

S. 1129

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1129, a bill to authorize the Secretary of Education to award grants to local educational agencies to improve college enrollment.

S. 1137

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1137, a bill to amend the Elementary and Secondary Education Act of 1965 to establish a Volunteer Teacher Advisory Committee.

S. 1431

At the request of Mr. NELSON of Florida, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1431, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent paper ballot under title III of such Act, and for other purposes.

S. 1646

At the request of Mr. REED, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1646, a bill to keep Americans working by strengthening and expanding short-time compensation programs that provide employers with an alternative to layoffs.

S. 1652

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1652, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 2847

At the request of Mr. WHITEHOUSE, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2847, a bill to regulate the volume of audio on commercials.

S. 2869

At the request of Ms. LANDRIEU, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2869, a bill to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, and for other purposes.

S. 2886

At the request of Ms. CANTWELL, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 2886, a bill to prohibit certain affiliations (between commercial banking and investment banking companies), and for other purposes.

AMENDMENT NO. 2909

At the request of Mr. NELSON of Florida, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 2909 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2941

At the request of Mr. SPECTER, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of amendment No. 2941 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2976

At the request of Mr. VITTER, his name was added as a cosponsor of amendment No. 2976 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 3046

At the request of Mr. KERRY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 3046 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 3185

At the request of Mr. BROWN, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 3185 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 3256

At the request of Mr. BENNET, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 3256 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself, Mr. BEGICH, and Mr. UDALL of Colorado):

S. 2907. A bill to establish a coordinated avalanche protection program, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to reintroduce in the Senate legislation that will help to reduce the Nation's yearly death toll caused by snow and ice avalanches.

As a member of the Congressional Hazards Caucus, I am introducing legislation, the Federal Land Avalanche Protection Act of 2009 to tackle the im-

pacts of one of our Nation's natural hazards, avalanches. I am introducing this bill jointly with Senators MARK BEGICH and MARK UDALL. It is identical to a measure introduced earlier this week in the House of Representatives by Alaska's Congressman DON YOUNG, who was its prime sponsor when first introduced in May 2008 late in the 110th Congress.

The goal of the bill is to better protect people in avalanche zones nationwide and to reduce the growing potential for avalanches to damage properties, as more and more building takes place on mountainsides and in valleys threatened by potential avalanches. Avalanches are a continuing problem in this country. Last year 49 avalanches in 10 States and Canada caused 54 fatalities in North America, 28 in America. The fall-winter-spring of 2008–2009, however, was not unusual.

In the 2007–2008 season, 36 Americans lost their lives as a result of avalanches. Another 16 Canadians died that season in 43 reported avalanches. In the 2002–03 season, 58 people in North America died as a result of 55 reported avalanches. For the past decade 38 people have died on average each year in North America from avalanches. Most occur in the western States of Colorado, Montana, Idaho, Wyoming, Utah, Alaska, California, Oregon, Washington, but deaths certainly have occurred in eastern States such as Vermont and New Hampshire, as well.

Many think that avalanches are just a problem for backcountry skiers, hikers, or snowboarders. But as urbanization spreads the dangers caused by snow and ice buildups on steep slopes will grow and affect more urban populations, and especially more motorists traveling through mountain passes and along valley roads. So far this season, just in the past 2 months, 11 skiers and 1 ice climber have been caught in avalanches in Montana, Utah, and Colorado. Fortunately only one death has so far resulted. But this Nation needs to devote additional resources to warning and battling the impacts of avalanches because there are things that we know how to do to improve forecasts, increase warnings, and take advance actions to reduce the build up of snow loads on steep slopes, thus lessening the danger of larger, deadly avalanches when snow packs release.

The bill I introduce today directs the Secretary of Agriculture, acting through the Chief of the U.S. Forest Service, to establish an avalanche protection program to: identify the potential for avalanches on Federal lands and inform the public about the probability of avalanches and their potential adverse effects; carry out ongoing research to improve avalanche forecasting; and reduce the risks of avalanches and mitigate their effects.

