

bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4239. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4240. Mr. MENENDEZ (for himself, Mr. NELSON, of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4241. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4242. Mr. SHELBY (for himself, Mr. VITTER, Mr. WICKER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4243. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4244. Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Mr. JOHNSON, Mr. BENNET, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4245. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4246. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4247. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4248. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4249. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4250. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4251. Mr. MERKLEY (for himself, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4252. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4253. Ms. COLLINS (for herself, Mr. ALLEXANDER, Mr. BOND, Mr. VOINOVICH, Mr. INHOFE, Ms. SNOWE, Mr. BEGICH, Mr. THUNE, Mr. COBURN, Mr. GREGG, Ms. MURKOWSKI, Mr. CORKER, Mr. BARRASSO, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra.

SA 4254. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4255. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4256. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4257. Mr. BOND submitted an amendment intended to be proposed by him to the

bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4258. Mr. BOND (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4259. Mr. BOND (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4260. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4261. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4262. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4263. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4264. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4265. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4266. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4267. Mr. BINGAMAN (for himself, Ms. MURKOWSKI, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4268. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4269. Ms. KLOBUCHAR (for herself, Mr. DORGAN, Mr. ENSIGN, Mr. BEGICH, and Mr. LEMIEUX) submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4270. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4271. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4272. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4273. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4274. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4275. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4276. Mr. WICKER (for himself, Mr. SHELBY, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4277. Mr. WICKER (for himself, Mr. SHELBY, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4278. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4279. Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Ms. MURKOWSKI, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4280. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4281. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4282. Mr. PRYOR (for himself, Mrs. LINCOLN, Mr. VITTER, Mr. BROWNBAC, Mr. COCHRAN, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4283. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4284. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4285. Mr. SCHUMER (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4286. Mr. SCHUMER (for himself, Mr. REID, and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4287. Mr. SHELBY (for himself, Mr. VITTER, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4288. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4289. Mr. MENENDEZ (for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, supra.

SA 4290. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4291. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4292. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4293. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4294. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4175 proposed by Mr. LAUTENBERG to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4295. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 4236.** Mr. NELSON of Florida (for himself and Mr. LEMIEUX) submitted

an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, insert the following:

(b) ASSESSMENT OF ENVIRONMENTAL IMPACTS.—

(1) DEFINITIONS.—In this subsection:

(A) DEEPWATER HORIZON OIL DISCHARGE.—The term “Deepwater Horizon oil discharge” means the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico.

(B) RESPONSIBLE PARTY.—The term “responsible party” means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) with respect to the Deepwater Horizon oil discharge.

(2) APPROPRIATIONS OF FUNDS.—

(A) IN GENERAL.—For an additional amount, in addition to amounts provided elsewhere in this Act for “Operations, Research, and Facilities” of the National Oceanic and Atmospheric Administration, \$22,400,000 to carry out enhanced fisheries data collection in the Gulf of Mexico to assess environmental impacts related to the Deepwater Horizon oil discharge.

(B) GRANTS TO FISHERMEN.—Of the amount appropriated under subparagraph (A), \$5,000,000 shall be available to provide cooperative research grants to fishermen to collect data to establish ecosystem baselines to assist managers in fully understanding the extent of the damage that resulted from the Deepwater Horizon oil discharge.

(3) LIABILITY AND REIMBURSEMENT.—Notwithstanding any limitation on liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) or any other provision of law, each responsible party shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for the amount appropriated pursuant to paragraph (2).

**SA 4237.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 79, between lines 3 and 4, insert the following:

#### OIL AND GAS LEASING

**SEC. 20.** Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Secretary of the Interior to conduct any oil and natural gas leasing, preleasing, or related activities in the outer Continental Shelf without the concurrence of the Administrator of the National Oceanic and Atmospheric Administration, after the Administrator of the National Oceanic and Atmospheric Administration takes into account—

(1) available scientific information, including information on siting, mitigation, and habitat conservation; and

(2) the effect on living marine resources managed or protected under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Marine Sanctuaries Act

(16 U.S.C. 1431 et seq.), or the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.); and

(3) applicable requirements of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

**SA 4238.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 79, between lines 3 and 4, insert the following:

#### **SEC. 20. LIABILITY FOR DEEPWATER HORIZON OIL SPILL.**

(a) IN GENERAL.—Congress finds that—

(1) executives of British Petroleum Exploration & Production, Incorporated (referred to in this section as “BP”) testified before Congress in May 2010 that BP would pay all legitimate claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations;

(2) a letter from the Group Chief Executive of BP to the Secretaries of Homeland Security and the Interior dated May 16, 2010, evidences an offer of BP to modify the oil and gas leasing contract involved in the Deepwater Horizon incident to incorporate new terms of liability by stating that BP is “prepared to pay above \$75 million” on “all legitimate claims” relating to that explosion and oil spill;

(3) that offer is acceptable to Congress and to the Secretary of the Interior;

(4) all documented legitimate claims pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) for economic damages relating to the Deepwater Horizon explosion and oil spill should be paid by BP without limit on liability;

(5) BP should provide to the Federal Government any claims relating to the Deepwater Horizon explosion and oil spill that BP fails to pay; and

(6) if the Federal Government finds pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) that such claims are legitimate under that Act, the claims should be returned to BP for immediate payment.

(b) DIRECTIVE TO SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior (referred to in this section as the “Secretary”) shall—

(A) accept the new terms of liability offered by BP in the letter described in subsection (a)(2); and

(B) consider the oil and gas leasing contract involved in the Deepwater Horizon incident as being amended to reflect those new terms.

(2) PAYMENT OF CLAIMS.—

(A) IN GENERAL.—As an inherent condition of the amended lease described in paragraph (1), BP shall present to the Secretary each claim relating to the Deepwater Horizon explosion and oil spill that BP fails to pay.

(B) FINDING OF LEGITIMACY.—As a further inherent condition of the amended lease, if the Secretary finds a claim described in subparagraph (A) to be legitimate for payment by BP, the claim shall be returned to BP for immediate payment.

**SA 4239.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the

fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, after line 22, add the following:

#### GENERAL PROVISIONS—THIS CHAPTER

#### **SEC. 201. NATIONAL ACADEMY OF SCIENCES STUDY OF LONG-TERM ECOSYSTEM SERVICE IMPACTS OF THE DEEPWATER HORIZON OIL SPILL ON THE GULF OF MEXICO.**

(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Commerce shall seek to enter into an agreement with the National Academy of Sciences to perform the services covered by this section.

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 30 days after the date of the enactment of this Act.

(b) STUDY.—Under an agreement between the Secretary and the National Academy of Sciences under this section, the National Academy of Sciences shall carry out a 1-year study of the long-term ecosystem service impacts of the Deepwater Horizon oil spill on the Gulf of Mexico. In carrying out the study, the National Academy of Sciences shall assess the long-term costs to the public of the effect of the oil spill on the following:

(1) Water filtration for such communities.

(2) Hunting in the region near the Gulf of Mexico.

(3) Fishing, including both commercial and recreational fishing, in and near the Gulf of Mexico.

(4) Such other economic values as the National Academy of Sciences considers relevant to the communities near the Gulf of Mexico.

(c) REPORT.—Not later than 60 days after the completion of the study carried out under this section, the Secretary shall submit to Congress a report on the results of such study.

(d) ALTERNATE CONTRACT SCIENTIFIC ORGANIZATION.—

(1) IN GENERAL.—If the Secretary is unable within the time period prescribed in subsection (a)(2) to enter into an agreement described in subsection (a)(1) with the National Academy of Sciences on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate scientific organization that—

(A) is not part of the Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the National Academy of Sciences.

(2) TREATMENT.—If the Secretary enters into an agreement with another organization as described in paragraph (1), any reference in this section to the National Academy of Sciences shall be treated as a reference to the other organization.

(e) AUTHORIZATION OF APPROPRIATIONS AND DIRECT SPENDING.—

(1) IN GENERAL.—There is authorized to be appropriated and is appropriated to the Secretary, \$1,000,000 to carry out this section.

(2) EMERGENCY DESIGNATION.—The amount appropriated under paragraph (1) is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**SA 4240.** Mr. MENENDEZ (for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency

supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 79, between lines 3 and 4, insert the following:

REMOVAL OF LIMITS ON LIABILITY FOR  
OFFSHORE FACILITIES

SEC. 2002. (a) Section 1004(a)(3) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(3)) is amended by striking “plus \$75,000,000” and inserting “and the liability of the responsible party under section 1002”.

(b) The amendment made by this section takes effect on April 15, 2010.

**SA 4241.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

At the end of chapter 3 of title I, add the following:

SUPPORT OF FISHER HOUSE FOUNDATION

SEC. 309. Of the amount appropriated by this chapter under the heading “IRAQ SECURITY FORCES FUND”, \$18,000,000 shall be available for a grant by the Secretary of Defense to the Fisher House Foundation for the construction and furnishing of facilities to meet the needs of military families confronting the illness or hospitalization of eligible military beneficiaries.

**SA 4242.** Mr. SHELBY (for himself, Mr. VITTER, Mr. WICKER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, insert the following:

FUNDING FOR ENVIRONMENTAL AND FISHERIES  
IMPACTS

SEC. 2002. (a) DEFINITIONS.—In this section:

(1) DEEPWATER HORIZON OIL DISCHARGE.—The term “Deepwater Horizon oil discharge” means the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico.

