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Senate

(Legislative day of Wednesday, May 26, 2010)

The Senate met at 10 a.m., upon the expiration of the recess, and was called to order by the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

God of our forebears, whose almighty hands lead forth in beauty all the starry bands. As Memorial Day approaches, we remember those who have made ultimate sacrifices for our freedom. Lord, pour Your richest blessings on our service men and women and the members of their families, surrounding them with Your shield of protection.

Teach us, Lord, this day through all our employments to see You working for the good of those who love You. Deliver our lawmakers from all dejection of spirit and free their hearts to give You zealous, active, and cheerful service. May they vigorously perform whatever You command, thankfully enduring whatever You have chosen for them to bear. Guard their desires so that they will not deviate from the path of integrity.

We pray in Your great name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK WARNER led the Pledge of Allegiance as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 28, 2010.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER 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 leader remarks, the Senate will be in a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

There will be no rollcall votes today. Our next vote will be a week from Monday at about 5:30. We will have a number of votes—we hope two or three, but at least we will have one.

We finished a difficult bill yesterday, the supplemental appropriations bill. It was tedious, but it was done very well. Senators INOUYE and COCHRAN did an outstanding job. Members from both sides with strong feelings were able to compromise on a number of issues and allow us to finish this bill. The same thing happened—it took a little longer—on the Wall Street reform bill. Both of those pieces of legislation are now in conference.

We are going to await the action of the House before we can determine the direction of what we do with the extenders bill, the jobs bill. I will have some meetings during this coming week to determine how we will change the bill we get from the House. I think the changes should not be major, but there will be some, and we have to work through that. I have spoken with the Republican leader, and we are going to have to have a number of amendments—not a large number, but we need to work through that, because the next work period is relatively short.

We don't have many speakers coming today, so the session should be relatively short.

I ask the Chair to announce morning business.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

AUTHORIZATION TO SIGN ENROLLMENT OF H.R. 5128

Mr. REID. Mr. President, I ask unanimous consent that Senator UDALL of New Mexico be authorized to sign the enrollment of H.R. 5128.

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

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

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

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

Mr. WICKER. I ask to be allowed to speak as in morning business.

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

DON'T ASK, DON'T TELL POLICY

Mr. WICKER. Mr. President, yesterday the Senate Armed Services Committee completed its markup of the Defense authorization bill. Normally, Senators are asked to wait for a period of days until the report can be issued and the specifics are made public. But yesterday the chairman clearly understood when we were finished with business that there were two items dealing with social policy that would be widely known immediately. I speak on those topics today with a clear understanding that the Chair knows that these items will be talked about, an exception to the general rule.

Yesterday, I believe, the committee made a very grave mistake with regard to the provision involving the repeal of the don't ask, don't tell policy. This has been the policy since the days of the Clinton administration. It has worked reasonably well. I am opposed to the repeal of the don't ask, don't tell policy.

In February of this year, Secretary Gates announced that a survey would be conducted with a view toward assessing whether this policy should be changed. There was a working group that was going to be established and a survey of servicemembers and their families would be conducted. This working group would report the results of this assessment by December of this year. At that point, the Congress and the administration would have additional information about how today's servicemembers and their families would feel about a change which would allow gays and lesbians to serve openly in the military. This would, of course, be a dramatic change.

That was the policy. A number of us were skeptical about it, but that was the announced policy. Somehow, in the last few days that has changed, and a so-called compromise has been put forward and adopted now by the committee and apparently by the House of Representatives also that would say that while the assessment is going on—which, as I said, is to end in December—that we would vote on this bill this summer, possibly in the next few weeks, to go ahead and repeal the don't ask, don't tell policy and then to allow the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff to review the assessment in December and see whether, indeed, the enactment of the bill by the Senate and House should go forward.

This seems to be getting the cart before the horse. I want to make several points.

This so-called compromise is not a compromise. It is, in effect, for all intents and purposes, a repeal of the don't ask, don't tell policy. Giving the President and the two military people who are most answerable to him the authority to make this decision and pretend they might decide against it is a mockery, and it is a figleaf.

Does anyone doubt what their decision will be? After all, the President of the United States campaigned that he wanted to do away with the don't ask, don't tell policy. There is no question he favors this. The Secretary of Defense answers directly to him. The Chairman of the Joint Chiefs of Staff answers directly to the President of the United States. It is foolhardy for anyone in this Senate to suggest there will be any decision other than a repeal of the don't ask, don't tell policy.

It is said that these three people will wait for the assessment to see what military members and their families think. I think Congress has the authority to do this. Congress should wait for the assessment. We might be surprised. We might be troubled by what the assessment shows. But it is, as I said, a mockery to make the decision now in May or June or July and then look forward to an assessment which is due in December.

What has changed? I ask my fellow Members and the American people: What has changed? What has brought about this sudden compromise over the past weekend and attaching this bit of social engineering to the national Defense authorization bill?

Frankly, I think a lot of Americans are going to conclude that politics changed. We can look at RealClearPolitics that estimates Republicans may gain six seats in the November election. That would be before the December assessment is due. Some people say Republicans may gain 8 to 10 seats. That would change attitudes considerably with regard to don't ask, don't tell. It would allow the people of the United States to be heard on this issue.

Americans are justified in concluding that with this election looming, that is what changed. There has been no change in the national security needs to rush this process ahead and get the cart before the horse and make the decision before the assessment is made.

The point of view of those of us in the committee who voted against the Lieberman amendment yesterday is supported by the heads of the four branches of our service. They support the original plan of Secretary Gates announced in February to do an assessment and then to make a decision based on what we find out in the assessment.

I have a letter dated May 26, 2010, to Senator JOHN MCCAIN from George Casey, general, U.S. Army, the Chief of Staff of the Army. He says to Senator MCCAIN that his views have not changed since his testimony.

I quote directly:

> I continue to support the review and timeline offered by Secretary Gates.

> I remain convinced that it is critically important to get a better understanding of where our Soldiers and Families are on this issue.

Yesterday, in their wisdom, the members of the Armed Services Committee decided they knew better than our soldiers and their families.

General Casey said we need to know whether this ''impacts on readiness and unit cohesion.''

He concludes by saying:

> I also believe that repealing the law before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward.

ADM Gary Roughhead, Chief of Naval Operations, in a letter to Senator MCCAIN dated May 26 says, among other things:

> I testified in February about the importance of the comprehensive review that began in March and is now well under way within the Department of Defense. We need this review to fully assess our force and carefully examine potential impacts of a change in the law.

Yesterday, the members of the Armed Services Committee said: No, we disagree with Admirable Roughead, the Chief of Naval Operations. We don't need this review. We, as the elected representatives of the 50 States, are going to punt that decision to someone whose mind is already made up.

Admirable Roughead goes on to say:

> I have spoken with sailors and fellow flag officers alike about the importance of conducting the review in a thoughtful and deliberate manner.

In this quick reversal that occurred just yesterday in the Armed Services Committee, we abandoned the thoughtful review.

GEN James T. Conway, Commandant of the Marine Corps, said to Senator MCCAIN in a letter dated 25 May 2010:

> During testimony, I spoke of the confidence I had as a Service Chief in the DOD Working Group that Secretary Gates laid out in the wake of President Obama's guidance on ''Don't Ask-Don't Tell.'' I felt that an organized and systematic approach on such an important issue was precisely the way to develop ''best military advice.''

He goes on to say:

> I encourage the Congress to let the process the Secretary of Defense created to run its course.

That was the Commandant of the Marine Corps.

Finally, a letter from GEN Norton A. Schwartz, Chief of Staff of the Air Force, says:

> . . . my position remains that DOD should conduct a review that carefully investigates and evaluates the facts and circumstances, the potential implications, the possible complications, and potential mitigations to repealing this law.

All four of our service heads were explicit in asking the committee to let the process continue. Yet, in our wisdom, with an election looming, the committee voted with a majority vote to go ahead and say: We really don't care to hear what the assessment says. We are just going to let three people make that decision on their own.

I have this question for Members of the Senate who will be asked to vote on this after the break: What if the assessment comes back and says that soldiers and marines in significant numbers are not willing to continue in a voluntary service under these conditions? What if that is the result of the assessment? Then it will be too late for the Members of the House and Senate to make a change in this policy.

The time to take a pause and the time to see what our members actually think is now. We can force this on the services, but in a voluntary armed force, we cannot force members to enlist. We cannot force marines, who are putting their lives on the line for what they believe is the American way of life and for our freedom and for the security of all Americans, to reenlist when their time is up. We need to know if they are going to be willing to stay in the service and to make that commitment and to put themselves in harm's way under this very drastic, dramatic change. We should not substitute our judgment for what the members of the service and their families think. And I regret that we have gone this far and regret the action of the Armed Services Committee.

There is one other issue that was regrettably voted on in the affirmative by the committee yesterday, and that is with regard to abortion policy. Since 1996, we have had a policy that abortions—elective abortions—will not be performed on our military installations. This is a policy that was passed by the House and Senate and signed into law by a Democratic President, President Clinton. For the past 14 years, it has been our policy that elective abortions will not be performed in our military installations.

Yesterday, the committee decided to reverse this longstanding policy and to say that, indeed, abortions for whatever reason will be performed in these facilities that are paid for at taxpayer expense and are there for the care of our servicemembers, to keep them healthy and to repair their injuries. We are going to use those facilities for elective abortions.

I guarantee you this will be challenged on the floor of the House and Senate with separate amendments, and Members will be given a chance to vote on this separate issue. But if this amendment stands, the medical facilities of our military installations—Fort Bragg, Columbus Air Force Base, Keesler Air Force Base in my home State of Mississippi—will be able to be used for abortions performed late term, abortions performed for purposes of sex selection, abortions performed for any reason, abortions at will. That will be the requirement for our military installations and the medical facilities on those installations—again, another piece of social engineering, another vast and serious and consequential departure from longstanding Department of Defense policy.

I regret these two positions. I call on my colleagues, Mr. President, during this Memorial Day break, when we are talking with those who have served, who have put themselves in harm's way, and when we are talking with the families of those who have served and who have given the ultimate sacrifice, that we seriously consider whether the committee has made the right decision and that we come back to Washington, DC, with a determination to reverse these two very harmful and, in my view, mistaken actions by the Armed Services Committee.

With that, I wish my friend, the Acting President pro tempore of the Senate, a happy and prosperous Memorial Day, and 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. REED. 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.

THE RHODE ISLAND FLOOD

Mr. REED. Mr. President, in March my State was hit with back-to-back historic floods that caused hundreds of millions of dollars in damage in Rhode Island. I thank the chairman of the Appropriations Committee, Senator INOUYE, and the ranking member, Senator COCHRAN, and my colleagues on the committee especially, who have recognized the needs of Rhode Island in the appropriations bill we recently completed. We are struggling to overcome the effects of the worst flooding in centuries in the midst of the worst economic environment we have seen since the 1930s.

Indeed, Rhode Island was among the first States to sink into this latest recession. In the last 2 years, Rhode Island has consistently ranked among the top three States in unemployment, with as many as 12.7 percent of our workforce without jobs. By the latest estimates, 12.5 percent of the State is out of work, and this is not including all of the jobs that have been lost in the flooding.

Our major commercial mall in Warwick, RI, has been closed since March. Hundreds, perhaps even 1,000 or more jobs, have been lost. They are rapidly trying to reopen this facility under the incredible leadership of the owner, Aram Garabedian, but to date they have opened one store. Soon they hope to open another. For those hundreds of people, they have lost their jobs and are waiting to go back to work.

The reach of the flood was widespread, covering every county of the State. In the space of 2 weeks, separate rainstorms caused four rivers—the Blackstone, Pawtuxet, the Pawcatuck, and the Pocasset—to go above flood stage. Interstate 95, the major north-south route in the Northeast of this country, was closed for 2 days. It has never been closed for that length of time. The last time I can recall it being closed was in 1978 during a huge blizzard which shut down traffic for about a day or so.

President Obama and FEMA issued major disaster declarations for the entire State, and I thank the President. He moved very quickly and very aggressively. I also thank FEMA. They dispatched immediately their deputy for disaster operations. They had on the ground within, it seemed, hours, key personnel. I particularly want to recognize Gracia Szczech, an incredible woman who, in fact, frankly, left Rhode Island to be sent down to the next great flood in Tennessee. Senator ALEXANDER and Senator CORKER have spoken about their problems. I thank both the President and FEMA for the incredible response.

But what you find in a flood like this—all of my colleagues have been subject to them and, frankly, this is a phenomenon that is usually found in other parts of the country—but what you find in floods is that the water recedes, the Sun comes out, but the damage and devastation remains. We have about 2,000 households that are still not able to live in their homes. This is something that has caused a tremendous shock to our economy and to our workforce and to the people of Rhode Island.

After 2 months, homeowners and businesses in much of the State are still struggling with these effects. The flooding caused job losses in a number of sectors; 1,800 jobs were lost in the food services and accommodation sector alone. I mentioned the Warwick Mall. Approximately 1,100 people have lost their jobs because of the shutdown of that commercial center. Health, education, manufacturing, construction, transportation, art and recreation—all of these sectors have experienced significant job losses.

As my colleagues know, Rhode Island has been fortunate for many decades to have avoided this kind of natural disaster, particularly from flooding. The last major natural disaster of the State was Hurricane Bob in 1991. It roared up and hit our State, like other parts of the Northeast, and we suffered significant damage. Since that time we have been rather fortunate, but our fortune ran out with these floods this spring.

There has been no question about the support of people of Rhode Island or my colleagues in our State's congressional delegation when this type of disaster hits elsewhere. Midwest flooding, Katrina in Louisiana and along the gulf coast—we are there because we know, No. 1, Americans, our neighbors, are suffering, and that is when we all have to pull together and help them. We also know, too, and expect that when it happens in our home States that same spirit of pulling together, of helping out, of getting people back in their homes and opening up businesses would be something we would experience and we would see too.

I am grateful, again, in the midst of this challenging fiscal environment, the Appropriations Committee on a bipartisan basis has included assistance for Rhode Island and for Tennessee. They have responded, as they have so many times before, to the needs of people who have lost homes, lost jobs.

One thing they do not want them to lose is hope. So they stepped forward to provide the resources necessary to begin the difficult task of rebuilding. I thank again Chairman INOUYE and Vice Chairman COCHRAN, gentlemen of extraordinary kindness but extraordinary faithfulness to the core values of this country.

One of the basic values is, when difficult times affect people in this country, we are not going to look away, we are going to try to help them. They have done it again for Rhode Island and Tennessee. We still have a long way to go for recovery. I look forward to continuing to work with the chairman and other members of the committee as we go forward. But their efforts will provide meaningful and material support to the people of Rhode Island. I thank them very much.

EXTENDING UNEMPLOYMENT INSURANCE

This is a moment also, as we reflect upon the damage caused by the flood, to once again underscore the damage that has been caused for now several years by an economy that has lost millions of jobs.

Few States, have felt the impact of this job loss more severely than Rhode Island. If we fail to act on unemployment compensation before June 2—and I am so disappointed that it seems quite obvious that we will not act—we are going to once again put thousands of Rhode Islanders and millions of Americans who are looking for work and cannot find it, in jeopardy of not being able to receive unemployment compensation.

All of the economic arguments about unemployment compensation are obvious but bear repeating. This is one of those programs that for every dollar we invest we get significantly more in terms of economic activity in the country. So it is part of our recovery package as well as part of keeping faith with people who have worked hard, paid their dues, literally, and now are looking for the benefits of this program.

In March, the Senate passed, on a bipartisan basis, with six of my Republican colleagues, an extension of unemployment benefits as part of an early extenders package to the end of the year, 62 to 36. The unemployment extension, as it was then and has been in the past, was unpaid for. It was deemed emergency spending. I find it ironic and interesting that we can deem billions of dollars as an emergency to support our troops in Afghanistan and Iraq and, frankly, part of that support is not simply to buy ammunition and fuel products and HUMVEES for American troops, it is to give our commanders CERP money so they can go into the communities of Iraq and Afghanistan and put people to work because of their unemployment problems.