The bill requires the Secretary to coordinate the program to ensure protection for recreational users of public land under the Secretary of the Interior's jurisdiction, using resources of

the Forest Service's National Avalanche Center; to establish an advisory committee to assist in program development and implementation; and with the Secretary of Transportation and the Secretary of the Army, to establish a central depository for weapons, ammunition, and parts for avalanche control purposes.

The measure also authorizes the Secretary to make grants to carry out projects and activities to assist in the prevention, forecasting, detection, and mitigation of avalanches; maintain essential transportation, utilities, and communications; assist avalanche artillery users to ensure the availability of adequate supplies of artillery and explosives required for avalanche control in specified areas; and assist research and development activities for alternatives to minimize reliance on military weapons for avalanche control.

It directs the Secretary to give priority to projects carried out in avalanche zones with a high frequency or severity of avalanches or in which deaths, injuries, or damage to public facilities and communities have occurred. It requires the Administrator of the General Services Administration to transfer specified property suitable for avalanche control purposes to a user of surplus ordnance.

When first introduced last year for public and professional consideration and comment the measure was strongly supported by Federal avalanche officials.

Just in my home State of Alaska avalanches are a concern not just in the backcountry at Hatcher Pass, north of Palmer, or for heli-skiing enthusiasts near Thompson Pass outside of Valdez or Johnson Pass on the Kenai Peninsula, but in urban areas, such as the capital city of Juneau, or for motorists who daily drive the Seward Highway from Girdwood to Anchorage or through Turnagain Pass. While Alaska's three fatalities last year occurred in Thompson and Johnson Pass among recreational skiers, the future is that we need to do more on Federal lands, and we need to do more to assist states to lessen the severity of avalanche dangers on State and private lands.

This bill would take logically, fiscally prudent steps, to doing just that. I urge members to support its passage and modest funding for implementation next year.

By Mr. KOHL (for himself, Mr. CORKER, and Mr. FEINGOLD):

S. 2908. A bill to amend the Energy Policy and Conservation Act to require the Secretary of Energy to publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KOHL. Mr. President, I rise today to introduce a bill with Senator

CORKER that would establish a uniform energy efficiency descriptor for all water heaters and improve the testing methods by which that descriptor is determined. Currently, water heaters are lumped into two categories under two federal statutes, based on arbitrary gallon capacity and energy input ratings. "Smaller" water heaters are covered by the National Appliance Energy Conservation Act, NAECA, and must be rated using an energy factor or EF rating. "Larger" water heaters are within the scope of the Energy Policy Act, EPACT, and must be rated using a thermal efficiency or TE rating. Not only do the testing methods differ, but a manufacturer is forbidden to place an EF rating on a TE-sized unit, and vice-versa.

The difference between energy factor and thermal efficiency was based on the assumption that smaller units are exclusively for residential uses while larger units are exclusively for commercial purposes, so the competing rating methods would not cause any confusion or adverse effects. Due to advances in manufacturing technology over the past 15 years, the assumptions underlying the earlier dividing line are no longer accurate. In fact, both larger and smaller units made by leading U.S. manufacturers are used in residences without regard to which Federal law applies. Yet, Federal legislation continues to be written by taking this distinction into account.

This legislation would direct the Department of Energy, DOE, to work with industry stakeholders to develop a uniform energy efficiency descriptor that applies to all sizes of water heaters. It also would develop a test method to accurately determine that descriptor for all types of water heaters, including new, efficient, advanced technologies, like heat pump water heaters, hybrids, and others, that are not correctly rated under today's test methods.

This bill, which has the support of the Air-Conditioning, Heating, and Refrigeration Institute, AHRI, and the American Council for an Energy-Efficient Economy, ACEEE, brings the DOE and affected industries together to focus on this effort. It is my hope that the water heating manufacturing community can develop and implement the new test method and descriptor that will eliminate confusion and enable consumers and business owners to make informed purchasing decisions on water heaters.