(2) OIL SPILL LIABILITY TRUST FUND.—The term “Oil Spill Liability Trust Fund” means the Oil Spill Liability Trust Fund established under section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509).

(3) RESPONSIBLE PARTY.—The term “responsible party” means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) with respect to the Deepwater Horizon oil discharge.

(b) AVAILABILITY OF FUNDS.—Notwithstanding any provision of section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), amounts from the Oil Spill Liability Trust Fund shall be made available for the following purposes:

(1) FISHERIES DISASTER RELIEF.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$20,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation

and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) EXPANDED STOCK ASSESSMENT OF FISHERIES.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$15,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) ECOSYSTEM SERVICES IMPACTS STUDY.—For an additional amount, in addition to other amounts provided for the Department of Commerce, \$1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

(c) LIABILITY AND REIMBURSEMENT.—Notwithstanding any limitation on liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) or any other provision of law, each responsible party shall, upon the demand of the Secretary of the Treasury, reimburse the Oil Spill Liability Trust Fund for the amounts made available pursuant to subsection (b).

**SA 4243.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between line 23 and 24, insert the following:

SEC. \_\_\_\_ SENSE OF THE SENATE REGARDING  
HAITI.

(a) FINDINGS.—The Senate makes the following findings:

(1) A stable and democratic Republic of Haiti is in the long-term national security interest of the United States.

(2) The United States is committed to helping Haiti achieve long-term stability, through a commitment of long-term reconstruction and rehabilitation assistance following the January 12, 2010 earthquake in Haiti.

(3) The United Nations Stabilization Mission in Haiti (MINUSTAH) remains a vital force in maintaining security and stability for the Haitian people in the aftermath of the earthquake.

(4) United Nations Security Council Resolution 1908 (adopted January 19, 2010) endorsed the Secretary-General's recommendation to increase the overall force levels of the MINUSTAH to support the post-earthquake recovery, reconstruction, and stability efforts in Haiti.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should support a strengthened mandate for the United Nations Stabilization Mission in Haiti (MINUSTAH) to—

(1) ensure that the MINUSTAH mandate enables the United Nations Police, in coordination with the Haitian National Police (HNP), to guarantee security in the internally displaced people (IDP) camps in and

around Port-au-Prince, particularly for vulnerable women and children;

(2) support the United Nations Secretary-General's request for an increase in the size of the United Nations Police and seek additional Creole-speakers and members of the Haitian Diaspora to support a temporary surge in the police force during this critical period;

(3) continue to assist the Government of Haiti in reforming and restructuring the HNP by supporting the monitoring, mentoring, training, and vetting of police personnel and strengthening HNP's institutional and operational capacities;

(4) support the Government of Haiti's adoption and implementation of a national resettlement policy to speed the movement of the most vulnerable populations, both in Port-au-Prince and other areas, to transitional safe housing and other community-based resettlement solutions; and

(5) coordinate with the Government of Haiti and the other United Nations agencies operating in Haiti to achieve the goals of the mission, including the conduct of national and municipal elections.

**SA 4244.** Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Mr. JOHN-SON, Mr. BENNET, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, between lines 8 and 9, insert the following:

FOREST SERVICE  
NATIONAL FOREST SYSTEM

For an additional amount for “National Forest System”, for the protection of public health and safety through the removal of hazard trees killed by bark beetles, \$60,000,000, to remain available until expended: *Provided*, That any of the funds made available under this heading may be transferred by the Secretary of Agriculture to the “Capital Improvement and Maintenance” account to carry out the purposes of the matter under this heading.

On page 77, between lines 7 and 8, insert the following:

NATIONAL PARK SERVICE  
OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for “Operation of the National Park System”, for the protection of public health and safety through the removal of hazard trees killed by bark beetles, \$10,000,000, to remain available until expended.

**SA 4245.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, line 19, after the period insert the following:

(c) Of the funds appropriated in this chapter and in prior acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Diplomatic and Consular Programs” and “Embassy Security, Construction, and Maintenance” for Afghanistan, Pakistan and Iraq, up to \$300,000,000 may, after consultation with the Committees on Appropriations,

be transferred between, and merged with, such appropriations for activities related to security for civilian led operations in such countries.

**SA 4246.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, strike lines 4 through 8.

**SA 4247.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, after line 19, add the following:  
TECHNICAL CORRECTION REGARDING IRAN SANCTIONS RESTRICTIONS RELATING TO EXPORT-IMPORT BANK

SEC. 1019. Section 7043(b)(1) of the Department of State, Foreign Operations, and Related Agencies Appropriations Act, 2010 (division F of Public Law 111-117; 123 Stat. 3370), is amended by striking “for any project controlled by an energy producer or refiner that continues to” and inserting “for any energy project of an energy company unless such company has certified that it does not”.

**SA 4248.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, between lines 17 and 18, insert the following:

(g)(1) Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) and requirements for awarding task orders under task and delivery order contracts under section 303J of such Act (41 U.S.C. 253j), the Secretary of State may award task orders for police training in Afghanistan under current Department of State contracts for police training.

(2) Any task order awarded under paragraph (1) shall be for a limited term and shall remain in performance only until a successor contract or contracts awarded by the Department of Defense using full and open competition have entered into full performance after completion of any start-up or transition periods.

**SA 4249.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 20, strike “and” and all that follows through “such commissions; and” and insert the following: “has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 elections for president in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Af-

ghanistan law as of December 31, 2009, and with no members appointed by the President of Afghanistan; and”.

**SA 4250.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 6 of title I, add the following:

SOUTHWEST BORDER EMERGENCY  
COMMUNICATIONS GRANTS

SEC. 608. (a) SOUTHWEST BORDER EMERGENCY COMMUNICATIONS GRANTS.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Governor of Arizona, shall establish a 2-year grant program, to be administered by the State of Arizona, to improve emergency communications along the Tucson Sector border and the Yuma Sector border.

(2) ELIGIBILITY FOR GRANTS.—An individual is eligible to receive a grant under this subsection if the individual demonstrates that he or she—

(A) regularly resides or works near the Tucson Sector border or the Yuma Sector border;

(B) is at greater risk of border violence due to the lack of cellular service at his or her residence or business and his or her proximity to such border.

(3) USE OF GRANTS.—Grants awarded under this subsection may be used to purchase satellite telephone communications systems and service that—

(A) can provide access to 911 service; and  
(B) are equipped with global positioning systems.

(4) ANNUAL REPORTS.—The Governor of Arizona shall submit an annual report to the Secretary on activities carried out with grant funds awarded under this subsection during the previous year. Each such report shall include a description of such activities and an assessment of the effectiveness of such activities.

(b) INTEROPERABLE COMMUNICATIONS FOR LAW ENFORCEMENT.—

(1) FEDERAL LAW ENFORCEMENT.—The Department of Justice shall use funds transferred to the Department under subsection (d)—

(A) to purchase P-25 compliant radios, which may include a multi-band option, for Federal law enforcement agents working in Arizona in support of the activities of United States Customs and Border Protection and United States Immigration and Customs Enforcement, including agents of the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives; and

(B) to upgrade the communications network of the Department to ensure coverage and capacity, particularly when immediate access is needed in times of crisis, along the Tucson Sector border and the Yuma Sector border for appropriate law enforcement personnel of the Department of Justice (including the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives), the Department of Homeland Security (including United States Immigration and Customs Enforcement and United States Customs and Border Protection), other Federal agencies, the State of Arizona, tribes, and local governments.

(2) STATE AND LOCAL LAW ENFORCEMENT.—  
(A) IN GENERAL.—The Department of Justice shall use funds transferred to the Department under subsection (d) to purchase

P-25 compliant radios, which may include a multi-band option, for State and local law enforcement agents working in Santa Cruz, Pima, Cochise, Yuma, Pinal, Maricopa, or Graham County in the State of Arizona.

(B) ACCESS TO FEDERAL SPECTRUM.—If a State, tribal, or local law enforcement agency in Arizona experiences an emergency situation that necessitates immediate communication with the Department of Justice, the Department of Homeland Security, or any of their respective subagencies, such law enforcement agency shall have access to the spectrum assigned to such Federal agency for the duration of such emergency situation.

(c) DEFINITIONS.—In this section:

(1) TUCSON SECTOR BORDER.—The term “Tucson Sector border” means the 262-mile section of international border between the United States and Mexico that—

(A) begins in Yuma County, Arizona; and

(B) ends at the State boundary line between Arizona and New Mexico.

(2) YUMA SECTOR BORDER.—The term “Yuma Sector border” means the 110-mile section of international border between the United States and Mexico that—

(A) begins in Pima County, Arizona; and

(B) ends at the State boundary line between Arizona and California.

(d) FUNDING.—

(1) IN GENERAL.—The amount appropriated or otherwise made available by this chapter is hereby increased by \$73,000,000, with the amount of the increase to be available until expended for purposes of carrying out this section, including the transfer by the Secretary of Homeland Security of \$35,000,000 to the Attorney General for purposes of subsection (b)(1) and the transfer by the Secretary of \$35,000,000 to the Attorney General for purposes of subsection (b)(2).

(2) OFFSET.—Of the amounts appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) that remain available for obligation as of the date of the enactment of this Act, \$73,000,000 are hereby rescinded.

