

“(C) The Administrator may exercise more than 1 extension under subparagraph (A) with respect to any test program.”.

(b) **EFFECTIVE DATE.**—This section shall take effect on December 18, 2009.

# EMPOWERING AND STRENGTHENING THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 312.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 312) expressing the sense of the Senate on empowering and strengthening the United States Agency for International Development (USAID).

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

Mr. REID. Mr. President, I ask unanimous consent that a Dodd amendment to the resolution be agreed to; that the resolution, as amended, be agreed to; that a Dodd amendment to the preamble be agreed to; that the preamble, as amended, be agreed to; that the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the resolution be printed in the RECORD.

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

The amendment (No. 2769) was agreed to, as follows:

Strike all after the resolving clause and insert the following:

That it is the sense of the Senate that—

(1) a highly capable and knowledgeable individual should be nominated with all expediency and exigency to serve as the Administrator of the United States Agency for International Development;

(2) the Administrator should—

(A) serve as the chief advocate for United States development capacity and strategy in top-level national security deliberations;

(B) serve as a powerful advocate and effective leader of an empowered USAID; and

(C) marshal the resources, knowledge, capacity, and experiences of USAID—

(i) to effectively represent USAID in inter-agency debate and in advancing and executing foreign policy; and

(ii) to improve ultimately the effectiveness and capability of United States foreign assistance;

(3) USAID must be empowered to be the primary development agency of the United States, and the Administrator must serve as the principal advisor to the President and national security organs of the United States Government on the capacity and strategy of United States development assistance;

(4) the Administrator should substantially and transparently increase the total number of full-time Foreign Service Officers employed by USAID, in part by reducing the reliance on outside contractor personnel, in order to enhance the ability of the agency to—

(A) carry out development activities around the world by providing USAID with additional human resources and expertise needed to meet important development and humanitarian needs around the world;

(B) strengthen the institutional capacity of USAID as the lead development agency of the United States; and

(C) more effectively help developing nations to become more stable, healthy, democratic, prosperous, and self-sufficient; and

(5) the Administrator should submit a strategy to Congress that includes—

(A) a plan to create a professional training program that will provide new and current Agency employees with technical, management, leadership, and language skills;

(B) a 5-year staffing plan;

(C) a description of further resources and statutory changes necessary to implement the proposed training and staffing plans; and

(D) a plan to address fraud and corruption in United States development assistance and procedures to safeguard United States foreign assistance funds from going to persons or organizations that advocate or engage in acts of international terrorism.

The resolution (S. Res. 312), as amended, was agreed to.

The amendment (No. 2770) was agreed to, as follows:

Strike the eighth whereas clause of the preamble.

In the tenth whereas clause of the preamble, strike “all aid programs are administered by Federal agencies other than USAID, and development funding” and insert “all foreign assistance programs are administered by Federal agencies other than USAID, and funding for such programs”.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows: (The resolution will be printed in a future edition of the RECORD.)

## MANAGEMENT OF BLUEFIN TUNA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 346.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 346) expressing the sense of the Senate that, at the 21st Regular Meeting of the International Commission on the Conservation of Atlantic Tunas, the United States should seek to ensure management of the eastern Atlantic and Mediterranean bluefin tuna fishery adheres to the scientific advice provided by the Standing Committee on Research and Statistics and has a high probability of achieving the established rebuilding target, pursue strengthened protections for spawning bluefin populations in the Mediterranean Sea to facilitate the recovery of the Atlantic bluefin tuna, pursue imposition of more stringent measures to ensure compliance by all Members with the International Commission for the Conservation of Atlantic Tunas' conservation and management recommendations for Atlantic bluefin tuna and other species, and ensure that the United States' quotas of tuna and swordfish are not reallocated to other nations, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 346) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 346

Whereas Atlantic bluefin tuna and Atlantic swordfish are valuable historical commercial and recreational fisheries of the United States and many other countries;

Whereas the International Convention for the Conservation of Atlantic Tunas entered into force on March 21, 1969;

Whereas the Convention established the International Commission for the Conservation of Atlantic Tunas to coordinate international research and develop, implement, and enforce compliance of the conservation and management recommendations on the Atlantic bluefin tuna, Atlantic swordfish and other Atlantic highly migratory species in the Atlantic Ocean and the adjacent seas, including the Mediterranean Sea;

Whereas the United States has established for its fisheries a strict regime of conservation, management and compliance for Atlantic highly migratory species and protected living marine resources caught incidentally to such fisheries that is unmatched by other fishing nations;