By Ms. COLLINS (for herself and Mr. CARPER):

S. 2913. A bill to establish a national mercury monitoring program, and for other purposes; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, today, along with my colleague from Delaware, Senator CARPER, I am introducing the Comprehensive National Mercury Monitoring Act. This bill will ensure the Environmental Protection Agency has accurate information about

the extent of mercury pollution in our nation as it works to enforce regulations about this toxic chemical.

Mercury is a dangerous substance that can cause serious neuron-developmental harm, especially to children and pregnant women. Scientists at the Environmental Protection Agency, EPA, estimate that some 630,000 infants are born each year with blood mercury levels higher than what is considered safe.

Mercury is hazardous not only to people, but also to wildlife. As of 2006, States issued 533 new fish advisories bringing the nationwide total advisories to 3,851. These advisories cover 38 percent of the Nation's total lake acreage and 26 percent of the Nation's total river miles. Almost 65 percent of the U.S. coastline, except Alaska, is under advisory, including 92 percent of the Atlantic coast and 100 percent of the Gulf coast.

Each new scientific study seems to find higher levels of mercury in more ecosystems and in more species than we had previously thought. We must have more comprehensive information and we must have it soon; otherwise, we risk making misguided policy decisions.

For example, in 2005 the Environmental Protection Agency issued a new mercury regulation based on computer measurements that were not peer-reviewed and that were not verified with actual measurements. The effect of the regulation was to allow power plants to continue spewing unlimited amounts of mercury into our air until the year 2018. Many experts, including the EPA Inspector General, sharply criticized the science underlying that new regulation and recommended that EPA develop and implement a mercury monitoring plan. That was a major reason why I am introducing the Comprehensive National Mercury Monitoring Act.

Specifically, my mercury bill would establish mercury monitoring sites across the nation in order to measure mercury levels in the air, rain, soil, lakes and streams, as well as in plants and animals; authorize about \$30 million annually for fiscal years 2011 through 2013 for the Environmental Protection Agency, United States Geological Survey, United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, and the National Park Service to perform scientific mercury measurements; and create a "Mercury Monitoring Advisory Committee" to advise the Administrator of the EPA in choosing the monitoring sites.

We must establish a more robust national mercury monitoring network to provide EPA the data it needs to make decisions that protect the people and environment of Maine and the entire Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2913

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Comprehensive National Mercury Monitoring Act”.

SEC. 2. FINDINGS.

Congress finds that

(1)(A) mercury is a potent neurotoxin of significant ecological and public health concern;

(B) exposure to mercury occurs largely by consumption of contaminated fish;

(C) children and women of childbearing age who consume large quantities of fish are at high risk of adverse effects;

(D) it is estimated that more than 630,000 children born each year in the United States are exposed to levels of mercury in the womb that are high enough to impair neurological development; and

(E) the Centers for Disease Control and Prevention have found that 8 percent of women in the United States of childbearing age have blood mercury levels in excess of values determined to be safe by the Environmental Protection Agency;

(2)(A) as of 2006, 3,080 fish consumption advisories due to mercury contamination have been issued for 48 States, including 23 statewide advisories for freshwater and 12 statewide advisories for coastal waters;

(B) that is a 26 percent increase over the number of advisories issued in 2004;

(C) those advisories represent more than 22,000 square miles of lakes and 882,000 miles of rivers;

(D) however, fish and shellfish are an important source of dietary protein, and a healthy fishing resource is important to the economy of the United States; and

(E) the extent of fish consumption advisories underscores the extensive human and ecological health risk posed by mercury pollution;

(3)(A) in many locations, the primary route for mercury input to aquatic ecosystems is atmospheric emissions, transport, and deposition;

(B) the cycling of mercury in the environment and resulting accumulation in biota are not fully understood; and

(C) computer models and other assessment tools provide varying effectiveness in predicting mercury concentrations in fish, and no broad-scale data sets exist to test model predictions;