**SA 4251.** Mr. MERKLEY (for himself, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, line 7, strike “\$173,000,000” and insert “\$163,000,000”.

On page 28, between lines 3 and 4, insert the following:

**SEC. 4. EMERGENCY DROUGHT RELIEF.**

For an additional amount for “Water and Related Resources”, \$10,000,000, for drought emergency assistance: *Provided*, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West: *Provided further*, That the amount provided under this heading shall be provided on a nonreimbursable basis.

**SA 4252.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010,

and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

**SEC. \_\_\_\_ . NEW REVENUES TO THE OIL SPILL LIABILITY TRUST FUND.**

The revenue resulting from any increase in the Oil Spill Liability Trust Fund financing rate under section 4611 of the Internal Revenue Code of 1986 shall—

(1) not be counted for purposes of offsetting revenues, receipts, or discretionary spending under the Congressional Budget Act of 1974 or the Statutory Pay-As-You-Go Act of 2010; and

(2) shall only be used for the purposes of the Oil Spill Liability Trust Fund.

**SA 4253.** Ms. COLLINS (for herself, Mr. ALEXANDER, Mr. BOND, Mr. VOINOVICH, Mr. INHOFE, Ms. SNOWE, Mr. BEGICH, Mr. THUNE, Mr. COBURN, Mr. GREGG, Ms. MURKOWSKI, Mr. CORKER, Mr. BARRASSO, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 79, between lines 3 and 4, insert the following:

**PROHIBITION ON FINES AND LIABILITY**

**SEC. 20 \_\_\_\_.** None of the funds made available by this Act shall be used to levy against any person any fine, or to hold any person liable for construction or renovation work performed by the person, in any State under the final rule entitled “Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet; Notice of Availability; Final Rule” (73 Fed. Reg. 21692 (April 22, 2008)), and the final rule entitled “Lead; Amendment to the Opt-out and Record-keeping Provisions in the Renovation, Repair, and Painting Program” signed by the Administrator on April 22, 2010.

**SA 4254.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between line 23 and 24, insert the following:

**SEC. \_\_\_\_ . SENSE OF THE SENATE REGARDING HAITI.**

(a) **FINDINGS.**—The Senate makes the following findings:

(1) A stable and democratic Republic of Haiti is in the long-term national security interest of the United States.

(2) The United States is committed to helping Haiti achieve long-term stability, through a commitment of long-term reconstruction and rehabilitation assistance following the January 12, 2010 earthquake in Haiti.

(3) The United Nations Stabilization Mission in Haiti (MINUSTAH) remains a vital force in maintaining security and stability for the Haitian people in the aftermath of the earthquake.

(4) United Nations Security Council Resolution 1908 (adopted January 19, 2010) endorsed the Secretary-General’s recommendation to increase the overall force levels of the MINUSTAH to support the post-earth-

quake recovery, reconstruction, and stability efforts in Haiti.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the United States should support a strengthened mandate for the United Nations Stabilization Mission in Haiti (MINUSTAH) to—

(1) ensure that the MINUSTAH mandate enables the United Nations Police to support the Haitian National Police (HNP) in their efforts to guarantee security in the internally displaced people (IDP) camps in and around Port-au-Prince, particularly for vulnerable women and children;

(2) support the United Nations Secretary-General’s request for an increase in the size of the United Nations Police and seek additional Creole-speakers and members of the Haitian Diaspora to support a temporary surge in the police force during this critical period;

(3) continue to assist the Government of Haiti in reforming and restructuring the HNP by supporting the monitoring, mentoring, training, and vetting of police personnel and strengthening HNP’s institutional and operational capacities;

(4) support the Government of Haiti’s adoption and implementation of a national resettlement policy to speed the movement of the most vulnerable populations, both in Port-au-Prince and other areas, to transitional safe housing and other community-based resettlement solutions; and

(5) coordinate with the Government of Haiti and the other United Nations agencies operating in Haiti to achieve the goals of the mission, including the conduct of national and municipal elections.

**SA 4255.** Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

**SEC. 3009.** Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading “STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE” under the heading “OFFICE OF JUSTICE PROGRAMS” under the heading “STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES” under title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to the Marcus Institute, Atlanta, Georgia, to provide remediation for the potential consequences of childhood abuse and neglect, pursuant to the joint statement of managers accompanying that Act, may be made available to the Georgia State University Center for Healthy Development, Atlanta, Georgia.

**SA 4256.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . AMENDMENT OF TRAVEL PROMOTION ACT OF 2009.**

(a) **TRAVEL PROMOTION FUND FEES.**—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) by striking “6 months” in clause (i) and inserting “12 months”; and

(2) by striking “subsection (d) of section 11 of the Travel Promotion Act of 2009.” in clause (ii) and inserting “subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)).”; and

(3) by striking “September 30, 2014.” in clause (iii) and inserting “September 30, 2015.”.

(b) **IMPLEMENTATION BEGINNING IN FISCAL YEAR 2011.**—Subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)) is amended—

(1) by striking “fiscal year 2010,” in paragraph (2)(A) and inserting “fiscal year 2011.”;

(2) by striking “January 1, 2010,” in paragraph (2)(A) and inserting “January 1, 2011.”;

(3) by striking “fiscal years 2011 through 2014,” in paragraph (2)(B) and inserting “fiscal years 2012 through 2015.”;

(4) by striking “fiscal year 2010,” in paragraph (3)(A) and inserting “fiscal year 2011.”;

(5) by striking “fiscal year 2011,” each place it appears in paragraph (3)(A) and inserting “fiscal year 2012.”;

(6) by striking “fiscal year 2010, 2011, 2012, 2013, or 2014” in paragraph (4)(B) and inserting “fiscal year 2011, 2012, 2013, 2014, or 2015.”.

(c) **PROGRAM AUDITS.**—Subsection (b)(8)(D) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b)(8)(D)) is amended by striking “2 years after the date of enactment of this section,” and inserting “3 years after the date of enactment of the Travel Promotion Act of 2009.”.

(d) **RESEARCH PROGRAM.**—Section 203(b) of the International Travel Act of 1961 (22 U.S.C. 2123a(b)) is amended by striking “2010 through 2014” and inserting “2010 through 2015.”.

(e) **CORRECTION OF CROSS-REFERENCE.**—Section 202(c)(1) of the International Travel Act of 1961 (22 U.S.C. 2123(c)(1)) is amended by striking “subsection (b) of section 11 of the Travel Promotion Act of 2009” and inserting “subsection (b) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b)).”.

**SA 4257.** Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 2 and 3, insert the following:

**SEC. 608.** (a) Not later than 10 days after the date of the enactment of this Act, and on an on-going basis thereafter, the Director of National Intelligence shall provide to the congressional intelligence committees each intelligence report of an interrogation or debriefing related to the investigation of the bombing attempt that occurred in the Times Square area of New York City on May 1, 2010, including each intelligence information report related to such attempt disseminated by the Federal Bureau of Investigation.

(b) In this section, the term “congressional intelligence committees” means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 4258.** Mr. BOND (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the

bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 22 and 23, insert the following:

**ASSESSMENTS ON GUANTANAMO BAY DETAINEES**

**SEC. 3008. (a) SUBMISSION OF INFORMATION RELATED TO DISPOSITION DECISIONS.**—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the participants of the interagency review of Guantanamo Bay detainees conducted pursuant to Executive Order 13492 (10 U.S.C. 801 note), shall fully inform the congressional intelligence committees concerning the basis for the disposition decisions reached by the Guantanamo Review Task Force, and shall provide to the congressional intelligence committees—

(1) the written threat analyses prepared on each detainee by the Guantanamo Review Task Force established pursuant to Executive Order 13492;

(2) all threat assessments of detainees who were reviewed by the Guantanamo Review Task Force made prior to the decision to release or transfer such detainee that were prepared by any element of the intelligence community during or prior to the existence of the Guantanamo Review Task Force; and

(3) access to the intelligence information that formed the basis of any such specific assessments or threat analyses.

(b) **FUTURE SUBMISSIONS.**—In addition to the analyses, assessments, and information required under subsection (a) and not later than 10 days after the date that a threat assessment described in subsection (a) is disseminated, the Director of National Intelligence shall provide to the congressional intelligence committees—

(1) any new threat assessment prepared by any element of the intelligence community of a Guantanamo Bay detainee who remains in detention or is pending release or transfer; and

(2) access to the intelligence information that formed the basis of such threat assessment.

(c) **CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.**—In this section, the term “congressional intelligence committees” has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

**SA 4259.** Mr. BOND (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 22 and 23, insert the following:

**ASSESSMENTS ON GUANTANAMO BAY DETAINEES**

**SEC. 3008. (a) SUBMISSION OF INFORMATION RELATED TO DISPOSITION DECISIONS.**—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the participants of the interagency review of Guantanamo Bay detainees conducted pursuant to Executive Order 13492 (10 U.S.C. 801 note), shall fully inform the congressional intelligence committees concerning the basis for the disposition decisions reached by the Guantanamo Review Task Force, and shall

provide to the congressional intelligence committees—

(1) the written threat analyses prepared on each detainee by the Guantanamo Review Task Force established pursuant to Executive Order 13492; and

(2) access to the intelligence information that formed the basis of any such specific assessments or threat analyses.

