

Law 111-8, which requires the Secretary of State to deny admission to the United States to any foreign government official and their immediate family members who the Secretary has credible evidence have been involved in corruption related to the extraction of natural resources.

The purpose of the law is clear: If you, as a government official or a member of your immediate family, are involved in the corrupt exploitation of natural resources, you are not welcome in the United States.

Unfortunately, despite, I believe, well-intentioned people at the State Department who support the goals of the law, it has not been applied as vigorously as it could and should be.

They do not have the resources to conduct their own investigations, so they rely on other agencies like the Departments of Justice and Homeland Security, which do not always share information and have their own standards of proof. The fact that someone like Mr. Obiang is traveling freely to and from the United States, I believe makes a mockery of the law.

This is not a partisan issue. Senators of both parties have spoken out about the corrosive effects of corruption. We saw the effects of it in our own assistance program in Iraq, where no-bid contracts and lax oversight resulted in enormous fraud and waste of taxpayer funds, and we are witnessing the effects of rampant corruption in the Afghan Government.

It is overdue for the State Department to apply section 7086 with the vigor that Congress intended. It is about promoting good governance, the rule of law, the sustainable use of natural resources, and stopping the squandering of revenues from the extraction of those resources that are urgently needed to help reduce poverty. It is time to apply the law in a manner that resonates far and wide in support of each of those goals.

ELIMINATING THE TERROR GAP

Mr. LEVIN. Mr. President, in the aftermath of the shootings at Fort Hood, TX, law enforcement officials and policymakers continue to piece together the string of events that preceded this tragedy. Although investigations of the shootings are in the early stages, a number of troubling details have already come to light. In December 2008, Major Hasan became the subject of a Joint Terrorism Task Force, JTTF, investigation after intelligence agencies intercepted his e-mail communication with a known radical cleric, Anwar al-Awlaki. After reviewing the e-mails and concluding that Major Hasan was not engaged in terrorist activities, the JTTF investigator and supervisor did not share the information regarding Major Hasan, and he was not placed on a terrorist watch list. While the lack of information sharing between the JTTF and other agencies is problematic, it is just as alarming to

see that the Federal Government would have been unable to prohibit Major Hasan's firearm purchase even if he had been flagged on a terrorist watch list. Again, even if a gun background check had revealed that Major Hasan was on a terrorist watch list, nothing in current law could have prohibited the firearm transfer unless he fell into another disqualifying category. In other words, being on a terrorist watch list does not prevent someone from purchasing a gun.

This "terror gap" in Federal law that prevents the Federal Government from stopping the sale of firearms or explosives to a known or suspected terrorist must be eliminated. To close this loophole, I support S.1317, the Denying Firearms and Explosives to Dangerous Terrorists Act, which was introduced by Senator FRANK LAUTENBERG, D-NJ. I am a cosponsor of this common-sense legislation because it would authorize the Attorney General to deny the transfer of a firearm when an FBI background check reveals that the prospective purchaser is a known or suspected terrorist and the Attorney General has a reasonable belief that the purchaser may use the firearm in connection with terrorism. To protect the rights of American citizens, this bill would direct the Attorney General to issue guidelines describing when the authority to deny gun purchases could be used, and it would protect the private information contained in the terrorist watch lists. This legislation also includes due-process safeguards that would allow any individual whose firearms or explosives license application has been denied to bring legal action to challenge the denial.

I have long supported sensible gun safety laws and strict enforcement of those laws to help stem the tide of crimes committed with firearms. I believe Congress can and should pursue legislative solutions to prevent gun violence, and that includes passing legislation that eliminates the "terror gap."

BUILD AMERICA BONDS

Mr. WYDEN. Mr. President, I rise to talk about a great success story that not a lot of people have heard about. It is the story of a program that's helping create jobs and solve a lot of problems at the same time. It is the story of Build America Bonds.

These bonds came about from a piece of legislation I introduced last year as a way to shore up our Nation's crumbling infrastructure, and, at the same time, put people back to work.

In my home State of Oregon, infrastructure projects have proven to be an economic engine. People get back to work building a bridge, for example, and all the businesses near the construction site get more activity from the people who need their services. Then, once the project is finished, private investment follows that public investment. That bridge makes it easier

for folks to get to work or take their kids to school, and communities grow.

