to the Bureau of Indian Education of the Department of the Interior for Indian children; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WHITEHOUSE (for himself, Ms. COLLINS, Mr. CARDIN, Mr. WYDEN, Mrs. FEINSTEIN, Mr. SANDERS, Ms. CANTWELL, Mr. LEVIN, Mr. KERRY, and Mr. LAUTENBERG):

S. Res. 503. A resolution designating May 21, 2010, as ''Endangered Species Day''; to the Committee on the Judiciary.

By Mr. WICKER (for himself and Mr. COCHRAN):

S. Res. 504. A resolution expressing the condolences of the Senate to those affected by the tragic events following the tornado that hit central Mississippi on April 24, 2010; considered and agreed to.

ADDITIONAL COSPONSORS

S. 384

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 777

At the request of Mr. BROWN of Ohio, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 777, a bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1055

At the request of Mrs. BOXER, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Arkansas (Mr. PRYOR) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1611

At the request of Mr. GREGG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1681

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1695

At the request of Mr. BURRIS, the names of the Senator from North Carolina (Mr. BURR) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 1695, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 2862

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2862, a bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes.

S. 2962

At the request of Mr. DODD, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2962, a bill to amend title II of the Social Security Act to apply an earnings test in determining the amount of monthly insurance benefits for individuals entitled to disability insurance benefits based on blindness.

S. 2986

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2986, a bill to authorize the Administrator of the Small Business Administration to waive interest for certain loans relating to damage caused by Hurricane Katrina, Hurricane Rita, Hurricane Gustav, or Hurricane Ike.

S. 3039

At the request of Mr. UDALL of New Mexico, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3039, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 3065

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3065, a bill to amend title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as ''Don't Ask, Don't Tell'', with a policy of nondiscrimination on the basis of sexual orientation.

S. 3181

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3181, a bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes.

S. 3196

At the request of Mr. KAUFMAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3196, a bill to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

S. 3201

At the request of Mr. UDALL of Colorado, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3201, a bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26.

S. 3254

At the request of Mr. BROWN of Ohio, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3254, a bill to amend the Fair Labor Standards Act of 1938 to require persons to keep records of nonemployees who perform labor or services for remuneration and to provide a special penalty for persons who misclassify employees as non-employees, and for other purposes.

S. 3262

At the request of Mr. MENENDEZ, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 3262, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 3265

At the request of Mr. MCCAIN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 3265, a bill to restore Second Amendment rights in the District of Columbia.

S.J. RES. 28

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S.J. Res. 28, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. CON. RES. 61

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. Con. Res. 61, a concurrent resolution expressing the sense of the Congress that general aviation pilots and industry should be recognized for the contributions made in response to Haiti earthquake relief efforts.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER:

S. 3268. A bill to amend title 49, United States Code, to prohibit individuals who have worked on motor vehicle safety issues at NHTSA from assisting motor vehicles manufacturers with

NHTSA compliance matters for a period of 3 years after terminating employment at NHTSA, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, last August, California Highway Patrol Officer Mark Saylor, his wife, 13 year old daughter, and brother-in-law were killed in a tragic car accident that shocked the community of San Diego and the nation.

Their vehicle, a rental Lexus ES350, reached speeds of 120 mph as the family desperately called 911 in vain for help. This tragedy should not have occurred, and sadly, it is just one of many examples across California and the country of accidents involving Toyota and Lexus vehicles.

These accidents raise serious questions about the effectiveness of the recalls and whether Toyota and federal regulators at the National Highway Traffic Safety Administration, NHTSA, took appropriate and timely action to protect the public.

At the Senate Commerce Committee hearing on the Toyota recalls this past March, I called attention to reports that former NHTSA employees now employed by Toyota worked to limit Toyota's recall. In fact, Toyota's own internal documents stated that the company had achieved a ''win'' by ''negotiating an equipment recall'' on the Camry and Lexus ES vehicles that saved Toyota $100 million. It is a shocking example of a company counting profit wins at the expense of the public's health and safety.

The revolving door that exists between government regulators at NHTSA and the auto industry is unacceptable, and it puts consumers at risk. In fact, the Washington Post reported that as many as 33 former NHTSA and Department of Transportation, DOT, employees continue to work on vehicle recalls and safety compliance, capacities that deal directly with NHTSA's oversight authority over the industry.

That is why I am introducing the Motor Vehicle Safety Integrity Employment Act, to end the revolving door that exists between our vehicle safety regulatory agency—NHTSA—and the auto industry.

My bill prohibits NHTSA employees from working for auto manufacturers for three years in any job that involves written or oral communication with NHTSA, representing or advising a manufacturer with respect to motor vehicle safety, or assisting a manufacturer with responding to a request for information from NHTSA.