(4)(A) on September 14 through 17, 2003, the Environmental Protection Agency cosponsored a Society of Environmental Toxicology and Chemistry workshop involving more than 30 international experts to formulate a system to quantify and document mercury changes in the various environment fields resulting from anticipated reductions in mercury emissions in the United States; and

(B) the resulting plan proposes a holistic, multimedia, long-term mercury monitoring program that is documented in 2 sources—

(i) on January 1, 2005, the article entitled “Monitoring the Response to Changing Mercury Deposition” was published in the journal *Environmental Science and Technology*; and

(ii) in 2008, the book entitled “Ecosystem Responses to Mercury Contamination: Indicators of Change” was published by CRC Press;

(5) as of the date of enactment of this Act, many regulations limiting mercury emissions from different sources have gone into effect or will be implemented, but ongoing monitoring programs are not adequately measuring the environmental benefits and effectiveness of mercury emission controls;

(6) on May 15, 2006, the Office of Inspector General of the Environmental Protection

Agency issued a report entitled, “Monitoring Needed to Assess Impact of EPA’s Clean Air Mercury Rule (CAMR) on Potential Hotspots”, Report No. 2006-P-0025, which states, in part—

(A) “Without field data from an improved monitoring network, EPA’s ability to advance mercury science will be limited and ‘utility-attributable hotspots’ that pose health risks may occur and go undetected”; and

(B) “We recommend that the EPA develop and implement a mercury monitoring plan to assess the impact of CAMR, if adopted, on mercury deposition and fish tissue and evaluate and refine mercury estimation tools and models”;

(7)(A) on January 1, 2007, the articles entitled “Biological Mercury Hotspots in the Northeastern U.S. and Southeastern Canada” and “Contamination in Remote Forest and Aquatic Ecosystems in the Northeastern U.S.: Sources, Transformations and Management Options” were published in the journal *BioScience*; and

(B) the authors of the articles—

(i) identified 5 biological mercury hotspots and 9 areas of concern in the northeastern United States and southeastern Canada associated primarily with atmospheric mercury emissions and deposition;

(ii) located an area of particularly high mercury deposition adjacent to a coal-fired utility in southern New Hampshire; and

(iii) concluded that local impacts from mercury emissions should be closely monitored in order to assess the impact of Federal and State policies; and

(8)(A) building on previous efforts in 2003, on May 5 through 7, 2008, the Environmental Protection Agency coconvened a workshop with experts from the United States Geological Survey, the National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service, the National Park Service, State and tribal agencies, the Biodiversity Research Institute, the National Atmospheric Deposition Program, industry, and other institutions;

(B) more than 50 workshop scientists participated and agreed on a goal and major design elements for a national mercury monitoring program, including a national distribution of approximately 20 intensive sites to understand the sources, consequences, and trends in United States mercury pollution;

(C) the consortium found that “policy makers, scientists and the public need a comprehensive and integrated mercury monitoring network to accurately quantify regional and national changes in atmospheric deposition, ecosystem contamination, and bioaccumulation of mercury in fish and wildlife in response to changes in mercury emissions.”; and

(D) the workshop findings are published in a report of the Environmental Protection Agency (430-K-09-001).

SEC. 3. DEFINITIONS.

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the Mercury Monitoring Advisory Committee established under section 5.

(3) **ANCILLARY MEASURE.**—The term “ancillary measure” means a measure that is used to understand the impact and interpret results of measurements under the program.

(4) **ECOREGION.**—The term “ecoregion” means a large area of land and water that contains a geographically distinct assemblage of natural communities, including similar land forms, climate, ecological processes, and vegetation.

(5) **MERCURY EXPORT.**—The term “mercury export” means mercury flux from a watershed to the corresponding water body, or from 1 water body to another water body (such as a lake to a river), generally expressed as mass per unit of time.

(6) **MERCURY FLUX.**—The term “mercury flux” means the rate of transfer of mercury between ecosystem components (such as between water and air), or between portions of ecosystem components, expressed in terms of mass per unit of time or mass per unit of area per time.