Now, when I initially proposed Build America Bonds, I thought they would sell \$10 billion worth, but the most recent report on the bonds has shown they are selling like hotcakes. Build America Bonds dollars are flowing into local communities, creating jobs and helping to strengthen America's infrastructure.

To date more than \$50 billion worth of these innovative bonds have funded hundreds of projects in 38 States: fixing our roads and bridges, rebuilding our schools, and upgrading our utilities.

For example, in Oregon's Dayton School District they have already used Build America Bonds to employ up to 150 people building and remodeling classrooms. By using Build America Bonds, the school district saved an estimated \$1.2 million in interest costs.

The city of De Pere, WI, was able to use Build America Bonds and lower its financing cost by 2.3 percent, allowing it to move forward with plans to upgrade roads, sewers, and buildings. The city's finance director, Joseph G. Zegers, told Business Week magazine that without Build America Bonds, "some projects might not be done," and "There would be less employment."

Recently, the CBO highlighted other benefits from Build America Bonds. In an October report, the CBO found that tax-credit bonds, like Build America Bonds, can be more cost-effective than tax-exempt bonds. The report also concluded that because these bonds are more attractive to investors they are more efficient at raising capital.

Not only are these funds being raised efficiently, they are being put to work quickly. Due to Federal spending guidelines, all bond funds must be spent within 2 years of the bond being issued. This means that money is not only flowing into projects, it is being spent in the short term, funding projects and putting people back to work with little delay.

Before these bonds started being issued, the market for normal municipal bonds was frozen. It was very hard to sell municipal bonds, but that didn't mean the need for financing infrastructure wasn't still there.

Build America Bonds have changed that.

These bonds provide the option of a tax credit to investors or Federal subsidy to issuers of 35 percent of the interest earned over the life of the bond. This has proven to be a strong incentive and opened up new markets for State and local governments, giving financiers a new and profitable opportunity to invest in America.

Build America Bonds have also gained support from the private sector, including the Chamber of Commerce and the National Association of Manufacturers.

While this program has given local governments a powerful new tool in fighting the recession, time is running

out. These bonds can only be issued until the end of 2010 and I urge communities to take advantage of this landmark program. Although there is no limit on the number or amount of bonds that can be issued, the clock is ticking and the end of 2010 will be here before you know it.

I am not surprised that Build America Bonds are reinventing the municipal bond market. They are a good deal for investors and our communities. They have freed up financing for badly needed infrastructure construction, and ensured long-term economic growth.

I would also like to highlight the Recovery Zone Build America Bonds program. Recovery Zone Bonds are much like Build America Bonds but are designed to help communities most adversely affected by the recent recession.

These highly targeted bonds offer an even more generous subsidy of 45 percent of the interest to investors. Treasury allocates these bonds based on employment declines in 2008. So, the harder an area is hit, the more Recovery Zone Bonds it can issue, creating jobs where they are needed most.

In some cases, these bonds will make the difference between whether these projects come to fruition or not. In other cases, they will lower the cost of projects and allow the community to reinvest those savings in other projects.

As with Build America Bonds, Recovery Zone Bonds will only be issued until the end of 2010. That is why I am encouraging communities facing high unemployment to take advantage of the billions of dollars available in Recovery Zone Bonds.

I also encourage my colleagues in Congress to begin working now to continue the success of Build America Bonds. As Congress struggles to find funding for a new transportation bill, innovative approaches like Build America Bonds should be part of the solution.

The Build America and Recovery Zone Bond programs are working. They are providing much needed jobs to folks in our communities while strengthening essential infrastructure. They have given investors a profitable opportunity to invest in America. They are giving our children better schools, building energy efficient power grids, providing cleaner water and better roads. In short, they work.

Build America Bonds are examples of how Congress can innovate creative solutions to rebuild our country and our economy. I urge my colleagues and our constituents to use them.

ANNE SLAUGHTER ANDREW

Mr. BAYH. Mr. President, I thank you very much for allowing me to express my support for Anne Slaughter Andrew.