This restriction applies to high ranking NHTSA officials, as well as any individual whose responsibilities during the last 12 months at NHTSA included administrative, managerial, legal, supervisory, or senior technical responsibility for any motor vehicle safety-related program.

My legislation provides penalties for individuals and manufacturers who violate the law. Manufacturers are subject to fines not less than $100,000 and the amount equal to 90 percent annual compensation paid to that employee.

Finally, our bill requires the Inspector General to conduct a comprehensive study of DOT's policies related to post-employment restrictions for employees who handle motor vehicle safety related work beyond NHTSA at DOT, and DOT employees who handle all safety related work across all transportation modes. My legislation gives DOT the authority to take appropriate action as warranted.

We need to ensure that consumer safety is not compromised by cozy relationships between government regulators and industry. I am proud to introduce this bill to protect the public and look forward to working with my colleagues to enact this legislation as quickly as possible.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

APRIL 27, 2010.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER; We are writing to strongly endorse the Motor Vehicle Safety Integrity Employment Act you are sponsoring that will close a legal loophole concerning post-government employment in the auto industry by former government personnel of the National Highway Traffic Safety Administration (NHTSA). Congressional hearings and media investigations into high speed crashes and deaths caused by unintended acceleration, the premature closure of agency defect investigations and the subsequent recall of ten million vehicles by Toyota Motor Corporation exposed a revolving door of former NHTSA regulators representing the automaker in safety matters before the agency.

Activities by former NHTSA employees who are subsequently hired by automakers have the potential to jeopardize the agency's investigations, rulemakings, and oversight functions. These ethics issues need to be corrected and addressed in legislation. It is essential and expected that NHTSA conducts impartial analyses of all vehicle safety issues. It is critical to protect the integrity of the agency's investigatory and enforcement role, as well as to ensure public safety when the agency sets safety standards. Your legislation is needed in order to restore the trust of the American public in our government regulators and ensure the safety of millions of vehicles that families depend on to travel to work, transport children to school and to bring us home safely.

Your legislation, when enacted, will prevent undue industry influence in the agency's enforcement and regulatory decision-making and address an unacceptable defect in current ethics restrictions for former NHTSA employees. Thank you for your leadership.

Sincerely,

Joan Claybrook, President Emeritus, Public Citizen; Clarence Ditlow, Executive Director, Center for Auto Safety; Janette Fennell, Founder & President, KIDS AND CARS; Rosemary Shahan, President, Consumers for Auto Reliability and Safety; Ami Gadhia, Policy Counsel, Consumers Union; Jacqueline S. Gillan, Vice President, Advocates for Highway and Auto Safety; Jack Gillis, Director of Public Affairs, Consumer Federation of America; Andrew McGuire, Executive Director, Trauma Foundation; Ellen Bloom, Director, Federal Policy and Washington Office, Consumers Union.

By Mr. MCCAIN:

S. 3270. A bill to include the county of Mohave, in the State of Arizona, as an affected area for purposes of making claims under the Radiation Exposure Compensation Act based on exposure to atmospheric nuclear testing; to the Committee on the Judiciary.

Mr. MCCAIN. Mr. President, I am pleased to introduce legislation that would amend the Radiation Exposure Compensation Act, RECA, by adding Mohave County, AZ, to the list of counties eligible for downwinder compensation. A similar proposal was introduced in the House of Representatives by Congressman TRENT FRANKS. I'm hopeful this bill will help close a painful chapter for those Arizonans who were arguably the most affected by nuclear weapons testing during the Cold War.

In 1990, Congress enacted the Radiation Exposure Compensation Act to compensate victims or their survivors who suffered certain illnesses caused by fallout exposure ''down wind'' of atmospheric nuclear weapons testing in the 1940's and lasting into the 1960's. Among various requirements, compensation eligibility is limited to certain affected counties which are specifically listed in the law. Astonishingly, despite its close proximity to the Nevada Test Site, the original RECA law and its subsequent amendments never listed Mohave County proper as an affected area. I believe the people of Mohave County deserve to see righted this unjust policy which has obstructed their ability to qualify for compensation.

I understand that several of my colleagues have proposed similar RECA amendments based on data suggesting that their home states were also ''down wind'' of nuclear weapons testing. In addition, my colleague, Senator TOM UDALL, has introduced a far reaching legislative proposal to vastly expand the RECA program. I would hope that as these various RECA proposals advance through the legislative process, Congress gives thorough consideration to an April 2005 report by the National Academy of Sciences, NAS, that assessed, among other things, whether additional geographic areas should be added to the RECA program. The NAS study revealed a much wider area of radioactive fallout then originally identified when the RECA law was first written. The report also recommended replacing the geographic area criteria with a new science-based process for determining compensation eligibility, a method similar to what's used in the Radiation Exposed-Veterans Compensation Act and the Energy Employees Occupational Illness Compensation Program Act. I believe it is worthwhile

for policy makers to consider the recommendations of the NAS report.