It is very difficult to go back to Rhode Island and tell them it is an emergency to put people in Kabul to work, put people in Kandahar to work, put people in Basra and Baghdad to work, but it is not an emergency to put people to work in Boise, not an emergency to put people to work in Keokuk, IA. And, certainly, in places such as Providence, Cranston, Central Falls, Woonsocket, all through my State.

It is truly unfortunate that we are now, at this juncture, in a position where these benefits for which a long-term extension has been passed separately in both the Senate and the House will lapse. That is regrettable, to say the least; in fact, it is deplorable.

I am optimistic that when we come back after this Memorial Day recess, we will craft an extension. I am afraid it is going to be a short-term extension. I am also afraid, once again, millions of Americans are going to be living month to month with an ocean of, I have benefits, but how long can I keep them? That uncertainty is unacceptable. We can do better. We have done it individually by extending benefits at least to the end of this year. We have to do that. If we do not extend them at least for a short period, millions of unemployed workers will lose benefits throughout the country, including 2,000 in Rhode Island.

Since last year's passage of the Recovery Act, I would point out, there have been eight filibusters of legislation to extend unemployment benefits. I think the people in this country who need help and not just pointless debate are those who are out of work, looking for it, and needing the support of unemployment compensation.

We have allowed it to lapse twice this year. Weeks have gone by, as they will go by, unfortunately, in the next few weeks, where there is uncertainty and doubt about payments being maintained. I think it is outrageous that having my colleagues on the other side repeatedly approve budgets sent by President Bush that were unpaid for, not even an attempt to pay for them, that provided tax cuts to the wealthiest citizens, that conducted two major military conflicts without paying for them, suddenly feel they have got to pay for unemployment benefits for workers in America. We have to be focused on this deficit. That is correct. Let me remind my colleagues, we did focus on the deficit. In the 1990s when I was a Member of the House, we focused on it to the extent that we reversed the deficit and created a surplus. Critical votes under President Clinton without any Republican support. When push comes to shove, when it is not about the rhetoric but it is about standing up and doing tough things to eliminate a deficit, many of my colleagues on the other side are missing in action.

We can and we must reverse this deficit. It will take difficult votes, not rhetoric alone. But at this juncture to once again engage in rhetorical debate rather than actively helping our countrymen and our constituents is missing the point. I think we have to go forward. I think we must go forward to provide these short-term benefits, and to do it in a way that is consistent with our history and our values.

When times are tough, yes, we have always talked about the deficit and everything else, but we have reached out and helped our citizens who need this kind of help. Congress has never ended emergency unemployment benefits until unemployment has declined to at least 7.4 percent in this Nation.

In Rhode Island it is 12.5 percent. We have got a long way to go before we get to the point where we can talk about a self-correcting economy. If you look at our history through every administration, Republicans and Democrats, when we had unemployment at this level affecting so many Americans, affecting not just their wallets but their future and their hopes for a future, we have extended, almost automatically, emergency unemployment benefits.

The rate today is 9.9 percent nationally, and again, 12.5 percent in Rhode Island. We have a long way to go before we can start talking about this unemployment crisis as something of the past. We need to extend unemployment benefits at least through the end of this year. We have got to do it because we need to help people and give them the certainty of that help.

We have to move. We have to act. It is going to be something we will do. I think we should do it now. I think we should put aside the posturing and extend benefits and then get on to the difficult work, not just the easy talk, but the difficult work of deficit reduction.

I have done that work. I have listened to complaints in campaigns repeatedly about tough votes we took in the 1990s. But because we took those tough votes, by 2000 we had an economy that was producing jobs, not losing them; we had a budget that was in surplus, not in deficit; we had the wherewithal to make investments in education, in energy, and in health care that would make us even more productive and more successful and more equitable in terms of the benefits to this country.

But many of the same people who now are talking about deficits sort of cavalierly said, let's cut taxes for the rich. Let's engage in a military operation that is not paid for. So from 2000 to 2008, the economy collapsed, the deficit soared, opportunities narrowed, unemployment grew. I do not think that is a coincidence. Let's get back to business. Let's first give people who need unemployment benefits those benefits. And let's take those tough steps—and they will not be easy—to reduce the deficit. Do not use the deficit as an excuse to break faith with the

American public. One article of faith is when we have unemployment levels of 10 percent nationally, we have never failed to extend, in a routine fashion, emergency unemployment compensation.

We have got a lot of work to do when we get back. I am sorely disappointed we could not conclude this work before we left.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

ILLEGALITY AT THE BORDER

Mr. SESSIONS. Mr. President, we had a number of votes this week, including one last night in the Armed Services Committee concerning whether to utilize the National Guard to confront the raging illegality that is occurring particularly in the Tucson sector of Arizona. It is a national crisis. The American people fully understand that.

President Obama announced, with some fanfare, that he would send 1,200 National Guard troops to the border. To some, that may have sounded like a good thing. It is certainly not a bad thing. But the truth is, President Bush, under Operation Jumpstart, had 6,000 National Guard at the border at one point, and they made a positive difference. The immigration and Border Patrol people were very complimentary of the National Guard. They repeatedly stated how much it helped them do their job. Since that period, a lot of developments have occurred on the border that have put us in a much better position to be effective in ending this massive illegality than had been the case previously. For example, we have completed close to 350 miles of pedestrian fencing and almost 300 miles of vehicle fencing along the Southern border. Though this only half of the 700 miles of reinforced pedestrian fencing mandated by the Secure Fence Act of 2006, it is a good start. President Bush reluctantly signed that bill into law, and started the process of building fencing and vehicle barriers. Much of it is has been completed now, but we still need to finish what Congress mandated. The fence has multiplied the capabilities of law enforcement officers in many sectors along the border. In addition, the Operation Streamline concept that had begun under the Bush administration in certain sectors of the border is working superbly and is a valuable tool. Other steps have been taken, including increasing the number of Border Patrol agents we authorized several years ago. They are just now coming on line and have been trained. So we have a lot more agents at the border.

The number of people being arrested at the border remains unacceptable, but it is better than it has been. The numbers are down and, in some sectors, down dramatically. For example, in the Yuma sector of Arizona, about 6,900 people were arrested at the border trying to enter the country illegally in 2009. That may sound like a lot—and it is—but it is much less than the over 118,000 apprehended in 2006. In fact, that is a 94 percent decrease in just three years. But in the Tucson sector, where we have old fencing and limited Operation Streamline in effect, over 240,000 were arrested last year—a stunning number. Over a million pounds of marijuana were seized as part of that enforcement effort in the Tucson sector. That is what has caused such a pushback by the people of Arizona.

The President and Washington say: It is our job to end illegality at the border. You can't do anything. You have no jurisdiction. We don't want you to do anything.

That is not correct legally. I have done research on that point. A local law enforcement officer can stop and detain a person whom he identifies as being in the country illegally and turn them over to the Federal Government for the crime of entering the country illegally and for the crime of any other Federal offense they ascertain. This is classical law. It is well recognized. There is no dispute about it.

The people of Arizona rightly have gotten a bellyful. Their hospitals are being overrun. Crime is up. Phoenix is now the second leading kidnapping center in the world, second only to Mexico City in kidnappings, apparently.

It is not acceptable. It is a Federal responsibility. It is the President's responsibility. The President is the chief law enforcement officer. The ICE agents, the Border Patrol agents, Homeland Security, and the Defense Department are under the executive branch, of which the President is the head. I have been through this. We have talked about this. I made a speech before the last election and went into detail about what it would take to end the illegality at the border. It is not hard. It can be done. But we have to have the President committed.

Congress can pass laws. We can send money and force it on the departments. But if they are not willing to utilize it and apply it in an effective way, then we have problems.

Someone came up with the idea of having a virtual fence. They were going to apply that concept. We have now spent over $1.1 billion to create this virtual fence and it didn't work. In fact, Secretary Napolitano has suspended work on the project. But if we build a fence with a good response time from Border Patrol agents, it makes a big difference. Go to Yuma or El Passo to see what that means. The President needs to lead.

What would we expect to happen? I have always believed the normal, natural thing is that the President would come to Congress and say: The borders are wide open. We have had 240,000 people arrested in the Tucson sector. This is unacceptable. I need A, B, C, and D, Congress. Give it to me. We will end this.

He should be telling us what he needs—unless, of course, we have no real desire to end the illegality, which is the case. Why? Because of politics, apparently, and some promise that must have been made in the last campaign that, we are not going to do anything significant at the border until those people in Congress give us amnesty. That is what comprehensive immigration reform is, in the minds of the pro-immigration crowd. They say: We won't fix the border until you agree to give us amnesty.

The American people have seen that before. It doesn't work. We did it in 1986. If we don't end the illegality and we grant amnesty, it sends a message to the world. And what message is that? If someone can get into the United States illegally, if they can burrow in a little bit and hold on, pretty soon they will get amnesty, too. They come in. They get work. Nobody complains if they are working. They hang on and hang on, and they get amnesty.

This eviscerates the American legal system. It makes a mockery of the law. It sends a message to the world: Come on down. Come on into our country in violation of our laws. We will welcome you and eventually make you a citizen. And those of you who want to come lawfully, you have to fill out paperwork, and you have to wait. And if you have a relative to the right degree, you can get in. But if you graduated at the top of your high school class in Honduras and you learned English and you have a year of college, you don't have a relative or whatever, you have to wait in line, unless, of course, you come in and enter illegally.

This is a dysfunctional legal system. We continue to see things develop that indicate to me that the views of the American people, which are sound and reasonable—they just want a lawful system of immigration; they are not against immigration; they are not against immigrants, but they are tired of this massive illegality—are not being listened to by the politicians. The politicians are saying things that are incorrect.

President Obama said he cares about workplace enforcement. What happened right after he took office? Apparently a raid—planned maybe even before he took office—in the State of Washington at a company that had a large number of illegal workers occurred. What happened? The pro-illegal immigration crowd, La Raza, the activists, they were all up in arms. Basically, they said: You promised us you wouldn't do this, Mr. President.

Wait a minute. I thought we had all the candidates saying we need to do better enforcement in the workplace. The jobs magnet does attract people

into the country. But did they have a secret agreement somewhere?

What happened? Secretary Napolitano said she was going to have an investigation and get to the bottom of it. Was she investigating the company that had hired people illegally? No. She was investigating the ICE agents who conducted the raid. Do my colleagues think that didn't send a message throughout the entire United States about this administration's policy of aggressive worksite enforcement—that was the policy of the United States at that point—that we are not going to do it in any effective way? That is indisputable. That is what happened.

This kind of duplicity is going to come home to roost. The American people are not going to continue to put up with it. Members of Congress who voted against the McCain amendment to put 6,000 National Guard on the border to end this violence and illegality that is occurring and threatening the very viability of the State of Arizona are going to have to answer for their votes. This is what democracy is all about.

This all leads me to an article from, I guess, yesterday, a report from Washington. This is what the news article says:

> U.S. National Guard troops being sent to the Mexican border will be used to stem the flow of guns and drugs across the frontier and not to enforce U.S. immigration laws, the State Department said Wednesday.

Well, you know: You fool me once, shame on you; fool me twice, shame on me.

So I thought the President was saying he was sending 1,200 troops to the border to help end illegality at the border. But, oh, no, they are not doing that. We want to be sure everybody understands, it is only going to be for guns and drugs.

Who do they want to understand this? Do they want the American people to understand it? I do not think so.

The next sentence in the article:

> The clarification came after the Mexican government urged Washington not to use the additional troops to go after illegal immigrants.

Philip Crowley, the State Department spokesperson, the flack from the State Department, told reporters, ''It's not about immigration.'' He said, ''We have explained the president's announcement to the government of Mexico, and they fully understand the rationale behind it.''

Quoting the article further:

> Obama's announcement came less than a week after a state visit to Washington by Mexican President Felipe Calderon, who asked for greater U.S. backing for a . . . war on drug cartels.

Well, who are we representing? Mr. Calderon and the Mexican Government or the American people? Is this another flimflam view? I am afraid it is. I can say it appears quite clearly it is, and it is not acceptable. So I think Congress is going to have to act.

They did not want the fence. President Bush did not want the fence. But Congress, after the situation got so bad, appropriated the money and directed it be built, and it has had a great and positive benefit wherever the fence has been built.

We know the history in San Diego when there was massive violence, massive illegality going on at the border. We know that occurred. We built the fence there and violence on both sides of the border went down. Economic growth on both sides of the border went up. Drugs and prostitution and other kinds of illegalities ended, and solid prosperity began to reoccur. You can not operate effectively in an area of violence and illegality and drugs.

So the flow of guns is a Mexican complaint, that too many guns are being bought in the United States and taken to Mexico. I do not dispute that we should be effective in enforcing those laws. But I would suggest, having prosecuted more Federal gun violations than all other Members of this Senate put together, that the National Guard is not the kind of folks we need to prosecute guns going into Mexico. That should be done by ATF and the Border Patrol.

So what does this say about the decision that the President said he is going to deploy 1,200 troops? I say it is just further proof it is not a serious commitment in any way. I do not know what they are going to be doing. I do not see how they can be helpful, and I am not being taken in by what appears to be a ruse. So they are not going to be used for immigration; they are going to be used for drugs and guns, which I think they will not be that particularly effective about. They are talking about guns going from the United States to Mexico. So those are the questions I have.

What Congress needs to do, what the President needs to do, is to make a clear statement that illegality at our border will end. We will do what it takes to end it. It is within our power to do so. We made some progress already. We have about half as many arrests today along the whole border as we did just 6 or 7 years ago. It is because enforcement is much better than it was, and we are going to continue that. We are going to drive down dramatically this illegality, and we are going to effectively improve our immigration legal system so people can have some certainty about that and create a system that serves our national interest in the process.

We are going to tell everybody in the world: Do not come to the border expecting to walk in. You are not going to be successful, and it will stop. It will go down dramatically. It already has in certain sectors. The word gets out. The word was out that the border was wide open and anybody could enter. When the word gets out that the border is closed, people will stop trying. So we will have a massive reduction in the attempts to enter, leaving fewer people for the Border Patrol to have to apprehend, and we will be having a spiral in the right way instead of the wrong way.

So I think we are going to have more votes. I think people who cast a vote in opposition to Senator MCCAIN's amendment, Senator KYL's amendment, Senator CORNYN's amendment to take the steps that actually work to eliminate illegality at the border need to be answering to their constituents.

I think it is time for Congress to step up. The President is not stepping up. Congress was able to make real progress a few years ago when we built the fence and did some other things that I worked very hard on. I believe we can make progress again. I think the American people have a way, eventually, of having their voices heard, and I think we are going to hear those voices more loudly, with more clarity, in the future.

Somehow, some way, I believe the government is going to come around to affirm the legitimate demands of the American people. They have been right from the beginning. Their instincts, their character, should not be questioned. They simply want an effective immigration system, a lawful immigration system, and they believe it is an embarrassment and a disgrace to our country to have massive illegality going on, as it is today.

I thank the Acting President pro tempore and yield the floor.

TRIBUTE TO JUDGE JAMES F. MCKAY III

Mr. REID. Mr. President, I rise to honor Judge James F. McKay III on his appointment as Honorary Counsel of Ireland of the State of Louisiana.

In addition to his public service as an appellate court judge on Louisiana's Fourth Circuit Court of Appeal and national leadership as president of the American Judge's Association, Judge McKay is widely known for his long and distinguished leadership and service to the Ancient Order of Hibernians at the national level. He served as the National Chairman of the 94th National Convention and was elected national treasurer of the Ancient Order of Hibernians, AOH, in 2008. He has held a variety of other leadership positions within AOH including: chairman of the Grievance Tribunals; chairman of the Constitution Revision Committee; chairman of the Home Fund; national board member and chairman of the 1992 national convention in New Orleans.