(7) **PROGRAM.**—The term “program” means the national mercury monitoring program established under section 4.

(8) **SURFACE SEDIMENT.**—The term “surface sediment” means sediment in the uppermost 2 centimeters of a lakebed or riverbed.

SEC. 4. MONITORING PROGRAM.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Administrator, in consultation with the Director of the United States Fish and Wildlife Service, the Director of the United States Geological Survey, the Director of the National Park Service, the Administrator of the National Oceanic and Atmospheric Administration, and the heads of other appropriate Federal agencies, shall establish a national mercury monitoring program.

(2) **PURPOSE.**—The purpose of the program is to track—

(A) long-term trends in atmospheric mercury concentrations and deposition; and

(B) mercury levels in watersheds, surface waters, and fish and wildlife in terrestrial, freshwater, and coastal ecosystems in response to changing mercury emissions over time.

(3) **MONITORING SITES.**—

(A) **IN GENERAL.**—In carrying out paragraph (1), not later than 1 year after the date of enactment of this Act and in coordination with the Advisory Committee, the Administrator, after consultation with the heads of Federal agencies described in paragraph (1) and considering the requirement for reports under section 6, shall select multiple monitoring sites representing multiple ecoregions of the United States.

(B) **LOCATIONS.**—Locations of monitoring sites shall include national parks, wildlife refuges, National Estuarine Research Reserve units, and other sensitive ecological areas that include long-term protection and in which substantive changes are expected from reductions in domestic mercury emissions.

(C) **COLOCATION.**—If practicable, monitoring sites shall be colocated with sites from other long-term environmental monitoring programs.

(4) **MONITORING PROTOCOLS.**—Not later than 1 year after the date of enactment of this Act, the Administrator, in coordination with the Advisory Committee, shall establish and publish standardized measurement protocols for the program under this Act.

(5) **DATA COLLECTION AND DISTRIBUTION.**—Not later than 1 year after the date of enactment of this Act, the Administrator, in coordination with the Advisory Committee, shall establish a centralized database for existing and newly collected environmental mercury data that can be freely accessed once data assurance and quality standards established by the Administrator are met.

(b) **AIR AND WATERSHEDS.**—

(1) **IN GENERAL.**—The program shall monitor long-term changes in mercury levels and important ancillary measures in the air at locations selected under subsection (a)(3).

(2) **MEASUREMENTS.**—The Administrator, in consultation with the Director of the United States Fish and Wildlife Service, the Director of the United States Geological Survey,

the Director of the National Park Service, the Administrator of the National Oceanic and Atmospheric Administration, and the heads of other appropriate Federal agencies, shall determine appropriate measurements, including—

(A) the measurement and recording of wet and estimation of dry mercury deposition, mercury flux, and mercury export;

(B) the measurement and recording of the level of mercury reemitted from aquatic and terrestrial environments into the atmosphere; and

(C) the measurement of sulfur species and ancillary measurements at a portion of locations selected under subsection (a)(3) to fully understand the cycling of mercury through the ecosystem.

(c) **WATER AND SOIL CHEMISTRY.**—The program shall monitor long-term changes in mercury and methyl mercury levels and important ancillary measures in the water and soil or sediments at locations selected under subsection (a)(3) that the Administrator, in primary consultation with the Director of the United States Geological Survey, determines to be appropriate, including—

(1) extraction and analysis of soil and sediment cores;

(2) measurement and recording of total mercury and methyl mercury concentration, and percent methyl mercury in surface sediments;

(3) measurement and recording of total mercury and methyl mercury concentration in surface water; and

(4) measurement and recording of total mercury and methyl mercury concentrations throughout the water column and sediments.