In the meantime and until a comprehensive overhaul of RECA is developed, I will work within the parameters of the existing RECA law in my efforts to ensure that the people of Mohave County are treated fairly in this matter. I encourage my colleagues to support this bill.

By Mr. UDALL of New Mexico:

S. 3271. A bill to amend section 30166 of title 49, United States Code, to require the installation of event data recorders in all motor vehicles manufactured for sale in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. UDALL of New Mexico. Mr. President, I rise today to introduce legislation that I believe will help improve the safety of automobile drivers and passengers. The legislation, the Vehicle Safety Improvements Act, would, among other things, require all automobiles sold in the United States be equipped with an event data recorder, an EDR.

Event data recorders provide a report of a vehicle's operating statistics—things like the throttle position and speed of the vehicle—during the last seconds before and immediately after a crash.

They serve a similar function as the black boxes that are in each airplane by documenting critical information leading up to an incident. Unlike black boxes, an EDR doesn't record the voices of the vehicle occupants. It simply preserves the vehicle's internal operating data.

The information stored by an EDR can be crucial in determining what happened in the last few seconds prior to a crash and the moments immediately after. If a vehicle doesn't have a recorder, or if the data is not easily accessible, this information can be lost. That leaves local and Federal investigators little to work with as they try to determine whether a vehicle malfunction was to blame. Unfortunately, while the majority of vehicles in the United States are currently equipped with these recorders, many still do not have them.

In 2006, the National Highway Traffic Safety Administration, NHTSA, created a framework for the type of information to be recorded by event data recorders in light-duty vehicles, but it stopped short of requiring the recorders. If the vehicle manufacturer installs an event data recorder in a car, it must comply with the rule. But there is no requirement that the manufacturer install the recorder in the first place.

NHTSA's 2006 rule further requires the manufacturers to ensure that a tool to read the recorder is commercially available. Today, while there are tools commercially available, there is no one universal tool—creating a challenge for investigators who must carry a suitcase of readers with them on investigations. This is an unnecessary burden that can be easily addressed.

This particular burden came to light recently in the context of the tragic Toyota crashes. During hearings held by Chairman ROCKEFELLER in the Commerce Committee, we learned that although Toyotas were equipped with EDRs, until recently they were only able to be read by one computer in the entire United States. That is why, in addition to requiring recorders in all vehicles for sale in the United States, the Vehicle Safety Improvements Act will also require that recorders be easily read by a universal tool regardless of make or model of the vehicle.

In addition, NHTSA's rule also fails to address medium- and heavy-duty vehicles. My legislation would require NHTSA to issue a rule addressing those vehicles as well. While they comprise a small percentage of the vehicle miles traveled on an annual basis, medium- and heavy-duty vehicles are overrepresented in crashes resulting in fatalities. In these crashes, an event data recorder would be a useful tool during the crash investigation in determining the cause of the crash.

Finally, my bill protects privacy by ensuring that the data can only be accessed with the vehicle owner's permission when authorized by a court or a legal proceeding or by a government motor vehicle safety agency.

Adding these recorders would not cost much. In their rulemaking, NHTSA estimated the cost for the manufacturer to install an event data recorder at just over $2 per vehicle. That is a small price to pay for the critical information that can ultimately be used to save lives in the future.

Vehicle crashes are horrible and oftentimes tragic. They result in damage, injuries, and too often fatalities. They create congestion and cost our economy billions of dollars each year. Event data recorders will not prevent crashes, but they will help to determine what caused the crash and, in the case of a vehicle malfunction, help to identify solutions to improve vehicle performance. In the end, the data they provide will serve to ensure a safer travel environment for all.

I urge my Senate colleagues to join me in this important effort to improve vehicle safety. I look forward to working with them and my chairman, Chairman ROCKEFELLER, who has been a champion on issues of transportation safety, to pass the Vehicle Safety Improvements Act this year.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 3275. A bill to extend the Caribbean Basin Economic Recovery Act, to provide customs support services to Haiti, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, one of Aesop's Fables teaches us, ''In union there is strength.''

In 2009, Haiti's future was beginning to strengthen. A U.S. trade preference program, known as the Haitian Hemispheric Opportunity through Partnership Encouragement Act, or HOPE II, created incentives to increase textile and apparel production in Haiti. As a result, Haiti's textile and apparel sector was growing, creating new jobs and a viable economic future.