Judge McKay is the son of James F. McKay and Katherine Raphiel McKay and grew up in the Lakeview neighborhood of New Orleans. Along with his six siblings, he was educated by the Carmelite Sisters at St. Dominic School and remains active in the affairs of both St. Dominic School and St. Dominic Church, serving as a member of the Knights of Columbus St. Dominic Council. Judge McKay went on to graduate from De La Salle High

School and has served as a board member and past president of the De La Salle Alumni Association, as well as an advisor to the Christian Brothers.

Among his more notable civil contributions, Judge McKay has been president of the Fireman's Charitable and Benevolent Association, FCBA, since 2000. Founded in 1834, the FCBA was organized to care for the widows and children of volunteer firemen who died in the line of duty. The association built two cemeteries in New Orleans—Cypress Grove and Greenwood—as a mausoleum, funeral home, and corporate offices, were devastated following Hurricane Katrina in 2005 and would never have been rebounded if it were not for Judge McKay's efforts and leadership in the immediate weeks and subsequent years following the storm.

Service to the Irish has been a longstanding tradition in the McKay family, and Judge McKay, a native of New Orleans, has worked tirelessly to preserve the city's strong history of Irish culture. He is a longtime participant in the annual St. Patrick's Day parade in the world famous Irish Channel of New Orleans. He was among the leaders who helped erect the city's first monument to thousands of Irish immigrants who died of yellow fever, malaria, cholera, occupational hazards, and exhaustion while digging the New Basin Canal in 1831 to link Lake Pontchartrain to the inner city. As Louisiana's foremost Irish-American leader, he regularly receives public officials and notables from all of Ireland upon visiting New Orleans.

Judge McKay was elected to the Louisiana Fourth Circuit Court of Appeal in 1998. He served as a judge on the Criminal District Court in Orleans Parish from 1982–1989. He was the chief prosecuter for the Metropolitan Office of the Louisiana Attorney General from 1978 to 1982, and from 1974 to 1978, he served as an assistant district attorney for Orleans Parish. He received his juris doctorate in 1974 from Loyola Law School, worked as a probation and parole officer while studying the law, and graduated from the University of Southwestern Louisiana in 1969 with a bachelor of arts in History.

He has served on the board of governors of the American Judges Association since 1996 and as secretary and president-elect. He now presides as president of the association—an honor that was bestowed upon him at a ceremony in September of this year in my home city of Las Vegas, NV. Judge McKay also serves as a member of the American Bar Association, the Louisiana State Bar Association, the Fourth and Fifth Circuit District Judge's Association, and the St. Thomas Moore Law Society.

I also am grateful for my Washington DC, contact with the McKay family. Laurie McKay, the judge's daughter, is a longtime friend of the Reid family. In fact, some say she is part of our family.

Therefore, I am delighted to join with Judge McKay's family, including his wife of almost 40 years, Marie Soniat McKay, and their four children and five grandchildren in celebrating and honoring him on all of his accomplishments. I invite my colleagues to join me in officially congratulating Judge James F. McKay III on his appointment as Honorary Counsel of Ireland for the State of Louisiana, and wish him the greatest success in his endeavors.

HONORING OUR ARMED FORCES

Mr. CASEY. Mr. President, in honor of servicemembers from across Pennsylvania, I would like to recognize those lost in combat operations supporting both Operation Enduring Freedom and Operation Iraqi Freedom from 2001 through May 22, 2010.

SGT Brandon Adams of Hollidaysburg; SFC Brent Adams of West View; 1LT Louis Allen of Milford; SGT Jan Argonish of Scranton; SSG Daniel Arnold of Montrose; SGT Andrew Baddick of Jim Thorpe; SGT Sherwood Baker of Plymouth; SFC Scott Ball of Carlisle; LCpl Aric Barr of Pittsburgh; SSG Mark Baum of Telford; GySgt Ronald Baum of Hollidaysburg; LCpl Jacob Beisel of Lackawaxen; SSG Keith Bennett of Holtwood; 1LT David Bernstein of Phoenixville; LTC Richard Berrettini of Wilcox; SGT Allan Bevington of Beaver Falls; SSG Stevon Booker of Apollo; CAPT David Boris of Pottsville; SPC Matthew Bowe of Moon Township; SPC Edward Brabazon of Philadelphia.

SGT Andrew Brown of Mount Pleasant; PVT Matthew Brown of Zelienople; SPC Oliver Brown of Athens; PFC Timothy Brown Jr. of Conway; SPC Daniel Brozovich of Greenville; SGT John Bubeck of Collegeville; SFC Raymond Buchan of Johnstown; SSG Ernest Bucklew of Enon Valley; SGT Douglas Bull of Wilkes Barre; SFC Keith Callahan of McClure; SGT Jeremy Campbell of Middlebury Center; SPC Frederick Carlson, IV of Bethlehem; SSG Edward Carman of McKeesport; CPL Adam Chitjian of Philadelphia; 1LT Michael Cleary of Dallas; SPC Zachary Clouser of Dover; CPL Michael Cohen of Jacobus; PFC Bradli Coleman of Ford City; LCpl Adam Conboy of Philadelphia; SFC David Cooper, Jr. of State College.

SSG Victor Cortes, III of Erie; SPC Gregory Cox of Carmichaels; CPL Russell Culbertson, III of Amity; SSG Carl Curran, II of Union City; SSG Christopher Cutchall of McConnellsburg; SPC Shawn Davies of Aliquippa; PFC Robert Dembowski, Jr. of Ivyland; 1LT Jeffrey Deprimo of Pittston; PFC Nathaniel Detample of Morrisville; PFC David Dietrich of Marysville; PFC James Dillon, Jr. of Grove City; PFC Michael Dinterman of Littlestown; PFC Justin Dreese of Freeburg; SGT Allen Dunckley, Jr. of Yardley; SGT Brent Dunkleberger of New Bloomfield; PFC Chad Edmundson of Williamsburg; SGT Michael Egan of Philadelphia; SPC William Evans of Hallstead; SSG Troy Ezernack of Lancaster; CAPT Brian Faunce of Philadelphia.

PFC Shelby Feniello of Connellsville; SGT William Fernandez of Reading; SPC Camy Florexil of Philadelphia; SGT James Fordyce of Newtown Square; SGT Curtis Forshey of Hollidaysburg; CAPT Erick Foster of Wexford; PO3 John Fralish of New Kingstown; SPC Michael Franklin of Coudersport; LCpl Michael Freeman, Jr. of Fayetteville; PFC Steven Freund of Pittsburgh; LCpl Jason Frye of Landisburg; A1C Austin Gates of Hellertown; SGT Christopher Geiger of Northampton; SPC Aaron Genevie of Chambersburg; CPL Albert Gettings of New Castle; PFC Landon Giles of Indiana; 2LT Michael Girdano of Apollo; SPC Michael Gleason of Warren; SGT Christopher Golby of Johnston; PFC Orlando Gonzalez of New Freedom.

SSG Joseph Goodrich of Allegheny; CPL Kyle Grimes of Bethlehem; SPC Robert Hall, Jr. of Pittsburgh; CPL Brandon Hardy of Cochranville; SGT Jennifer Hartman of New Ringgold; SSG Brian Hause of Stoystown; SGT Timothy Hayslett of Newville; SGT Michael Heede, Jr. of Delta; SPC Joshua Henry of Avonmore; SGT Brett Hershey of State College; SPC Derek Holland of Wind Gap; SPC Michael Hook of Altoona; SSG Jeremy Horton of Erie; SSG Sergeant Sean Huey of Fredericktown; SGT Eric Hull of Uniontown; CPL Barton Humlhanz of Hellertown; SSG Matthew Ingham of Altoona; SSG Thor Ingraham of Murrysville; SPC Craig Ivory of Port Matilda; SGT Brahim Jeffcoat of Philadelphia.

PO2 Robert Jenkins of Altoona; SGT Andrew Jodon of Karthaus; CPL Carl Johnson, II of Philadelphia; LCpl Larry Johnson of Scranton; SPC Maurice Johnson of Levittown; SPC Rodney Jones of Philadelphia; SSG Joseph Kane of Darby; MSgt Paul Karpowich of Bridgeport; SPC Mark Kasecky of McKees Rocks; SPC Douglas Kashmer of Sharon; CPL Jason Kazarick of Oakmont; SGT Nathan Kennedy of Claysville; LCpl Patrick Kenny of Allegheny; SPC Jonathan Kephart of Oil City; LCpl Joshua Klinger of Easton; SFC Tony Knier of Sabinsville; CPO Michael Koch of State College; SPC Martin Kondor of York; LCpl Ryan Kovacicek of Washington; PFC Bradley Kritzer of Irvona.

PFC Serge Kropov of Hawley; SPC Kurt Krout of Lansdale; SPC John Kulick of Harleysville; SGT Russell Kurtz of Bethel Park; SSG Patrick Kutschbach of McKees Rocks; SGT Ryan Lane of Pittsburgh; CPL Timothy Lauer of Saegertown; SFC Daniel Lightner, Jr. of Hollidaysburg; MSgt Arthur Lilley of Smithfield; SGT Dale Lloyd of Watsontown; SPC Zachariah Long of Milton; PFC Christopher Lotter of Chester Heights; 2LT Christopher Loudon of Brockport; CAPT Ronald Luce, Jr. of Wayne; SPC Jonathon Luscher of Scranton; LCpl Joseph Maglione of Lansdale; SPC William Maher, III of Yardley; MSgt Sergeant Thomas Maholic of Bradford; 1LT Travis Manion of Doylestown; SPC Jeremy Maresh of Jim Thorpe.

LT Ralph Marino of Houston; SGT Michael Marzano of Greenville; SSG Ryan Maseth of Pittsburgh; SPC Clint Matthews of Bedford; SFC Randy McCaulley of Indiana; SGT Jonathan McColley of Gettysburg; SGT Andrew McConnell of Carlisle; SPC Ross McGinnis of Knox; SSG Eric McIntosh of Trafford; LTC Michael McLaughlin of Mercer; SPC Mark Melcher of Pittsburgh; LCpl Robert Mininger of Sellersville; SGT Joseph Minucci, II of Richeyville; SGT Sean Robert Mitchell of Youngsville; SSG Jae Sik Moon of Levittown; SGT Carl Morgain of Butler; LCpl Nicholas Morrison of Carlisle; SPC Clifford Moxley, Jr. of Berwick; SGT Ashly Moyer of Emmaus; PO3 Roger Napper, Jr. of Greensburg.

SPC Rafael Navea of Pittsburgh; PFC Albert Nelson of Philadelphia; SGT Joseph Nolan of Philadelphia; SGT Donald Oaks, Jr. of Erie; SSG Ryan Ostrom of Liberty; PFC Larry Parks, Jr. of Altoona; PVT Dylan Paytas of Freedom; SPC Gennaro Pellegrini, Jr. of Philadelphia; LTC Mark Phelan of Green Lane; CWO John Priestner of Leraysville; SGT Cristobal Puello-Coronado of Long Pond; SFC George Pugliese of Carbondale; 1SG Christopher Rafferty of Brownsville; SPC Tamarra Ramos of Quakertown; CAPT Nathan Raudenbush of Royersford; CPL Kyle Renehan of Oxford; CAPT Mark Resh of Fogelsville; SGT Joshua

Rimer of Rochester; SPC Luis Rodriguez Contreras of Allentown; PO1 Gary Rovinski of Wilkes-Barre.

CPL Luke Runyan of Spring Grove; PFC Aaron Rusin of Johnstown; SGT Matthew Sandri of Shamokin; 1LT Neil Santoriello of Verona; 1LT Robert Seidel, III of Gettysburg; CAPT Christopher Seifert of Bethlehem; SA Joshua Seitz of Sinking Springs; SGT Edward Shaffer of Mont Alto; SGT Jason Shaffer of Derry; SFC Michael Shannon of Canadensis; LTC Anthony Sherman of Pottstown; CAPT Todd Siebert of Baden; SGT Eric Slebodnik of Greenfield; CWO Michael Slebodnik of Gibsonia; PFC Corey Small of East Berlin; SSG Marc Small of Collegeville; SPC Michael Smith of Media; SFC Scott Smith of Punxsutawney; SPC Tristan Smith of Bryn Athyn; PFC Stephen Snowberger, III of Lopez.

SSG Glen Stivison, Jr. of Blairsville; Lcpl Travis Stottlemyer of Hatfield; SGT Francis Straub, Jr. of Philadelphia; CPL Sascha Struble of Philadelphia; SPC William Sturges, Jr. of Spring Church; PFC Brandon Styer of Lancaster; SFC Shawn Suzch of Hilltown; SGT Brett Swank of Northumberland; SSG Paul Sweeney of Lakeville; LCpl Steven Szwydek of Warfordsburg; MSgt Sean Thomas of Harrisburg; PFC Nils Thompson of Confluence; SSG Richard Tieman of Waynesboro; MAJ Jeffery Toczylowski of Ambler; CPL John Todd, III of Bridgeport; SGT Nicholas Tomko of McKees Rocks; SSG Steven Tudor of Dunmore; SFC Michael Tully of Falls Creek; LCpl Robert Ulmer of Landisville; 1LT Colby Umbrell of Doylestown.

LCpl Brandon Van Parys of New Tripoli; SGT Thomas Vandling, Jr. of Pittsburgh; SGT Timothy Vanorman of Port Matilda; LCpl Dennis Veater of Jessup; SSG William Vile of Philadelphia; SSG Kimberly Voelz of Carlisle; SPC Ross Vogel, III of Red Lion; SGT David Wallace, III of Sharpsville; SGT Jonathan Walls of West Lawn; PFC Joshua Waltenbaugh of Ford City; SPC Douglas Weismantle of Pittsburgh; SGT Lonny Wells of Vandergrift; CAPT Jason West of Pittsburgh; SPC Lee Wiegand of Hallstead; SSG David Wieger of North Huntingdon; CAPT Bryan Willard of Hummelstown; CPL Anthony Williams of Oxford; PVT Wesley Williams of Philadelphia; SPC James Yohn, Sr. of Highspire; SPC Nicholas Zangara of Philadelphia; PFC Kenneth Zeigler, II of Dillsburg; and PFC Travis Zimmerman of New Berlinville.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. LEIBERMAN. Mr. President, I rise to offer my support for H.R. 4899, the Disaster Relief and Summer Jobs Act. I would like to begin first by explaining why I voted for this measure—although I did so reluctantly and with strong reservations, since I firmly believe that it is past time for us to end our reliance on emergency supplemental appropriations, which undermine our fiscal discipline and exacerbate our skyrocketing deficit.

I supported this measure because the funds it appropriates are critical to the first and most fundamental purpose of our government—keeping America safe.

The money appropriated in the bill will be used, in large part, to support our troops in Afghanistan and Iraq who are fighting against the enemy who attacked our homeland on September 11, 2001. We went to war in Afghanistan because the 9/11 attacks were a direct consequence of the safe haven given to al-Qaida in that country under the Taliban government that ruled there. We remain at war because a resurgent Taliban, still allied with al-Qaida, is trying to restore its brutal regime and reestablish that country as a terrorist safe haven.

A large portion of the funds appropriated in this bill will be used to deploy the surge of additional troops that our commander on the ground in Afghanistan, GEN Stanley McChrystal, has said is essential to turning the tide there. I agree with President Obama that the war in Afghanistan is ''a war of necessity,'' and as such, we must fund our efforts there to the full measure necessary.

Allowing the Taliban to return to power would represent a major victory for Islamist extremist forces throughout the world, tilting the balance of power in South Asia in their favor and directly endangering America's homeland security from terrorists trained there. As we were reminded just a few weeks ago, in the wake of the attempted terrorist bombing in Times Square by an individual who received terrorism training in Pakistan, the Afghanistan-Pakistan border remains the central front of the global war on terror. If we fail there, the ramifications will be devastating.

I also believe it is imperative that we continue to provide the necessary resources to ensure a successful outcome in Iraq, which faces a window of heightened instability and danger. In particular, it is essential that we provide the necessary funding for the Iraqi Security Forces so that—as our own troops draw down—our Iraqi counterparts are capable of maintaining the hard-fought security gains that we have achieved together.

