on the ballots of a sufficient number of States such that the total number of electors appointed in those States is greater than 50 percent of the total number of electors appointed in all of the States; and

“(III) has demonstrated a significant level of public support in national public opinion polls, so as to be realistically considered among the principal contenders for President or Vice-President of the United States; and

“(iv) consider whether other national organizations have recognized the candidate as being among the principal contenders for the general election to such offices, including whether the Commission on Presidential Debates has determined that the candidate is eligible to participate in the candidate debates for the general election to such offices.”

(b) **ADMINISTRATOR REQUIRED TO PROVIDE TECHNOLOGY COORDINATION UPON REQUEST.**—Section 3(a)(10) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended to read as follows:

“(10) Notwithstanding subsection (b), consultation by the Administrator with any President-elect, Vice-President-elect, or eligible candidate (as defined in subsection (h)(4)) to develop a systems architecture plan for the computer and communications systems of the candidate to coordinate a transi-

tion to Federal systems if the candidate is elected.”

(c) **COORDINATION WITH OTHER TRANSITION SERVICES.**—

(1) **SECURITY CLEARANCES.**—Section 7601(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b note) is amended—

(A) by striking paragraph (1) and inserting: “(1) **DEFINITION.**—In this section, the term ‘eligible candidate’ has the meaning given such term by section 3(h)(4) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note).”, and

(B) by striking “major party candidate” in paragraph (2) and inserting “eligible candidate”.

(2) **PRESIDENTIALLY APPOINTED POSITIONS.**—Section 8403(b)(2)(B) of such Act (5 U.S.C. 1101 note) is amended to read as follows:

“(B) **OTHER CANDIDATES.**—After making transmittals under subparagraph (A), the Office of Personnel Management shall transmit such electronic record to any other candidate for President who is an eligible candidate described in section 3(h)(4)(B) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) and may transmit such electronic record to any other candidate for President.”

(d) **CONFORMING AMENDMENTS.**—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in subsection (a)(8)(B), by striking “President-elect” and inserting “President-elect or eligible candidate (as defined in subsection (h)(4)) for President”; and

(2) in subsection (e), by inserting “, or eligible candidate (as defined in subsection (h)(4)) for President or Vice-President,” before “may designate”.

**SEC. 3. AUTHORIZATION OF TRANSITION ACTIVITIES BY THE INCUMBENT ADMINISTRATION.**

(a) **IN GENERAL.**—The President of the United States, or the President’s delegate, may take such actions as the President determines necessary and appropriate to plan and coordinate activities by the Executive branch of the Federal Government to facilitate an efficient transfer of power to a successor President, including—

(1) the establishment and operation of a transition coordinating council comprised of—

(A) high-level officials of the Executive branch selected by the President, which may include the Chief of Staff to the President, any Cabinet officer, the Director of the Office of Management and Budget, the Administrator of the General Services Administration, the Director of the Office of Personnel Management, the Director of the Office of Government Ethics, and the Archivist of the United States, and

(B) any other persons the President determines appropriate;

(2) the establishment and operation of an agency transition directors council which includes career employees designated to lead transition efforts within Executive Departments or agencies;

(3) the development of guidance to Executive Departments and agencies regarding briefing materials for an incoming administration, and the development of such materials; and

(4) the development of computer software, publications, contingency plans, issue memoranda, memoranda of understanding, training and exercises (including crisis training and exercises), programs, lessons learned from previous transitions, and other items appropriate for improving the effectiveness and efficiency of a Presidential transition that may be disseminated to eligible candidates (as defined in section 3(h)(4) of the Presidential Transition Act of 1963, as added

by section 2(a)) and to the President-elect and Vice-President-elect.

Any information and other assistance to eligible candidates under this subsection shall be offered on an equal basis and without regard to political affiliation.

(b) **REPORTS.**—

(1) **IN GENERAL.**—The President of the United States, or the President’s delegate, shall provide to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate reports describing the activities undertaken by the President and the Executive Departments and agencies to prepare for the transfer of power to a new President.

