

missiles, these nuclear-tipped cruise missiles would not be counted under New START. In addition, I was troubled to learn of reports in the New York Times that the Russian Federation moved short-range tactical nuclear weapons closer to the territory of our NATO allies and U.S. deployed forces in Europe earlier this year, apparently in response to the deployment of missile defense capabilities there.

Insufficiently addressing these weapons may make it more difficult to achieve future nuclear arms control agreements. According to the independent Perry-Schlesinger Strategic Posture Commission report, the Russian Federation has about 3,800 tactical nuclear weapons and the United States has less than 500 tactical nuclear weapons. If the New START treaty is ratified, the number of deployed strategic nuclear weapons by both countries will be evenly balanced. Absent a significant unilateral reduction in tactical nuclear warheads by the Russian Federation, any effort to reduce the disparity in these weapons may lead to unacceptable concessions regarding U.S. capabilities that are not tied to the size of the nuclear stockpiles maintained by each country, such as concessions regarding missile defense or conventional prompt global strike.

Including non-strategic weapons in strategic arms negotiations is not unprecedented. On July 31, 1991, the day START I was signed by President George H.W. Bush and Mikhail Gorbachev, the U.S.S.R. publicly committed to providing the United States with annual declarations regarding the deployments of nuclear sea-launched cruise missiles for the duration of START I. In addition, the Soviet Union committed to deploying no more than a single warhead on each cruise missile and to not exceed the deployment of more than 880 nuclear sea-launched cruise missiles in any one year.

On July 27, 2010, Dr. Keith Payne, former Deputy Assistant Secretary of Defense for foreign policy and a member of the Perry-Schlesinger Commission, testified before the Senate Armed Services Committee that the reason he believed tactical nuclear weapons were not included in the New START treaty was because, "the Russians did not want to engage in negotiations on their tactical nuclear weapons." I think they will be very wary about ever engaging in serious negotiations on their tactical nuclear weapons. I also understand, and would expect, that any reductions of non-strategic nuclear weapons in Europe would rest, in part, upon the position of our NATO allies.

Nonetheless, the concerns I have regarding non-strategic weapons remain outstanding as I consider whether or not the New START treaty warrants my support. As such, I request that you provide, in writing, the Administration's plan to address the disparity between the numbers of non-strategic warheads of the Russian Federation compared to the United States, in order that I may consider this information prior to a vote on the ratification of the New START treaty.

Thank you for your attention to this matter, and for your service to our nation.

Sincerely,

SUSAN M. COLLINS,
United States Senator.

Hon. SUSAN M. COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: Thank you for your letter of December 3, 2010, regarding the New START Treaty. We believe ratification of the Treaty is essential to preserving core U.S. national security interests. The Treaty will establish equal limits on U.S. and Russian deployed strategic warheads and strategic delivery systems, and will provide the

U.S. with essential visibility into Russian strategic forces through on-site inspections, data exchanges, and other verification provisions.

As you note, the Strategic Posture Commission expressed concern regarding Russian tactical nuclear weapons. At the same time, the Commission recommended moving forward quickly with a new treaty focused on strategic weapons. With the expiration of the START Treaty in early December 2009, for the past year the U.S. has had no inspectors with "boots on the ground" to verify Russian strategic forces.

The Administration is committed to seeking improved security of, and reductions in, Russian tactical (also known as non-strategic) nuclear weapons. We agree with the Senate Foreign Relations Committee's call, in the resolution of advice and consent to ratification of the New START Treaty, to pursue an agreement with the Russians to address them. These negotiations offer our best chance to constrain Russian tactical nuclear weapons, but we believe Russia will likely be unwilling to begin such negotiations if the New START Treaty does not enter into force. We will consult closely with Congress and our Allies in planning and conducting any follow-on negotiations.

At the NATO summit in Lisbon in November 2010, Allied leaders expressed their strong support for ratifying the New START Treaty now, and welcomed the principle of including tactical nuclear weapons in future U.S.-Russian arms control talks. The U.S. remains committed to retaining the capability to forward-deploy tactical nuclear weapons in support of its Alliance commitments. As such, we will replace our nuclear-capable F-16s with the dual-capable F-35 Joint Strike Fighter, and conduct a full scope Life Extension Program for the B-61 nuclear bomb to ensure its functionality with the F-35 and enhance warhead surety.