(d) **AQUATIC AND TERRESTRIAL ORGANISMS.**—The program shall monitor long-term changes in mercury and methyl mercury levels and important ancillary measures in the aquatic and terrestrial organisms at locations selected under subsection (a)(3) that the Administrator, in primary consultation with the Director of the United States Fish and Wildlife Service and the Administrator of the National Oceanic and Atmospheric Administration, determines to be appropriate, including—

(1) measurement and recording of total mercury and methyl mercury concentrations in—

(A) zooplankton and other invertebrates;

(B) yearling fish; and

(C) commercially, recreationally, or conservation relevant fish; and

(2) measurement and recording of total mercury concentrations in—

(A) selected insect- and fish-eating birds; and

(B) measurement and recording of total mercury concentrations in selected insect- and fish-eating mammals.

SEC. 5. ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—There shall be established a scientific advisory committee, to be known as the “Mercury Monitoring Advisory Committee”, to advise the Administrator and Federal agencies described in section 4(a)(1), on the establishment, site selection, measurement and recording protocols, and operation of the program.

(b) **MEMBERSHIP.**—The Advisory Committee shall consist of scientists who are not employees of the Federal Government, including—

(1) 3 scientists appointed by the Administrator;

(2) 2 scientists appointed by the Director of the United States Fish and Wildlife Service;

(3) 2 scientists appointed by the Director of the United States Geological Survey;

(4) 2 scientists appointed by the Director of the National Park Service; and

(5) 2 scientists appointed by the Administrator of the National Oceanic and Atmospheric Administration.

SEC. 6. REPORTS AND PUBLIC DISCLOSURE.

(a) **REPORTS.**—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Administrator shall submit to Congress a report on the program, including trend data.

(b) **ASSESSMENT.**—At least once every 4 years, the report required under subsection (a) shall include an assessment of the reduction in mercury deposition rates that are required to be achieved in order to prevent adverse human and ecological effects.

(c) **AVAILABILITY OF DATA.**—The Administrator shall make all data obtained under this Act available to the public through a dedicated website and on written request.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) for fiscal year 2011 to—

(A) the Environmental Protection Agency \$15,000,000;

(B) the United States Fish and Wildlife Service \$9,000,000;

(C) the United States Geological Survey \$5,000,000;

(D) the National Oceanic and Atmospheric Administration \$4,000,000; and

(E) the National Park Service \$4,000,000;

(2) for fiscal year 2012 to—

(A) the Environmental Protection Agency \$12,000,000;

(B) the United States Fish and Wildlife Service \$7,000,000;

(C) the United States Geological Survey \$4,000,000;

(D) the National Oceanic and Atmospheric Administration \$3,000,000; and

(E) the National Park Service \$3,000,000;

(3) for fiscal year 2013 to—

(A) the Environmental Protection Agency \$12,000,000;

(B) the United States Fish and Wildlife Service \$7,000,000;

(C) the United States Geological Survey \$4,000,000;

(D) the National Oceanic and Atmospheric Administration \$3,000,000; and

(E) the National Park Service \$3,000,000; and

(4) such sums as are necessary for each of fiscal years 2014 through 2016 to—

(A) the Environmental Protection Agency;

(B) the United States Fish and Wildlife Service;

(C) the United States Geological Survey;

(D) the National Oceanic and Atmospheric Administration; and

(E) the National Park Service.

By Mr. BUNNING:

S. 2916. A bill to provide that Internal Revenue Service Notice 2010-2 shall have no force and effect and to amend the Internal Revenue Code of 1986 to restrict the authority of the Secretary of the Treasury to prescribe regulations under section 382 of such Code; to the Committee on Finance.

Mr. BUNNING. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2916

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

SECTION 1. LIMITATION ON REGULATORY AUTHORITY RELATING TO LIMITATION ON LOSSES FOLLOWING OWNERSHIP CHANGE.

(a) **REPEAL OF NOTICE 2010-2.**—Internal Revenue Service Notice 2010-2 shall have no force and effect.

(b) **MODIFICATION OF REGULATORY AUTHORITY UNDER SECTION 382.**—Section 382(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following flush sentence:

“Notwithstanding the preceding sentence or any other provision of law, the Secretary may not prescribe any regulation after December 18, 2009, which provides an exemption or special rule under this section which is restricted to dispositions of instruments acquired by the Secretary unless such exemption or special rule is specifically authorized by Congress.”.