But on January 12, 2010, Haiti was struck by a 7.0 magnitude earthquake that took hundreds of thousands of lives, left a million people homeless, and shattered Haiti's burgeoning economy. As Haiti recovers from this devastation, we must unite with our neighbor to help provide the strength that it needs to recover and rebuild.

Today, Senator GRASSLEY and I introduce the Haiti Economic Lift Program Act of 2010—the HELP Act—to strengthen Haiti's path to economic recovery. Congressmen LEVIN, CAMP, and RANGEL are also introducing a companion bill in the House.

The HELP Act would build on the success of the HOPE Act by expanding access to the U.S. market for textile and apparel products from Haiti. As a result, it would create incentives for immediate and long-term private investment in Haiti, which would in turn create sustainable jobs and a stable economy. The HELP Act would also extend all of our trade preference programs for Haiti to 2020, ensuring that Haiti could rely on these tariff benefits as it plans its own economic future.

As we considered the needs of Haiti, we were also watchful of the needs of our domestic textile industry. We worked closely with the domestic industry for months to craft a bill that would not hurt our own workers, even as we help others.

The HELP Act represents a landmark union among the Senate, the House, Democrats, Republicans, and the domestic textile industry to help Haiti recover from its devastation. This union resulted in an unprecedented bill that will help Haiti emerge from the earthquake stronger than ever.

I urge my colleagues to join this union and quickly approve this legislation.

Mr. GRASSLEY. Mr. President, I have come to the floor to speak about a bill that Senator BAUCUS and I have introduced today. It's called the Haiti Economic Lift Program Act of 2010.

The purpose of our bill is to help Haiti recover from the devastation it suffered in the massive earthquake that struck the country in January.

How we respond to natural disasters says a lot about ourselves, whether it's flooding in Iowa or an earthquake in Haiti.

The idea behind the bill is simple. First, we extend current trade preferences for Haiti through fiscal year 2020, to provide more certainty for companies doing business either in Haiti or with Haitian partners.

Second, we grant additional duty-free access to the U.S. market for targeted

categories of textile and apparel products. That will help to draw more investment into Haiti's economy and thereby promote long-term job creation, economic development, and political stability.

Our bill is a bipartisan, bicameral compromise. It is the product of 3 months of collaborative negotiations among the chairmen and ranking members of the Senate Finance and House Ways and Means committees and with representatives of the U.S. textile industry and the Haitians themselves.

We also reached out to members of Congress who have constituent textile and apparel interests, to ensure that their concerns were addressed.

Our ability to reach agreement on the bill is a testament to the good will and good faith of all those involved in our negotiations.

The result reflects a careful balancing of interests, including Haiti's interest in spurring more investment in its economy, the interests of our trading partners in Central America in maintaining existing trade relationships, and our own domestic textile interests.

We took special care to address the sensitivities of our domestic producers.

In fact, I have a letter here from the two leading U.S. textile industry organizations. Their letter expresses support for our bill and encourages the Senate to pass the bill in an expeditious manner by unanimous consent.

Finally, I want to make special mention of my colleagues from states with textile interests, and to thank them for their constructive input in developing this legislation.

Without their engagement and support, we would not have arrived at the compromise bill that is being introduced today in both the Senate and the House of Representatives.

This is a balanced bill that addresses an urgent priority in the Western Hemisphere.

I ask my colleagues to give the bill their unanimous support when it comes before the Senate.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

APRIL 26, 2010.

Hon. MAX BAUCUS,
Chairman, Committee on Finance, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Hon. CHARLES GRASSLEY,
Ranking Member, Committee on Finance, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS and RANKING MEMBER GRASSLEY: As representatives of the United States textile industry, we are writing in regard to the Haiti Economic Lift Program Act of 2010, a bill to provide enhanced market access for apparel products manufactured in Haiti.

After lengthy negotiations with your staffs, we are pleased that we were able to reach an acceptable compromise on this important legislation. While the bill provides Haiti with a path forward for long-term economic recovery in the wake of its devastating earthquake, it also takes into account various sensitivities from the perspective of the U.S. textile industry.

For example, the bill grants significant increases in duty free treatment through a system of Tariff Preference Levels (TPLs) but also institutes sub-limits on highly sensitive products that can be exported under the TPLs. The sub-limits were a key priority for the domestic industry and will prevent over concentration of exports in one or two key areas that could be particularly damaging to U.S. producers. In addition, the bill extends the current Caribbean Basin Trade Partnership Act (CBTPA) through 2020. This extension will help to provide long-term certainty for a program that is of significant value for U.S. and Western Hemispheric trading partners.