Your letter notes recent press reports alleging that Russia has moved tactical nuclear warheads and missiles closer to Europe. We note that a short-range ballistic missile unit has long been deployed near Russia's border with Estonia, and earlier this year the Russians publicly announced that some SS-26 short-range ballistic missiles would be located there. Although this deployment does not alter either the balance in Europe or the U.S.-Russia strategic balance, the U.S. has made clear that we believe Russia should further consolidate its tactical nuclear weapons in a small number of secure facilities deep within Russia.

With regard to future agreements, we strongly agree with you that the characteristics of tactical nuclear weapons—particularly their vulnerability to theft, misuse, or acquisition by terrorists—make reducing their numbers and enhancing their safety and security extremely important. That is why when President Obama signed the New START Treaty in April, he made clear that "going forward, we hope to pursue discussions with Russia on reducing both our strategic and tactical weapons, including non-deployed weapons."

Thank you for the opportunity to address the important matters you have raised in connection with the new START Treaty. We look forward to continuing to work with you on this and other issues of mutual interest, and urge your support of New START.

Sincerely,

HILLARY RODHAM CLINTON,
Secretary of State.
ROBERT M. GATES,
Secretary of Defense.

ORDER OF PROCEDURE

Mr. KERRY. Mr. President, I ask unanimous consent to proceed as in

legislative session and as in morning business in order to process some cleared legislative items.

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

NORTHERN BORDER COUNTER-NARCOTICS STRATEGY ACT OF 2010

Mr. KERRY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 4748 and the Senate proceed to its immediate consideration.

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

The assistant legislative clerk read as follows:

A bill (H.R. 4748) to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes.

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

Mr. KERRY. Mr. President, I ask unanimous consent that a Schumer substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4915) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Border Counternarcotics Strategy Act of 2010".

SEC. 2. NORTHERN BORDER COUNTER-NARCOTICS STRATEGY.

The Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469; 120 Stat. 3502) is amended by inserting after section 1110 the following:

"SEC. 1110A. REQUIREMENT FOR NORTHERN BORDER COUNTERNARCOTICS STRATEGY.

"(a) DEFINITIONS.—In this section, the terms 'appropriate congressional committees', 'Director', and 'National Drug Control Program agency' have the meanings given those terms in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701)).

"(b) STRATEGY.—Not later than 180 days after the date of enactment of this section, and every 2 years thereafter, the Director, in consultation with the head of each relevant National Drug Control Program agency and relevant officials of States, local governments, tribal governments, and the governments of other countries, shall develop a Northern Border Counternarcotics Strategy and submit the strategy to—

"(1) the appropriate congressional committees (including the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives);

"(2) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Indian Affairs of the Senate; and

"(3) the Committee on Armed Services, the Committee on Homeland Security, and the

Committee on Natural Resources of the House of Representatives.

“(c) PURPOSES.—The Northern Border Counternarcotics Strategy shall—

“(1) set forth the strategy of the Federal Government for preventing the illegal trafficking of drugs across the international border between the United States and Canada, including through ports of entry and between ports of entry on the border;

“(2) state the specific roles and responsibilities of each relevant National Drug Control Program agency for implementing the strategy;

“(3) identify the specific resources required to enable the relevant National Drug Control Program agencies to implement the strategy; and

“(4) reflect the unique nature of small communities along the international border between the United States and Canada, ongoing cooperation and coordination with Canadian law enforcement authorities, and variations in the volumes of vehicles and pedestrians crossing through ports of entry along the international border between the United States and Canada.

“(d) SPECIFIC CONTENT RELATED TO CROSS-BORDER INDIAN RESERVATIONS.—The Northern Border Counternarcotics Strategy shall include—

“(1) a strategy to end the illegal trafficking of drugs to or through Indian reservations on or near the international border between the United States and Canada; and

“(2) recommendations for additional assistance, if any, needed by tribal law enforcement agencies relating to the strategy, including an evaluation of Federal technical and financial assistance, infrastructure capacity building, and interoperability deficiencies.

“(e) LIMITATION.—

“(1) IN GENERAL.—The Northern Border Counternarcotics Strategy shall not change the existing agency authorities and this section shall not be construed to amend or modify any law governing interagency relationships.

“(2) LEGITIMATE TRADE AND TRAVEL.—The Northern Border Counternarcotics Strategy shall be designed to promote, and not hinder, legitimate trade and travel.

“(f) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—

“(1) IN GENERAL.—The Northern Border Counternarcotics Strategy shall be submitted in unclassified form and shall be available to the public.

