

Treaty Doc. 111-5, supra; which was ordered to lie on the table.

SA 4906. Mr. CORKER submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, supra; which was ordered to lie on the table.

SA 4907. Mr. BARRASSO submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, supra; which was ordered to lie on the table.

SA 4908. Mr. LEMIEUX submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, supra; which was ordered to lie on the table.

SA 4909. Mr. THUNE (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, supra; which was ordered to lie on the table.

SA 4910. Mr. DEMINT submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, supra; which was ordered to lie on the table.

SA 4911. Mr. DEMINT submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, supra; which was ordered to lie on the table.

SA 4912. Mr. KIRK submitted an amendment intended to be proposed to amendment SA 4900 submitted by Mr. MCCAIN (for himself and Mr. CORKER) and intended to be proposed to Treaty Doc. 111-5, supra; which was ordered to lie on the table.

SA 4913. Mr. LIEBERMAN (for himself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, supra; which was ordered to lie on the table.

SA 4914. Mr. REID (for Mr. KERRY (for himself and Ms. SNOWE)) proposed an amendment to the bill H.R. 81, to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

SA 4915. Mr. KERRY (for Mr. SCHUMER (for himself, Ms. COLLINS, Mrs. GILLIBRAND, and Mr. CONRAD)) proposed an amendment to the 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.

SA 4916. Mr. LIEBERMAN (for Mr. KERRY (for himself and Ms. COLLINS)) proposed an amendment to the 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.

TEXT OF AMENDMENTS

SA 4892. Mr. KYL submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

At the end of condition (9) of subsection (a), of the Resolution of Ratification add the following new subparagraph:

(C) Prior to the entry into force of the New START Treaty, the President shall certify to the Senate that—

(i) the President will submit on an annual basis the report required under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84);

(ii) each such report will include, in addition to the elements required under subsection (a)(2) of such section—

(I) a detailed description of the plan to modernize and maintain the delivery platforms for nuclear weapons; and

(II) a detailed description of the steps taken to implement the plan submitted in the previous year;

(iii) in preparing each report, the President will consult with the Secretary of Defense and with the Secretary of Energy, who will consult with the directors of the nuclear weapons enterprise facilities and laboratories, including the Pantex Plant, the Nevada National Security Site, the Kansas City Plant, the Savannah River Site, Y-12 National Security Complex, Lawrence Livermore National Laboratory, Sandia National Laboratories, and Los Alamos National Laboratory on the implementation of and funding for the plans outlined under subparagraphs (A) and (B) of subsection (a)(2) of such section;

(iv) the written judgments received from the directors of the national nuclear weapons enterprise facilities and laboratories pursuant to clause (iii) will be included, unchanged, together with each report submitted under clause (i).

At the end of subsection (a), add the following:

(11) **STRATEGIC NUCLEAR DELIVERY VEHICLES.**—Prior to the entry into force of the New START Treaty, the President shall certify to the Senate that the President intends to—

(A) modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and an SSBN and SLBM; and

(B) maintain the United States rocket motor industrial base.

(12) **DESIGN AND FUNDING OF CERTAIN FACILITIES.**—Prior to the entry into force of the New START Treaty, the President shall certify to the Senate that the President intends to—

(A) accelerate the design and engineering phase of the Chemistry and Metallurgy Research Replacement (CMRR) building and the Uranium Processing Facility (UPF); and

(B) request full funding for the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility upon completion of the design and engineering phase for such facilities.

At the end of subsection (b), add the following:

(4) **MODERNIZATION.**—It is the understanding of the United States that failure to fund the nuclear modernization plan would constitute a basis for United States withdrawal from the New START Treaty.

At the end of subsection (c), add the following:

(14) **MODERNIZATION OF WARHEADS.**—It is the sense of the Senate that modernization of warheads must be undertaken on a case-by-case basis using the full spectrum of life extension options available based on the best technical advice of the United States military and the national nuclear weapons laboratories.

SA 4893. Mr. KYL submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010,

with Protocol; which was ordered to lie on the table; as follows:

At the end of subsection (a) of the Resolution of Ratification, add the following:

(11) **COVERS.**—Prior to entry into force of the New START Treaty, the President shall certify to the Senate that the President has reached an agreement with the Government of the Russian Federation on the non-use of covers by the Russian Federation that tend to interfere with Type One inspections and accurate warhead counting.

(12) **TELEMETRY.**—Prior to entry into force of the New START Treaty, the President shall certify to the Senate that the United States has reached a legally-binding agreement with the Russian Federation that each party to the Treaty is obliged to provide the other full and unimpeded access to its telemetry from all flight-test of strategic missiles limited by the Treaty;

(13) **TELEMETRIC EXCHANGES ON BALLISTIC MISSILES DEPLOYED BY THE RUSSIAN FEDERATION.**—Prior to the entry into force of the New START Treaty, the President shall certify to the Senate that the Russian Federation has agreed that it will not deny telemetric exchanges on new ballistic missile systems it deploys during the duration of the Treaty.