Obviously, we take very seriously the impact that additional duty free imports may have on U.S. producers and workers as well as our Western Hemispheric customers. Noting those concerns, we also recognize that the devastating circumstances in Haiti produced an exceptional case that motivated Congress to develop a quick response and have worked with the Committee to develop a package that strikes an acceptable balance. We must stress, however, that this package does not set a precedent for Any future trade preference legislation.

For all these reasons, we are encouraging our Congressional members that represent the nearly 500,000 U.S. textile and apparel workers to approve this legislation in an expeditious manner under suspension of the rules in the House and by unanimous consent in the Senate.

Sincerely,

AUGUSTINE D. TANTILLO,
Executive Director, American Manufacturing Trade Action Coalition (AMTAC).

CASS M. JOHNSON,
President, National Council of Textile Organizations (NCTO).

Mr. WYDEN (for himself and Ms. MURKOWSKI):

S. 3276. A bill to provide an election to terminate certain capital construction funds without penalties; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am introducing a bill to reform the Capital Construction Fund to address major changes in the Nation's fisheries and to allow the Nation's fishers to have access to needed funds, to prevent over-fishing and to help create jobs.

The Capital Construction Fund, CCF, program was originally developed at a time when American fishes were having a hard time competing with highly efficient foreign fishing vessels—modern boats that often harvested US fishery resources within sight of our own shores. The initial idea behind the CCF Program was to enable US fishers to accumulate the funds necessary to develop a modern fishing fleet by allowing them to deposit a portion of their fishing-related earnings into a CCF savings account on a tax-deferred basis. Under the CCF program, monies subsequently withdrawn from the CCF accounts would remain tax free as long as they were invested in new or rebuilt fishing vessels. At the same time, any unauthorized withdrawals from CCF accounts were subject to severe interest and other penalties.

The program was a success—the CCF program helped the U.S. industry build a modern state-of-the-art fishing fleet. Unfortunately, that fleet has now become overcapitalized—a problem that has been exacerbated as managers have become more and more concerned about potential overfishing and have begun to reduce the amount of fish that they allow fishers to catch each year. As a result, the U.S. commercial fishing fleet now has more harvesting capacity than the U.S. fishery resource can sustainably support. The problem now is that the monies that remain on deposit in CCF accounts represent a potential for further overcapitalization at a time when less capitalization is needed. Yet the CCF regulations currently penalize withdrawals made for anything other than a bigger or better boat.

The issue now is what to do about the money that remains ''stranded'' in existing CCF accounts. Ironically, just as the current generation of fishers is getting ready to retire, the program puts heavy penalties on them if they take money out of their CCF accounts without using it for anything other than to further capitalize an already overcapitalized fleet.

The resulting situation is problematic for the fishers, the industry and the resource. That's why I am introducing legislation today along with my colleague Senator MURKOWSKI—to address the problem of stranded capital still on deposit in various CCF accounts and to relieve the pressure to increase further capitalization of the fishing fleet. My legislation will enable CCF fund-holders to make a one-time withdrawal from their CCF accounts without requiring them to re-invest it in the fishing industry. Instead, they will be required to pay the taxes due on the monies withdrawn, but without having to pay interest or other penalties on such withdrawals. Those funds would be freed up for other purposes, including starting a new business and finding other ways to support and create jobs. An income-averaging formula would be applied to the withdrawals so as to avoid an excessive tax rate on the one-time withdrawal. The fishers taking advantage of such an opportunity to take money out of their CCF accounts penalty free would then be required to close their CCF accounts and would be prohibited from further participation in the program. This is a win-win-win situation. The fisher gets to take the money out of his CCF without having to pay penalties and interest, but still pays the taxes when due; the Government gets taxes on the withdrawals; and the resource and the fishers who remain in the fishery avoid further capitalization of an already over-capitalized industry.

I look forward to working with Senator MURKOWSKI, the fishing community and the bill's other supporters to

advance this legislation to the President's desk.

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

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

S. 3276

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

SECTION 1. ELECTION TO TERMINATE CERTAIN CAPITAL CONSTRUCTION FUNDS.

(a) AMENDMENTS TO CHAPTER 535 OF TITLE 46, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 535 of title 46, United States Code, is amended by adding at the end the following new section:

''§ 53518. Election to terminate

''(a) IN GENERAL.—

''(1) ELECTION.—Any person who has entered into an agreement under this chapter with respect to a vessel operated in the fisheries of the United States may make an election under this paragraph to terminate the capital construction fund established under such agreement.