“(2) ANNEX.—The Northern Border Counternarcotics Strategy may include an annex containing any classified information or information the public disclosure of which, as determined by the Director or the head of any relevant National Drug Control Program agency, would be detrimental to the law enforcement or national security activities of any Federal, State, local, or tribal agency.”.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 4748), as amended, was passed.

PRE-DISASTER MITIGATION ACT OF 2009

Mr. KERRY. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 1746 and the Senate proceed to its immediate consideration.

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

The assistant legislative clerk read as follows:

A bill (H.R. 1746) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster mitigation program of the Federal Emergency Management Agency.

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

Mr. KERRY. Mr. President, I ask unanimous consent that the Lieberman substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read three times and passed; the motions to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4916) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Predisaster Hazard Mitigation Act of 2010”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The predisaster hazard mitigation program has been successful and cost-effective. Funding from the predisaster hazard mitigation program has successfully reduced loss of life, personal injuries, damage to and destruction of property, and disruption of communities from disasters.

(2) The predisaster hazard mitigation program has saved Federal taxpayers from spending significant sums on disaster recovery and relief that would have been otherwise incurred had communities not successfully applied mitigation techniques.

(3) A 2007 Congressional Budget Office report found that the predisaster hazard mitigation program reduced losses by roughly \$3 (measured in 2007 dollars) for each dollar invested in mitigation efforts funded under the predisaster hazard mitigation program. Moreover, the Congressional Budget Office found that projects funded under the predisaster hazard mitigation program could lower the need for post-disaster assistance from the Federal Government so that the predisaster hazard mitigation investment by the Federal Government would actually save taxpayer funds.

(4) A 2005 report by the Multihazard Mitigation Council showed substantial benefits and cost savings from the hazard mitigation programs of the Federal Emergency Management Agency generally. Looking at a range of hazard mitigation programs of the Federal Emergency Management Agency, the study found that, on average, \$1 invested by the Federal Emergency Management Agency in hazard mitigation provided the Nation with roughly \$4 in benefits. Moreover, the report projected that the mitigation grants awarded between 1993 and 2003 would save more than 220 lives and prevent nearly 4,700 injuries over approximately 50 years.

(5) Given the substantial savings generated from the predisaster hazard mitigation program in the years following the provision of assistance under the program, increasing funds appropriated for the program would be a wise investment.

SEC. 3. PREDISASTER HAZARD MITIGATION.

(a) ALLOCATION OF FUNDS.—Section 203(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(f)) is amended to read as follows:

“(f) ALLOCATION OF FUNDS.—

“(1) IN GENERAL.—The President shall award financial assistance under this section on a competitive basis and in accordance with the criteria in subsection (g).

“(2) MINIMUM AND MAXIMUM AMOUNTS.—In providing financial assistance under this section, the President shall ensure that the amount of financial assistance made available to a State (including amounts made available to local governments of the State) for a fiscal year—

“(A) is not less than the lesser of—

“(i) \$575,000; or

“(ii) the amount that is equal to 1 percent of the total funds appropriated to carry out this section for the fiscal year; and

“(B) does not exceed the amount that is equal to 15 percent of the total funds appropriated to carry out this section for the fiscal year.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended to read as follows:

“(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) \$180,000,000 for fiscal year 2011;

“(2) \$200,000,000 for fiscal year 2012; and

“(3) \$200,000,000 for fiscal year 2013.”.

(c) TECHNICAL CORRECTIONS TO REFERENCES.—The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended—

(1) in section 602(a) (42 U.S.C. 5195a(a)), by striking paragraph (7) and inserting the following:

“(7) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency.”; and

(2) by striking “Director” each place it appears and inserting “Administrator”, except—

(A) in section 622 (42 U.S.C. 5197a)—

(i) in the second and fourth places it appears in subsection (c); and

(ii) in subsection (d); and

(B) in section 626(b) (42 U.S.C. 5197e(b)).

SEC. 4. PROHIBITION ON EARMARKS.

Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) is amended by adding at the end the following:

“(n) PROHIBITION ON EARMARKS.—

“(1) DEFINITION.—In this subsection, the term ‘congressionally directed spending’ means a statutory provision or report language included primarily at the request of a Senator or a Member, Delegate or Resident Commissioner of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

“(2) PROHIBITION.—None of the funds appropriated or otherwise made available to carry out this section may be used for congressionally directed spending.

“(3) CERTIFICATION TO CONGRESS.—The Administrator of the Federal Emergency Management Agency shall submit to Congress a certification regarding whether all financial assistance under this section was awarded in accordance with this section.”.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 1746), as amended, was passed.