(b) **FUTURE SUBMISSIONS.**—In addition to the analyses, assessments, and information required under subsection (a) and not later than 10 days after the date that a threat assessment described in subsection (a) is disseminated, the Director of National Intelligence shall provide to the congressional intelligence committees—

(1) any new threat assessment prepared by any element of the intelligence community of a Guantanamo Bay detainee who remains in detention or is pending release or transfer; and

(2) access to the intelligence information that formed the basis of such threat assessment.

(c) **CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.**—In this section, the term “congressional intelligence committees” has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

**SA 4260.** Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 66, line 24, strike “activities” and all that follows through “notwithstanding” on page 67, line 2, and insert “projects that engage scientists and engineers who have no weapons background, but whose competence could otherwise be applied to weapons development, provided such projects are executed through existing science and technology centers and notwithstanding”.

**SA 4261.** Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

After section 3007 of the bill, insert the following:

**SEC. 3008. AUTHORITY TO PURCHASE FFEL LOANS.**

(a) **IN GENERAL.**—Section 459A of the Higher Education Act of 1965 (20 U.S.C. 1087i-1) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the heading, by striking “; DETERMINATION REQUIRED”;

(ii) by striking “Upon a determination by the Secretary that there is an inadequate availability of loan capital to meet the demand for loans under sections 428, 428B, or 428H, whether as a result of inadequate liquidity for such loans or for other reasons, the” and inserting “The”;

(iii) by inserting “428C,” after “428B,”;

(iv) by striking “on or after October 1, 2003, and”;

(v) by striking “terms as the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget jointly” and inserting “terms as the Sec-

retary and the Secretary of the Treasury jointly”; and

(vi) by striking “as determined jointly by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget.” and inserting “as determined jointly by the Secretary and the Secretary of the Treasury.”; and

(B) in paragraph (2)—

(i) by striking “The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget,” and inserting “The Secretary and the Secretary of the Treasury”;

(ii) in subparagraph (B)—

(I) by inserting “428C,” after “428B,”;

(II) by striking “the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget,” and inserting “the Secretary and the Secretary of the Treasury”;

(III) by striking “and” after the semicolon;

(iii) in subparagraph (C), by striking the period at the end and inserting “; and”;

(iv) by adding at the end the following:

“(D) sets forth that the loans available for purchase may be included in the Department of Education’s Asset-Backed Commercial Paper Conduit program.”;

(2) in subsection (b), by inserting “before July 1, 2010” after “under subsection (a)”;

(3) in subsection (f), by striking “2010” and inserting “2015”; and

(4) by adding at the end the following:

“(g) **FUNDS FOR FEDERAL PELL GRANTS.**—The proceeds to the Federal Government from the sale of loans pursuant to this section—

“(1) under section 428C that is conducted before July 1, 2010, shall be used to carry out subpart 1 of part A; and

“(2) under sections 428, 428B, 428C, or 428H that is conducted on or after July 1, 2010, shall be used to carry out subpart 1 of part A.”.

(b) **EMERGENCY DESIGNATION.**—Unless otherwise specified, each amount in this section, or an amendment made by this section, is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**SA 4262.** Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** (a) For an additional amount for “Salaries and Expenses” of U.S. Customs and Border Protection, \$12,000,000, to remain available until September 30, 2011, to hire, equip, and train unmanned aircraft systems pilots and support personnel.

(b) For an additional amount for “Air and Marine Interdiction, Operations, Maintenance, and Procurement” for U.S. Customs and Border Protection, \$66,000,000, to remain available until expended, to procure 3 unmanned aircraft systems and supporting equipment.

(c) Of the unobligated balance of the amount appropriated under the heading “BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY” under the heading “U.S. CUSTOMS AND BORDER PROTECTION” in title II of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83; 123 Stat. 2145), \$78,000,000 are rescinded in order to offset the amounts appropriated by subsections (a) and (b).



**SA 4263.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

For an additional amount for “Salaries and Expenses, General Legal Activities”, \$15,000,000, to remain available until September 30, 2011, for the Criminal Division, Civil Division, and Tax Division of the Department of Justice for investigations, prosecutions, and civil or other proceedings relating to fraud and abuse in connection with any Federal assistance program, financial institution, mortgage lending business, or health care benefit program: *Provided*, That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### SALARIES AND EXPENSES, ANTITRUST DIVISION

For an additional amount for “Salaries and Expenses, Antitrust Division”, \$5,000,000, to remain available until September 30, 2011, for the Antitrust Division of the Department of Justice for investigations, prosecutions, and civil or other proceedings relating to fraud and abuse in connection with any Federal assistance program, financial institution, mortgage lending business, or health care benefit program: *Provided*, That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for “Salaries and Expenses, United States Attorneys”, \$5,000,000, to remain available until September 30, 2011, for the Offices of the United States Attorneys for investigations, prosecutions, and civil or other proceedings relating to fraud and abuse in connection with any Federal assistance program, financial institution, mortgage lending business, or health care benefit program: *Provided*, That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### FEDERAL BUREAU OF INVESTIGATION SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$40,000,000, to remain available until September 30, 2011, for the Federal Bureau of Investigation for investigations, prosecutions, and civil or other proceedings relating to fraud and abuse in connection with any Federal assistance program, financial institution, mortgage lending business, or health care benefit program: *Provided*, That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### OFFICE OF JUSTICE PROGRAMS STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for “State and Local Law Enforcement Assistance”,

\$225,000,000, to remain available until September 30, 2011: *Provided*, That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further*, That, of the amount made available under this heading—

(1) \$100,000,000 is for the Edward Byrne Memorial Justice Assistance Grant program as authorized under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Acts of 1968 (in this Act referred to as the “1968 Act”) (42 U.S.C. 3750 et seq.), except that section 1001(c) and the special rules for Puerto Rico under section 505(g) of the 1968 Act (42 U.S.C. 3793(c) and 3755(g)) shall not apply for purposes of this Act;

(2) \$100,000,000 is for competitive, peer-reviewed grants to programs that prevent crime, improve the administration of justice, or assist victims of crime; and

(3) \$25,000,000 is for assistance to law enforcement in rural States and rural areas, to prevent and combat crime, especially drug-related crime.

#### COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for “Community Oriented Policing Services”, \$210,000,000, to remain available until September 30, 2011: *Provided*, That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further*, That, of the amount made available under this heading—

(1) \$200,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for purposes described in part Q of such title, notwithstanding subsection (i) of such section 1701; and

(2) \$10,000,000 is for the matching grant program for law enforcement armor vests authorized under section 2501 of title I of the 1968 Act (42 U.S.C. 3796ll).

**SA 4264.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

#### TITLE IV—DEEPWATER HORIZON CLAIMS RESOLUTION

##### SEC. 4001. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the oil spill resulting from the Deepwater Horizon incident has caused major economic damage to the residents of the States bordering the Gulf of Mexico;

(2) the limits on strict liability imposed by the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) will be exceeded by the claims resulting from the Deepwater Horizon incident; and

(3) while the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) places no restrictions on liability for damages from the accident under State law, litigation of such cases may take decades, and consume in litigation expenses funds that could otherwise be used to quickly and efficiently compensate the citizens of the Gulf States for damages resulting from the Deepwater Horizon incident.

(b) PURPOSE.—The purpose of this title is to create a fair and efficient system for the payment of legitimate present and future

claims for damages resulting from the Deepwater Horizon incident.

##### SEC. 4002. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Office.

(2) ADVISORY COMMITTEE.—The term “Advisory Committee” means the Advisory Committee on Deepwater Horizon Compensation established under section 4105(a).

(3) CLAIM.—The term “claim” means any claim, based on any theory, allegation, or cause of action, for damages presented in a civil action or bankruptcy proceeding, directly, indirectly, or derivatively arising out of, based on, or related to, in whole or in part, the effects of the Deepwater Horizon incident.

(4) CLAIMANT.—The term “claimant” means a person or State who files a claim under section 4203.

(5) CIVIL ACTION.—

(A) IN GENERAL.—The term “civil action” means a civil action filed in Federal or State court, whether cognizable as a case at law, in equity, or in admiralty.

(B) EXCLUSION.—The term “civil action” does not include an action relating to any workers’ compensation law.

(6) COLLATERAL SOURCE COMPENSATION.—The term “collateral source compensation” means the compensation that a claimant received, or is entitled to receive, from a responsible party as a result of a final judgment, settlement, or other payment for damages that are the source of a claim under section 4203, including payments made under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

(7) COMPENSATION PROGRAM.—The term “compensation program” means the compensation program established under this title.

(8) DAMAGES.—The term “damages” means damages specified in section 4301(b), including the cost of assessing those damages.

(9) DEEPWATER HORIZON INCIDENT.—The term “Deepwater Horizon incident” means the blowout and explosion of the Deepwater Horizon oil rig that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment.

(10) DEPARTMENT.—The term “Department” means the Department of the Interior.

(11) FUND.—The term “Fund” means the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986.

(12) LAW.—The term “law” includes all law, judicial or administrative decisions, rules, regulations, or any other principle or action having the effect of law.

(13) OFFICE.—The term “Office” means the Office of Deepwater Horizon Claims Compensation established under section 4101.

(14) PARTIES.—The term “parties” means, with respect to an individual claim, the claimant and the responsible party.

(15) PERSON.—

(A) IN GENERAL.—The term “person” means an individual, trust, firm, joint stock company, partnership, association, insurance company, reinsurance company, or corporation.

(B) EXCLUSIONS.—The term “person” does not include—

(i) the United States;

(ii) a State; or

(iii) a political subdivision of a State.

(16) RESPONSIBLE PARTY.—The term “responsible party” means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) for the Deepwater Horizon incident.

(17) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(18) STATE.—The term “State” means  
(A) each of the several States of the United States;

(B) the District of Columbia;  
(C) the Commonwealth of Puerto Rico;  
(D) Guam;  
(E) American Samoa;  
(F) the Commonwealth of the Northern Mariana Islands;  
(G) the Federated States of Micronesia;  
(H) the Republic of the Marshall Islands;  
(I) the Republic of Palau; and  
(J) the United States Virgin Islands.

(19) SUCCESSOR IN INTEREST.—The term “successor in interest” means any person that acquires assets, and substantially continues the business operations, of a responsible party, considering factors that include—

(A) retention of the same facilities or location;  
(B) retention of the same employees;  
(C) maintaining the same job under the same working conditions;  
(D) retention of the same supervisory personnel;  
(E) continuity of assets;  
(F) production of the same product or offer of the same service;  
(G) retention of the same name;  
(H) maintenance of the same customer base;

(I) identity of stocks, stockholders, and directors between the asset seller and the purchaser; or

(J) whether the successor holds itself out as continuation of previous enterprise, but expressly does not include whether the person actually knew of the liability of the responsible party under this title.

#### **Subtitle A—Office of Deepwater Horizon Claims Compensation**

#### **SEC. 4101. ESTABLISHMENT OF OFFICE OF DEEPWATER HORIZON CLAIMS COMPENSATION.**

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established within the Department the Office of Deepwater Horizon Claims Compensation, which shall be headed by the Administrator.

(2) PURPOSE.—The purpose of the Office shall be to provide timely, fair compensation, under the terms specified in this title, on a no-fault basis and in a nonadversarial manner, to persons and State or local governments that have incurred damages as a result of the Deepwater Horizon incident.

(3) TERMINATION OF THE OFFICE.—The Office shall terminate effective not later than 1 year following the date of certification by the Administrator that the Fund has neither paid a claim in the previous 1-year period nor has debt obligations remaining to pay.

(4) EXPENSES.—The Fund shall be available to the Secretary for expenditure, without further appropriation and without fiscal year limitation, as necessary for any and all expenses associated with the Office, including—

(A) personnel salaries and expenses, including retirement and similar benefits; and  
(B) all administrative and legal expenses.

(b) APPOINTMENT OF ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator of the Office shall be appointed by the President, by and with the advice and consent of the Senate.

(2) TERM.—The term of the Administrator shall be 5 years.

(3) REPORTING.—The Administrator shall report directly to the Assistant Secretary for Policy, Management, and Budget of the Department.

(c) DUTIES OF ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator shall be responsible for—

(A) processing claims for compensation for damages to eligible claimants in accordance

with the criteria and procedures established under subtitle B;

(B) appointing or contracting for the services of such personnel, making such expenditures, and taking any other actions as may be necessary to carry out the responsibilities of the Office, including entering into cooperative agreements with other Federal or State agencies and entering into contracts with nongovernmental entities;

(C) conducting such audits and additional oversight as necessary to assure the integrity of the compensation program;

(D) promulgating such rules, regulations, and procedures as may be necessary to carry out this title;

(E) making such expenditures as may be necessary in carrying out this title;

(F) excluding evidence and disqualifying or debarring any attorney or other individual or entity who provide evidence in support of the application of the claimant for compensation if the Administrator determines that materially false, fraudulent, or fictitious statements or practices have been submitted or engaged in by the individual or entity; and

(G) having all other powers incidental, necessary, or appropriate to carrying out the functions of the Office.

(2) CERTAIN ENFORCEMENT.—

(A) FALSE STATEMENTS.—For each infraction described in paragraph (1)(F), the Administrator may impose a civil penalty not to exceed \$10,000 on any individual or entity found to have submitted or engaged in a materially false, fraudulent, or fictitious statement or practice under this title.

(B) OTHER POWERS.—The Administrator shall issue appropriate regulations to carry out paragraph (1)(G).

(d) AUDIT AND PERSONNEL REVIEW PROCEDURES.—The Administrator shall establish audit and personnel review procedures for evaluating the accuracy of eligibility recommendations of agency and contract personnel.

#### **SEC. 4102. CLAIMANT ASSISTANCE.**

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a comprehensive claimant assistance program—

(1) to publicize and provide information to potential claimants about—

(A) the availability of benefits for eligible claimants under this title; and

(B) the procedures for filing claims and for obtaining assistance in filing claims;

(2) to provide assistance to potential claimants in preparing and submitting claims, including assistance in obtaining the documentation necessary to support a claim;

(3) to respond to inquiries from claimants and potential claimants;

(4) to provide training with respect to the applicable procedures for the preparation and filing of claims to persons who provide assistance or representation to claimants, including nonprofit organizations and State and local government entities; and

(5) to provide for the establishment of a website on which claimants may access all relevant forms and information.

(b) RESOURCE CENTERS.—

(1) IN GENERAL.—The claimant assistance program shall provide for the establishment of resource centers in areas in which there are determined to be large concentrations of potential claimants.

(2) LOCATION.—The centers shall be located, to the maximum extent practicable, in facilities of the Department or other Federal agencies.

(c) ATTORNEY'S FEES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the representative of an individual may not receive, for services

rendered in connection with the claim of an individual under this title, more than 5 percent of a final award made (whether by the Administrator initially or as a result of administrative review) on the claim.

(2) PENALTY.—Any representative of a claimant who violates this subsection shall be fined not more than the greater of—

(A) \$5,000; or

(B) twice the amount received by the representative for services rendered in connection with each violation.

#### **SEC. 4103. COMPENSATION PROGRAM STARTUP.**

(a) INTERIM REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall issue interim regulations and procedures for the processing of claims under this title.

(b) INTERIM PERSONNEL.—

(1) IN GENERAL.—The Secretary and the Assistant Secretary for Policy, Management, and Budget of the Department may make available to the Administrator on a temporary basis such personnel and other resources as may be necessary to facilitate the expeditious startup of the compensation program.

(2) CONTRACTS.—The Administrator may contract with individuals or entities having relevant experience to assist in the expeditious startup of the compensation program.

(c) EXTREME FINANCIAL HARDSHIP CLAIMS.—In the final regulations promulgated under section 4101(c), the Administrator shall designate categories of claims to be handled on an expedited basis as a result of extreme financial hardship.

(d) INTERIM ADMINISTRATOR.—Until an Administrator is appointed and confirmed under section 4101(b), the responsibilities of the Administrator under this title shall be performed by the Assistant Secretary for Policy, Management, and Budget of the Department, who shall have all the authority conferred by this title on the Administrator and who shall be considered to be the Administrator for purposes of this title.

(e) STAY OF CLAIMS; RETURN TO TORT SYSTEM.—

(1) STAY OF CLAIMS.—

(A) PENDING ACTIONS.—Notwithstanding any other provision of this title, any claim for damages pending in any Federal or State court for monetary damages related to the Deepwater Horizon incident as of the date of enactment of this Act shall be subject to a stay.

(B) FUTURE ACTIONS.—Notwithstanding any other provision of this title, any claim for damages filed in any Federal or State court for monetary damages related to the Deepwater Horizon incident after the date of enactment of this Act shall be subject to a stay 60 days after the date of the filing of the claim, unless the claimant has filed an election to pursue the claim for damages in the Federal or State court under paragraph (2).

(2) CLAIMS.—To be eligible for a claim, any person or State that has filed a timely claim seeking a judgment or order for monetary damages related to the Deepwater Horizon incident in any Federal or State court before, on, or after the date of enactment of this Act, shall file with the Administrator and serve on all defendants in the pending court action an election to pursue the claim for damages under this title or continue to pursue the claim in the Federal or State court—

(A) not later than 60 days after the date of enactment of this Act, if the claim was filed in a Federal or State court before the date of enactment of this Act; and

(B) not later than 60 days after the date of the filing of the claim, if the claim is filed in a Federal or State court on or after the date of enactment of this Act.



(3) **STAY.**—Until the claimant files an election under paragraph (2) to continue to pursue the claim in the Federal or State court, the stay under paragraph (1) shall remain in effect.

(4) **EFFECT OF ELECTION.**—

(A) **IN GENERAL.**—Any claimant that has elected to pursue a claim for damages in Federal or State court under paragraph (2) shall not be eligible for an award for those damages under section 4301.

(B) **STAY OF CLAIM.**—Any claimant that has been awarded damages for a claim under section 4301 shall not be eligible for an award of damages for the same claim in Federal or State court.

(5) **EFFECT OF OPERATIONAL OR NON-OPERATIONAL FUND.**—

(A) **REINSTATEMENT OF CLAIMS.**—If, after 270 days after the date of enactment of this Act, the Administrator cannot certify to Congress that the Office is operational and paying claims at a reasonable rate, each person or State that has filed a claim stayed under this subsection may continue the claims of the person or State in the court in which the case was pending prior to the stay.

(B) **OPERATIONAL OFFICE.**—If the Administrator subsequently certifies to Congress that the Office has become operational and paying all valid claims at a reasonable rate, any claim in a civil action in Federal or State court that is not actually on trial before a jury that has been impaneled and presentation of evidence has commenced, but before deliberation, or before a judge and is at the presentation of evidence, may, at the option of the claimant, be considered a reinstated claim before the Administrator and the civil action before the Federal or State court shall be null and void.

(C) **NONOPERATIONAL OFFICE.**—Notwithstanding any other provision of this title, if the Administrator certifies to Congress that the Office cannot become operational and paying all valid claims at a reasonable rate, all claims that have a stay may be filed or reinstated.

#### **SEC. 4104. AUTHORITY OF ADMINISTRATOR.**

On any matter within the jurisdiction of the Administrator under this title, the Administrator may—

(1) issue subpoenas for and compel the attendance of witnesses within a radius of 200 miles;

(2) administer oaths;

(3) examine witnesses;

(4) require the production of books, papers, documents, and other potential evidence; and

(5) request assistance from other Federal agencies with the performance of the duties of the Administrator under this title.

#### **SEC. 4105. ADVISORY COMMITTEE ON DEEPWATER HORIZON COMPENSATION.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the Administrator shall establish an Advisory Committee on Deepwater Horizon Compensation.

(2) **COMPOSITION AND APPOINTMENT.**—

(A) **IN GENERAL.**—The Advisory Committee shall be composed of 24 members, appointed in accordance with this paragraph.

(B) **LEGISLATIVE APPOINTMENTS.**—

(1) **IN GENERAL.**—The Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives shall each appoint 4 members to the Advisory Committee.

(ii) **REPRESENTATION.**—Of the 4 members appointed by each Member under clause (i)—

(I) 2 members shall represent the interests of claimants; and

(II) 2 members shall represent the interests of responsible parties.

(C) **APPOINTMENTS BY ADMINISTRATOR.**—The Administrator shall appoint 8 members to the Advisory Committee, who shall be individuals with qualifications and expertise relevant to the compensation program, including experience or expertise in marine or coastal ecology, oil spill remediation, fisheries management, administering compensation programs, or audits.

(b) **DUTIES.**—The Advisory Committee shall advise the Administrator on—

(1) claims filing and claims processing procedures;

(2) claimant assistance programs;

(3) audit procedures and programs to ensure the quality and integrity of the compensation program;

(4) analyses or research that should be conducted to evaluate past claims and to project future claims under the compensation program; and

(5) such other matters related to the implementation of this title as the Administrator considers appropriate.

(c) **OPERATION OF COMMITTEE.**—

(1) **TERM.**—The term of a member of the Advisory Committee shall be 3 years.

(2) **CHAIRPERSON AND VICE CHAIRPERSON.**—The Administrator shall designate a Chairperson and Vice Chairperson of the Advisory Committee from among the members appointed under subsection (a)(2)(C).

(3) **MEETINGS.**—The Advisory Committee shall meet—

(A) at the call of the Chairperson or a majority of the members of the Advisory Committee; and

(B) at least—

(i) 4 times per year during the first 3 years of the compensation program; and

(ii) 2 times per year thereafter.

(4) **INFORMATION.**—

(A) **IN GENERAL.**—The Administrator shall provide to the Advisory Committee such information as is necessary and appropriate for the Advisory Committee to carry out this section.

(B) **OTHER AGENCIES.**—

(i) **IN GENERAL.**—On request of the Advisory Committee, the Administrator may secure directly from any Federal, State, or local department or agency such information as may be necessary to enable the Advisory Committee to carry out this section.

(ii) **PROVISION OF INFORMATION.**—On request of the Administrator, the head of the department or agency described in clause (i) shall furnish such information to the Advisory Committee.

(5) **ADMINISTRATIVE SUPPORT.**—The Administrator shall provide the Advisory Committee with such administrative support as is reasonably necessary to enable the Advisory Committee to carry out this section.

(d) **EXPENSES.**—A member of the Advisory Committee, other than a full-time Federal employee, while attending a meeting of the Advisory Committee or while otherwise serving at the request of the Administrator, and while serving away from the home or regular place of business of the member, shall be allowed travel and meal expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Federal Government serving without pay.

#### **Subtitle B—Deepwater Horizon Compensation Procedures**

#### **SEC. 4201. ESSENTIAL ELEMENTS OF ELIGIBLE CLAIM.**

To be eligible for an award under this title for damages, a claimant shall—

(1) file a claim in a timely manner in accordance with section 4203; and

(2) prove, by a preponderance of the evidence, that the claimant has suffered damages as a result of the Deepwater Horizon incident.

#### **SEC. 4202. GENERAL RULE CONCERNING NO-FAULT COMPENSATION.**

To be eligible for an award under this title for damages, a claimant shall not be required to demonstrate that the damages for which the claim is being made resulted from the negligence or other fault of any other person.

#### **SEC. 4203. FILING OF CLAIMS.**

(a) **ELIGIBLE CLAIMANTS.**—

(1) **IN GENERAL.**—Any person or State that has suffered damage as a result of the Deepwater Horizon incident may file a claim with the Office for an award with respect to the damage.

(2) **LIMITATION.**—A claim may not be filed by any person or State under this title for contribution or indemnity.

(b) **STATUTE OF LIMITATIONS.**—Except as otherwise provided in this subsection, if a person or State fails to file a claim with the Office under this section during the 5-year period beginning on the date on which the person or State first discovered facts that would have led a reasonable person to conclude that damage had occurred, any claim relating to the damage, and any other claim related to that damage, shall be extinguished, and any recovery on the damage shall be prohibited.

(c) **FUTURE CLAIMS NOT PRECLUDED.**—Filing of a claim under subsection (a) shall not preclude the filing of additional claims for damages arising from the Deepwater Horizon incident that are manifest at a later date.

(d) **REQUIRED INFORMATION.**—A claim filed under subsection (a) shall be in such form, and contain such information in such detail, as the Administrator shall by regulation prescribe.

(e) **DATE OF FILING.**—A claim shall be considered to be filed on the date that the claimant mails the claim to the Office, as determined by postmark, or on the date that the claim is received by the Office, whichever is the earliest determinable date.

(f) **INCOMPLETE CLAIMS.**—

(1) **IN GENERAL.**—If a claim filed under subsection (a) is incomplete, the Administrator shall notify the claimant of the information necessary to complete the claim and inform the claimant of such services as may be available through the claimant assistance program established under section 4102 to assist the claimant in completing the claim.

(2) **TIME PERIODS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), any time period for the processing of the claim shall be suspended until such time as the claimant submits the information necessary to complete the claim.

(B) **DEADLINE.**—If the information described in subparagraph (A) is not received during the 1-year period beginning on the date of the notification, the claim shall be dismissed.

#### **SEC. 4204. ELIGIBILITY DETERMINATIONS AND CLAIM AWARDS.**

(a) **IN GENERAL.**—

(1) **REVIEW OF CLAIMS.**—The Administrator shall, in accordance with this section, determine whether each claim filed satisfies the requirements for eligibility for an award under this title and, if so, the value of the award.

(2) **FACTORS.**—In making a determination under paragraph (1), the Administrator shall consider—

(A) the claim presented by the claimant;

(B) the factual evidence submitted by the claimant in support of the claim; and

(C) the results of such investigation as the Administrator may consider necessary to determine whether the claim satisfies the criteria for eligibility established by this title.

(3) **ADDITIONAL EVIDENCE.**—

(A) IN GENERAL.—The Administrator may request the submission of evidence in addition to the minimum requirements of section 4203 if necessary to make a determination of eligibility for an award.

(B) COST.—If the Administrator requests additional evidence under subparagraph (A), the cost of obtaining the additional evidence shall be borne by the Office.

(b) PROPOSED DECISIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the filing of a claim, the Administrator shall provide to the parties a proposed decision—

(A) accepting or rejecting the claim in whole or in part; and

(B) specifying the amount of any proposed award.

(2) FORM.—The proposed decision shall—

(A) be in writing;

(B) contain findings of fact and conclusions of law; and

(C) contain an explanation of the procedure for obtaining review of the proposed decision.

(c) REVIEW OF PROPOSED DECISIONS.—

(1) RIGHT TO HEARING.—

(A) IN GENERAL.—Any party not satisfied with a proposed decision of the Administrator under subsection (b) shall be entitled, on written request made not later than 90 days after the date of the issuance of the decision, to a hearing on the claim of the claimant before a representative of the Administrator.

(B) TESTIMONY.—At the hearing, the party shall be entitled to present oral evidence and written testimony in further support of the claim.

(C) CONDUCT OF HEARING.—

(i) IN GENERAL.—The hearing shall, to the maximum extent practicable, be conducted at a time and place convenient for the claimant.

(ii) ADMINISTRATION.—Except as otherwise provided in this title, in conducting the hearing, the representative of the Administrator shall conduct the hearing in a manner that best determines the rights of the parties and shall not be bound by—

(I) common law or statutory rules of evidence;

(II) technical or formal rules of procedure; or

(III) section 554 of title 5, United States Code.

(iii) EVIDENCE.—For purposes of clause (ii), the representative of the Administrator shall receive such relevant evidence as the claimant adduces and such other evidence as the representative determines necessary or useful in evaluating the claim.

(D) REQUEST FOR SUBPOENAS.—

(i) IN GENERAL.—Subject to clause (iv), a party may request a representative of the Administrator to issue a subpoena but the decision to grant or deny the request is within the discretion of the representative.

(ii) SUBPOENAS.—Subject to clause (iii), the representative may issue subpoenas for—

(I) the attendance and testimony of witnesses; and

(II) the production of books, records, correspondence, papers, or other relevant documents.

(iii) PREREQUISITES.—Subpoenas may be issued for documents under this subparagraph only if—

(I) in the case of documents, the documents are relevant and cannot be obtained by other means; and

(II) in the case of witnesses, oral testimony is the best way to ascertain the facts.

(iv) REQUEST.—

(I) HEARING PROCESS.—A party may request a subpoena under this subparagraph only as part of the hearing process.

(II) FORM.—To request a subpoena, the requester shall—

(aa) submit the request in writing and send the to the representative as early as practicable, but not later than 30 days, after the date of the original hearing request; and

(bb) explain why the testimony or evidence is directly relevant to the issues at hand, and a subpoena is the best method or opportunity to obtain the evidence because there are no other means by which the documents or testimony could have been obtained.

(v) FEES AND MILEAGE.—

(I) IN GENERAL.—Any person required by a subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States.

(II) FUND.—The fees and mileage shall be paid from the Fund.

(2) REVIEW OF WRITTEN RECORD.—

(A) IN GENERAL.—Instead of a hearing under paragraph (1), any party not satisfied with a proposed decision of the Administrator shall have the option, on written request made not later than 90 days after the date of the issuance of the decision, of obtaining a review of the written record by a representative of the Administrator.

(B) OPPORTUNITY TO BE HEARD.—If a review is requested under subparagraph (A), the parties shall be afforded an opportunity to submit any written evidence or argument that the claimant believes relevant.

(d) FINAL DECISIONS.—

(1) IN GENERAL.—If the period of time for requesting review of the proposed decision expires and no request has been filed, or if the parties waive any objections to the proposed decision, the Administrator shall issue a final decision.

(2) VARIANCE FROM PROPOSED DECISION.—If the decision materially differs from the proposed decision, the parties shall be entitled to review of the decision under subsection (c).

(3) TIMING.—If the parties request review of all or part of the proposed decision the Administrator shall issue a final decision on the claim not later than—

(A) 180 days after the date the request for review is received, if a party requests a hearing; or

(B) 90 days after the date the request for review is received, if the claimant requests review of the written record.

(4) CONTENT.—The decision shall be in writing and contain findings of fact and conclusions of law.

(e) REPRESENTATION.—A party may authorize an attorney or other individual to represent the party in any proceeding under this title.

### Subtitle C—Awards

#### SEC. 4301. AMOUNT.

(a) IN GENERAL.—A claimant that meets the requirements of section 4201 shall be entitled to an award in an amount equal to the damages specified in subsection (b) sustained as a result of Deepwater Horizon incident.

(b) COVERED DAMAGES.—For purposes of subsection (a), covered damages shall be 1 or more of the following types of damages (if applicable):

(1) REAL OR PERSONAL PROPERTY.—Damages for injury to, or economic losses resulting from destruction of, real or personal property, which shall be recoverable by a claimant who owns or leases that property.

(2) SUBSISTENCE USE.—Damages for loss of subsistence use of natural resources, which shall be recoverable by any claimant who so uses natural resources that have been injured, destroyed, or lost, without regard to the ownership or management of the resources.

(3) REVENUES.—Damages equal to the net loss of taxes, royalties, rents, fees, or net

profit shares due to the injury, destruction, or loss of real property, personal property, or natural resources, which shall be recoverable by a State or a political subdivision of a State.

(4) PROFITS AND EARNING CAPACITY.—Damages equal to the loss of profits or impairment of earning capacity due to the injury, destruction, or loss of real property, personal property, or natural resources, which shall be recoverable by any claimant.

(5) PUBLIC SERVICES.—Damages for net costs of providing increased or additional public services during or after removal activities, including protection from fire, safety, or health hazards, caused by a discharge of oil, which shall be recoverable by a State or a political subdivision of a State.

#### SEC. 4302. PAYMENT.

(a) PAYMENTS.—Not later than 30 days after a final determination of an award under this title, a claimant that is entitled to an award under this title shall receive the amount of the award through payments from the responsible parties.

(b) LIMITATION ON TRANSFERABILITY.—A claim filed under this title shall not be assignable or otherwise transferable under this title.

#### SEC. 4303. SETOFFS FOR COLLATERAL SOURCE COMPENSATION AND PRIOR AWARDS.

The amount of an award otherwise available to a claimant under this title shall be reduced by the amount of collateral source compensation.

#### SEC. 4304. SUBROGATION.

Any person that pays compensation pursuant to this title to any claimant for damages shall be subrogated to all rights, claims, and causes of action the claimant has under any other law.

### Subtitle D—Judicial Review

#### SEC. 4401. JUDICIAL REVIEW OF RULES AND REGULATIONS.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over any action to review rules or regulations promulgated by the Administrator under this title.

(b) PERIOD FOR FILING PETITION.—A petition for review under this section shall be filed not later than 60 days after the date notice of the promulgation of the rules or regulations appears in the Federal Register.

(c) EXPEDITED PROCEDURES.—The United States Court of Appeals for the District of Columbia shall provide for expedited procedures for reviews under this section.

#### SEC. 4402. JUDICIAL REVIEW OF AWARD DECISIONS.

(a) IN GENERAL.—Any claimant or responsible party adversely affected or aggrieved by a final decision of the Administrator awarding or denying compensation under this title may petition for judicial review of the decision.

(b) PERIOD FOR FILING PETITION.—Any petition for review under this section shall be filed not later than 90 days after the date of issuance of a final decision of the Administrator.

(c) EXCLUSIVE JURISDICTION.—A petition for review may only be filed in the United States Court of Appeals for the circuit in which the claimant resides at the time of the issuance of the final order.

(d) STANDARD OF REVIEW.—The court shall uphold the decision of the Administrator unless the court determines, on review of the record as a whole, that the decision is not supported by substantial evidence, is contrary to law, or is not in accordance with procedure required by law.

(e) EXPEDITED PROCEDURES.—The United States Court of Appeals shall provide for expedited procedures for reviews under this section.

**SEC. 4403. OTHER JUDICIAL CHALLENGES.**

(a) **EXCLUSIVE JURISDICTION.**—The United States District Court for the District of Columbia shall have exclusive jurisdiction over any action for declaratory or injunctive relief challenging any provision of this title.

(b) **PERIOD FOR FILING PETITIONS.**—An action under this section shall be filed not later than the later of—

(1) the date that is 60 days after the date of enactment of this Act; or

(2) the date that is 60 days after the final action by the Administrator or the Office giving rise to the action.

(c) **DIRECT APPEAL.**—

(1) **IN GENERAL.**—A final decision in the action shall be reviewable on appeal directly to the Supreme Court.

(2) **ADMINISTRATION.**—The appeal shall be taken by the filing of a notice of appeal not later than 30 days, and the filing of a jurisdictional statement not later than 60 days, after the date of the entry of the final decision.

(d) **EXPEDITED PROCEDURES.**—It is the sense of Congress that the Supreme Court and the United States District Court for the District of Columbia are urged to advance on the docket and otherwise expedite, to the maximum extent practicable, the disposition of an action covered by this section.

**Subtitle E—Effect on Other Laws****SEC. 4501. EFFECT ON OTHER LAWS.**

This title shall supersede any Federal or State law to the extent that the law relates to any claim for damages compensated under this title.

**SA 4265.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 22 and 23, insert the following:

**PROHIBITION ON FRAUDULENT REPRESENTATION OF MILITARY SERVICE TO OBTAIN EMPLOYMENT OR OTHER BENEFITS**

**SEC. 3008. (a) CRIMINAL OFFENSE.**—Section 704 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(c) **FRAUDULENT REPRESENTATION OF MILITARY SERVICE.**—Whoever knowingly makes a fraudulent statement or representation, verbally or in writing, regarding the person's record of military service in the United States Armed Forces, including, but not limited to, participation in combat operations, for the purposes of gaining recognition, honorarium, official office, or other position of authority, employment or other benefit or object of value as a result of the statement, shall be fined under this title, imprisoned not more than six months, or both.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **HEADING AMENDMENT.**—The heading of such section is amended to read as follows:

“§ 704. Military medal or decorations; military service”.

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 33 of such title is amended by striking the item relating to section 704 and inserting the following new item:

“704. Military medal or decorations; military service.”.

**SA 4266.** Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by

him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, line 2, strike “and (3)” and insert “(3) may use, without further appropriation, amounts from the Oil Spill Liability Trust Fund in the event of a spill of national significance for administrative and personnel costs to process claims (including the costs of commercial claims processing, expert services, and technical services); and (4)”.

**SA 4267.** Mr. BINGAMAN (for himself, Ms. MURKOWSKI, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, between lines 6 and 7, insert the following:

**SEC. 4\_\_\_\_. (a)** Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) **SPECIFIC APPROPRIATION OR CONTRIBUTION.**—

“(1) **IN GENERAL.**—No guarantee shall be made unless—

“(A) an appropriation for the cost of the guarantee has been made;

“(B) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

“(C) a combination of appropriations under subparagraph (A) or payments from the borrower under subparagraph (B) has been made that is sufficient to cover the cost of the guarantee.