The strong relationship between the United States and Costa Rica is one of

mutual respect, shared democratic principles, and a commitment to protecting Costa Rica's abundant natural resources. Costa Rica is a worldwide leader in green energy and sustainability—it currently generates more than 90 percent of its electricity from sustainable sources and has committed to being carbon neutral by 2021.

In recommending my fellow Hoosier, Ms. Andrew, I have the benefit of being able to speak from personal experience. When I was Governor of Indiana, I appointed her to the Indiana Natural Resources Council, an organization which engages in the conservation of Indiana's natural resources and park lands. That is one of many positions in Ms. Andrew's professional life that demonstrates her strong commitment to environmental conservation and clean energy initiatives.

Although Costa Rica covers only 0.01 percent of the Earth's landmass, it is home to approximately 5 percent of the Earth's biodiversity. The United States is committed to protecting this biodiversity through conservation efforts that contribute to the stabilization of Costa Rica's economy.

Ms. Andrew's leadership and involvement with The Nature Conservatory, TNC, in multiple capacities, including as a member of the President's Advisory Council, has spanned a decade and is a strong testament to her unwavering commitment to the preservation of Costa Rica's—and our planet's—natural resources.

Her most recent endeavor as principal of New Energy Nexus has placed her at the cutting edge of the clean energy economy. These combined experiences render her uniquely qualified to represent the United States as it looks to strengthen partnerships with Costa Rica in the field of green energy initiatives. Her service also includes founding and directing Anson Group LLC, a biotech consulting company that she co-led towards sustained growth and national recognition.

The post of Ambassador to Costa Rica carries with it the significant responsibility of managing the diplomatic personnel in country and overseeing the safety of the estimated 1 million Americans who visit Costa Rica each year and the thousands of Americans who live there full time. In her career, Ms. Andrew has demonstrated herself to be a skilled manager who is highly capable of undertaking this responsibility.

I have confidence that Ms. Andrew, if confirmed, will uphold our country's strong relations with Costa Rica.

WORLD AIDS AWARENESS DAY

Mr. BURRIS. Mr. President, today is World AIDS Awareness Day. We dedicate this day to educating Americans and citizens all over the world about the HIV/AIDS epidemic, and promoting awareness and prevention of this disease.

Despite advances in medical technology and treatment options, racial

and ethnic minorities and young gay men continue to suffer in disproportionate numbers. African Americans account for 12 percent of the U.S. population, but make up almost half of the 1 million Americans living with HIV/AIDS. Black youth and young adults between the ages of 13 to 24 make up 55 percent of all reported HIV infections. Also, Black women account for almost 70 percent of all new female AIDS cases. It is also the main cause of death for both Black men and women between the ages of 25 to 44.

We continue to make considerable progress in caring for citizens with HIV/AIDS and in raising awareness, but today I call upon my colleagues to join me in demanding that we do even more. I was proud to support the expansion of the Ryan White HIV/AIDS Treatment Program in the Senate, a bill which President Obama recently signed into law. This important piece of legislation makes investments in care and treatment services, and also funds prevention and outreach programs—programs that will be improved and augmented by the sweeping health care reforms currently under consideration by the Senate. As we move forward, I will continue to work to promote awareness, education, and prevention of HIV/AIDS, and will be an ardent supporter of programs that care for those afflicted by this disease.

World AIDS Awareness Day is a chance for citizens of the United States and people all over the world to get proactively involved by getting educated, and by promoting treatment and testing of HIV/AIDS. Together, we can beat this disease.

EXECUTIVE REPORT OF COMMITTEE—TREATY

The following executive report of committee was submitted:

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

[Treaty Doc. 111-4: Protocol Amending Tax Convention with France with 1 declaration and 1 condition (Ex. Rept. 111-1)]

The text of the committee-recommended resolution of advice and consent to ratification is as follows:

VIII. RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION

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

Section 1. Senate Advice and Consent subject to a declaration and a condition.

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 31, 1994, as Amended by the Protocol signed on December 8, 2004, signed on January 13, 2009, at Paris, together with a related Memorandum of Understanding, signed January 13, 2009 (the "Protocol") (Treaty Doc. 111-4), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration. The advice and consent of the Senate under section 1 is subject to the following declaration: