

of President Barack Obama, including the statement on November 18, 2010, that “[t]he New START treaty is also a cornerstone of our relations with Russia” for the reason that “Russia has been fundamental to our efforts to put strong sanctions in place to put pressure on Iran to deal with its nuclear program”. Accordingly, the advice and consent of the Senate to ratification of the New START Treaty is conditioned on the expectation that the Russian Federation will cooperate fully with United States and international efforts to prevent the Government of Iran from developing a nuclear weapons capability.

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

(i) the Russian Federation is in full compliance with all United Nations Security Council Resolutions relating to Iran;

(ii) the Government of the Russian Federation has assured the United States that neither it nor any entity subject to its jurisdiction and control will—

(I) transfer to Iran the S-300 air defense system or other advanced weapons systems or any parts thereof; or

(II) transfer such items to a third party which will in turn transfer such items to Iran;

(iii) the Government of the Russian Federation has assured the United States that neither it nor any entity subject to its jurisdiction and control will transfer to Iran goods, services, or technology that contribute to the advancement of the nuclear or missile programs of the Government of Iran; and

(iv) the Government of the Russian Federation has assured the United States that it will support efforts at the United Nations Security Council and elsewhere to increase political and economic pressure on the Government of Iran to abandon its nuclear weapons program.

(C) Each annual report submitted pursuant to paragraph (10) shall include a certification by the President that between the date the New START Treaty entered into force and December 31, 2011, or, in subsequent reports, during the previous year—

(i) the Russian Federation was in full compliance with all United Nations Security Council Resolutions relating to Iran;

(ii) neither the Government of the Russian Federation nor any entity subject to its jurisdiction and control has, with the knowledge of the Government of the Russian Federation, transferred to Iran the S-300 air defense system or other advanced weapons systems;

(iii) neither the Government of the Russian Federation nor any entity subject to its jurisdiction and control has, with the knowledge of the Government of the Russian Federation, transferred to Iran goods, services, or technology that contribute to the advancement of the nuclear weapons or missile programs of Iran; and

(iv) the Russian Federation has supported efforts at the United Nations Security Council and elsewhere to increase political and economic pressure on the Government of Iran to abandon its nuclear weapons program, and has not sought to weaken initiatives aimed at increasing such pressure.

(D) If in any annual report submitted pursuant to paragraph (10) the President fails to make the certification described in subparagraph (C), then the President shall—

(i) consult with the Senate regarding the implications of the Russian Federation’s actions for the national security interests of the United States;

(ii) seek on an urgent basis a meeting with the Russian Federation at the highest diplomatic level with the objective of persuading

the Russian Federation to fully support United States and international efforts to prevent the Government of Iran from developing a nuclear weapons capability; and

(iii) submit a report to the Senate promptly thereafter, detailing—

(I) whether adherence to the New START Treaty remains in the national security interests of the United States; and

(II) how the United States will redress the impact of the actions of the Russian Federation on the national security interests of the United States.

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

(14) **RUSSIAN COOPERATION ON IRAN.**—It is the sense of the Senate that failure by the Russian Federation to cooperate with United States and international efforts to prevent Iran from developing a nuclear weapons capability would lead to an increased threat to the United States and its allies, undermining the long-term foundation of the New START Treaty.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. CASEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 21, 2010 at 2:30 p.m.

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

ORDER OF PROCEDURE

Mr. KERRY. Madam President, I ask unanimous consent to proceed as in legislative session and as in morning business to process some cleared legislative items.

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

FEDERAL WATER POLLUTION CONTROL ACT

Mr. HARKIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 715, S. 3481.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3481) to amend the Federal Water Pollution Control Act to clarify Federal responsibility for storm water pollution.

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

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

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

The amendment (No. 4917) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. FEDERAL RESPONSIBILITY TO PAY FOR STORMWATER PROGRAMS.

Section 313 of the Federal Water Pollution Control Act (33 U.S.C. 1323) is amended by adding at the end the following:

“(c) REASONABLE SERVICE CHARGES.—

“(1) IN GENERAL.—For the purposes of this Act, reasonable service charges described in subsection (a) include any reasonable nondiscriminatory fee, charge, or assessment that is—

“(A) based on some fair approximation of the proportionate contribution of the property or facility to stormwater pollution (in terms of quantities of pollutants, or volume or rate of stormwater discharge or runoff from the property or facility); and

“(B) used to pay or reimburse the costs associated with any stormwater management program (whether associated with a separate storm sewer system or a sewer system that manages a combination of stormwater and sanitary waste), including the full range of programmatic and structural costs attributable to collecting stormwater, reducing pollutants in stormwater, and reducing the volume and rate of stormwater discharge, regardless of whether that reasonable fee, charge, or assessment is denominated a tax.