At the end of subsection (b), add the following:

(4) **TYPE ONE INSPECTIONS.**—The United States would consider as a violation of the deployed warhead limit in section 1(b) of Article II of the Treaty and as a material breach of the Treaty either of the following actions:

(A) Any Type One inspection that revealed the Russian Federation had deployed a number of warheads on any one missile in excess of the number they declared for that missile.

(B) Any action by the Russian Federation that impedes the ability of the United States to determine the number of warheads deployed on any one missile prior to or during a Type One inspection.

SA 4894. Mr. ALEXANDER submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

In subsection (a) of the Resolution of Ratification, add at the end of paragraph (9) the following:

“(C) Prior to the entry into force of the New START Treaty, the President shall certify to the Senate that—

“(i) the President will submit on an annual basis the report required under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84);

“(ii) each such report will include, in addition to the elements required under subsection (a)(2) of such section —

“(I) a detailed description of the plan to modernize and maintain the delivery platforms for nuclear weapons; and

“(II) a detailed description of the steps taken to implement the plan submitted in the previous year;

“(iii) in preparing each report, the President will consult with the Secretary of Defense and with the Secretary of Energy, who

will consult with the directors of the nuclear weapons enterprise facilities and laboratories, including the Pantex Plant, the Nevada National Security Site, the Kansas Plant, the Savannah River Site, Y-12 National Security Laboratory, and the Sandia National Laboratory on the implementation of and funding for the plans outlines under subparagraphs (A) and (B) of subsection (a) (2) of such section; and

“(iv) the written judgments received from the directors of the national nuclear weapons enterprise facilities and laboratories pursuant to clause (iii) will be included, unchanged, together with each report submitted under clause (i).”.

SA 4895. Mr. WICKER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

At the end of subsection (b), of the Resolution of Ratification add the following:

(4) **BILATERAL CONSULTATIVE COMMISSION.**—It is the understanding of the United States that provisions adopted in the Bilateral Consultative Commission that affect substantive rights or obligations under the Treaty are those that create new rights or obligations for the United States and must therefore be submitted to the Senate for its advice and consent.

SA 4896. Mr. ENSIGN submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

In paragraph 2 of Article XIV of the Treaty, strike “remain in force for 10 years” and insert “remain in force for 5 years”.

SA 4897. Mr. ENSIGN submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

In Article XIII of the New START Treaty, strike the second sentence and insert the following: “The parties shall not transfer strategic offensive arms subject to this Treaty to third parties, components to make these arms, or the knowhow to do such.”.

SA 4898. Mr. ENSIGN submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

In paragraph 2 of Article XIV of the New START Treaty, strike all after the second sentence.

SA 4899. Mr. ENSIGN submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

At the end of subsection (c) of the Resolution of Ratification, add the following:

(14) **ARMS CONTROL TREATY VERIFICATION EXPERIMENTS.**—It is the sense of the Senate that the United States needs to increase its numbers of arms control treaty verification experiments as well as a robust series of scaled experiments to ensure a reliable nuclear deterrent.

SA 4900. Mr. MCCAIN (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

At the end of subsection (a), of the Resolution of Ratification add the following:

(11) **MISSILE DEFENSE.**—(A) The United States shall—

(i) fully deploy all four phases of the Phased Adaptive Approach for missile defense in Europe, on schedule, if not earlier, as outlined in the Department of Defense's Ballistic Missile Defense Review Report dated February 2010;

(ii) maintain the option as a technological and strategic hedge to deploy the European Mid Course Radar and two stage ground-based interceptors in a suitable location, consistent with the agreement of United States allies; and

(iii) continue modernization of the United States-based ground-based midcourse defense system.

(B) If the President determines that meeting the schedule described in subparagraph (A)(i) is not feasible, the President shall—

(i) report to the Senate within 30 days as to the reasons for any delay, provide a detailed plan to address any delays, and issue a revised schedule; and

(ii) submit an annual certification to the Senate that the schedule remains valid.