''(2) EFFECT OF ELECTION ON INDIVIDUALS.—In the case of an individual who makes an election under paragraph (1) with respect to a capital construction fund—

''(A) any amount remaining in such capital construction fund on the applicable date shall be distributed to such individual as a nonqualified withdrawal, except that—

''(i) in computing the tax on such withdrawal, except as provided in paragraph (4), subsections (c)(3)(B) and (f) of section 53511 shall not apply; and

''(ii) the taxpayer may elect to average the income from such withdrawal as provided in subsection (b); and

''(B) such individual shall not be eligible to enter into, directly or indirectly, any future agreement to establish a capital construction fund under this chapter with respect to a vessel operated in the fisheries of the United States.

''(3) EFFECT OF ELECTION FOR ENTITIES.—

''(A) IN GENERAL.—In the case of a person (other than an individual) who makes an election under paragraph (1)—

''(i) the total amount in the capital construction fund on the applicable date shall be distributed to the shareholders, partners, or members of such person in accordance with the terms of the instruments setting forth the ownership interests of such shareholders, partners, or members;

''(ii) each shareholder, partner, or member shall be treated as having established a special temporary capital construction fund and having deposited amounts received in the distribution into such special temporary capital construction fund;

''(iii) no gain or loss shall be recognized with respect to such distribution;

''(iv) the basis of any shareholder, partner, or member in the person shall not be reduced as a result of such distribution;

''(v) any amounts not distributed pursuant to clause (i) shall be distributed in a nonqualified withdrawal; and

''(vi) such person shall not be eligible to enter into, directly or indirectly, any future agreement to establish a capital construction fund under this chapter with respect to a vessel operated in the fisheries of the United States.

''(B) SPECIAL TEMPORARY CAPITAL CONSTRUCTION FUNDS.—For purposes of this chapter, a special temporary capital construction fund shall be treated in the same manner as a capital construction fund established under section 53503, except that the following rules shall apply:

''(i) A special temporary capital construction fund shall be established without regard to any agreement under section 53503 and without regard to any eligible or qualified vessel.

''(ii) Section 53505 shall not apply and no amounts may be deposited into a special temporary capital construction fund other than amounts received pursuant to a distribution described in subparagraph (A)(i).

''(iii) In the case of any amounts distributed from a special temporary capital construction fund directly to a capital construction fund of the taxpayer established under section 53505—

''(I) no gain or loss shall be recognized;

''(II) the limitation under section 53505 shall not apply with respect to any amount so transferred;

''(III) such amounts shall not reduce taxable income under section 53507(a)(1); and

''(IV) for purposes of section 53511(e), such amounts shall be treated as deposited in the capital construction fund on the date that such funds were deposited in the capital construction fund with respect to which the election under paragraph (1) was made.

''(iv) In the case of any amounts distributed from a special temporary capital construction fund pursuant to an election under paragraph (1), clauses (i) and (ii) of paragraph (2)(A) shall not apply to so much of such amounts as are attributable to earnings accrued after the date of the establishment of such special temporary capital construction fund.

''(v) Any amount not distributed from a special temporary capital construction fund before the due date of the tax return (including extension) for the last taxable year of the individual ending before January 1, 2012, shall be treated as distributed to the taxpayer on the day before such due date as if an election under paragraph (1) were made by the taxpayer on such day.

''(C) REGULATIONS.—The joint regulations shall provide rules for—

''(i) assigning the amounts received by the shareholders, partners, or members in a distribution described in subparagraph (A)(i) to the accounts described in section 53508(a) in special temporary capital construction funds; and

''(ii) preventing the abuse of the purposes of this section.

''(4) TAX BENEFIT RULE.—Rules similar to the rules under section 53511(f)(3) shall apply for purposes of determining tax liability on any nonqualified withdrawal under paragraph (2)(A), (3)(A)(v), or (3)(B)(v).

''(5) APPLICABLE DATE.—For purposes of this subsection, the term 'applicable date' means—

''(A) with respect to any capital construction fund which has a balance of less than $1,000,000 on the date that an election under paragraph (1) was made, the date of such election; and

''(B) with respect to any other capital construction fund, the last day of the taxable year which includes the date of the enactment of this section.

''(6) ELECTION.—Any election under paragraph (1)—

''(A) may only be made—

''(i) by a person who maintains a capital construction fund with respect to a vessel operated in the fisheries of the United States on the date of the enactment of this section; or

''(ii) by a person who maintains a capital construction fund which was established pursuant to paragraph (3)(A)(ii) as a result of an election made by an entity in which such person was a shareholder, partner, or member;

''(B) shall be made not later than the due date of the tax return (including extensions) for the person's last taxable year ending on or before December 31, 2012; and

''(C) shall apply to all amounts in the capital construction fund with respect to which the election is made.