“(2) LIMITATION ON ACCOUNTS.—

“(A) LIMITATION.—The payment or reimbursement of any fee, charge, or assessment described in paragraph (1) shall not be made using funds from any permanent authorization account in the Treasury.

“(B) REIMBURSEMENT OR PAYMENT OBLIGATION OF FEDERAL GOVERNMENT.—Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government, as described in subsection (a), shall not be obligated to pay or reimburse any fee, charge, or assessment described in paragraph (1), except to the extent and in an amount provided in advance by any appropriations Act to pay or reimburse the fee, charge, or assessment.”.

The bill (S. 3481), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

APPLICATION OF CERTAIN ENERGY EFFICIENCY STANDARDS UNDER THE ENERGY POLICY AND CONSERVATION ACT

Mr. KERRY. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5470, received from the House and at the desk. The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5470) to exclude an external power supply for certain security or life safety alarms and surveillance system components from the application of certain energy efficiency standards under the Energy Policy and Conservation Act.

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

Mr. KERRY. Madam President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The bill (H.R. 5470) was ordered to a third reading, was read the third time, and passed.

INDIAN PUEBLO CULTURAL CENTER CLARIFICATION ACT

Mr. KERRY. Madam President, I ask unanimous consent that the Senate

proceed to the immediate consideration of Calendar No. 720, H.R. 4445.

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

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 4445) to amend Public Law 95-232 to repeal a restriction on treating as Indian country certain lands held in trust for Indian pueblos in New Mexico.

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

Mr. KERRY. Madam President, I further ask that the bill be read three times 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. 4445) was ordered to a third reading, was read the third time, and passed.

AUTHORIZING LEASES OF UP TO 99 YEARS FOR LANDS HELD IN TRUST FOR OHKAY OWINGEH PUEBLO

Mr. KERRY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 701, S. 3903.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3903) to authorize leases of up to 99 years for lands held in trust for Ohkay Owingeh Pueblo.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 3903

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

SECTION 1. OHKAY OWINGEH PUEBLO LEASING AUTHORITY.

[(a) AUTHORIZATION FOR 99-YEAR LEASES.—] Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence by inserting “and lands held in trust for Ohkay Owingeh Pueblo” after “of land on the Devils Lake Sioux Reservation.”

[(b) APPLICATION.—The amendment made by subsection (a) shall apply to any lease entered into or renewed after the date of the enactment of this Act.]

Mr. KERRY. Madam President, I further ask that the committee-reported amendments be agreed to, the bill as amended 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 be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 3903), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3903

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

SECTION 1. OHKAY OWINGEH PUEBLO LEASING AUTHORITY.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence by inserting “and lands held in trust for Ohkay Owingeh Pueblo” after “of land on the Devils Lake Sioux Reservation.”

SIGNING AUTHORITY

Mr. KERRY. Madam President, I ask unanimous consent that Senator WEBB be authorized to sign any duly enrolled bills or joint resolutions beginning December 27 through 11:59 a.m., Monday, January 3, 2011.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDERS FOR WEDNESDAY, DECEMBER 22, 2010

Mr. LEVIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m., on Wednesday, December 22; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to executive session and resume consideration of the New START treaty; and finally, I ask that the time during adjournment or period of morning business count postcloture.

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

PROGRAM

Mr. LEVIN. Madam President, cloture was invoked on the New START treaty today. We hope we will be able to reach an agreement to yield back some of the postcloture debate time. We will also continue to work on an agreement to consider the 9/11 health legislation and a number of other executive nominations.

We also would hope that we can complete work on the Defense authorization bill tomorrow morning as well, early in the day, hopefully, right around 9 o'clock.

Senators will be notified when any votes are scheduled.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. LEVIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 11:05 p.m., adjourned until Wednesday, December 22, 2010, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Tuesday, December 21, 2010:

THE JUDICIARY

BENITA Y. PEARSON, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.
WILLIAM JOSEPH MARTINEZ, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.