In subsection (b)(1), at the end of subparagraph (B), strike “United States; and” and all that follows through the end of subparagraph (C) and insert the following: “United States;

(C) the April 7, 2010, unilateral statement by the Russian Federation on missile defense does not impose a legal obligation on the United States;

(D) pursuant to the National Missile Defense Act of 1999 (Public Law 106-38), it is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate), and the United States deployment of ballistic missile defense (BMD) systems, including all phases of the Phased Adaptive

Approach to missile defense in Europe and programs to defend United States deployed forces, allies, and partners against regional threats, is consistent with that policy;

(E) the Phased Adaptive Approach to missile defense in Europe, as endorsed by President Barack Obama on September 17, 2009, and outlined in the Department of Defense's Ballistic Missile Defense Review (BMDR) dated February 2010, includes—

(i) Phase 1, in 2011, which will provide defense against the short and medium-range ballistic missile threat, using Aegis BMD-capable ships with SM-3 block 1A interceptors and an AN/TPY-2 transportable radar deployed in Southern Europe;

(ii) Phase 2, in 2015, which will provide defense for NATO against short- and medium-range ballistic missile threats, by deploying at least 24 SM-3 block 1B missiles in Romania as well as on Aegis BMD ships;

(iii) Phase 3, in 2018, which will extend defense to all NATO allies in Europe against short-, medium-, and intermediate-range ballistic missile threats by deploying at least 24 SM-3 block 1IA missiles on land in Poland and additional missiles at sea on Aegis BMD ships;

(iv) Phase 4, not later than 2020, which will provide defense for Europe and the United States using the SM-3 block 1IB interceptor, which will have an early intercept capability against medium- and intermediate-range ballistic missiles as well as potential ICBM threats, which will be deployed at sites in Europe, including Poland; and

(v) the continued improvement and modernization of the United States ground-based midcourse defense system, which includes two-stage interceptors that could be deployed in Europe if the Iranian ICBM threat emerges before Phase 3 and or 4 of the Phased Adaptive Approach is ready, and three stage ground-based interceptors in the United States; and

(F) while the United States cannot circumscribe the right of the Russian Federation to withdraw from the New START Treaty under paragraph 3 of Article XIV if the Russian Federation believes its supreme interests are jeopardized, the continued development and deployment of United States missile defense systems worldwide during the period that the New START Treaty is in effect, including qualitative and quantitative improvements to such systems, will not be an extraordinary event, but rather an anticipated event, fully disclosed to the Russian Federation at the time of entry into force of the New START Treaty.

At the end of subsection (b), add the following:

(4) **TELEMETRIC INFORMATION ON MISSILE DEFENSE SYSTEMS.**—It is the understanding of the United States that the United States will not provide the Russian Federation any telemetric information on its missile defense systems for the duration of the New START Treaty.

SA 4901. Mr. DEMINT submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

In paragraph 1. of Article II of the New START Treaty, strike “700, for deployed

ICBMS, deployed SLBMs, and deployed heavy bombers" and all that follows through the period at the end and insert the following: "850, for deployed ICBMS, deployed SLBMs, and deployed heavy bombers;

(b) 1,550, for warheads on deployed ICBMs, warheads on deployed SLBMs, and nuclear warheads counted for deployed heavy bombers;

(c) 1,000, for deployed and non-deployed ICBM launchers, deployed and non-deployed SLBM launchers, and deployed and non-deployed heavy bombers.

SA 4902. Mr. DEMINT submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

In paragraph 3 of Article V of the New START Treaty, strike "For the purposes of counting toward" and all that follows through the period at the end and insert "Each Party shall not convert or use launchers of missile defense interceptors for placement of ICBMs and SLBMs therein."

In Part Three of the Protocol, add at the end of Section III the following:

(9) Conversion of an ICBM launcher to a missile defense interceptor launcher shall be carried out using procedures developed by the Party carrying out the conversion. Upon completion of the conversion procedures and provision of notification thereof, the Party receiving such notification shall have the right, within a 30-day period beginning on the date of provision of notification, to conduct an inspection of the converted silo launcher. Upon the expiration of the 60-day period following provision of such notification or upon the completion of the inspection, the silo launcher of ICBMs shall cease to be subject to the Treaty.

SA 4903. Mr. DEMINT submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

At the end of Article IV of the New START Treaty, add the following:

12. ICBMs shall not be deployed on bombers.

SA 4904. Mr. CORKER submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; as follows:

At the end of subsection (a) of the Resolution of Ratification, add the following:

(11) EFFECTIVENESS AND VIABILITY OF NEW START TREATY AND UNITED STATES MISSILE DEFENSES.—Prior to the entry into force of the New START Treaty, the President shall certify to the Senate, and shall communicate to the Russian Federation, that it shall be the

policy of the United States that the continued development and deployment of United States missile defense systems, including qualitative and quantitative improvements to such systems, including all phases of the Phased Adaptive Approach to missile defenses in Europe maintaining the option to use Ground-Based Interceptors, do not and will not threaten the strategic balance with the Russian Federation. Consequently, while the United States cannot circumscribe the sovereign rights of the Russian Federation under paragraph 3 of Article XIV of the Treaty, the continued improvement and deployment of United States missile defense systems do not constitute a basis for questioning the effectiveness and viability of the Treaty, and therefore would not give rise to circumstances justifying the withdrawal of the Russian Federation from the Treaty.

At the end of subsection (b)(1)(C), strike "United States." and insert the following: "United States; and

(D) the eighth preambular clause of the New START Treaty does not impose a legal obligation on the United States.

SA 4905. Mr. CORKER submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

At the end of subsection (b)(1)(C) of the Resolution of Ratification, strike "United States." and insert the following: "United States; and

(D) the eighth preambular clause of the New START Treaty does not impose a legal obligation on the United States.

SA 4906. Mr. CORKER submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

At the end of subsection (a) of the Resolution of Ratification, add the following:

(11) EFFECTIVENESS AND VIABILITY OF NEW START TREATY AND UNITED STATES MISSILE DEFENSES.—Prior to the entry into force of the New START Treaty, the President shall certify to the Senate, and shall communicate to the Russian Federation, that it shall be the policy of the United States that the continued development and deployment of United States missile defense systems, including qualitative and quantitative improvements to such systems, including all phases of the Phased Adaptive Approach to missile defenses in Europe maintaining the option to use Ground-Based Interceptors, do not and will not threaten the strategic balance with the Russian Federation. Consequently, while the United States cannot circumscribe the sovereign rights of the Russian Federation under paragraph 3 of Article XIV of the Treaty, the continued improvement and deployment of United States missile defense systems do not constitute a basis for questioning the effectiveness and viability of the Treaty, and therefore would not give rise to circumstances justifying the withdrawal of the Russian Federation from the Treaty.

SA 4907. Mr. BARRASSO submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

At the end of subsection (a) of the Resolution of Ratification, add the following:

(11) COMPLIANCE OF THE RUSSIAN FEDERATION.—The New START Treaty shall not enter into force until the President certifies to the Senate that all outstanding issues on verification and compliance in the START I Treaty by the Russian Federation prior to the expiration of the START I Treaty on December 5, 2009, have been resolved and submits to Congress a report detailing how each such issue was resolved.

SA 4908. Mr. LEMIEUX submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

At the end of subsection (a) of the Resolution of Ratification, add the following:

(11) TACTICAL NUCLEAR WEAPONS.—The President may not deposit the instrument of ratification until the President certifies to the Senate that—

(A) the United States and the Russian Federation will enter into negotiations within one year of ratification of the New START Treaty to address the disparity between the non-strategic (tactical) nuclear weapons stockpiles of the Russian Federation and of the United States and secure and reduce tactical nuclear weapons in a verifiable manner; and

(B) the negotiations will not include discussion of defensive missile systems.

SA 4909. Mr. THUNE (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

At the end of subsection (b) of the Resolution of Ratification, add the following:

(4) TREATY EXTENSION.—It is the understanding of the United States that any extension of the New START Treaty under Article XIV may enter into force for the United States only with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

SA 4910. Mr. DEMINT submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

On page 17 of the Resolution of Ratification, strike line 24 and all that follows through page 21, line 8, and insert the following:

(4) DEFENDING THE UNITED STATES AND ALLIES AGAINST STRATEGIC ATTACK.—It is the understanding of the United States that—

(A) a paramount obligation of the United States Government is to provide for the defense of the American people, deployed members of the United States Armed Forces, and United States allies against nuclear attacks to the best of its ability;

(B) policies based on “mutual assured destruction” or intentional vulnerability can be contrary to the safety and security of both countries, and the United States and the Russian Federation share a common interest in moving cooperatively as soon as possible away from a strategic relationship based on mutual assured destruction;

(C) in a world where biological, chemical, and nuclear weapons and the means to deliver them are proliferating, strategic stability can be enhanced by strategic defensive measures;

(D) accordingly, the United States is and will remain committed to reducing the vulnerability to attack by constructing a layered missile defense system capable of countering missiles of all ranges;

(E) the United States will welcome steps by the Russian Federation also to adopt a fundamentally defensive strategic posture that no longer views robust strategic defensive capabilities as undermining the overall strategic balance, and stands ready to cooperate with the Russian Federation on strategic defensive capabilities, as long as such cooperation is aimed at fostering and in no way constrains the defensive capabilities of both sides; and

(F) the United States is committed to improving United States strategic defensive capabilities both quantitatively and qualitatively during the period that the New START Treaty is in effect, and such improvements are consistent with the Treaty and do not constitute an extraordinary event, as described in paragraph 3 of Article XIV of the Treaty.

(c) DECLARATIONS.—The advice and consent of the Senate to the ratification of the New START Treaty is subject to the following declarations, which express the intent of the Senate:

(1) MISSILE DEFENSE.—(A) It is the sense of the Senate that—

(i) pursuant to the National Missile Defense Act of 1999 (Public Law 106-38), it is the policy of the United States “to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate)”;

(ii) defenses against ballistic missiles are essential for new deterrent strategies and for new strategies should deterrence fail; and

(iii) further limitations on the missile defense capabilities of the United States are not in the national security interest of the United States.

(B) The New START Treaty and the April 7, 2010, unilateral statement of the Russian Federation on missile defense do not limit in any way, and shall not be interpreted as limiting, activities that the United States Government currently plans or that might be required over the duration of the New START Treaty to protect the United States pursuant

to the National Missile Defense Act of 1999, or to protect United States Armed Forces and United States allies from limited ballistic missile attack, including further planned enhancements to the Ground-based Midcourse Defense system and all phases of the Phased Adaptive Approach to missile defense in Europe.

(C) Given its concern about missile defense issues, the Senate expects the executive branch to offer regular briefings, not less than twice each year, to the Committees on Foreign Relations and Armed Services of the Senate on all missile defense issues related to the New START Treaty and on the progress of United States-Russia dialogue and cooperation regarding missile defense.

SA 4911. Mr. DEMINT submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

On page 17 of the resolution of ratification, strike line 24 and all that follows through page 21, line 8, and insert the following:

(4) DEFENDING THE UNITED STATES AND ALLIES AGAINST STRATEGIC ATTACK.—It is the understanding of the United States that—

(A) a paramount obligation of the United States Government is to provide for the defense of the American people, deployed members of the United States Armed Forces, and United States allies against nuclear attacks to the best of its ability;

(B) policies based on “mutual assured destruction” or intentional vulnerability can be contrary to the safety and security of both countries, and the United States and the Russian Federation share a common interest in moving cooperatively as soon as possible away from a strategic relationship based on mutual assured destruction;

(C) in a world where biological, chemical, and nuclear weapons and the means to deliver them are proliferating, strategic stability can be enhanced by strategic defensive measures;

(D) accordingly, the United States is and will remain committed to reducing the vulnerability to attack by constructing a layered missile defense system capable of countering missiles of all ranges;

(E) the United States will welcome steps by the Russian Federation also to adopt a fundamentally defensive strategic posture that no longer views robust strategic defensive capabilities as undermining the overall strategic balance, and stands ready to cooperate with the Russian Federation on strategic defensive capabilities, as long as such cooperation is aimed at fostering and in no way constrains the defensive capabilities of both sides; and

(F) the United States is committed to improving United States strategic defensive capabilities both quantitatively and qualitatively during the period that the New START Treaty is in effect, and such improvements are consistent with the Treaty and do not constitute an extraordinary event, as described in paragraph 3 of Article XIV of the Treaty.

(c) DECLARATIONS.—The advice and consent of the Senate to the ratification of the New START Treaty is subject to the following declarations, which express the intent of the Senate:

(1) MISSILE DEFENSE.—(A) It is the sense of the Senate that—

(i) pursuant to the National Missile Defense Act of 1999 (Public Law 106-38), it is the

policy of the United States “to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate)”;

(ii) defenses against ballistic missiles are essential for new deterrent strategies and for new strategies should deterrence fail; and

(iii) further limitations on the missile defense capabilities of the United States are not in the national security interest of the United States.

(B) The New START Treaty and the April 7, 2010, unilateral statement of the Russian Federation on missile defense do not limit in any way, and shall not be interpreted as limiting, activities that the United States Government currently plans or that might be required over the duration of the New START Treaty to protect the United States pursuant to the National Missile Defense Act of 1999, or to protect United States Armed Forces and United States allies from limited ballistic missile attack, including further planned enhancements to the Ground-based Midcourse Defense system and all phases of the Phased Adaptive Approach to missile defense in Europe.

(C) Given its concern about missile defense issues, the Senate expects the executive branch to offer regular briefings, not less than twice each year, to the Committees on Foreign Relations and Armed Services of the Senate on all missile defense issues related to the New START Treaty and on the progress of United States-Russia dialogue and cooperation regarding missile defense.

SA 4912. Mr. KIRK submitted an amendment intended to be proposed to amendment SA 4900 submitted by Mr. MCCAIN (for himself and Mr. CORKER) and intended to be proposed to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

On page 6, strike lines 2 through 7 and insert the following:

(4) SENSITIVE INFORMATION ON MISSILE DEFENSE SYSTEMS.—It is the understanding of the United States that the United States will not provide the Russian Federation any access to United States sensitive data, including tracking, targeting, and telemetry data, technology, and common operational pictures, with respect to United States missile defense systems for the duration of the New START Treaty.