(2) **TIMING.**—The reports under paragraph (1) shall be provided six months and three months before the date of the general election for the Office of President of the United States.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The bill (S. 3196), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. KAUFMAN. Mr. President, the Senate has just passed an important piece of legislation that will make our Presidential transitions safer. The Presidential Election Transition Act, which I introduced in April along with Senators VOINOVICH, AKAKA, and LIEBERMAN—and which has also been cosponsored by Senators CARPER and COLLINS—is a bipartisan bill and the product of research into best practices from recent transitions.

With input from the General Services Administration, and following the release of new studies by the nonpartisan Partnership for Public Service and Presidential scholars like Martha Joynt Kumar and Terry Sullivan, we crafted a bill that draws on the successes of the 2008–2009 transition. Our Nation was fortunate that both President Bush and President-Elect Obama were both focused on ensuring a smooth and secure transition. In this, our first transition between parties since the attacks of September 11, 2001, in the midst of two wars and the worst economic downturn since the Great Depression, we had no room for error.

This legislation will help remove the stigma that all too often dissuades candidates from taking the responsible step of early transition planning before election day. By extending a limited number of government services to Presidential nominees, we can make early transition activities a normal part of responsible candidacy.

I thank my cosponsors for their work on this bill, and I thank my colleagues for their unanimous support. I am glad that the Senate has taken this important step. In our post-September 11 security environment, we simply cannot afford to leave Presidential transitions to chance. I urge the House of Representatives to take swift action to pass this bill.

I also ask unanimous consent that the op-ed by Ed Gillespie and Donna

Brazile on the importance of passing this bill be printed in the RECORD.

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

[From Roll Call, July 20, 2010]

CONGRESS CAN EXPEDITE THE PRESIDENTIAL TRANSITION

(By Donna Brazile and Ed Gillespie)

For most Americans, the morning after a presidential election has been decided represents a moment of relief. Relief that months of campaign commercials, debates and a seemingly endless stream of canvassers knocking on their doors and phoning interrupting their dinners are finally over—relief at the end of a long and exhausting process.

However, for the election winner's staff, that morning is the official beginning of a stressful and complicated process that can make or break the new president's first two years in office.

Having worked on presidential transitions, we both know the pressures facing transition staff. There are only 11 or 12 weeks between Election Day and the inauguration, too short a period to prepare for the host of challenges facing incoming administrations. This is especially true in our post-9/11 security environment and in times of economic uncertainty, which demand a seamless transfer of power and leave us no room for a gap in national leadership.

That is why, in recent elections, candidates have begun planning their transitions informally before winning election. While these efforts are almost never spoken of out of fear they will be derided as presumptuous, they have become as important to the process of transferring power as the formal transition following Election Day.

To their credit, both President Barack Obama and Sen. John McCain (R-Ariz.) engaged in transition planning before the election was held in 2008. President George W. Bush also deserves praise for making a smooth transition out of office a high priority during the final months of his term. None of these steps was mandated by law, and all pre-election transition efforts by candidates had to be funded privately.

It was fortunate that, in the first transfer of power between parties after 9/11, with two ongoing wars and the worst financial crisis since the Great Depression, both major candidates and the White House took it upon themselves to ensure one of the smoothest transitions in modern history. But we should not simply leave something so important to fortune.

Sens. Ted Kaufman (D-Del.) and George Voinovich (R-Ohio) have introduced the Pre-Election Presidential Transition Act. This bipartisan legislation would extend to both parties' nominees some of the government services (i.e., office space, secure computer systems) currently provided to presidents-elect for their transition planning several weeks before Election Day. It also authorizes funding for sitting presidents to help plan for a responsible transfer out of office and recommends the Bush administration's Presidential Transition Coordinating Council as a model.

This will go a long way toward removing the stigma of presumptuousness that discourages early transition planning. We now know that in 2008 the Obama and McCain campaigns were poised to make a joint statement acknowledging that both were engaging in pre-election transition planning as an act of responsibility. However, at the last minute the issue became politicized and neither campaign wanted to risk being accused of "measuring the drapes" in the White House.

This political calculus is understandable but dangerous in today's world. The Kaufman-Voinovich bill was written in consultation with veterans of past transitions. Its introduction follows on the heels of a landmark report by the nonpartisan, nonprofit Partnership for Public Service as well as academic articles by presidential scholars Martha Joynt Kumar, Terry Sullivan and others analyzing the successes and shortcomings of recent transitions. The Pre-Election Presidential Transition Act would provide nominees with office space, computer services and information about previous transitions. It would not pay transition staff salaries or provide for the hiring of outside consultants. For those expenses and others not covered by the bill, it would allow candidates to open transition accounts to which they could raise money or transfer funds from their campaign chests.

For those of us who have worked on presidential transitions, this bipartisan effort by two outgoing Senators in a non-presidential election year is long overdue. Congress should take advantage of this opportunity to implement the changes proposed by this bill to ensure more responsible, more secure and more seamless transfers of power in the future.

TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3839, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 3839) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN of Ohio. 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, 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 bill (S. 3839) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3839

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

**SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.**

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111-214 (124 Stat. 2346), is amended by striking "September 30, 2010" each place it appears and inserting "January 31, 2011".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on September 29, 2010.

NATIONAL WILDLIFE REFUGE WEEK

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 644, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 644) designating the week of October 10, 2010, as "National Wildlife Refuge Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. KAUFMAN. Mr. President, I rise to speak on a resolution I submitted today with Senators CRAPO and CARDIN to celebrate National Wildlife Refuge Week and honor the extraordinary National Wildlife Refuge System. I am pleased that so many of my colleagues have joined me to cosponsor this resolution.

President Theodore Roosevelt established the first national wildlife refuge on Florida's Pelican Island in 1903. He was a renowned naturalist, an avid hunter, and is considered to be one of the greatest conservation leaders in American history.

Roosevelt was spurred to action after witnessing a dramatic decline in bird and animal populations across the country due to unregulated and unsustainable hunting. A sportsman himself, Roosevelt saw a great need to conserve our nation's natural resources not only for the benefit of his generation but for future generations as well.

President Roosevelt set out this basic principle when he said:

I recognize the right and duty of this generation to develop and use the natural resources of our land. But I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us.

He was a man of action. Over the course of Presidency, Roosevelt would establish more than 50 Federal bird reserves which would become the foundation of the National Wildlife Refuge System.

Today, the Refuge System has grown to more than 150 million acres, 552 national wildlife refuges, and 38 wetland management districts. These lands are truly American treasures and important parts of our natural heritage.

The Refuge System is a magnificent network of lands and waters dedicated to wildlife conservation. It is exceptionally diverse, encompassing every kind of ecosystem in the United States, including forests, wetlands, deserts, grasslands, tundras, and remote islands.

National wildlife refuges are critical to the broad goals of wildlife conservation to both keep common species common and to protect and restore imperiled species. Refuges do this well. They are home to an incredible amount of biodiversity, including over 700 species of birds, 220 species of mammals, 250 reptile and amphibian species, and

more than 1,000 species of fish. Furthermore, of the more than 1,200 federally listed threatened and endangered species in the United States, 280 are found on national wildlife refuges.

The incredible resources available through the National Wildlife Refuge System offer a variety of recreational opportunities including hunting, fishing, wildlife watching, photography, hiking, boating, environmental education, and so much more. In fact, hunting and fishing is permitted on hundreds of refuges, providing opportunities for over 2.5 million hunters and more than 7 million anglers.

National wildlife refuges also provide children and families a unique opportunity to explore and learn about wildlife and the outdoors. A third of U.S. children and teens are overweight or close to it. Playing outside and engaging with the natural world can get our children active, and studies show that it can also reduce stress, improve attention and cooperation, and open children's imagination and creativity.

