

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.

# ACCESS TO CRIMINAL HISTORY RECORDS FOR STATE SENTENCING COMMISSIONS ACT OF 2010

Mr. KERRY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 6412 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. 6412) to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions, and for other purposes.

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

Mr. LEAHY. Mr. President, today the Senate will pass a measure to help State sentencing commissions make responsible decisions. The legislation we pass today will give State sentencing commissions, like that in Vermont, access to criminal history data in the possession of the Attorney General. This will facilitate the study of recidivism rates and other important factors affecting public safety.

We all want to reduce crime and keep our neighborhoods safe, and, in these hard fiscal times, we must do so effectively and efficiently. It is important for State sentencing commissions to have access to data so they can properly study aggravating and mitigating factors in criminal cases and in return, better inform policy makers. This bill will help ensure that sentencing decisions are data-driven, using the best possible universe of information.

Mr. KERRY. Mr. President, I ask unanimous consent that the bill be read a third time and passed; the motion 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 bill (H.R. 6412) was ordered to a third reading, was read the third time, and passed.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## NOMINATIONS DISCHARGED

Mr. KERRY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc of the following nominations: PN2353 and PN2349; that the Senate then proceed en bloc to the consideration of the nominations; that the nominations be

confirmed en bloc, and the motions to reconsider be laid upon the table; that any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

### DEPARTMENT OF JUSTICE

William Benedict Berger, Sr., of Florida, to be United States Marshal for the Middle District of Florida for the term of four years.

Joseph Campbell Moore, of Wyoming, to be United States Marshal for the District of Wyoming for the term of four years.

### NOMINATION OF JOSEPH MOORE

Mr. ENZI. Mr. President, I rise today to speak on the nomination of Joe Moore to serve as the U.S. marshal for the district of Wyoming. I was pleased to see that the Senate has given this nomination full and fair consideration. I support Joe Moore's nomination for this important position for Wyoming and am confident that he will do a great service in his capacities as U.S. marshal.

Joe Moore is currently the director of the Wyoming Office of Homeland Security—a position he has served in since it was created in 2003. During his time with the Wyoming Office of Homeland Security, he worked closely with State, local, and Federal officials to respond to and coordinate responses to several major natural disasters. Director Moore has also bolstered Wyoming's homeland security efforts and improved State and local law enforcement activities statewide. Director Moore is a graduate of Elizabethtown College in Pennsylvania, and prior to his service with the State of Wyoming, he spent 32 years serving in Federal law enforcement.

I would like to thank my colleagues on the Senate Judiciary Committee for advancing this nomination. The U.S. Marshals Service has a long, distinguished history in our State, and I applaud Director Moore's confirmation to head this agency in Wyoming.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

### TRIBUTE TO MARY DAY

Mr. GRASSLEY. Mr. President, today, I rise to thank a longtime member of my staff who is retiring from the Senate. Mary Day began working in my Cedar Rapids office in 1987 as a constituent services specialist, and in 1996 rose to become the regional director based in the same office.

You would be hard pressed to find somebody in the region who doesn't know Mary. It is no wonder. She is a tireless worker for the 14-county area in eastern Iowa, and her infectious sense of humor, genuine demeanor, and kindness was sought by those she came

across in her daily travels around the region.

There isn't anybody who knows the pulse of the community like Mary. She has been through the good, the bad, and the ugly. She has seen historic floods and business downturns. Through it all, Mary has remained a good-hearted, conscientious and effective staff member.

We spent many hours over the years traveling from county to county in her region. Mary wasn't always the most spirited or active person in the early hours of the day, but she was forever reliable and dependable no matter what hour of the day.

Not only has Mary been dedicated to the people of Iowa, but she also served as a mentor, confidant, and friend to others on my staff. Her colleagues say that Mary was their "go-to" person. She knew the bureaucracy inside and out and had sound advice on how to handle just about any situation.

The people of Iowa have been fortunate to have somebody like Mary Day working on their behalf for the last 23 years. I have been privileged to have her represent me in such a well-respected and honest manner.

Thank you, Mary, for everything you have done for me and the people of Iowa.

### TRIBUTE TO WYTHE WILLEY

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to a friend and a trusted adviser, Wythe Willey, who lost a 2-year battle with cancer on Saturday. Wythe Willey was a person who left a mark. If you ever met him, you would be hard pressed to forget him. He was an Iowa farm boy through and through. Whether he was living in Des Moines or Cedar Rapids, he valued his friendships and he valued everybody he met along his life's journey.

Wythe had a passion for agriculture, and particularly for the cattle business, but also for politics. He had one of the most astute political minds I have ever come across. To sit and talk politics with Wythe was an invigorating endeavor. His political sense and understanding of the issues at the State and Federal level never failed to bring additional insight to anybody who would listen.

There is a saying among my former and current staff, "once a Grassley staffer, always a Grassley staffer." Wythe was the epitome of that motto. He worked on my Iowa staff from 1981–1987. When he left, he had already left his mark, but he was far from being done helping the people of Iowa. During the time on my staff, and the years since then, Wythe helped me by heading a committee to vet Federal judicial, U.S. attorney, and U.S. marshal nominees.

Even when he was involved in government and politics, Wythe's heart was always with his family farm. No matter where his professional career