''(b) ELECTION TO AVERAGE INCOME.—At the election of an individual who has received a distribution described in subsection (a), for purposes of section 1301 of the Internal Revenue Code of 1986—

''(1) such individual shall be treated as engaged in a fishing business, and

''(A) such distribution shall be treated as income attributable to a fishing business for such taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 53511 of title 46, United States Code, is amended by striking ''section 53513'' and inserting ''sections 53513 and 53518''.

(B) The table of sections for chapter 535 of title 46, United States Code, is amended by inserting after the item relating to section 53517 the following new item:

''53518. Election to terminate.''.

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Section 7518 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(j) ELECTION TO TERMINATE CAPITAL CONSTRUCTION FUNDS.—

''(1) IN GENERAL.—Any person who has entered into an agreement under chapter 535 of title 46 of the United States Code, with respect to a vessel operated in the fisheries of the United States may make an election under this paragraph to terminate the capital construction fund established under such agreement.

''(2) EFFECT OF ELECTION ON INDIVIDUALS.—In the case of an individual who makes an election under paragraph (1) with respect to a capital construction fund, any amount remaining in such capital construction fund on the applicable date shall be distributed to such individual as a nonqualified withdrawal, except that—

''(A) in computing the tax on such withdrawal, except as provided in paragraph (4), paragraphs (3)(C)(ii) and (6) of subsection (g) shall not apply, and

''(B) the taxpayer may elect to average the income from such withdrawal as provided in paragraph (7).

''(3) EFFECT OF ELECTION FOR ENTITIES.—

''(A) IN GENERAL.—In the case of a person (other than an individual) who makes an election under paragraph (1)—

''(i) the total amount in the capital construction fund on the applicable date shall be distributed to the shareholders, partners, or members of such person in accordance with the terms of the instruments setting forth the ownership interests of such shareholders, partners, or members,

''(ii) each shareholder, partner, or member shall be treated as having established a special temporary capital construction fund and having deposited amounts received in the distribution into such special temporary capital construction fund,

''(iii) no gain or loss shall be recognized with respect to such distribution,

''(iv) the basis of any shareholder, partner, or member in the person shall not be reduced as a result of such distribution, and

''(v) any amounts not distributed pursuant to clause (i) shall be distributed as a nonqualified withdrawal.

''(B) SPECIAL TEMPORARY CAPITAL CONSTRUCTION FUNDS.—For purposes of this section, a special temporary capital construction fund shall be treated in the same manner as a capital construction fund established under section 53503 of title 46, United States Code, except that the following rules shall apply:

''(i) Subsection (a) shall not apply and no amounts may be deposited into a special temporary capital construction fund other than amounts received pursuant to a distribution described in subparagraph (A)(i).

''(ii) In the case of any amounts distributed from a special temporary capital construction fund directly to a capital construction fund of the taxpayer established under section 53505 of title 46, United States Code—

''(I) no gain or loss shall be recognized;

''(II) the limitation under subsection (a) shall not apply with respect to any amount so transferred;

''(III) such amounts shall not reduce taxable income under subsection (c)(1)(A); and

''(IV) for purposes of subsection (g)(5), such amounts shall be treated as deposited in the capital construction fund on the date that such funds were deposited in the capital construction fund with respect to which the election under paragraph (1) was made.

''(iii) In the case of any amounts distributed from a special temporary capital construction fund pursuant to an election under paragraph (1), subparagraphs (A) and (B) of paragraph (2) shall not apply to so much of such amounts as are attributable to earnings accrued after the date of the establishment of such special temporary capital construction fund.

''(iv) Any amount not distributed from a special temporary capital construction fund before the due date of the tax return (including extension) for the last taxable year of the individual ending before January 1, 2012, shall be treated as distributed to the taxpayer on the day before such due date as if an election under paragraph (1) were made by the taxpayer on such day the date.

''(C) REGULATIONS.—The joint regulations shall provide rules for—

''(i) assigning the amounts received by the shareholders, partners, or members in a distribution described in subparagraph (A)(i) to the accounts described in subsection (d)(1) in special temporary capital construction funds; and

''(ii) preventing the abuse of the purposes of this section.

''(4) TAX BENEFIT RULE.—Rules similar to the rules under subsection (g)(6)(B) shall apply for purposes of determining tax liability on any nonqualified withdrawal under paragraph (2), (3)(A)(v), or (3)(B)(iv).

''(5) APPLICABLE DATE.—For purposes of this subsection, the term 'applicable date' means—

''(A) with respect to any capital construction fund which has a balance of less than $1,000,000 on the date that an election under paragraph (1) was made, the date of such election; and

''(B) with respect to any other capital construction fund, the last day of the taxable year which includes the date of the enactment of this subsection.