Refuges also afford service opportunities for local residents. Every year 39,000 volunteers and over 220 refuge "Friends" organizations contribute nearly 1.4 million hours of their time to lead educational programs, guide tours, restore habitat, maintain trails, and offer their time and energy in other important ways. Their efforts are worth the equivalent of 665 full-time employees.

National wildlife refuges are important to local businesses and gateway communities. Each year, refuges draw 41 million visitors, generating nearly \$1.7 billion and 27,000 jobs for local economies. Refuges are also a good investment for the American people. For every \$1 appropriated, refuges generate \$4 in economic activity.

Since 1995 refuges across the country have held festivals, educational programs, guided tours, and other events to celebrate National Wildlife Refuge Week during the second week of October. This year Refuge Week will take place from October 10 to 17.

There is much to celebrate. For over a century, the National Wildlife Refuge System has served to conserve our wildlife heritage, provide recreational opportunities for our communities, and support for local economies. With at least one refuge located in every State and within an hour's drive of every metropolitan area across the Nation, we can all take part in National Wildlife Refuge Week.

In my home State of Delaware, we are fortunate to have two national wildlife refuges: Bombay Hook and Prime Hook. The tens of thousands of acres of freshwater wetlands and tidal salt marshes these refuges protect are considered some of the best on the Atlantic coast and provide critical habitat for waterfowl migrating between Canada and Mexico. In fact, the American Bird Conservancy has recognized Bombay Hook as one of America's 100 important Bird Areas.

Bombay Hook and Prime Hook are also incredible places to visit and enjoy. Bombay Hook host over 100,000 visitors a year, and the Great Outdoor Recreation Pages, GORP magazine recently rated the refuge as one of the top Ten most scenic drives in the United States. Furthermore, studies show that visitors of Prime Hook generate over \$1.21 million and nearly 20 jobs a year in the local Sussex County economy.

I am proud to join my colleagues in sponsoring this resolution to celebrate National Wildlife Refuge Week and honor the National Wildlife Refuge System.

As President Roosevelt once said:

It is not what we have that will make us a great Nation. It is the way in which we use it.

We must continue the legacy of President Roosevelt and work to conserve our wildlife heritage for current and future generations.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 644) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 644

Whereas, in 1903, President Theodore Roosevelt established the first national wildlife refuge on Florida's Pelican Island;

Whereas, in 2010, the National Wildlife Refuge System is the premier system of lands and waters to conserve wildlife in the world, and has grown to more than 150 million acres, 552 national wildlife refuges, and 38 wetland management districts in every State and territory of the United States;

Whereas national wildlife refuges are important recreational and tourism destinations in communities across the Nation, and these protected lands offer a variety of recreational opportunities, including 6 wildlife-dependent uses that the National Wildlife Refuge System manages: hunting, fishing, wildlife observation, photography, environmental education, and interpretation;

Whereas hunting is permitted on more than 320 national wildlife refuges and fishing is permitted on 272 national wildlife refuges, welcoming more than 2,500,000 hunters and more than 7,000,000 anglers;

Whereas national wildlife refuges are important to local businesses and gateway communities;

Whereas, for every \$1 appropriated, national wildlife refuges generate \$4 in economic activity;

Whereas approximately 41,000,000 people visit national wildlife refuges every year, generating nearly \$1,700,000,000 and 27,000 jobs in local economies;

Whereas the National Wildlife Refuge System encompasses every kind of ecosystem in the United States, including temperate, tropical, and boreal forests, wetlands, deserts, grasslands, arctic tundras, and remote islands, and spans 12 time zones from the Virgin Islands to Guam;

Whereas national wildlife refuges are home to more than 700 species of birds, 220 species of mammals, 250 species of reptiles and amphibians, and more than 1,000 species of fish;

Whereas 59 refuges were established specifically to protect imperiled species and of the more than 1,200 federally listed threatened and endangered species in the United States, 280 species are found on units of the National Wildlife Refuge System;