Because this bill is essential for our national security, I voted for it.

However, as I said, I strongly oppose our continued reliance on the emergency supplemental appropriations bills to fund our military efforts abroad. I agree with President Obama that this method of spending has obscured the costs and budgetary consequences of our ongoing military operations. I believe we must end the practice of labeling our long-term military costs as ''emergency funds,'' which allows us to avoid our own self-imposed spending limits. This practice has also significantly reduced our ability to exercise effective congressional oversight.

A sound budgeting process, by contrast—which would factor future military costs into the annual budget—will allow for a more precise, honest, and fiscally responsible estimate of Federal spending and will force us to grapple with and pay for the true costs of our policy choices.

Simply put, we must change the way we do business in Washington. We cannot continue to ask our children and grandchildren to pay for the policy choices of today. For this reason, it is imperative that 2010 be the last year that we use an emergency supplemental for initiatives that are not truly ''emergencies.'' After all, our ballooning Federal debt and out-of-control deficits are not only a threat to our economic health—they are also a threat to our national security.

Secretary of State Hillary Clinton argued in testimony before Congress earlier this year that as America relies increasingly on foreign lenders to fund our government, we compromise our national security. Let's not forget that each year, we are paying almost $200 billion in interest on public debt, a significant percentage of which goes to nations whose political interests may not always be aligned with our own. Today, nearly half of our publicly held debt is in foreign holdings, compared to nineteen percent twenty years ago. This is dangerous to America's financial autonomy and long-term national security.

In Congress, we are motivated by good intentions—each of us wants to govern well and make it easier for our constituents to live, work, and prosper—but those good intentions often have serious and adverse consequences for our long term economic health and our vitality as a nation when we ignore their economic consequences. Unfortunately, if we do not act quickly and decisively to address our mounting debt and continuing deficit spending, we will soon face a fiscal crisis that will dwarf the financial turmoil we have experienced in the past several months.

We are all concerned about the deficit, but unless we actually stop passing bills that we are not paid for, we will not make the progress that we must in reining in deficits.

We all know what the answer to this problem is: The United States of America must begin to live within our means again. Responsible American families and businesses do this—it is time for the U.S. Congress to do the same.

Mrs. SHAHEEN. Mr. President, I rise in support of an amendment that was filed by Chairman BINGAMAN, Ranking Member MURKOWSKI and myself that would help create jobs in communities across the country and help us transition to a clean energy economy.

When Congress passed the Recovery Act last year, it recognized the challenges that many developers of alternative energy and other clean energy projects are facing in obtaining financing by expanding the Department of Energy's loan guarantee program.

This program, known as the 1705 program, is helping developers to finance their projects, create jobs and spur the development of innovative clean energy technologies across the country, including New Hampshire.

Our amendment would expand the 1705 program further to include loan guarantees for energy efficiency technologies, including making buildings energy efficient.

And that is what I want to talk about today.

I see enormous potential in reducing our Nation's energy consumption by simply investing in energy efficiency, especially through renovating existing buildings. Renovating our existing buildings is a tremendous opportunity for us to cut energy use, save money and create jobs.

According to the Energy Information Administration, buildings account for more than 48 percent of total energy consumption in the United States. That is more than the transportation sector and more than the industrial sector. More than 70 percent of the commercial buildings in this country are older than 20 years and these buildings are significantly less efficient than buildings built today. Improvements to these types of buildings can improve efficiency by 20 to 40 percent using widely available technologies and the payback period can be as little 5 years.

Updating buildings with modern energy efficiency technologies not only saves money on energy costs, it also creates jobs. Jobs in the construction industry. Jobs in the manufacturing industry. Jobs in the retail sector of the economy. These jobs can't be outsourced and they are jobs that can serve as an important part of our clean, alternative energy economy.

Yet despite all this potential, there is actually very little of this energy efficient renovation taking place because of the financial barriers. Lenders typically will not accept projected energy savings—even if guaranteed by an energy services company as sufficient collateral.

That's why I am working with Chairman BINGAMAN and Ranking Member MURKOWSKI to use the DOE loan guarantee program to help unlock private capital and encourage investment in building retrofit projects and programs.

I am also working with Senator MARY LANDRIEU to develop legislation to further expand the DOE loan guarantee program to cover large building in the commercial sector, in schools and universities, and hospitals so that they can also be renovated to be more energy efficient.

There is so much potential that exists here and I think we need to put existing programs to work, like the loan guarantee program, to unlock private capital and reap the benefits that will come from making these buildings more energy efficient.

We have the opportunity to create jobs, support our continued economic recovery and save money by making these investments in energy efficiency.

While it is unfortunate that we could not get the amendment added to the supplemental appropriations bill, I look forward to working with my colleagues to pass this important provision this year.

HAITI

Mr. FEINGOLD. Mr. President, it has been more than 4 months since an earthquake struck Haiti, devastating not only its citizens, but also the support infrastructure—government, NGO and international—that is critical in responding to such emergencies. The U.S. and the international community rallied to Haiti's aid. Americans put their concerns to action, whether by writing to elected officials in support of greater assistance to Haiti, as so many of my constituents have done, or by contributing their own time and resources. Although it might seem to the people of Haiti, that along with the original flurry of media attention, the support of the American people has now dissipated, this is not the case.

I continue to hear regularly from the people of Wisconsin, who write not only to express their thoughts and prayers for the Haitian people, but who also request that their government do everything in its power to provide continuously needed relief and to encourage close collaboration with the Haitian people to support long-term recovery and rebuilding efforts. I was pleased to support Senator KERRY's Haiti Empowerment, Assistance, and Rebuilding Act of 2010, as amended, out of committee earlier this week and appreciate the signal it sends about our ongoing dedication to helping the people of Haiti get back on their feet in this time of great need.

While we work towards recovery and reconstruction, we must not lose focus on the immediate needs of the Haitian people—who remain in a suspended state of normalcy. More than 1 million people reside in camps, both official and informal, for the displaced. Major challenges remain in the areas of drainage, sanitation, food distribution, water, and coordination. Communicable diseases such as tetanus, malaria, and typhoid are on the rise. I especially share the concerns my constituents have raised about physical security for vulnerable populations, particularly women and children, who have suffered unacceptably from sexual violence, as well as for the disabled. Such populations are often the most severely affected by a lack of security and difficulties in accessing resources.

I am encouraged to see funding for many of these issues and areas in the supplemental request, but, as always, the devil is in the details. We must make sure our effort to provide timely and expedited assistance is not done at the expense of doing it right. We must make sure we are coordinating with all actors working in Haiti, including the Haitian government, international donors and organizations and the people of Haiti themselves. We can better understand the needs of the Haitian people and ensure we are addressing them effectively if we make sure to incorporate their voices into the planning process. To overlook the voices of the very individuals who are experiencing such devastation would be a severe injustice and yet it appears we may be doing just that.

I am troubled by reports from Haitian civil society of the obstacles to their full participation. We must not ignore the invaluable experience and insight of leaders on the ground by favoring large international NGOs over smaller grassroots organizations. We must make sure all relevant actors are at the table as we seek to implement a pragmatic and efficient plan for recovery. As Senator KERRY's bill notes, ''when the people and other civil society actors in an affected country play a significant role in the design and execution of the rebuilding efforts, the efforts are often more sustainable and more in line with the needs and aspirations of local populations.'' We must therefore facilitate the participation of civil society and the Haitian people as well as their collaboration with the international community and their government as we continue relief and transition to recovery and rebuilding.

The damage done by the January 12 earthquake was all the more destructive because Haiti, the poorest country in the Western Hemisphere, was still recovering from the devastating hurricane season of 2008, and still struggling with poverty and stability. Prior to the earthquake, the U.N. and the U.S. Government, along with many domestic and international partners, had been working alongside the Haitian people to strengthen their country. Now more than ever, we must redouble our efforts to ensure that priorities and needs do not go unmet and that in relief and recovery we give the Haitian people, and through them our own citizens and constituents, the biggest possible returns.

GULF OF MEXICO FISHERIES

Mr. NELSON of Florida. Mr. President, I filed two amendments to the emergency supplemental bill that focused on the desperate need for gulf fisheries data in the wake of the Deepwater Horizon spill.

The National Oceanic and Atmospheric Administration knows our oceans and has responsibilities under several Federal laws to analyze the impacts of oil and gas production on sea life. My first amendment would have added $22 million in funding to support baseline environmental monitoring and assessments of the Gulf of Mexico's fisheries. $5 million of that funding would have gone to cooperative research grants that would have allowed fishermen to get out on the water and help collect this data.

These funds are needed so that NOAA can do this valuable research throughout the gulf before the oil hits and then again while the spill moves. Like my colleague from New Jersey, Senator LAUTENBERG, I am committed to ensuring that those responsible bear the costs of this incident. And so my amendment would have required that

the parties responsible for this spill reimburse these funds so that the American taxpayer doesn't shoulder this burden in the longrun.

Why do we need this information? At a commerce hearing on May 18, Dr. French-Mckay, a Ph.D. in biological oceanography, testified that the lighter hydrocarbons in the oil—chemicals like benzene and toluene—would dissolve by the time the oil reaches Florida's coral reefs. These hydrocarbons in solution might be just as toxic as they would be if they were still in the oil—but you won't be able to see when they hit. Yesterday, the University of South Florida issued a press release about research they had done that confirmed that there are dissolved hydrocarbons northeast of the spill that you cannot see with the naked eye. The only way you will know the effects of the hydrocarbons on coral and on the entire food web is to know the baseline amounts of these dissolved chemicals present in the water before the spill hits.

Additionally, the fisheries in the fertile Gulf of Mexico are in jeopardy. Mangrove habitats provide nursery grounds for juvenile sportfish. The spawning season of many economically and ecologically significant species is upon us. A recent report estimated that saltwater recreational fishing the Everglades alone is worth more than $800 million a year.

Unfortunately, baseline data for fisheries in the Gulf of Mexico is lacking. For example, there has never been a complete stock assessment for Tarpon and as a result, there are gaps in the knowledge of Tarpon behavior. Data that is available has been collected by a tagging program implemented by anglers. The research on economically important reef fish that our commercial and charter fishermen make their livelihoods from is also sparse at best.

The effects of oil and dispersants on spawning, larval stages, juvenile stages, migrating patterns and lifespan of these valuable fishery and coral resources must be documented. Our Nation's scientists cannot accurately measure the impacts of this devastating spill on our fisheries without baseline pre-impact data. The research community in Florida knows how to conduct these assessments. In fact, they have done this for years when funding is available. The State of Florida has already spent over half a million dollars collecting baseline data.

Yesterday, I filed a second-degree amendment. I worked with Members from the Gulf Coast States to try to put something together that could help all of the fishermen impacted by the spill and also evaluate the impacts on the natural resources. Unfortunately, that did not work, but I am pleased to have been a part of getting some funding for fisheries research with the passage of Senator SHELBY's amendment. This will provide funds that can be utilized immediately to collect this data. This is an invaluable investment. I would hope that there is a way to utilize the skill and resources of the fishermen by doing cooperative research.

MEDICARE PART D

Mr. CARPER. Mr. President, while Medicare Part D has been a very popular program and has improved access to tens of millions of patients, the donut hole has been a continuing source of frustration for many beneficiaries. The Patient Protection and Affordable Care Act begins to fill in the ''donut hole'' with a 50 percent discount program that will begin in 2011. The purpose of the coverage gap discount was to provide relief for those beneficiaries who struggle with paying for medications in the coverage gap and, as a result, stop taking medicines as prescribed or cut back on their monthly medication use.

The Centers for Medicare and Medicaid Services recently released guidance to Part D plans regarding the administration of the Part D coverage gap discount. In that guidance, CMS responded to comments that sought clarification on the relationship between the 50 percent discount program and existing Part D rebate contracts. Although the CMS guidance clarified that manufacturers would continue to negotiate with Part D plans to provide rebates, I feel the need to further clarify this issue.

Any interference by CMS with price negotiations between manufacturers and Part D plans would be counter to the explicit intent of Congress through the government noninterference clause. With the passage of PPACA, and specifically the Part D Coverage Gap Discount Program, the government non-interference clause continues to be the existing law; therefore, CMS does not have the authority to require manufacturers to provide rebates at any particular level.

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILLS SIGNED

Under the order of January 6, 2009, the Secretary of the Senate, on May 27, 2010, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 2711. An act to amend title 5, United States Code, to provide for the transportation and moving expenses for the immediate family of certain Federal employees who die in the performance of their duties.

H.R. 3250. An act to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the ''Private First Class Garfield M. Langhorn Post Office Building''.

H.R. 3634. An act to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the ''George Kell Post Office''.

H.R. 3892. An act to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the ''E.V. Wilkins Post Office''.

H.R. 4017. An act to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the ''Ann Marie Blute Post Office''.

H.R. 4095. An act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the ''Congresswoman Jan Meyers Post Office Building''.

H.R. 4139. An act to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the ''Sergeant Matthew L. Ingram Post Office''.

H.R. 4214. An act to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the ''Roy Wilson Post Office''.

H.R. 4238. An act to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the ''W.D. Farr Post Office Building''.

H.R. 4425 An act to designate the facility of the United States Postal Service located at 2–116th Street in North Troy, New York, as the ''Martin G. 'Marty' Mahar Post Office''.

H.R. 4547. An act to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the ''Captain Luther H. Smith, U.S. Army Air Forces Post Office''.

H.R. 4628. An act to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the ''Sergeant Christopher R. Hrbek Post Office Building''.

H.R. 5128. An act to designate the United States Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''.

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. UDALL of New Mexico) announced that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 5128. An act to designate the United States Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''.

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 Mr. NELSON of Florida (for himself, Mr. CARPER, and Mr. CHAMBLISS):

S. 3453. A bill to provide an exception from the payout requirements established for certain section 501(c)(3) type III supporting organizations under section 1241(d) of the Pension Protection Act of 2006; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 31. A joint resolution to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility and to enter into agreements relating to education programs at the National Zoological Park facility in Front Royal, Virginia; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 546. A resolution recognizing the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the United States dedicated exclusively to exploring and preserving the American Jewish experience; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 504

At the request of Mr. ROBERTS, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 504, a bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

S. 1216

At the request of Ms. KLOBUCHAR, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1216, a bill to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes.

S. 2924

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

S. 3262

At the request of Mr. MENENDEZ, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3262, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 3401

At the request of Mr. BURR, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3401, a bill to provide for the use of unobligated discretionary stimulus dollars to address AIDS Drug Assistance Program waiting lists and other cost containment measures impacting State ADAP programs.

S.J. RES. 29

At the request of Mrs. FEINSTEIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 512

At the request of Mr. THUNE, his name was added as a cosponsor of S. Res. 512, a resolution designating June 2010 as ''National Aphasia Awareness Month'' and supporting efforts to increase awareness of aphasia.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 546—RECOGNIZING THE NATIONAL MUSEUM OF AMERICAN JEWISH HISTORY, AN AFFILIATE OF THE SMITHSONIAN INSTITUTION, AS THE ONLY MUSEUM IN THE UNITED STATES DEDICATED EXCLUSIVELY TO EXPLORING AND PRESERVING THE AMERICAN JEWISH EXPERIENCE

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 546

Whereas the National Museum of American Jewish History serves to illustrate how the freedom present in the United States and its associated choices, challenges, and responsibilities fostered an environment in which Jewish Americans have made and continue to make extraordinary contributions in all facets of American life;

Whereas the mission of the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, is to connect Jewish people more closely to their heritage and to inspire in individuals of all backgrounds a greater appreciation for the diversity of the American experience and the freedoms to which all Americans aspire;

Whereas the National Museum of American Jewish History was founded in 1976 by members of the historic Congregation Mikveh Israel, which was itself established in 1740 and known as the ''Synagogue of the American Revolution'';

Whereas the National Museum of American Jewish History has attracted a broad audience to its public programs, which explore American Jewish identity through lectures, panel discussions, authors' talks, films, activities for children, theater, and music;

Whereas the National Museum of American Jewish History is the repository of the largest collection of Jewish Americana in the world, with more than 25,000 objects; and

Whereas the National Museum of American Jewish History will soon be relocated to a 100,000-square-foot, 5-story, state-of-the-art facility on Independence Mall in Philadelphia, Pennsylvania, standing just steps from the Liberty Bell and Independence Hall, which shall serve as a cornerstone of the American Jewish community and a source of national pride: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the importance of the continuing study and preservation of the unique American Jewish experience; and

(2) recognizes the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the United States dedicated exclusively to exploring and preserving the American Jewish experience and, as such, designates it as the national museum of American Jewish history.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010

On Thursday, May 27, 2010, the Senate passed H.R. 4899, as amended, as follows:

H.R. 4899

Resolved, That the bill from the House of Representatives (H.R. 4899) entitled ''An Act making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, to be available from funds in the Agricultural Credit Insurance Fund, as follows: guaranteed farm ownership loans, $300,000,000; operating loans, $650,000,000, of which $250,000,000 shall be for unsubsidized guaranteed loans, $50,000,000 shall be for subsidized guaranteed loans, and $350,000,000 shall be for direct loans.