Whereas the reallocation of United States quotas of Atlantic bluefin tuna and Atlantic swordfish to other nations will cause severe economic impacts, including a loss of United States jobs, and undermine the conservation of populations of protected living marine resources such as Atlantic billfish species, endangered sea turtles, sea birds and marine mammals caught incidentally in the fisheries of other nations;

Whereas in 1974, the Commission adopted its first conservation and management recommendation to ensure the sustainability of Atlantic bluefin tuna throughout the Atlantic Ocean and Mediterranean Sea, while allowing for the maximum sustainable catch for food and other purposes;

Whereas in 1981, for management purposes, the Commission adopted a working hypothesis of 2 Atlantic bluefin stocks, with 1 occurring west of 45 degrees west longitude (hereinafter referred to as the “western Atlantic stock”) and the other occurring east of 45 degrees west longitude (hereinafter referred to as the “eastern Atlantic and Mediterranean stock”);

Whereas, despite scientific advice intended to prevent overfishing, rebuild and maintain bluefin tuna populations at levels that will permit the maximum sustainable yield, and ensure the future sustainability of the stocks, the total allowable catch quotas have consistently been set at levels significantly higher than the recommended levels for the eastern Atlantic and Mediterranean stock;

Whereas despite the establishment by the Commission of minimum sizes for Atlantic bluefin tuna with which the United States has fully complied, the Standing Committee on Research and Statistics has repeatedly expressed grave concerns that the flagrant lack of compliance with such size limits by Members fishing in the eastern Atlantic and Mediterranean is seriously undermining the effectiveness of the Commission's bluefin tuna recovery plans;

Whereas despite the ongoing establishment by the Commission of fishing quotas for the eastern Atlantic and Mediterranean bluefin tuna fishery that surpass scientific recommendations, compliance with such quotas by parties to the Convention that harvest that stock has been extremely poor, with harvests exceeding the scientific advice by

more than 50 percent in recent years as reported by the Standing Committee on Research and Statistics and other independent sources monitoring the fishery;

Whereas insufficient data reporting in combination with unreliable national catch statistics resulting from inadequate or non-existent catch monitoring and observer programs has frequently undermined efforts by the Commission to determine the levels of overharvests by specific countries;

Whereas the failure of many Commission members fishing for eastern Atlantic and Mediterranean bluefin tuna east of 45 degrees west longitude to comply with other Commission recommendations to conserve and control the overfished eastern Atlantic and Mediterranean bluefin tuna stock has been an ongoing problem;

Whereas it is widely recognized that some fishing vessels, in particular those participating in illegal, unregulated, and unreported fishing, have little incentive to cease these infractions due to a lack of adequate sanctions;

Whereas the Commission's Standing Committee on Research and Statistics noted in its 2008 stock assessment that the fishing mortality rate for the eastern Atlantic and Mediterranean stock was more than 3 times the level that would permit the stock to stabilize at the maximum sustainable catch level and that unless fishing mortality rates are substantially reduced in the near future, further reduction in spawning stock biomass is likely to occur leading to a risk of fisheries and stock collapse;

Whereas the Commission's Standing Committee on Research and Statistics has recommended that the annual harvest levels for eastern Atlantic and Mediterranean bluefin tuna be reduced to levels between 15,000 and 8,500 metric tons to halt the decline of the resource and initiate rebuilding, and indicated that a total allowable catch of 8,500 has a higher probability of rebuilding the stock within the Commission's established time frame;

Whereas in 2006, the Commission adopted the "Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the eastern Atlantic and Mediterranean" (Recommendation 06-05), which was amended in 2008, containing a wide range of management, monitoring, and control measures designed to facilitate the recovery of the eastern Atlantic and Mediterranean bluefin tuna stock by the year 2023;

Whereas the Recovery Plan is inadequate and allows overfishing and stock decline to continue, and continuing information and repeated warnings by the Standing Committee on Research and Statistics indicate that current implementation of the plan is unlikely to achieve its goals;

Whereas the Principality of Monaco has submitted a petition to list Atlantic bluefin tuna under Appendix I of the Convention on International Trade in Endangered Species of Fauna and Flora, and while the United States did not cosponsor this petition, the Administration has expressed its support for this petition unless the Commission "adopts significantly strengthened management and compliance measures" for countries fishing on the eastern Atlantic and Mediterranean bluefin tuna stock;

Whereas since 1981, the Commission has adopted additional and more restrictive conservation and management recommendations for the western Atlantic bluefin tuna stock, including a closure to directed fishing in the spawning grounds of the Gulf of Mexico, and these recommendations have been fully implemented by Nations fishing west of 45 degrees west longitude;