SA 4913. Mr. LIEBERMAN (for himself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

In paragraph (1) of subsection (b) of the Resolution of Ratification, beginning in subparagraph (B), strike “United States; and”

and all that follows through the period at the end of subparagraph (C) and insert the following: “United States;

(C) the April 7, 2010, unilateral statement by the Russian Federation on missile defense does not impose a legal obligation on the United States;

(D) the eighth clause of the preamble of the New START Treaty, which recognizes “the existence of the interrelationship between strategic offensive arms and strategic defensive arms,” does not impose a legal obligation on the United States, nor does it limit the development and deployment of United States missile defense systems, including qualitative and quantitative improvements to such systems;

(E) although the United States cannot circumscribe the Russian Federation’s sovereign rights under Article XIV(3) of the New START Treaty, it is the understanding of the United States that the development and deployment of United States missile defense systems do not and will not alter the strategic balance with the Russian Federation nor threaten its strategic nuclear force potential, and therefore do not constitute a basis for questioning the effectiveness and viability of the New START Treaty, and would not give rise to circumstances justifying Russia’s withdrawal from the Treaty; and

(F) the development and deployment of United States missile defense systems is not dependent on the Russian Federation entering into or remaining a Party to the New START Treaty, as it is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate), including all phases of the European Phased Adaptive Approach, the continued modernization of the ground-based midcourse defense system, and other programs to defend the United States, its deployed forces, allies, and partners against ballistic missile threats.

SA 4914. Mr. REID (for Mr. KERRY (for himself and Ms. SNOWE)) proposed an amendment to the bill H.R. 81, to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—SHARK CONSERVATION ACT OF 2010

Sec. 101. Short title.

Sec. 102. Amendment of the High Seas Driftnet Fishing Moratorium Protection Act.

Sec. 103. Amendment of Magnuson-Stevens Fishery Conservation and Management Act.

Sec. 104. Offset of implementation cost.

TITLE II—INTERNATIONAL FISHERIES AGREEMENT

Sec. 201. Short title.

Sec. 202. International Fishery Agreement.

Sec. 203. Application with other laws.

Sec. 204. Effective date.

TITLE III—MISCELLANEOUS

Sec. 301. Technical corrections to the Western and Central Pacific Fisheries Convention Implementation Act.

Sec. 302. Pacific Whiting Act of 2006.

Sec. 303. Replacement vessel.

TITLE I—SHARK CONSERVATION ACT OF 2010

SEC. 101. SHORT TITLE.

This title may be cited as the “Shark Conservation Act of 2010”.

SEC. 102. AMENDMENT OF HIGH SEAS DRIFNET FISHING MORATORIUM PROTECTION ACT.

(a) ACTIONS TO STRENGTHEN INTERNATIONAL FISHERY MANAGEMENT ORGANIZATIONS.—Section 608 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826i) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking “and” at the end;

(B) in subparagraph (E), by inserting “and” after the semicolon; and

(C) by adding at the end the following:

“(F) to adopt shark conservation measures, including measures to prohibit removal of any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea;”;

(2) in paragraph (2), by striking “and” at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

“(3) seeking to enter into international agreements that require measures for the conservation of sharks, including measures to prohibit removal of any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea, that are comparable to those of the United States, taking into account different conditions; and”.

(b) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—Subparagraph (A) of section 609(e)(3) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(e)(3)) is amended—

(1) by striking the “and” before “bycatch reduction requirements”; and

(2) by striking the semicolon at the end and inserting “, and shark conservation measures;”.

(c) EQUIVALENT CONSERVATION MEASURES.—(1) IDENTIFICATION.—Subsection (a) of section 610 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k) is amended—

(A) in the matter preceding paragraph (1), by striking “607, a nation if—” and inserting “607—”;

(B) in paragraph (1)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(ii) by moving clauses (i) and (ii) (as so redesignated) 2 ems to the right;

(C) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(D) by moving subparagraphs (A) through (C) (as so redesignated) 2 ems to the right;

(E) by inserting before subparagraph (A) (as so redesignated) the following:

“(1) a nation if—”;

(F) in subparagraph (C) (as so redesignated) by striking the period at the end and inserting “; and”; and

(G) by adding at the end the following:

“(2) a nation if—

“(A) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year, in fishing activities or practices in waters beyond any national jurisdiction that target or incidentally catch sharks; and

“(B) the nation has not adopted a regulatory program to provide for the conservation of sharks, including measures to prohibit removal of any of the fins of a shark (including the tail) and discarding the car-

cass of the shark at sea, that is comparable to that of the United States, taking into account different conditions.”.

(2) INITIAL IDENTIFICATIONS.—The Secretary of Commerce shall begin making identifications under paragraph (2) of section 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(a)), as added by paragraph (1)(G), not later than 1 year after the date of the enactment of this Act.