For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: guaranteed farm ownership loans, $1,110,000; operating loans, $29,470,000, of which $5,850,000 shall be for unsubsidized guaranteed loans, $7,030,000 shall be for subsidized guaranteed loans, and $16,590,000 shall be for direct loans.

For an additional amount for administrative expenses necessary to carry out the direct and guaranteed loan programs, $1,000,000.

EMERGENCY FOREST RESTORATION PROGRAM

For implementation of the emergency forest restoration program established under section 407 of the Agricultural Credit Act of 1978 (16 U.S.C. 2206) for expenses resulting from natural disasters that occurred on or after January 1, 2010, and for other purposes, $18,000,000, to remain available until expended: Provided, That the program: (1) shall be carried out without regard to chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'') and the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (2) with rules issued without a prior opportunity for notice and comment except, as determined to be appropriate by the Farm Service Agency, rules may be promulgated by an interim rule effective on publication with an opportunity for notice and comment: Provided further, That in carrying out this program, the Secretary shall use the authority provided under section 808(2) of title 5, United States Code: Provided further, That to reduce Federal costs in administering this heading, the emergency forest restoration program shall be considered to have met the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for activities similar in nature and quantity to those of the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.).

FOREIGN AGRICULTURAL SERVICE

FOOD FOR PEACE TITLE II GRANTS

For an additional amount for ''Food for Peace Title II Grants'' for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, $150,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SECTION 101. None of the funds appropriated or made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a biomass crop assistance program as authorized by section 9011 of Public Law 107–171 in excess of $552,000,000 in fiscal year 2010 or $432,000,000 in fiscal year 2011: Provided, That section 3002 shall not apply to the amount under this section.

SEC. 102. (a) Section 502(h)(8) of the Housing Act of 1949 (42 U.S.C. 1472(h)(8)) is amended to read as follows:

''(8) FEES.—Notwithstanding paragraph (14)(D), with respect to a guaranteed loan issued or modified under this subsection, the Secretary may collect from the lender—

''(A) at the time of issuance of the guarantee or modification, a fee not to exceed 3.5 percent of the principal obligation of the loan; and

''(B) an annual fee not to exceed 0.5 percent of the outstanding principal balance of the loan for the life of the loan.''.

(b) Section 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act, 2001 (H.R. 5426 as enacted by Public Law 106–387, 115 Stat. 1549A–34) is repealed.

(c) For gross obligations for the principal amount of guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, an additional amount shall be for section 502 unsubsidized guaranteed loans sufficient to meet the remaining fiscal year 2010 demand, provided that existing program underwriting standards are maintained, and provided further that the Secretary may waive fees described herein for very low- and low-income borrowers, not to exceed $697,000,000 in loan guarantees.

CHAPTER 2

DEPARTMENT OF COMMERCE

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

(RESCISSION)

Of the funds made available under the heading ''National Telecommunications and Information Administration'' for Digital-to-Analog Converter Box Program in prior years, $111,500,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for ''Economic Development Assistance Programs'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in States that experienced damage due to severe storms and flooding during March 2010 through May 2010 for which the President declared a major disaster covering an entire State or States with more than 20 counties declared major disasters under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, $49,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $5,000,000, for necessary expenses related to commercial fishery failures as determined by the Secretary of Commerce in January 2010.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION

The matter contained in title III of division B of Public Law 111–117 regarding ''National Aeronautics and Space Administration Exploration'' is amended by inserting at the end of the last proviso '': Provided further, That notwithstanding any other provision of law or regulation, funds made available for Constellation in fiscal year 2010 for 'National Aeronautics and Space Administration Exploration' and from previous appropriations for 'National Aeronautics and Space Administration Exploration' shall be available to fund continued performance of Constellation contracts, and performance of such Constellation contracts may not be terminated for convenience by the National Aeronautics and Space Administration in fiscal year 2010''.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $1,429,809,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $40,478,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $145,499,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $94,068,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $5,722,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $2,637,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $34,758,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $1,292,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $33,184,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $11,719,927,000, of which $218,300,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $2,735,194,000, of which $187,600,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $829,326,000, of which $30,700,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $3,835,095,000, of which $218,400,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $1,236,727,000: Provided, That up to $50,000,000, to remain available until expended, shall be available for transfer to the Port of Guam Improvement Enterprise Fund established by section 3512 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417): Provided further, That funds transferred under the previous proviso shall be merged with and available for obligation for the same time period and for the same purposes as the appropriation to which transferred: Provided further, That these funds may be transferred by the Secretary of Defense only if he determines such amounts are required to improve facilities, relieve port congestion, and provide greater access to port facilities: Provided further, That any amounts transferred pursuant to the previous three provisos shall be available to the Secretary of Transportation, acting through the Administrator of the Maritime Administration, to carry out under the Port of Guam Improvement Enterprise Program planning, design, and construction of projects for the Port of Guam to improve facilities, relieve port congestion, and provide greater access to port facilities: Provided further, That the transfer authority in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than five days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of any such transfer.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $41,006,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $75,878,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $857,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $124,039,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $180,960,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $203,287,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for ''Afghanistan Security Forces Fund'', $2,604,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of

equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

IRAQ SECURITY FORCES FUND

For the ''Iraq Security Forces Fund'', $1,000,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Forces—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, and renovation: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $219,470,000, to remain available until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $3,000,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $17,055,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $2,065,006,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $296,000,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $31,576,000, to remain available until September 30, 2012.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $162,927,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $174,766,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $672,741,000, to remain available until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $189,276,000, to remain available until September 30, 2012.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Mine Resistant Ambush Protected Vehicle Fund'', $1,123,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations for operations and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That the funds transferred shall be merged with and available for the same purposes and the same time period as the appropriation to which they are transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $44,835,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $163,775,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $65,138,000, to remain available until September 30, 2011.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,134,887,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $33,367,000 for operation and maintenance: Provided, That language under this heading in title VI, division A of Public Law 111–118 is amended by striking ''$15,093,539,000'' and inserting in lieu thereof ''$15,121,714,000''.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $94,000,000, to remain available until September 30, 2011.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)): Provided, That section 8079 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118; 123 Stat. 3446) is amended by striking ''fiscal year 2010 until'' and all that follows and insert ''fiscal year 2010.''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. Section 8005 of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118) is amended by striking ''$4,000,000,000'' and inserting ''$4,500,000,000''.

SEC. 303. Funds made available in this chapter to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: Provided, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 304. Of the funds obligated or expended by any Federal agency in support of emergency humanitarian assistance services at the request of or in coordination with the Department of Defense, the Department of State, or the U.S. Agency for International Development, on or after January 12, 2010 and before February 12, 2010, in support of the Haitian earthquake relief efforts not to exceed $500,000 are deemed to be specifically authorized by the Congress.

SEC. 305. Section 8011 of the title VIII, division A of Public Law 111–118 is amended by striking ''within 30 days of enactment of this Act'' and inserting in lieu thereof ''30 days prior to contract award''.

(RESCISSIONS)

SEC. 306. (a) Of the funds appropriated in Department of Defense Appropriation Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Other Procurement, Air Force, 2009/2011'', $5,000,000; and

''Research, Development, Test and Evaluation, Army, 2009/2010'', $72,161,000.

(b) Section 3002 shall not apply to the amounts in this section.

SEC. 307. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2009 or 2010 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

HIGH-VALUE DETAINEE INTERROGATION GROUP CHARTER AND REPORT

SEC. 308. (a) SUBMISSION OF CHARTER AND PROCEDURES.—Not later than 30 days after the final approval of the charter and procedures for the interagency body established to carry out an interrogation pursuant to a recommendation of the report of the Special Task Force on interrogation and Transfer Policies submitted under section 5(g) of Executive Order 13491 (commonly known as the High-Value Detainee Interrogation Group), or not later than 30 days after the date of the enactment of this Act, whichever is later, the Director of National Intelligence shall submit to the congressional intelligence committees such charter and procedures.

(b) UPDATES.—Not later than 30 days after the final approval of any significant modification or revision to the charter or procedures referred to in subsection (a), the Director of National Intelligence shall submit to the congressional intelligence committees any such modification or revision.

(c) LESSONS LEARNED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report setting forth an analysis and assessment of the lessons learned as a result of the operations and activities of the High-Value Detainee Interrogation Group since the establishment of that group.

(d) SUBMITTAL OF CHARTER AND REPORTS TO ADDITIONAL COMMITTEES OF CONGRESS.—At the same time the Director of National Intelligence submits the charter and procedures referred to in subsection (a), any modification or revision to the charter or procedures under subsection (b), and any report under subsection (c) to the congressional intelligence committees, the Director shall also submit such matter to—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, the Judiciary, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, the Judiciary, and Appropriations of the House of Representatives.

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for ''Investigations'', $5,400,000: Provided, That funds provided under this heading in this chapter shall be used for studies in States affected by severe storms and flooding: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' to dredge eligible projects in response to, and repair damages to Federal projects caused by, natural disasters, $18,600,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' to dredge navigation projects in response to, and repair damages to Corps projects caused by, natural disasters, $173,000,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use $44,000,000 of the amount provided under this heading for nondisaster related emergency repairs to critical infrastructure: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to natural disasters as authorized by law, $20,000,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL PROVISIONS—THIS CHAPTER

EMERGENCY DROUGHT RELIEF

SEC. 401. For an additional amount for ''Water and Related Resources'', $10,000,000, for drought emergency assistance: Provided, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West.

SEC. 402. Funds made available in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85), under the account ''Weapons Activities'' shall be available for the purchase of not to exceed one aircraft.

RECLASSIFICATION OF CERTAIN APPROPRIATIONS FOR THE NATIONAL NUCLEAR SECURITY ADMINISTRATION

SEC. 403. (a) FISCAL YEAR 2009 APPROPRIATIONS.—The matter under the heading ''Weapons Activities'' under the heading ''National Nuclear Security Administration'' under the heading ''Atomic Energy Defense Activities'' under the heading ''Department of Energy'' under title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 621) is amended by striking ''the 09–D–007 LANSCE Refurbishment, PED,'' and inserting ''capital equipment acquisition, installation, and associated design funds for LANSCE,''.

(b) FISCAL YEAR 2010 APPROPRIATIONS.—The amount appropriated under the heading ''Weapons Activities'' under the heading ''National Nuclear Security Administration'' under the heading ''Atomic Energy Defense Activities'' under the heading ''Department of Energy'' under title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85; 123 Stat. 2866) and made available for LANSCE Reinvestment, PED, Los Alamos National Laboratory, Los Alamos, New Mexico, shall be made available instead for capital equipment acquisition, installation, and associated design funds for LANSCE, Los Alamos National Laboratory, Los Alamos, New Mexico.

SEC. 404. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2012'' in lieu thereof.

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by striking ''through 2010'' and inserting ''through 2012'' in lieu thereof.

SEC. 405. (a) The Secretary of the Army shall not be required to make a determination under the National Historic Preservation Act of 1966 (16 U.S.C. 470, et seq.) for the project for flood control, Trinity River and tributaries, Texas, authorized by section 2 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 [59 Stat. 18], as modified by section 5141 of the Water Resources Development Act of 2007 [121 Stat. 1253].

(b) The Federal Highway Administration is exempt from the requirements of 49 U.S.C. 303 and 23 U.S.C. 138 for any highway project to be constructed in the vicinity of the Dallas Floodway, Dallas, Texas.

SEC. 406. (a) The Secretary of the Army may use funds made available under the heading ''OPERATION AND MAINTENANCE'' of this chapter to place, at full Federal expense, dredged material available from maintenance dredging of existing Federal navigation channels located in the Gulf Coast region to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico.

(b) The Secretary of the Army shall coordinate the placement of dredged material with appropriate Federal and Gulf Coast State agencies.

(c) The placement of dredged material pursuant to this section shall not be subject to a least-cost-disposal analysis or to the development of a Chief of Engineers report.

(d) Nothing in this section shall affect the ability or authority of the Federal Government to recover costs from an entity determined to be a responsible party in connection with the Deepwater Horizon Oil spill pursuant to the Oil Pollution Act of 1990 or any other applicable Federal statute for actions undertaken pursuant to this section.

CHAPTER 5

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, $690,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts made available for necessary expenses of the Office of Inspector General under this heading in Public Law 111–117, $1,800,000 are rescinded: Provided, That section 3002 shall not apply to the amount under this heading.

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

(INCLUDING RESCISSION)

For an additional amount for ''Federal Payment to the Public Defender Service for the District of Columbia'', $700,000, to remain available until September 30, 2012.

Of the funds provided under this heading for ''Federal Payment to the District of Columbia Public Defender Service'' in title IV of division D of Public Law 111–8, $700,000 are rescinded: Provided, That section 3002 shall not apply to the amounts under this heading.

INDEPENDENT AGENCY

FINANCIAL CRISIS INQUIRY COMMISSION

SALARIES AND EXPENSES

For the necessary expenses of the Financial Crisis Inquiry Commission established pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111–21), $1,800,000, to remain available until February 15, 2011: Provided, That section 3002 shall not apply to the amount under this heading.

CHAPTER 6

DEPARTMENT OF HOMELAND SECURITY

COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'' for necessary expenses and other disaster-response activities related to Haiti following the earthquake of January 12, 2010, $50,000,000, to remain available until September 30, 2012.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'', $15,500,000, to remain available until September 30, 2014, for aircraft replacement.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Disaster Relief'', $5,100,000,000, to remain available until

expended, of which $5,000,000 shall be transferred to the Department of Homeland Security Office of the Inspector General for audits and investigations related to disasters.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for ''United States Citizenship and Immigration Services'' for necessary expenses and other disaster response activities related to Haiti following the earthquake of January 12, 2010, $10,600,000, to remain available until September 30, 2011.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 601. Notwithstanding the 10 percent limitation contained in section 503(c) of Public Law 111–83, for fiscal year 2010, the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to $20,000,000, from appropriations available to the Department of Homeland Security: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 5 days in advance of such transfer.

(RESCISSIONS)

SEC. 602. (a) The following unobligated balances made available pursuant to section 505 of Public Law 110–329 are rescinded: $2,200,000 from Coast Guard ''Operating Expenses''; $1,800,000 from the ''Office of the Secretary and Executive Management''; and $489,152 from ''Analysis and Operations''.

(b) The third clause of the proviso directing the expenditure of funds under the heading ''Alteration of Bridges'' in the Department of Homeland Security Appropriations Act, 2009, is repealed, and from available balances made available for Coast Guard ''Alteration of Bridges'', $5,910,848 are rescinded: Provided, That funds rescinded pursuant to this subsection shall exclude balances made available in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

(c) From the unobligated balances of appropriations made available in Public Law 111–83 to the ''Office of the Federal Coordinator for Gulf Coast Rebuilding'', $700,000 are rescinded.