Whereas national wildlife refuges are cores of conservation for larger landscapes and resources for other agencies of the Federal Government and State governments, private landowners, and organizations in their efforts to secure the wildlife heritage of the United States;

Whereas 39,000 volunteers and more than 220 national wildlife refuge "Friends" organizations contribute nearly 1,400,000 hours annually, the equivalent of 665 full-time employees, and provide an important link with local communities;

Whereas national wildlife refuges provide an important opportunity for children to connect with nature and discover the natural world;

Whereas, because there are national wildlife refuges located in several urban and suburban areas and 1 refuge located within an hour's drive of every metropolitan area in the United States, national wildlife refuges employ, educate, and engage young people from all backgrounds in exploring, connecting with, and preserving the natural heritage of the Nation;

Whereas, since 1995, refuges across the Nation have held festivals, educational programs, guided tours, and other events to celebrate National Wildlife Refuge Week during the second full week of October;

Whereas the week beginning on October 10, 2010, has been designated as "National Wildlife Refuge Week" by the United States Fish and Wildlife Service;

Whereas, in 2010, the designation of National Wildlife Refuge Week would recognize more than a century of conservation in the United States and would serve to raise awareness about the importance of wildlife and the National Wildlife Refuge System and to celebrate the myriad recreational opportunities available to enjoy this network of protected lands: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning on October 10, 2010, as "National Wildlife Refuge Week";

(2) supports the goals and ideals of National Wildlife Refuge Week;

(3) acknowledges the importance of national wildlife refuges for their recreational opportunities and contribution to local economies across the United States;

(4) pronounces that national wildlife refuges play a vital role in securing the hunting and fishing heritage of the United States for future generations;

(5) recognizes the importance of national wildlife refuges to wildlife conservation and the protection of imperiled species and ecosystems;

(6) applauds the work of refuge "Friends" groups, national and community organizations, and public partners that promote awareness, compatible use, protection, and restoration of national wildlife refuges;

(7) reaffirms the support of the Senate for wildlife conservation and the National Wildlife Refuge System; and

(8) expresses the intent of the Senate—

(A) to continue working to conserve wildlife; and

(B) to manage the National Wildlife Refuge System for current and future generations.

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

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

The legislative clerk proceeded to call the roll.

Mr. REID. 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.

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DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 107, H.R. 3081, and I send to the desk a cloture motion.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 107, H.R. 3081, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010.

John D. Rockefeller, IV, Byron L. Dorgan, Carl Levin, Dianne Feinstein, Jack Reed, Mark R. Warner, Patrick J. Leahy, Michael F. Bennet, Barbara Boxer, Benjamin L. Cardin, Charles E. Schumer, Patty Murray, Debbie Stabenow, Robert P. Casey, Jr., Christopher J. Dodd, Daniel K. Akaka, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

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

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EXTENDING FUNDING AND EXPENDITURE AUTHORITY OF THE AIRPORT AND AIRWAY TRUST FUND

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 6190.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6190) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid on the table, and that any statements be printed in the RECORD.

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

The bill (H.R. 6190) was ordered to a third reading, was read the third time, and passed.

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ORDER FOR RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent now that the RECORD remain open until 2 p.m. today for the introduction of bills, resolutions, statements, and cosponsor requests.

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

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ORDERS FOR MONDAY, SEPTEMBER 27, 2010

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, September 27; 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; that after any leader remarks, the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each until 3 p.m.; following morning business, the Senate resume consideration of the motion to proceed to S. 3816, the Creating American Jobs and Ending Offshoring Act.

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

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PROGRAM

Mr. REID. Mr. President, we expect to have a live quorum at 7 p.m. on Monday, as we consider the motion to proceed to S. 3816.

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ADJOURNMENT UNTIL 2 P.M., MONDAY, SEPTEMBER 27, 2010

Mr. REID. 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 12:15 p.m., adjourned until Monday, September 27, 2010, at 2 p.m.