(c) **NO INFERENCE.**—Nothing in subsection (a) or in the amendment made by subsection (b) shall be construed to create any inference with respect to the authority of the Secretary of the Treasury on or before December 18, 2009, to provide exceptions to the application of the rules of section 382 of the Internal Revenue Code of 1986 with respect to certain classes of taxpayers.

By Mr. CORNYN (for himself, Mr. ALEXANDER, Mr. BARRASSO, Mr. BENNETT, Mr. BOND, Mr. BROWNBACK, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CORKER, Mr. CRAPO, Mr. DEMINT, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mr. LEMIEUX, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MURKOWSKI, Mr. RISCH, Mr. ROBERTS, Mr. SESSIONS, Mr. THUNE, Mr. VITTER, and Mr. WICKER):

S.J. Res. 24. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Labor relating to financial disclosure and transparency by labor union management; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORNYN. Mr. President, the U.S. Department of Labor's Office of Labor-Management Standards, OLMS, is responsible for ensuring that labor unions follow basic standards of fiscal responsibility. OLMS collects annual financial disclosure reports, LM-2, from labor organizations with annual receipts of \$250,000 or more. Union members who work hard to pay their dues deserve to know how their money has been spent. So, these annual financial disclosure reports provide rank-and-file members with an essential tool for exercising union democracy: information about important financial decisions made by their union leadership. Consequently, it is vital that OLMS have the necessary tools to monitor union compliance with the law as well as to deter corruption. Yet, on average, over ONE third of all unions fail to comply with existing requirements to file annual financial disclosure reports on time.

In fact, between 2001 and 2008, OLMS reported that its investigations yielded a total of 1,004 indictments with 929 convictions and court-ordered restitution of more than \$93 million dollars. For example, according to statistics reported by the Office of Management and Budget, OMB, the OLMS audits turned up criminal violations in about 11.5 percent of audits and nearly 8 percent of unions showed some fraudulent activity in 2008 alone. Between January 1 and October 19, 2009, OLMS reported obtaining indictments, convictions and sentences in embezzlement cases that total nearly \$3 million in theft from union funds.

in order to provide a better method for collecting information about union finances, the Department of Labor proposed modifying the LM-2 form. After a lengthy rulemaking process, the Department issued a final rule on January 21, 2009, which required additional information about the receipt and disbursement of labor organization funds, and established standards and procedures for revoking, where appropriate, a labor organization's simplified filing privilege. But politics got in the way of transparency and good government. And on October 13, 2009, the Department announced a final decision to rescind these regulations.

This is outrageous. No one is talking about protecting rank-and-file members' ability to hold their leadership accountable. Instead, the Secretary of Labor has bowed to pressure and complaints from labor unions. The unions argued that requiring labor organizations with reported annual receipts over \$250,000 to file more detailed disclosure reports was unnecessarily burdensome and imposed additional administrative costs on their organizations.

Rigorous disclosure requirements promote union transparency and accountability of union leaders to their rank-and-file members. The annual financial reports ensure that workers' dues are used legitimately and can also help workers and oversight investigators detect fraudulent or criminal activity. Bringing corrupt union officials to justice and recovering millions of dollars in hard-earned dues would not be possible if unions were not required to file annual financial disclosure reports.

For this reason, I am introducing a Congressional Review Act resolution disapproving the Department of Labor's October 13 decision to rescind the LM-2 rule. My resolution, which is co-sponsored by 17 of my colleagues, would have the effect of reinstating the original LM-2 rule published in January 2009 and would ensure that OLMS continues to protect the rights of rank-and-file union members against corrupt union leaders.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 380—DESIGNATING JANUARY 2010 AS “NATIONAL MENTORING MONTH”

Mr. MCCAIN (for himself, Mr. KERRY, Mrs. LINCOLN, Mr. INOUE, Mr. BEGICH, Mr. FEINGOLD, Mr. SPECTER, Mr. GRASSLEY, Mr. BURR, Ms. COLLINS, Ms. MURKOWSKI, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 380