(d) Section 3002 shall not apply to the amounts in this section.

SEC. 603. The Administrator of the Federal Emergency Management Agency shall consider satisfied for Hurricane Katrina the non-Federal match requirement for assistance provided by the Federal Emergency Management Agency pursuant to section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170c(a).

SEC. 604. Funds appropriated in Public Law 111–83 under the heading National Protection and Programs Directorate ''Infrastructure Protection and Information Security'' shall be available for facility upgrades and related costs to establish a United States Computer Emergency Readiness Team Operations Support Center/Continuity of Operations capability.

SEC. 605. Two C–130J aircraft funded elsewhere in this Act shall be transferred to the Coast Guard.

SEC. 606. Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5140b, 5172, and 5173), for damages resulting from FEMA–3311–EM–RI, FEMA–1894–DR, FEMA–1906–DR, FEMA–1909–DR, and all other areas Presidentially declared a disaster, prior to or following enactment, and resulting from the May 1 and 2, 2010 weather events that elicited FEMA–1909–DR, shall not be less than 90 percent of the eligible costs under such sections.

SEC. 607. (a) Not later than 30 days after the date of the enactment of this Act, the Assistant Secretary for the Transportation Security Administration shall issue a security directive that requires a commercial foreign air carrier who operates flights in and out of the United States to check the list of individuals that the Transportation Security Administration has prohibited from flying not later than 30 minutes after such list is modified and provided to such air carrier.

(b) The requirements of subsection (a) shall not apply to commercial foreign air carriers that operate flights in and out of the United States and that are enrolled in the Secure Flight program or that are Advance Passenger Information System Quick Query (AQQ) compliant.

CHAPTER 7

DEPARTMENT OF LABOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Departmental Management'' for mine safety activities and legal services related to the Department of Labor's caseload before the Federal Mine Safety and Health Review Commission (''FMSHRC''), $18,200,000, which shall remain available for obligation through the date that is 12 months after the date of enactment of this Act: Provided, That the Secretary of Labor may transfer such sums as necessary to the ''Mine Safety and Health Administration'' for enforcement and mine safety activities, which may include conference litigation functions related to the FMSHRC caseload, investigation of the Upper Big Branch Mine disaster, standards and rulemaking activities, emergency response equipment purchases and upgrades, and organizational improvements: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of any transfer.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'' for necessary expenses for emergency relief and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, $220,000,000, to remain available until expended: Provided, That these funds may be transferred by the Secretary to accounts within the Department of Health and Human Services, shall be merged with the appropriation to which transferred, and shall be available only for the purposes provided herein: Provided further, That none of the funds provided in this paragraph may be transferred prior to notification of the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act: Provided further, That funds appropriated in this paragraph may be used to reimburse agencies for obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That funds may be used for the non-Federal share of expenditures for medical assistance furnished under title XIX of the Social Security Act, and for child health assistance furnished under title XXI of such Act, that are related to earthquake response activities: Provided further, That funds may be used for services performed by the National Disaster Medical System in connection with such earthquake, for the return of evacuated Haitian citizens to Haiti, and for grants to States and other entities to reimburse payments made for otherwise uncompensated health and human services furnished in connection with individuals given permission by the United States Government to come from Haiti to the United States after such earthquake, and not eligible for assistance under such titles: Provided further, That the limitation in subsection (d) of section 1113 of the Social Security Act shall not apply with respect to any repatriation assistance provided in response to the Haiti earthquake of January 12, 2010: Provided further, That with respect to the previous proviso, such additional repatriation assistance shall only be available from the funds appropriated herein.

RELATED AGENCY

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For an additional amount for ''Federal Mine Safety and Health Review Commission, Salaries and Expenses'' $3,800,000, to remain available for obligation for 12 months after enactment of this Act.

CHAPTER 8

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Joyce Murtha, widow of John P. Murtha, late a Representative from Pennsylvania, $174,000: Provided, That section 3002 shall not apply to this appropriation.

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for ''Capitol Police, General Expenses'' to purchase and install the indoor coverage portion of the new radio system for the Capitol Police, $12,956,000, to remain available until September 30, 2012: Provided, That the Chief of the Capitol Police may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and the House of Representatives.

CHAPTER 9

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $242,296,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $406,590,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Family Housing Operation and Maintenance, Air Force'', $7,953,000.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for ''Compensation and Pensions'', $13,377,189,000, to remain available until expended: Provided, That section 3002 shall not apply to the amount under this heading.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 901. (a) Of the amounts made available to the Department of Veterans Affairs under the ''Construction, Major Projects'' account, in fiscal year 2010 or previous fiscal years, up to $67,000,000 may be transferred to the ''Filipino Veterans Equity Compensation Fund'' account or may be retained in the ''Construction, Major

Projects'' account and used by the Secretary of Veterans Affairs for such major medical facility projects (as defined under section 8104(a) of title 38, United States Code) that have been authorized by law as the Secretary considers appropriate: Provided, That any amount transferred from ''Construction, Major Projects'' shall be derived from unobligated balances that are a direct result of bid savings: Provided further, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(b) Section 3002 shall not apply to the amount in this section.

LIMITATION ON USE OF FUNDS AVAILABLE TO THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 902. The amount made available to the Department of Veterans Affairs by this chapter under the heading ''VETERANS BENEFITS ADMINISTRATION'' under the heading ''COMPENSATION AND PENSIONS'' may not be obligated or expended until the expiration of the period for Congressional disapproval under chapter 8 of title 5, United States Code (commonly referred to as the ''Congressional Review Act''), of the regulations prescribed by the Secretary of Veterans Affairs pursuant to section 1116 of title 38, United States Code, to establish a service connection between exposure of veterans to Agent Orange during service in the Republic of Vietnam during the Vietnam era and hairy cell leukemia and other chronic B cell leukemias, Parkinson's disease, and ischemic heart disease.

CHAPTER 10

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Diplomatic and Consular Programs'', $1,261,000,000, to remain available until September 30, 2011: Provided, That the Secretary of State may transfer up to $149,500,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon concurrence of the head of such department or agency and after consultation with the Committees on Appropriations, to support operations in and assistance for Afghanistan and Pakistan and to carry out the provisions of the Foreign Assistance Act of 1961.

For an additional amount for ''Diplomatic and Consular Programs'' for necessary expenses for emergency relief, rehabilitation, and reconstruction support, and other expenses related to Haiti following the earthquake of January 12, 2010, $65,000,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That up to $3,700,000 of the funds made available in this paragraph may be transferred to, and merged with, funds made available under the heading ''Emergencies in the Diplomatic and Consular Service'': Provided further, That up to $290,000 of the funds made available in this paragraph may be transferred to, and merged with, funds made available under the heading ''Repatriation Loans Program Account''.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'' for necessary expenses for oversight of operations and programs in Afghanistan, Pakistan, and Iraq, $3,600,000, to remain available until September 30, 2013.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'' for necessary expenses for emergency needs in Haiti following the earthquake of January 12, 2010, $79,000,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'' for necessary expenses for emergency security related to Haiti following the earthquake of January 12, 2010, $96,500,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'' for necessary expenses for emergency broadcasting support and other expenses related to Haiti following the earthquake of January 12, 2010, $3,000,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'' for necessary expenses for oversight of operations and programs in Afghanistan and Pakistan, $3,400,000, to remain available until September 30, 2013.

For an additional amount for ''Office of Inspector General'' for necessary expenses for oversight of emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $4,500,000, to remain available until September 30, 2012: Provided, That up to $1,500,000 of the funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for ''Global Health and Child Survival'' for necessary expenses for pandemic preparedness and response, $45,000,000, to remain available until September 30, 2011.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'' for necessary expenses for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, $460,000,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Economic Support Fund'', $1,620,000,000, to remain available until September 30, 2012, of which not less than $1,309,000,000 shall be made available for assistance for Afghanistan and not less than $259,000,000 shall be made available for assistance for Pakistan: Provided, That funds appropriated under this heading in this Act and in prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Afghanistan may be made available, after consultation with the Committees on Appropriations, for disarmament, demobilization and reintegration activities, subject to the requirements of section 904(e) in this chapter, and for a United States contribution to an internationally managed fund to support the reintegration into Afghan society of individuals who have renounced violence against the Government of Afghanistan.

For an additional amount for ''Economic Support Fund'' for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $770,000,000, to remain available until September 30, 2012: Provided, That of the funds appropriated in this paragraph, up to $120,000,000 may be transferred to the Department of the Treasury for United States contributions to a multi-donor trust fund for reconstruction and recovery efforts in Haiti: Provided further, That of the funds appropriated in this paragraph, up to $10,000,000 may be transferred to, and merged with, funds made available under the heading ''United States Agency for International Development, Funds Appropriated to the President, Operating Expenses'' for administrative costs relating to the purposes provided herein and to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That funds appropriated in this paragraph may be transferred to, and merged with, funds available under the heading ''Development Credit Authority'' for the purposes provided herein: Provided further, That such transfer authority is in addition to any other transfer authority provided by this or any other Act: Provided further, That funds made available to the Comptroller General pursuant to title I, chapter 4 of Public Law 106–31, to monitor the provision of assistance to address the effects of hurricanes in Central America and the Caribbean, shall also be available to the Comptroller General to monitor relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and shall remain available until expended: Provided further, That funds appropriated in this paragraph may be made available to the United States Agency for International Development and the Department of State to reimburse any accounts for obligations incurred for the purpose provided herein prior to enactment of this Act.

For an additional amount for ''Economic Support Fund'' for necessary expenses for assistance for Jordan, $100,000,000, to remain available until September 30, 2012.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'' for necessary expenses for assistance for refugees and internally displaced persons, $165,000,000, to remain available until expended.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for ''International Affairs Technical Assistance'' for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $7,100,000, to remain available until September 30, 2012: Provided, That of the funds appropriated in this paragraph, up to $60,000 may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'',

$1,034,000,000, to remain available until September 30, 2012: Provided, That of the funds appropriated under this heading, not less than $650,000,000 shall be made available for assistance for Iraq of which $450,000,000 is for one-time start up costs and limited operational costs of the Iraqi police program, and $200,000,000 is for implementation, management, security, communications, and other expenses related to such program and may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the Government of Iraq supports and is cooperating with such program: Provided further, That funds appropriated in this chapter for assistance for Iraq shall not be subject to the limitation on assistance in section 7042(b)(1) of division F of Public Law 111–117: Provided further, That of the funds appropriated in this paragraph, not less than $169,000,000 shall be made available for assistance for Afghanistan and not less than $40,000,000 shall be made available for assistance for Pakistan: Provided further, That of the funds appropriated under this heading, $175,000,000 shall be made available for assistance for Mexico for judicial reform, institution building, anti-corruption, and rule of law activities, and shall be available subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

For an additional amount for ''International Narcotics Control and Law Enforcement'' for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $147,660,000, to remain available until September 30, 2012: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $100,000,000, to remain available until September 30, 2012, of which not less than $50,000,000 shall be made available for assistance for Pakistan and not less than $50,000,000 shall be made available for assistance for Jordan.

GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1001. Funds appropriated in this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

ALLOCATIONS

SEC. 1002. (a) Funds appropriated in this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

(1) ''Diplomatic and Consular Programs''.

(2) ''Economic Support Fund''.

(3) ''International Narcotics Control and Law Enforcement''.

(b) For the purposes of implementing this section, and only with respect to the tables included in the report accompanying this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, may propose deviations to the amounts referred in subsection (a), subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1003. (a) SPENDING PLANS.—Not later than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, and the Broadcasting Board of Governors, shall submit reports to the Committees on Appropriations detailing planned uses of funds appropriated in this chapter, except for funds appropriated under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance''.

(b) OBLIGATION REPORTS.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, and the Broadcasting Board of Governors, shall submit reports to the Committees on Appropriations not later than 90 days after enactment of this Act, and every 180 days thereafter until September 30, 2012, on obligations, expenditures, and program outputs and outcomes.

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except for funds appropriated under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance''.

AFGHANISTAN

SEC. 1004. (a) The terms and conditions of sections 1102(a), (b)(1), (c), and (d) of Public Law 111–32 shall apply to funds appropriated in this chapter that are available for assistance for Afghanistan.

(b) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' that are available for assistance for Afghanistan may be obligated only if the Secretary of State reports to the Committees on Appropriations that prior to the disbursement of funds, representatives of the Afghan national, provincial or local government, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, and following such disbursement will participate in implementation and oversight, and progress will be measured against specific benchmarks.

(c)(1) Funds appropriated in this chapter may be made available for assistance for the Government of Afghanistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Afghanistan is—

(A) cooperating with United States reconstruction and reform efforts;

(B) demonstrating a commitment to accountability by removing corrupt officials, implementing fiscal transparency and other necessary reforms of government institutions, and facilitating active public engagement in governance and oversight of public resources; and

(C) respecting the internationally recognized human rights of Afghan women.

(2) If at any time after making the determination required in paragraph (1) the Secretary receives credible information that the factual basis for such determination no longer exists, the Secretary should suspend assistance and promptly inform the relevant Afghan authorities that such assistance is suspended until sufficient factual basis exists to support the determination.

(d) Funds appropriated in this chapter and in prior Acts that are available for assistance for Afghanistan may be made available to support reconciliation with, or reintegration of, former combatants only if the Secretary of State determines and reports to the Committees on Appropriations that—

(1) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and women's internationally recognized human rights are protected in such process; and

(2) such funds will not be used to support any pardon, immunity from prosecution or amnesty, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or other violations of internationally recognized human rights.

(e) Funds appropriated in this chapter that are available for assistance for Afghanistan may be made available to support the work of the Independent Electoral Commission and the Electoral Complaints Commission in Afghanistan only if the Secretary of State determines and reports to the Committees on Appropriations that—

(1) the Independent Electoral Commission has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 elections for president in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghanistan law as of December 31, 2009, and with no members appointed by the President of Afghanistan; and

(2) the central Government of Afghanistan has taken steps to ensure that women are able to exercise their rights to political participation, whether as candidates or voters.

(f)(1) Not more than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a strategy to address the needs and protect the rights of Afghan women and girls, including planned expenditures of funds appropriated in this chapter, and detailed plans for implementing and monitoring such strategy.

(2) Such strategy shall be coordinated with and support the goals and objectives of the National Action Plan for Women of Afghanistan and the Afghan National Development Strategy and shall include a defined scope and methodology to measure the impact of such assistance.

(g)(1) Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) and requirements for awarding task orders under task and delivery order contracts under section 303J of such Act (41 U.S.C. 253j), the Secretary of State may award task orders for police training in Afghanistan under current Department of State contracts for police training.

(2) Any task order awarded under paragraph (1) shall be for a limited term and shall remain in performance only until a successor contract or contracts awarded by the Department of Defense using full and open competition have entered into full performance after completion of any start-up or transition periods.

PAKISTAN

SEC. 1005. (a) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Foreign Military Financing Program'' and ''Pakistan Counterinsurgency Capability Fund'' shall be made available—

(1) in a manner that promotes unimpeded access by humanitarian organizations to detainees, internally displaced persons, and other Pakistani civilians adversely affected by the conflict; and

(2) in accordance with section 620J of the Foreign Assistance Act of 1961, and the Secretary of State shall inform relevant Pakistani authorities of the requirements of section 620J and of its application, and regularly monitor units of Pakistani security forces that receive United States assistance and the performance of such units.

(b)(1) Of the funds appropriated in this chapter under the heading ''Economic Support Fund'' for assistance for Pakistan, $5,000,000 shall be made available through the Bureau of Democracy, Human Rights and Labor, Department of State, for human rights programs in

Pakistan, including training of government officials and security forces, and assistance for human rights organizations.

(2) Not later than 90 days after enactment of this Act and prior to the obligation of funds under this subsection, the Secretary of State shall submit to the Committees on Appropriations a human rights strategy in Pakistan including the proposed uses of funds.