Whereas despite adopting, fully implementing, and complying with a science-based rebuilding program for the western Atlantic bluefin tuna stock by countries fishing west of 45 degrees west longitude, catches and catch rates remain very low, especially for the United States;

Whereas scientific evidence now provides indisputable evidence from electronic tagging studies and other scientific research that mixing of the eastern and western Atlantic bluefin tuna stocks occurs throughout the Atlantic ocean on feeding and fishing grounds, and the poor management and non-compliance with the Commission's Recovery Plan for the eastern Atlantic stock is having an adverse impact on the western Atlantic stock and United States fisheries;

Whereas additional research on stock mixing will improve the understanding of the relationship between eastern and western bluefin tuna stocks, which will assist in the conservation, recovery, and management of the species throughout its range;

Whereas a 2008 Independent Review of the Commission concluded that the Commission's management of bluefin tuna in the eastern Atlantic and Mediterranean has been "widely regarded as an international disgrace": Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the United States delegation to the 21st Regular Meeting of the International Commission for the Conservation of Atlantic Tunas, should—

(1) seek the adoption of all revisions to the Recovery Plan for eastern Atlantic and Mediterranean bluefin tuna that will conform the Plan to the scientific advice provided by the Standing Committee on Research and Statistics and has a high probability of achieving the established rebuilding target within the established time frame, including a strict penalty regime and other appropriate mechanisms to verify and ensure compliance;

(2) seek to expand time and area closures of spawning areas in the Mediterranean in full conformity with the scientific advice provided by the Standing Committee on Research and Statistics;

(3) pursue the continued aggressive review and assessment by the Commission's Committee on Compliance of compliance with conservation and management measures, including data collection and reporting requirements, adopted by the Commission and in effect for the 2009 eastern Atlantic and Mediterranean bluefin tuna fishery, occurring east of 45 degrees west longitude, and other fisheries that are subject to the jurisdiction of the Commission;

(4) aggressively seek to address noncompliance with such measures by all parties to the Convention through all appropriate actions;

(5) pursue the commitment by the Commission and its parties to fund additional research on both the western Atlantic and eastern Atlantic and Mediterranean bluefin tuna stocks including but not limited to the extent to which the stocks mix; and

(6) strenuously defend the interests of United States with regard to Atlantic bluefin tuna, Atlantic swordfish, and other species managed by the Commission, including the protection of U.S. quota shares.

#### ORDERS FOR TUESDAY, NOVEMBER 10, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, November 10; 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 there be a moment of silence to honor the victims of the attack at Fort Hood, TX, that occurred on November 5; that following the moment of silence, the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; that following morning business, the Senate resume consideration of H.R. 3082, and I would hope people would be ready to offer amendments tomorrow; and finally, I ask that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons to meet.

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

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

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

There being no objection, the Senate, at 7:52 p.m., adjourned until Tuesday, November 10, 2009, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### PENSION BENEFIT GUARANTY CORPORATION

JOSHUA GOTBAUM, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE PENSION BENEFIT GUARANTY CORPORATION, VICE CHARLES E. F. MILLARD.

##### DEPARTMENT OF STATE

EILEEN CHAMBERLAIN DONAHUE, OF CALIFORNIA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE UNITED STATES REPRESENTATIVE TO THE UN HUMAN RIGHTS COUNCIL.

LAURA E. KENNEDY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE CONFERENCE ON DISARMAMENT.

##### PEACE CORPS

CAROLYN HESSLER RADELET, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE PEACE CORPS, VICE JOSEPHINE K. OLSEN, RESIGNED.

##### DEPARTMENT OF VETERANS AFFAIRS

RAUL PEREA-HENZE, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (POLICY AND PLANNING), VICE PATRICK W. DUNNE.

##### FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

##### DEPARTMENT OF STATE

JEFFREY D. ADLER, OF CALIFORNIA  
JAMAL ALI AL-MUSSAWI, OF TEXAS  
GARY BRENT APPLEGAR, OF THE DISTRICT OF COLUMBIA

KATHERINE ARCIERI, OF NEW JERSEY  
MARK ERNEST AZUA, OF ILLINOIS  
JOHN WEIL BARBIAN, OF ILLINOIS  
JEREMY KENT BARNUM, OF THE DISTRICT OF COLUMBIA  
DAVID A. BAXTER, OF VIRGINIA  
SHANNON D. BEHAJ, OF DELAWARE  
LYNETTE MARIE BEHNKE, OF CALIFORNIA  
PAMELA J. BENTLEY, OF CALIFORNIA  
ERIK WAYNE BLACK, OF CALIFORNIA  
STEPHEN G. BLACK, OF NEW YORK