Whereas mentoring is a longstanding tradition in which a dependable, caring adult provides guidance, support, and encouragement to facilitate a young person's social, emotional, and cognitive development;

Whereas continued research on mentoring shows that formal, high-quality mentoring focused on developing the competence and character of the mentee promotes positive outcomes, such as improved academic achievement, self-esteem, social skills, and career development;

Whereas further research on mentoring provides strong evidence that mentoring successfully reduces substance use and abuse, academic failure, and delinquency;

Whereas mentoring, in addition to preparing young people for school, work, and life, is extremely rewarding for those serving as mentors;

Whereas more than 4,700 mentoring programs in communities of all sizes across the United States focus on building strong, effective relationships between mentors and mentees;

Whereas approximately 3,000,000 young people in the United States are in solid mentoring relationships due to the remarkable vigor, creativity, and resourcefulness of the thousands of mentoring programs in communities throughout the Nation;

Whereas in spite of the progress made to increase mentoring, the United States has a serious “mentoring gap”, with nearly 15,000,000 young people in need of mentors;

Whereas mentoring partnerships between the public and private sectors bring State and local leaders together to support mentoring programs by preventing duplication of efforts, offering training in industry best practices, and making the most of limited resources to benefit young people in the United States;

Whereas the designation of January 2010 as “National Mentoring Month” will help call attention to the critical role mentors play in helping young people realize their potential;

Whereas a month-long celebration of mentoring will encourage more individuals and organizations, including schools, businesses, nonprofit organizations, faith institutions, and foundations, to become engaged in mentoring across the United States; and

Whereas National Mentoring Month will, most significantly, build awareness of mentoring and encourage more people to become mentors and help close the mentoring gap in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of January 2010 as “National Mentoring Month”;

(2) recognizes with gratitude the contributions of the millions of caring adults and students who are already volunteering as mentors and encourages more adults and students to volunteer as mentors; and

(3) encourages the people of the United States to observe National Mentoring Month with appropriate ceremonies and activities that promote awareness of, and volunteer involvement with, youth mentoring.

Mr. MCCAIN. Mr. President, I am pleased today to join many of my colleagues in introducing a resolution designating January 2010 as National Mentoring Month.

We all agree that young people need a supportive environment based on structured and trusting relationships with adults. The world is more complicated for children today than it ever was when I was growing up. Mentors can help young people through the difficult periods, help them see the difference between right and wrong, alleviate their doubts and concerns, and answer their questions frankly. Mentors can dramatically impact a young person's life by providing the support and encouragement that children need in order to grow into responsible, caring adults.

This resolution recognizes the value of volunteering time to make a difference in the life of a child. A growing body of research has shown that high-quality programs can make all the difference and help students in need achieve the type of future they might never have thought possible. Children with mentors are shown to improve in school performance and attendance. Also, they are more self-confident, have good social skills, and above all else, they are motivated to reach their full potential. Unfortunately, a severe shortage of volunteers has left over 15 million young people without mentors.

National Mentoring Month highlights the needs and goals of mentoring in this country and honors the contributions of the many volunteers across the country that are currently connecting with youth in such programs. Next month, non-profit organizations, schools, businesses, faith communities, and Government agencies—led by the National Mentoring Partnership and the Harvard School of Public Health—will join together to encourage adults to serve as mentors for our young people. Programs must be expanded to recruit more volunteers to help fill the mentoring gap. Mentoring has successfully helped many children in this country and we must work together to expand such valuable programs. I urge the Senate to approve this resolution.

SENATE RESOLUTION 381—DESIGNATING THE WEEK OF FEBRUARY 1 THROUGH FEBRUARY 5, 2010, AS “NATIONAL SCHOOL COUNSELING WEEK”

Mrs. MURRAY (for herself and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 381

Whereas the American School Counselor Association has declared the week of February 1 through February 5, 2010, as “National School Counseling Week”;

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);