(c) Of the funds appropriated in this chapter under the heading ''Economic Support Fund'' for assistance for Pakistan, up to $1,500,000 should be made available to the Department of State and the United States Agency for International Development for the lease of aircraft to implement programs and conduct oversight in northwestern Pakistan, which shall be coordinated under the authority of the United States Chief of Mission in Pakistan.

IRAQ

SEC. 1006. (a) The uses of aircraft in Iraq purchased or leased with funds made available under the headings ''International Narcotics Control and Law Enforcement'' and ''Diplomatic and Consular Affairs'' in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the United States Chief of Mission in Iraq.

(b) The terms and conditions of section 1106(b) of Public Law 111–32 shall apply to funds made available in this chapter for assistance for Iraq under the heading ''International Narcotics Control and Law Enforcement''.

(c) Of the funds appropriated in this chapter and in prior acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Diplomatic and Consular Programs'' and ''Embassy Security, Construction, and Maintenance'' for Afghanistan, Pakistan and Iraq, up to $300,000,000 may, after consultation with the Committees on Appropriations, be transferred between, and merged with, such appropriations for activities related to security for civilian led operations in such countries.

HAITI

SEC. 1007. (a) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' that are available for assistance for Haiti may be obligated only if the Secretary of State reports to the Committees on Appropriations that prior to the disbursement of funds, representatives of the Haitian national, provincial or local government, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, and following such disbursement will participate in implementation and oversight, and progress will be measured against specific benchmarks.

(b)(1) Funds appropriated in this chapter under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' may be made available for assistance for the Government of Haiti only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Haiti is—

(A) cooperating with United States reconstruction and reform efforts; and

(B) demonstrating a commitment to accountability by removing corrupt officials, implementing fiscal transparency and other necessary reforms of government institutions, and facilitating active public engagement in governance and oversight of public resources.

(2) If at any time after making the determination required in paragraph (1) the Secretary receives credible information that the factual basis for making such determination no longer exists, the Secretary should suspend assistance and promptly inform the relevant Haitian authorities that such assistance is suspended until sufficient factual basis exists to support the determination.

(c)(1) Funds appropriated in this chapter for bilateral assistance for Haiti may be provided as direct budget support to the central Government of Haiti only if the Secretary of State reports to the Committees on Appropriations that the Government of the United States and the Government of Haiti have agreed, in writing, to clear and achievable goals and objectives for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended.

(2) The Secretary should suspend any such direct budget support to an implementing agency if the Secretary has credible evidence of misuse of such funds by any such agency.

(3) Any such direct budget support shall be subject to prior consultation with the Committees on Appropriations.

(d) Funds appropriated in this chapter that are made available for assistance for Haiti shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation and leadership of Haitian women and directly improves the security, economic and social well-being, and political status of Haitian women and girls.

(e) Funds appropriated in this chapter may be made available for assistance for Haiti notwithstanding any other provision of law, except for section 620J of the Foreign Assistance Act of 1961 and provisions of this chapter.

HAITI DEBT RELIEF

SEC. 1008. (a) For an additional amount for ''Contribution to the Inter-American Development Bank'', ''Contribution to the International Development Association'', and ''Contribution to the International Fund for Agricultural Development'', to cancel Haiti's existing debts and repayments on disbursements from loans committed prior to January 12, 2010, and for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank, to the extent separately authorized in this chapter, in furtherance of providing debt relief for Haiti in view of the Cancun Declaration of March 21, 2010, a total of $212,000,000, to remain available until September 30, 2012.

(b) Up to $40,000,000 of the amounts appropriated under the heading ''Department of the Treasury, Debt Restructuring'' in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be used to cancel Haiti's existing debts and repayments on disbursements from loans committed prior to January 12, 2010, to the Inter-American Development Bank, the International Development Association, and the International Fund for Agricultural Development, and for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of providing debt relief to Haiti in view of the Cancun Declaration of March 21, 2010.

HAITI DEBT RELIEF AUTHORITY

SEC. 1009. The Inter-American Development Bank Act, Public Law 86–147, as amended (22 U.S.C. 283 et seq.), is further amended by adding at the end thereof the following new section:

''SEC. 40. AUTHORITY TO VOTE FOR AND CONTRIBUTE TO AN INCREASE IN RESOURCES OF THE FUND FOR SPECIAL OPERATIONS; PROVIDING DEBT RELIEF TO HAITI.

''(a) VOTE AUTHORIZED.—In accordance with section 5 of this Act, the United States Governor of the Bank is authorized to vote in favor of a resolution to increase the resources of the Fund for Special Operations up to $479,000,000, in furtherance of providing debt relief for Haiti in view of the Cancun Declaration of March 21, 2010, which provides that:

''(1) Haiti's debts to the Fund for Special Operations are to be cancelled;

''(2) Haiti's remaining local currency conversion obligations to the Fund for Special Operations are to be cancelled;

''(3) undisbursed balances of existing loans of the Fund for Special Operations to Haiti are to be converted to grants; and

''(4) the Fund for Special Operations is to make available significant and immediate grant financing to Haiti as well as appropriate resources to other countries remaining as borrowers within the Fund for Special Operations, consistent with paragraph 6 of the Cancun Declaration of March 21, 2010.

''(b) CONTRIBUTION AUTHORITY.—To the extent and in the amount provided in advance in appropriations Acts the United States Governor of the Bank may, on behalf of the United States and in accordance with section 5 of this Act, contribute up to $252,000,000 to the Fund for Special Operations, which will provide for debt relief of:

''(1) up to $240,000,000 to the Fund for Special Operations;

''(2) up to $8,000,000 to the International Fund For Agricultural Development (IFAD); and

''(3) up to $4,000,000 for the International Development Association (IDA).

''(c) AUTHORIZATION OF APPROPRIATIONS.—To pay for the contribution authorized under subsection (b), there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury $212,000,000, for the United States contribution to the Fund for Special Operations.''.

MEXICO

SEC. 1010. (a) For purposes of funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading ''International Narcotics Control and Law Enforcement'' that are made available for assistance for Mexico, the provisions of paragraphs (1) through (3) of section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply and the report required in paragraph (1) shall be based on a determination by the Secretary of State of compliance with each of the requirements in paragraph (1)(A) through (D).

(b) Funds appropriated in this chapter under the heading ''International Narcotics Control and Law Enforcement'' that are available for assistance for Mexico may be made available only after the Secretary of State submits a report to the Committees on Appropriations detailing a coordinated, multi-year, interagency strategy to address the causes of drug-related violence and other organized criminal activity in Central and South America, Mexico, and the Caribbean, which shall describe—

(1) the United States multi-year strategy for the region, including a description of key challenges in the source, transit, and demand zones; the key objectives of the strategy; and a detailed description of outcome indicators for measuring progress toward such objectives;

(2) the integration of diplomatic, administration of justice, law enforcement, civil society, economic development, demand reduction, and other assistance to achieve such objectives;

(3) progress in phasing out law enforcement activities of the militaries of each recipient country, as applicable; and

(4) governmental efforts to investigate and prosecute violations of internationally recognized human rights.

(c) Of the funds appropriated in this chapter under the heading ''Diplomatic and Consular Programs'', up to $5,000,000 may be made available for armored vehicles and other emergency diplomatic security support for United States Government personnel in Mexico.

EL SALVADOR

SEC. 1011. Of the funds appropriated in this chapter under the heading ''Economic Support Fund'', $25,000,000 shall be made available for necessary expenses for emergency relief and reconstruction assistance for El Salvador related to Hurricane/Tropical Storm Ida.

DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 1012. Of the funds appropriated in this chapter under the heading ''Economic Support Fund'', $15,000,000 shall be made available for necessary expenses for emergency security and humanitarian assistance for civilians, particularly women and girls, in the eastern region of the Democratic Republic of the Congo.

INTERNATIONAL SCIENTIFIC COOPERATION

SEC. 1013. Funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for science and technology centers in the former Soviet Union may be used to support productive, non-military projects that engage scientists and engineers who have no weapons background, but whose competence could otherwise be applied to weapons development, provided such projects are executed through existing science and technology centers and notwithstanding sections 503 and 504 of the FREEDOM Support Act (Public Law 102–511), and following consultation with the Committees on Appropriations, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

INTERNATIONAL RENEWABLE ENERGY AGENCY

SEC. 1014. For fiscal year 2011 and thereafter, the President is authorized to accept the statute of, and to maintain membership of the United States in, the International Renewable Energy Agency, and the United States' assessed contributions to maintain such membership may be paid from funds appropriated for ''Contributions to International Organizations''.

OFFICE OF INSPECTOR GENERAL PERSONNEL

SEC. 1015. (a) Funds appropriated in this chapter for the United States Agency for International Development Office of Inspector General (OIG) may be made available to contract with United States citizens for personal services when the Inspector General determines that the personnel resources of the OIG are otherwise insufficient.

(1) Not more than 5 percent of the OIG personnel (determined on a full-time equivalent basis), as of any given date, are serving under personal services contracts.

(2) Contracts under this paragraph shall not exceed a term of 2 years unless the Inspector General determines that exceptional circumstances justify an extension of up to 1 additional year, and contractors under this paragraph shall not be considered employees of the Federal Government for purposes of title 5, United States Code, or members of the Foreign Service for purposes of title 22, United States Code.

(b)(1) The Inspector General may waive subsections (a) through (d) of section 8344, and subsections (a) through (e) of section 8468 of title 5, United States Code, and subsections (a) through (d) of section 4064 of title 22, United States Code, on behalf of any re-employed annuitant serving in a position within the OIG to facilitate the assignment of persons to positions in Iraq, Pakistan, Afghanistan, and Haiti or to positions vacated by members of the Foreign Service assigned to those countries.

(2) The authority provided in paragraph (1) shall be exercised on a case-by-case basis for positions for which there is difficulty recruiting or retaining a qualified employee or to address a temporary emergency hiring need, individuals employed by the OIG under this paragraph shall not be considered employees for purposes of subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title, and the authorities of the Inspector General under this paragraph shall terminate on October 1, 2012.

AUTHORITY TO REPROGRAM FUNDS

SEC. 1016. Of the funds appropriated by this chapter for assistance for Afghanistan, Iraq and Pakistan, up to $100,000,000 may be made available pursuant to the authority of section 451 of the Foreign Assistance Act of 1961, as amended, for assistance in the Middle East and South Asia regions if the President finds, in addition to the requirements of section 451 and certifies and reports to the Committees on Appropriations, that exercising the authority of this section is necessary to protect the national security interests of the United States: Provided, That the Secretary of State shall consult with the Committees on Appropriations prior to the reprogramming of such funds, which shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the funding limitation otherwise applicable to section 451 of the Foreign Assistance Act of 1961 shall not apply to this section: Provided further, That the authority of this section shall expire upon enactment of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2011.

SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION

(INCLUDING RESCISSION)

SEC. 1017. (a) Of the funds appropriated under the heading ''Department of State, Administration of Foreign Affairs, Office of Inspector General'' and authorized to be transferred to the Special Inspector General for Afghanistan Reconstruction in title XI of Public Law 111–32, $7,200,000 are rescinded.

(b) For an additional amount for ''Department of State, Administration of Foreign Affairs, Office of Inspector General'' which shall be available for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight in Afghanistan, $7,200,000, and shall remain available until September 30, 2011.

CHAPTER 11

DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

Of the amounts provided for Safety Belt Performance Grants in Public Law 111–117, $15,000,000 shall be available to pay for expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, and for the planning or execution of programs authorized under section 403 of title 23, United States Code: Provided, That such funds shall be available until September 30, 2011, and shall be in addition to the amount of any limitation imposed on obligations in fiscal year 2011.

Of the amounts made available for Safety Belt Performance Grants under section 406 of title 23, United States Code, $25,000,000 in unobligated balances are permanently rescinded: Provided, That section 3002 shall not apply to the amounts under this heading.

CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM

(RESCISSION)

Of the amounts made available for the Consumer Assistance to Recycle and Save Program, $44,000,000 in unobligated balances are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the ''Community Development Fund'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by severe storms and flooding from March 2010 through May 2010 for which the President declared a major disaster covering an entire State or States with more than 20 counties declared major disasters under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, $100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): Provided, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: Provided further, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: Provided further, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: Provided further, That the Secretary shall obligate to a State or subdivision thereof not less than 50 percent of the funding provided under this heading within 90 days after the enactment of this Act.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Economic Development Assistance Programs'', to carry out planning, technical assistance and other assistance under section 209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in States affected by the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $5,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount, in addition to amounts provided elsewhere in this Act, for

''Operations, Research, and Facilities'', $13,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses: Provided, That the amounts appropriated herein are not available unless the Secretary of Commerce determines that resources provided under other authorities and appropriations including by the responsible parties under the Oil Pollution Act, 33 U.S.C. 2701, et seq., are not sufficient to respond to economic impacts on fishermen and fishery-dependent business following an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Operations, Research, and Facilities'', for activities undertaken including scientific investigations and sampling as a result of the incidents related to the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $7,000,000, to remain available until expended. These activities may be funded through the provision of grants to universities, colleges and other research partners through extramural research funding.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', Food and Drug Administration, Department of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $2,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Office of the Secretary, Salaries and Expenses'' for increased inspections, enforcement, investigations, environmental and engineering studies, and other activities related to emergency offshore oil spill incidents in the Gulf of Mexico, $29,000,000, to remain available until expended: Provided, That such funds may be transferred by the Secretary to any other account in the Department of the Interior to carry out the purposes provided herein.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $10,000,000, to remain available until expended, for litigation expenses resulting from incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount for ''Science and Technology'' for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J), as appropriate, $2,000,000, to remain available until expended: Provided, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Commerce and the Secretary of the Interior: Provided further, That the study may be funded through the provision of grants to universities and colleges through extramural research funding.

GENERAL PROVISION—THIS TITLE

DEEPWATER HORIZON

SEC. 2001. Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:

(1) by inserting '': (1)'' before ''may obtain an advance'' and after ''the Coast Guard'';

(2) by striking ''advance. Amounts'' and inserting the following: ''advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of $100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts''.

PROHIBITION ON FINES AND LIABILITY

SEC. 2002. None of the funds made available by this Act shall be used to levy against any person any fine, or to hold any person liable for construction or renovation work performed by the person, in any State under the final rule entitled ''Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet; Notice of Availability; Final Rule'' (73 Fed. Reg. 21692 (April 22, 2008)), and the final rule entitled ''Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program'' signed by the Administrator on April 22, 2010.

RIGHT-OF-WAY

SEC. 2003. (a) Notwithstanding any other provision of law, the Secretary of the Interior shall—

(1) not later than 30 days after the date of enactment of this Act, amend Right-of-Way Grants No. NVN–49781/IDI–26446/NVN–85211/NVN–85210 of the Bureau of Land Management to shift the 200-foot right-of-way for the 500-kilovolt transmission line project to the alignment depicted on the maps entitled ''Southwest Intertie Project'' and dated December 10, 2009, and May 21, 2010, and approve the construction, operation and maintenance plans of the project; and

(2) not later than 90 days after the date of enactment of this Act, issue a notice to proceed with construction of the project in accordance with the amended grants and approved plans described in paragraph (1).

(b) Notwithstanding any other provision of law, the Secretary of Energy may provide or facilitate federal financing for the project described in subsection (a) under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) or the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), based on the comprehensive reviews and consultations performed by the Secretary of the Interior.

FUNDING FOR ENVIRONMENTAL AND FISHERIES IMPACTS

SEC. 2004. (1) FISHERIES DISASTER RELIEF.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $15,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) EXPANDED STOCK ASSESSMENT OF FISHERIES.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $10,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) ECOSYSTEM SERVICES IMPACTS STUDY.—For an additional amount, in addition to other amounts provided for the Department of Commerce, $1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

(4) IN GENERAL.—Of the amounts appropriated or made available under division B, title I of Public Law 111–117 that remain unobligated as of the date of the enactment of this Act under Procurement, Acquisition, and Construction for the National Oceanic and Atmospheric Administration, $26,000,000 of the amounts appropriated are hereby rescinded.