''(6) ELECTION.—Any election under paragraph (1)—

''(A) may only be made—

''(i) by a person who maintains a capital construction fund with respect to a vessel operated in the fisheries of the United States on the date of the enactment of this subsection, or

''(ii) by a person who maintains a capital construction fund which was established pursuant to subparagraph (3)(A)(ii) as a result of an election made by an entity in which such person was a shareholder, partner, or member,

''(B) shall be made not later than the due date of the tax return (including extensions) for the person's last taxable year ending on or before December 31, 2012, and

''(C) shall apply to all amounts in the capital construction fund with respect to which the election is made.

''(7) ELECTION TO AVERAGE INCOME.—At the election of an individual who has received a distribution described in paragraph (2), for purposes of section 1301—

''(A) such individual shall be treated as engaged in a fishing business, and

''(B) such distribution shall be treated as income attributable to a fishing business for such taxable year.''.

(2) CONFORMING AMENDMENT.—Section 7518(g)(1) of such Code is amended by striking ''subsection (h)'' and inserting ''subsections (h) and (j)''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 503—DESIGNATING MAY 21, 2010, AS ''ENDANGERED SPECIES DAY''

Mr. WHITEHOUSE (for himself, Ms. COLLINS, Mr. CARDIN, Mr. WYDEN, Mrs. FEINSTEIN, Mr. SANDERS, Ms. CANTWELL, Mr. LEVIN, Mr. KERRY, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 503

Whereas, in the United States and around the world, more than 1,000 species are officially designated as at risk of extinction and thousands more also face a heightened risk of extinction;

Whereas the actual and potential benefits that may be derived from many species have not yet been fully discovered and would be permanently lost if not for conservation efforts;

Whereas recovery efforts for species such as the whooping crane, Kirtland's warbler, the peregrine falcon, the gray wolf, the gray whale, the grizzly bear, and others have resulted in great improvements in the viability of such species;

Whereas saving a species requires a combination of sound research, careful coordination, and intensive management of conservation efforts, along with increased public awareness and education;

Whereas ⅔ of endangered or threatened species reside on private lands;

Whereas voluntary cooperative conservation programs have proven to be critical to habitat restoration and species recovery; and

Whereas education and increasing public awareness are the first steps in effectively informing the public about endangered species and species restoration efforts: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 21, 2010, as ''Endangered Species Day'';

(2) encourages schools to spend at least 30 minutes on Endangered Species Day teaching and informing students about—

(A) threats to endangered species around the world; and

(B) efforts to restore endangered species, including the essential role of private landowners and private stewardship in the protection and recovery of species;

(3) encourages organizations, businesses, private landowners, and agencies with a shared interest in conserving endangered species to collaborate in developing educational information for use in schools; and

(4) encourages the people of the United States—

(A) to become educated about, and aware of, threats to species, success stories in species recovery, and opportunities to promote species conservation worldwide; and

(B) to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 504—EXPRESSING THE CONDOLENCES OF THE SENATE TO THOSE AFFECTED BY THE TRAGIC EVENTS FOLLOWING THE TORNADO THAT HIT CENTRAL MISSISSIPPI ON APRIL 24, 2010

Mr. WICKER (for himself and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 504

Whereas, on the afternoon of April 24, 2010, a tornado passed across the State of Mississippi, leaving a path of destruction 1½ miles wide;

Whereas 10 lives were tragically lost, and many other people were injured;

Whereas this tornado was classified as an EF–4 by the National Weather Service, with winds estimated at 170 miles per hour;

Whereas the tornado is the largest to strike Mississippi since 2001;

Whereas almost 1,000 homes were damaged or destroyed;

Whereas thousands of residents across 18 counties have been displaced from their homes; and

Whereas, in response to the declaration by the President of a major disaster, the Administrator of the Federal Emergency Management Agency has made Federal disaster assistance available for the State of Mississippi to assist in local recovery efforts: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its heartfelt condolences to the families and friends of those who lost their lives in the terrible events of April 24, 2010;

(2) extends its wishes for a full recovery for all those who were injured;

(3) extends its thanks to the first responders, firefighters, law enforcement, and medical personnel who took quick action to provide aid and comfort to the victims; and

(4) stands with the people of Mississippi as they begin the healing process following this terrible event.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3731. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table.

SA 3732. Mr. CARDIN (for himself, Mr. LUGAR, Mr. DURBIN, Mr. SCHUMER, Mr. FEINGOLD, Mr. MERKLEY, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3733. Mr. BROWN of Ohio (for himself, Mr. KAUFMAN, Mr. CASEY, Mr. WHITEHOUSE, Mr. MERKLEY, Mr. HARKIN, Mr. SANDERS, and Mr. BURRIS) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3734. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3735. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.