SEC. 103. AMENDMENT OF MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

(a) IN GENERAL.—Paragraph (1) of section 307 of Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) is amended—

(1) by amending subparagraph (P) to read as follows:

“(P)(i) to remove any of the fins of a shark (including the tail) at sea;

“(ii) to have custody, control, or possession of any such fin aboard a fishing vessel unless it is naturally attached to the corresponding carcass;

“(iii) to transfer any such fin from one vessel to another vessel at sea, or to receive any such fin in such transfer, without the fin naturally attached to the corresponding carcass; or

“(iv) to land any such fin that is not naturally attached to the corresponding carcass, or to land any shark carcass without such fins naturally attached;”;

(2) by striking the matter following subparagraph (R) and inserting the following:

“For purposes of subparagraph (P), there shall be a rebuttable presumption that if any shark fin (including the tail) is found aboard a vessel, other than a fishing vessel, without being naturally attached to the corresponding carcass, such fin was transferred in violation of subparagraph (P)(iii) or that if, after landing, the total weight of shark fins (including the tail) landed from any vessel exceeds five percent of the total weight of shark carcasses landed, such fins were taken, held, or landed in violation of subparagraph (P). In such subparagraph, the term ‘naturally attached’, with respect to a shark fin, means attached to the corresponding shark carcass through some portion of uncut skin.”.

(b) SAVINGS CLAUSE.—

“(1) IN GENERAL.—The amendments made by subsection (a) do not apply to an individual engaged in commercial fishing for smooth dogfish (*Mustelus canis*) in that area of the waters of the United States located shoreward of a line drawn in such a manner that each point on it is 50 nautical miles from the baseline of a State from which the territorial sea is measured, if the individual holds a valid State commercial fishing license, unless the total weight of smooth dogfish fins landed or found on board a vessel to which this subsection applies exceeds 12 percent of the total weight of smooth dogfish carcasses landed or found on board.

(2) DEFINITIONS.—In this subsection:

(A) COMMERCIAL FISHING.—The term “commercial fishing” has the meaning given that term in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

(B) STATE.—The term “State” has the meaning given that term in section 803 of Public Law 103–206 (16 U.S.C. 5102).

SEC. 104. OFFSET OF IMPLEMENTATION COST.

Section 308(a) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(a)) is amended by striking “2012.” and inserting “2010, and \$2,500,000 for each of fiscal years 2011 and 2012.”.

TITLE II—INTERNATIONAL FISHERIES AGREEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the “International Fisheries Agreement Clarification Act”.

SEC. 202. INTERNATIONAL FISHERY AGREEMENT.

Consistent with the intent of provisions of the Magnuson-Stevens Fishery and Conservation and Management Act relating to international agreements, the Secretary of Commerce and the New England Fishery Management Council may, for the purpose of rebuilding those portions of fish stocks covered by the United States-Canada Transboundary Resource Sharing Understanding on the date of enactment of this Act—

(1) take into account the Understanding and decisions made under that Understanding in the application of section 304(e)(4)(A)(i) of the Act (16 U.S.C. 1854(e)(4)(A)(i));

(2) consider decisions made under that Understanding as “management measures under an international agreement” that “dictate otherwise” for purposes of section 304(e)(4)(A)(ii) of the Act (16 U.S.C. 1854(e)(4)(A)(ii)); and

(3) establish catch levels for those portions of fish stocks within their respective geographic areas covered by the Understanding on the date of enactment of this Act that exceed the catch levels otherwise required under the Northeast Multispecies Fishery Management Plan if—

(A) overfishing is ended immediately;

(B) the fishing mortality level ensures rebuilding within a time period for rebuilding specified taking into account the Understanding pursuant to paragraphs (1) and (2) of this subsection; and

(C) such catch levels are consistent with that Understanding.

SEC. 203. APPLICATION WITH OTHER LAWS.

Nothing in this title shall be construed to amend the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) or to limit or otherwise alter the authority of the Secretary of Commerce under that Act concerning other species.

SEC. 204. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), section 202 shall apply with respect to fishing years beginning after April 30, 2010.

(b) SPECIAL RULE.—Section 202(3)(B) shall only apply with respect to fishing years beginning after April 30, 2012.

TITLE III—MISCELLANEOUS

SEC. 301. TECHNICAL CORRECTIONS TO THE WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION IMPLEMENTATION ACT.

Section 503 of the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6902) is amended—

(1) by striking “Management Council and” in subsection (a) and inserting “Management Council, and one of whom shall be the chairman or a member of”;

(2) by striking subsection (c)(1) and inserting the following:

“(1) EMPLOYMENT STATUS.—Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”; and

(3) by striking subsection (d)(2)(B)(ii) and inserting the following:

“(ii) shall not be considered Federal employees except for the purposes of injury

compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”.