TITLE III

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 3001 No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 3002. Unless otherwise specified, each amount in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 3003. (a) Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. §§1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

(b) Section 3002 shall not apply to this section.

SEC. 3004. (a) Public Law 111–88, the Interior, Environment, and Related Agencies Appropriations Act, 2010, is amended under the heading ''Office of the Special Trustee for American Indians'' by—

(1) striking ''$185,984,000'' and inserting ''$176,984,000''; and

(2) striking ''$56,536,000'' and inserting ''$47,536,000''.

(b) Section 3002 shall not apply to the amounts in this section.

SEC. 3005. Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amended by striking ''2008'' and inserting ''2011''.

SEC. 3006. For fiscal years 2010 and 2011—

(1) the National Park Service Recreation Fee Program account may be available for the cost of adjustments and changes within the original scope of contracts for National Park Service projects funded by Public Law 111–5 and for associated administrative costs when no funds are otherwise available for such purposes;

(2) notwithstanding section 430 of division E of Public Law 111–8 and section 444 of Public Law 111–88, the Secretary of the Interior may utilize unobligated balances for adjustments and changes within the original scope of projects funded through division A, title VII, of Public Law 111–5 and for associated administrative costs when no funds are otherwise available;

(3) the Secretary of the Interior shall ensure that any unobligated balances utilized pursuant to paragraph (2) shall be derived from the bureau and account for which the project was funded in Public Law 111–5; and

(4) the Secretary of the Interior shall consult with the Committees on Appropriations prior to making any charges authorized by this section.

SEC. 3007. (a) Section 205(d) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2304(d)) is amended by striking ''10 years'' and inserting ''11 years''.

(b) Section 3002 shall not apply to this section.

SEC. 3008. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES'' under title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to Genesee County, Michigan for assistance for individuals transitioning from prison in Genesee County, Michigan pursuant to the joint statement of managers accompanying that Act may be made available to My Brother's Keeper of Genesee County, Michigan to provide assistance for individuals transitioning from prison in Genesee County, Michigan.

SEC. 3009. Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010 (49 U.S.C. 24305 note) is amended by striking clauses (i) and (ii) and inserting the following:

''(i) requiring inspections of any container containing a firearm or ammunition; and

''(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.''.

PUBLIC AVAILABILITY OF CONTRACTOR INTEGRITY AND PERFORMANCE DATABASE

SEC. 3010. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110–417; 41 U.S.C. 417b(e)(1)) is amended by adding at the end the following: ''In addition, the Administrator shall post all such information, excluding past performance reviews, on a publicly available Internet website.''.

ASSESSMENTS ON GUANTANAMO BAY DETAINEES

SEC. 3011. (a) SUBMISSION OF INFORMATION RELATED TO DISPOSITION DECISIONS.—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the participants of the interagency review of Guantanamo Bay detainees conducted pursuant to Executive Order 13492 (10 U.S.C. 801 note), shall fully inform the congressional intelligence committees concerning the basis for the disposition decisions reached by the Guantanamo Review Task Force, and shall provide to the congressional intelligence committees—

(1) the written threat analyses prepared on each detainee by the Guantanamo Review Task Force established pursuant to Executive Order 13492; and

(2) access to the intelligence information that formed the basis of any such specific assessments or threat analyses.

(b) FUTURE SUBMISSIONS.—In addition to the analyses, assessments, and information required under subsection (a) and not later than 10 days after the date that a threat assessment described in subsection (a) is disseminated, the Director of National Intelligence shall provide to the congressional intelligence committees—

(1) any new threat assessment prepared by any element of the intelligence community of a Guantanamo Bay detainee who remains in detention or is pending release or transfer; and

(2) access to the intelligence information that formed the basis of such threat assessment.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

SEC. 3012. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES'' under title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to the Marcus Institute, Atlanta, Georgia, to provide remediation for the potential consequences of childhood abuse and neglect, pursuant to the joint statement of managers accompanying that Act, may be made available to the Georgia State University Center for Healthy Development, Atlanta, Georgia.

COASTAL IMPACT ASSISTANCE

SEC. 3013. Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended by adding at the end the following:

''(e) EMERGENCY FUNDING.—

''(1) IN GENERAL.—In response to a spill of national significance under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), at the request of a producing State or coastal political subdivision and notwithstanding the requirements of part 12 of title 43, Code of Federal Regulations (or a successor regulation), the Secretary may immediately disburse funds allocated under this section for 1 or more individual projects that are—

''(A) consistent with subsection (d); and

''(B) specifically designed to respond to the spill of national significance.

''(2) APPROVAL BY SECRETARY.—The Secretary may, in the sole discretion of the Secretary, approve, on a project by project basis, the immediate disbursal of the funds under paragraph (1).

''(3) STATE REQUIREMENTS.—

''(A) ADDITIONAL INFORMATION.—If the Secretary approves a project for funding under this subsection that is included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary any additional information that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

''(B) AMENDMENT TO PLAN.—If the Secretary approves a project for funding under this subsection that is not included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary for approval an amendment to the plan that includes any projects funded under paragraph (1), as well as any information about such projects that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

''(C) LIMITATION.—If a producing State or coastal political subdivision does not submit the additional information or amendments to the plan required by this paragraph, or if, based on the information submitted by the Secretary determines that the project is not in compliance with subsection (d), by the deadlines specified in this paragraph, the Secretary shall not disburse any additional funds to the producing State or the coastal political subdivisions until the date on which the additional information or amendment to the plan has been approved by the Secretary.''.

This Act may be cited as the ''Supplemental Appropriations Act, 2010''.

Amend the title so as to read: ''Making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.''.

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

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

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that on Monday, June 7, at 4:30 p.m., the Senate proceed to executive session to consider the following nominations on the Executive Calendar and that they be debated concurrently until 5:30 p.m., with the time equally divided and controlled by Senators LEAHY and SESSIONS, or their designees: No. 730, Audrey Pleissig, district court judge, Missouri; No. 731, Lucy Koh, district court judge, California; No. 759, Jane Magnus-Stinson, district court judge, Indiana; that at 5:30 p.m., the Senate proceed to vote on confirmation of the nominations in the order listed; that upon confirmation, the motions to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that after the first vote, there be 2 minutes of debate, equally divided as described above, and after the first vote, the succeeding votes be limited to 10 minutes each; that upon disposition of the nominations, the Senate resume legislative session.

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

EXECUTIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider, en bloc, the following nominations: 909, 910, 911, 912, 913, 914, 915, 918, 919, 920, 921, and 922, and all nominations on the Secretary's desk in the Air Force, Army, Foreign Services, Marine Corps, and Navy; that the nominations be confirmed, en bloc, the motions to reconsider be considered made and laid upon the table, en bloc; that any statements relating to the nominations be printed in the RECORD, as if read, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

The nominations, considered and confirmed, are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Burton M. Field

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Frank J. Kisner

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Jeffrey L. Harrigian
Colonel John F. Newell, III
Colonel Mark C. Nowland
Colonel Robert D. Thomas

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. David H. Huntoon, Jr.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Michael H. Miller

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Joseph P. Aucoin
Rear Adm. (lh) Patrick H. Brady
Rear Adm. (lh) Ted N. Branch
Rear Adm. (lh) Paul J. Bushong
Rear Adm. (lh) James F. Caldwell, Jr.
Rear Adm. (lh) Thomas H. Copeman, III
Rear Adm. (lh) Philip S. Davidson
Rear Adm. (lh) Kevin M. Donegan
Rear Adm. (lh) Patrick Driscoll
Rear Adm. (lh) Mark D. Guadagnini
Rear Adm. (lh) Joseph A. Horn
Rear Adm. (lh) Anthony M. Kurta
Rear Adm. (lh) Joseph P. Mulloy
Rear Adm. (lh) Sean A. Pybus
Rear Adm. (lh) John M. Richardson
Rear Adm. (lh) Thomas S. Rowden
Rear Adm. (lh) Nora W. Tyson

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. William E. Gortney

DEPARTMENT OF JUSTICE

Gervin Kazumi Miyamoto, of Hawaii, to be United States Marshal for the District of Hawaii for the term of four years.

Scott Jerome Parker, of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

Laura E. Duffy, of California, to be United States Attorney for the Southern District of California for a term of four years.

Darryl Keith McPherson, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

Stephanie A. Finley, of Louisiana, to be United States Attorney for the Western District of Louisiana for the term of four years.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1756 AIR FORCE nomination of Kshamata Skeete, which was received by the Senate and appeared in the Congressional Record of May 5, 2010.

PN1774 AIR FORCE nomination of Pascal Udekwu, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1774 AIR FORCE nominations (17) beginning MARK R. ANDERSON, and ending JONATHAN A. SOSNOV, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2010.

IN THE ARMY

PN1757 ARMY nominations (10) beginning ALAN C. CRANFORD, and ending WILLIAM A. WARD, which nominations were received by the Senate and appeared in the Congressional Record of May 5, 2010.

PN1758 ARMY nomination of Adam S. Colombo, which was received by the Senate and appeared in the Congressional Record of May 5, 2010.

PN1759 ARMY nominations (6) beginning CHRISTOPHER W. SOIKA, and ending ELIZABETH REMEDIOS, which nominations were received by the Senate and appeared in the Congressional Record of May 5, 2010.

PN1775 ARMY nominations (12) beginning FRED M. CHESBRO, and ending DEREK J. TOLMAN, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1776 ARMY nominations (7) beginning MONIQUE C. BIERWIRTH, and ending DAVID E. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1777 ARMY nomination of Carolyn A. Waltz, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1778 ARMY nominations (8) beginning DENNY S. HEWITT, and ending JOHN D. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1804 ARMY nomination of Adam H. Hamawy, which was received by the Senate and appeared in the Congressional Record of May 18, 2010.

PN1808 ARMY nominations (36) beginning STEPHEN W. AUSTIN, and ending NATHAN L. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of May 19, 2010

IN THE FOREIGN SERVICE

PN1621 FOREIGN SERVICE nominations (326) beginning Judith Hinshaw Semilota, and ending Gregory S. Stanford, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2010.

IN THE MARINE CORPS

PN1796 MARINE CORPS nomination of David S. Phillips, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

IN THE NAVY

PN1760 NAVY nomination of John J. Kemerer, which was received by the Senate and appeared in the Congressional Record of May 5, 2010.

PN1761 NAVY nominations (36) beginning ROBIN E. ALFONSO, and ending CHADRICK O. WITHROW, which nominations were received by the Senate and appeared in the Congressional Record of May 5, 2010.

PN1779 NAVY nomination of John M. Holmes, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1780 NAVY nomination of Leonard J. Long, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1781 NAVY nomination of Alexander Davila, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1782 NAVY nomination of Antonio L. Scinicariello, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1783 NAVY nomination of Christopher R. Swanson, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1784 NAVY nomination of Dominick E. Floyd, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1785 NAVY nomination of Joseph A. Nellis, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1786 NAVY nomination of Rachel J. Velasco-Lind, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1805 NAVY nomination of David S. Weldon, which was received by the Senate and appeared in the Congressional Record of May 18, 2010.

PN1809 NAVY nominations (8) beginning JAMES L. BROWN, and ending MATTHEW B. REED, which nominations were received by the Senate and appeared in the Congressional Record of May 19, 2010.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDER FOR RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open until 1:30 p.m. today for the introduction of legislation, submission of statements, and cosponsorships.

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

AUTHORITY TO FILE COMMITTEE-REPORTED BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that during the adjournment of the Senate, Senate committees may file committee-reported Legislative and Executive Calendar business on Friday, June 4, 2010, during the hours of 12 noon to 2 p.m.

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

ORDERS FOR MONDAY, JUNE 7, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 282 until 2 p.m. on Monday, June 7;

that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each; further, that at 4:30 p.m., the Senate proceed to executive session as provided under the previous order.

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

PROGRAM

Mr. REID. Mr. President, under a previous order, there will be a series of votes at 5:30 p.m. on the confirmation and nomination of three district court judges on the Monday we get back.

ADJOURNMENT UNTIL MONDAY, JUNE 7, 2010, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 12:11 p.m., adjourned until Monday, June 7, 2010, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, May 28, 2010:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BURTON M. FIELD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK J. KISNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JEFFREY L. HARRIGIAN
COLONEL JOHN F. NEWELL III
COLONEL MARK C. NOWLAND
COLONEL ROBERT D. THOMAS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID H. HUNTOON, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL H. MILLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JOSEPH P. AUCOIN
REAR ADM. (LH) PATRICK H. BRADY
REAR ADM. (LH) TED N. BRANCH
REAR ADM. (LH) PAUL J. BUSHONG
REAR ADM. (LH) JAMES F. CALDWELL, JR.
REAR ADM. (LH) THOMAS H. COPEMAN III
REAR ADM. (LH) PHILIP S. DAVIDSON
REAR ADM. (LH) KEVIN M. DONEGAN
REAR ADM. (LH) PATRICK DRISCOLL
REAR ADM. (LH) MARK D. GUADAGNINI
REAR ADM. (LH) JOSEPH A. HORN
REAR ADM. (LH) ANTHONY M. KURTA
REAR ADM. (LH) JOSEPH P. MULLOY
REAR ADM. (LH) SEAN A. PYBUS
REAR ADM. (LH) JOHN M. RICHARDSON
REAR ADM. (LH) THOMAS S. ROWDEN
REAR ADM. (LH) NORA W. TYSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. WILLIAM E. GORTNEY

DEPARTMENT OF JUSTICE

GERVIN KAZUMI MIYAMOTO, OF HAWAII, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII FOR THE TERM OF FOUR YEARS.

SCOTT JEROME PARKER, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

LAURA E. DUFFY, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR A TERM OF FOUR YEARS.

DARRYL KEITH MCPHERSON, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

STEPHANIE A. FINLEY, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

AIR FORCE NOMINATION OF KSHAMATA SKEETE, TO BE MAJOR.

AIR FORCE NOMINATION OF PASCAL UDEKWU, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH MARK R. ANDERSON AND ENDING WITH JONATHAN A. SOSNOV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2010.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH ALAN C. CRANFORD AND ENDING WITH WILLIAM A. WARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 5, 2010.

ARMY NOMINATION OF ADAM S. COLOMBO, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH CHRISTOPHER W. SOIKA AND ENDING WITH ELIZABETH REMEDIOS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 5, 2010.

ARMY NOMINATIONS BEGINNING WITH FRED M. CHESBRO AND ENDING WITH DEREK J. TOLMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2010.

ARMY NOMINATIONS BEGINNING WITH MONIQUE C. BIERWIRTH AND ENDING WITH DAVID E. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2010.

ARMY NOMINATION OF CAROLYN A. WALTZ, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH DENNY S. HEWITT AND ENDING WITH JOHN D. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2010.

ARMY NOMINATION OF ADAM H. HAMAWY, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH STEPHEN W. AUSTIN AND ENDING WITH NATHAN L. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 19, 2010.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JUDITH HINSHAW SEMILOTA AND ENDING WITH GREGORY S. STANFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2010.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF DAVID S. PHILLIPS, TO BE LIEUTENANT COLONEL.

IN THE NAVY

NAVY NOMINATION OF JOHN J. KEMERER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH ROBIN E. ALFONSO AND ENDING WITH CHADRICK O. WITHROW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 5, 2010.

NAVY NOMINATION OF JOHN M. HOLMES, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF LEONARD J. LONG, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF ALEXANDER DAVILA, TO BE COMMANDER.

NAVY NOMINATION OF ANTONIO L. SCINICARIELLO, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF CHRISTOPHER R. SWANSON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF DOMINICK E. FLOYD, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF JOSEPH A. NELLIS, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF RACHEL J. VELASCO-LIND, TO BE COMMANDER.

NAVY NOMINATION OF DAVID S. WELDON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JAMES L. BROWN AND ENDING WITH MATTHEW B. REED, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 19, 2010.