SEC. 302. PACIFIC WHITING ACT OF 2006.

(a) SCIENTIFIC EXPERTS.—Section 605(a)(1) of the Pacific Whiting Act of 2006 (16 U.S.C. 7004(a)(1)) is amended by striking “at least 6 but not more than 12” inserting “no more than 2”.

(b) EMPLOYMENT STATUS.—Section 609(a) of the Pacific Whiting Act of 2006 (16 U.S.C. 7008(a)) is amended to read as follows:

“(a) EMPLOYMENT STATUS.—Individuals appointed under section 603, 604, 605, or 606 of this title, other than officers or employees of the United States Government, shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”.

SEC. 303. REPLACEMENT VESSEL.

Notwithstanding any other provision of law, the Secretary of Commerce may promulgate regulations that allow for the replacement or rebuilding of a vessel qualified under subsections (a)(7) and (g)(1)(A) of section 219 of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 188 Stat. 886-891).

SA 4915. Mr. KERRY (for Mr. SCHUMER (for himself, Ms. COLLINS, Mrs. GILLIBRAND, and Mr. CONRAD)) proposed an amendment to the bill H.R. 4748, to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counter-narcotics strategy, and for other purposes; 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.”.

SA 4916. Mr. LIEBERMAN (for Mr. KERRY (for himself and Ms. COLLINS)) proposed an amendment to the 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; 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.”

CONSUMER ASSISTANCE TO RECYCLE AND SAVE ACT

On Sunday, December 19, 2010, the Senate passed H.R. 2751, as amended, as follows:

H.R. 2751

Resolved, That the bill from the House of Representatives (H.R. 2751) entitled “An Act to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles.”, do pass with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “FDA Food Safety Modernization Act”.

(b) REFERENCES.—Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

Sec. 101. Inspections of records.

Sec. 102. Registration of food facilities.

Sec. 103. Hazard analysis and risk-based preventive controls.

Sec. 104. Performance standards.

Sec. 105. Standards for produce safety.

Sec. 106. Protection against intentional adulteration.

Sec. 107. Authority to collect fees.

Sec. 108. National agriculture and food defense strategy.

Sec. 109. Food and Agriculture Coordinating Councils.

Sec. 110. Building domestic capacity.

Sec. 111. Sanitary transportation of food.

Sec. 112. Food allergy and anaphylaxis management.

Sec. 113. New dietary ingredients.

Sec. 114. Requirement for guidance relating to post harvest processing of raw oysters.

Sec. 115. Port shopping.

Sec. 116. Alcohol-related facilities.

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

Sec. 201. Targeting of inspection resources for domestic facilities, foreign facilities, and ports of entry; annual report.

Sec. 202. Laboratory accreditation for analyses of foods.

Sec. 203. Integrated consortium of laboratory networks.

Sec. 204. Enhancing tracking and tracing of food and recordkeeping.

Sec. 205. Surveillance.

Sec. 206. Mandatory recall authority.

Sec. 207. Administrative detention of food.

Sec. 208. Decontamination and disposal standards and plans.

Sec. 209. Improving the training of State, local, territorial, and tribal food safety officials.

Sec. 210. Enhancing food safety.

Sec. 211. Improving the reportable food registry.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

Sec. 301. Foreign supplier verification program.

Sec. 302. Voluntary qualified importer program.

Sec. 303. Authority to require import certifications for food.

Sec. 304. Prior notice of imported food shipments.

Sec. 305. Building capacity of foreign governments with respect to food safety.

Sec. 306. Inspection of foreign food facilities.

Sec. 307. Accreditation of third-party auditors.

Sec. 308. Foreign offices of the Food and Drug Administration.

Sec. 309. Smuggled food.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Funding for food safety.

Sec. 402. Employee protections.

Sec. 403. Jurisdiction; authorities.

Sec. 404. Compliance with international agreements.

Sec. 405. Determination of budgetary effects.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

SEC. 101. INSPECTIONS OF RECORDS.

(a) IN GENERAL.—Section 414(a) (21 U.S.C. 350c(a)) is amended—

(1) by striking the heading and all that follows through “of food is” and inserting the following: “RECORDS INSPECTION.—

“(1) ADULTERATED FOOD.—If the Secretary has a reasonable belief that an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, is”;

(2) by inserting “, and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner,” after “relating to such article”;

(3) by striking the last sentence; and

(4) by inserting at the end the following:

“(2) USE OF OR EXPOSURE TO FOOD OF CONCERN.—If the Secretary believes that there is a reasonable probability that the use of or exposure to an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, will cause serious adverse health consequences or