“(2) **LIMITATION.**—The source of payments received from a borrower under subparagraph (B) or (C) of paragraph (1) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.”; and

(2) by adding at the end the following:

“(1) **CREDIT REPORT.**—If, in the opinion of the Secretary, a third-party credit rating of the applicant or project is not relevant to the determination of the credit risk of a project, if the project costs are not projected to exceed \$100,000,000, and the applicant agrees to accept the credit rating assigned to the applicant by the Secretary, the Secretary may waive any otherwise applicable requirement (including any requirement described in part 609 of title 10, Code of Federal Regulations) to provide a third-party credit report.

“(m) **DIRECT HIRE AUTHORITY.**—

“(1) **IN GENERAL.**—Notwithstanding sections 3304 and sections 3309 through 3318 of title 5, United States Code, the head of the loan guarantee program under this title (referred to in this subsection as the ‘Executive Director’) may, on a determination that there is a severe shortage of candidates or a severe hiring need for particular positions to carry out the functions of this title, recruit and directly appoint highly qualified critical personnel with specialized knowledge important to the function of the programs under this title into the competitive service.

“(2) **EXCEPTION.**—The authority granted under paragraph (1) shall not apply to positions in the excepted service or the Senior Executive Service.

“(3) **REQUIREMENTS.**—In exercising the authority granted under paragraph (1), the Executive Director shall ensure that any action taken by the Executive Director—

“(A) is consistent with the merit principles of section 2301 of title 5, United States Code; and

“(B) complies with the public notice requirements of section 3327 of title 5, United States Code.

“(4) **SUNSET.**—The authority provided under paragraph (1) shall terminate on September 30, 2011.

“(n) **PROFESSIONAL ADVISORS.**—The Secretary may—

“(1) retain agents and legal and other professional advisors in connection with guarantees and related activities authorized under this title;

“(2) require applicants for and recipients of loan guarantees to pay all fees and expenses of the agents and advisors; and

“(3) notwithstanding any other provision of law, select such advisors in such manner and using such procedures as the Secretary determines to be appropriate to protect the interests of the United States and achieve the purposes of this title.

“(o) **MULTIPLE SITES.**—Notwithstanding any contrary requirement (including any provision under part 609.12 of title 10, Code of Federal Regulations) an eligible project may be located on 2 or more non-contiguous sites in the United States.”.

(b) Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(e) **MULTIPLE APPLICATIONS.**—Notwithstanding any contrary requirement (including any provision under part 609.3(a) of title 10, Code of Federal Regulations), a project applicant or sponsor of an eligible project may submit an application for more than 1 eligible project under this section.”.

(c) Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

“(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment.”.

(d) Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended—

(1) by striking subsection (f) and inserting the following:

“(f) **FEES.**—Except as otherwise permitted under subsection (i), administrative costs shall be not more than \$100,000 or 10 basis points of the loan.”;

(2) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(3) by inserting after subsection (h) the end the following:

“(i) **PROFESSIONAL ADVISORS.**—The Secretary may—

“(1) retain agents and legal and other professional advisors in connection with guarantees and related activities authorized under this section;

“(2) require applicants for and recipients of loan guarantees to pay directly, or through the payment of fees to the Secretary, all fees and expenses of the agents and advisors; and

“(3) notwithstanding any other provision of law, select such advisors in such manner and using such procedures as the Secretary determines to be appropriate to protect the interests of the United States and achieve the purposes of this section.”.

**SA 4268.** Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by

him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 30, between lines 6 and 7, insert the following:

SEC. 4 \_\_\_\_\_. Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following:

“(1) DEADLINE FOR OMB REVIEW.—If the Secretary submits to the Director of the Office of Management and Budget a loan guarantee for review and comment, the Secretary may, taking into consideration comments made by the Director, issue a conditional commitment to enter into the loan guarantee at least 30 days subsequent to the submittal, without further approval from the Director.”.

**SA 4269.** Ms. KLOBUCHAR (for herself, Mr. DORGAN, Mr. ENSIGN, Mr. BEGICH, and Mr. LEMIEUX) submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. AMENDMENT OF TRAVEL PROMOTION ACT OF 2009.**

(a) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) by striking “6 months” in clause (i) and inserting “12 months”; and

(2) by striking “subsection (d) of section 11 of the Travel Promotion Act of 2009.” in clause (ii) and inserting “subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)).”; and

(3) by striking “September 30, 2014.” in clause (iii) and inserting “September 30, 2015.”.

(b) IMPLEMENTATION BEGINNING IN FISCAL YEAR 2011.—Subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)) is amended—

(1) by striking “fiscal year 2010.” in paragraph (2)(A) and inserting “fiscal year 2011.”;

(2) by striking “January 1, 2010.” in paragraph (2)(A) and inserting “January 1, 2011.”;

(3) by striking “fiscal years 2011 through 2014.” in paragraph (2)(B) and inserting “fiscal years 2012 through 2015.”;

(4) by striking “fiscal year 2010.” in paragraph (3)(A) and inserting “fiscal year 2011.”;

(5) by striking “fiscal year 2011.” each place it appears in paragraph (3)(A) and inserting “fiscal year 2012.”; and

(6) by striking “fiscal year 2010, 2011, 2012, 2013, or 2014” in paragraph (4)(B) and inserting “fiscal year 2011, 2012, 2013, 2014, or 2015”.

(c) PROGRAM AUDITS.—Subsection (b)(8)(D) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b)(8)(D)) is amended by striking “2 years after the date of enactment of this section.” and inserting “3 years after the date of enactment of the Travel Promotion Act of 2009.”.

(d) RESEARCH PROGRAM.—Section 203(b) of the International Travel Act of 1961 (22 U.S.C. 2123a(b)) is amended by striking “2010 through 2014” and inserting “2010 through 2015”.

(e) CORRECTION OF CROSS-REFERENCE.—Section 202(c)(1) of the International Travel Act of 1961 (22 U.S.C. 2123(c)(1)) is amended by

striking “subsection (b) of section 11 of the Travel Promotion Act of 2009” and inserting “subsection (b) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b))”.

**SA 4270.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. EXTENSION OF DEPENDENT COVERAGE UNDER FEHBP.**

(a) PROVISIONS RELATING TO AGE.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8901(5)—

(A) in the matter before subparagraph (A), by striking “22 years of age” and inserting “26 years of age”; and

(B) in the matter after subparagraph (B), by striking “age 22” and inserting “age 26”; and

(2) in section 8905(c)(2)(B)—

(A) in clause (i), by striking “22 years of age” and inserting “26 years of age”; and

(B) in clause (ii), by striking “age 22” and inserting “age 26”.

(b) PROVISIONS RELATING TO MARITAL STATUS.—Chapter 89 of title 5, United States Code, is further amended—

(1) in section 8901(5) and subsections (b)(2)(A), (c)(2)(B), (e)(1)(B), and (e)(2)(A) of section 8905a, by striking “an unmarried dependent” each place it appears and inserting “a dependent”; and

(2) in section 8905(c)(2)(B), by striking “unmarried dependent” and inserting “dependent”.

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective as if included in the enactment of section 1001 of the Patient Protection and Affordable Care Act (Public Law 111-148), except that the Director of the Office of Personnel Management may implement such amendments for such periods before the effective date otherwise provided in section 1004(a) of such Act as the Director may specify.

**SA 4271.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 81, between lines 23 and 24, insert the following:

SEC. 30 \_\_\_\_\_. None of the funds made available by this Act or any other law shall be used by the Secretary of the Interior to review or approve plans or permits for the exploration, development, or production of oil and natural gas in the outer Continental Shelf until such time as—

(1) the Secretary of the Interior and the Council on Environmental Quality have completed a joint review of applicable procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling established by Executive Order on May 22, 2010 (referred to in this section as the “Commission”), has submitted a final public report to the President in accordance with section 3(c) of that Executive Order;

(3) any policy or procedural changes recommended by the Secretary of the Interior

and the Council on Environmental Quality based on the joint review under paragraph (1) and by the Commission based on the final report described in paragraph (2) have been fully implemented, as determined to be appropriate by the President; and

(4) the Secretary of the Interior has submitted a report that describes the changes implemented under paragraph (3) to—

(A) the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

**SA 4272.** Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, line 14, strike “Code:” and insert “Code, and \$80,900,000 shall be available to the Secretary of Transportation for a national advertising and enforcement campaign against distracted driving, and for grants to States to carry out enforcement against distracted driving:”.

**SA 4273.** Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, strike lines 10 through 24.

**SA 4274.** Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, strike line 14 and all that follows through line 18 and insert the following: “Medical Services” account: *Provided*, That any amount transferred from “Construction, Major Projects” shall be derived from unobligated balances that are a direct result of bid savings: *Provided further*, That such amounts are used to provide assistance and support services to caregivers under section 1720G of title 38, United States Code, and to carry out the provisions of title I of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163): *Provided further*, That no amounts may be transferred from amounts

**SA 4275.** Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, strike line 10 and all that follows through line 22 and insert the following:

SEC. 901. (a) Of the amounts made available to the Department of Veterans Affairs under the “Construction, Major Projects” account, in fiscal year 2010 or previous fiscal years, the unobligated balances that are a direct result of bid savings may be used by the Secretary of Veterans Affairs for such major medical facility projects (as defined under

section 8104(a) of title 38, United States Code) that have been authorized by law as the Secretary considers appropriate.

**SA 4276.** Mr. WICKER (for himself, Mr. SHELBY, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**DIVISION B—GULF OF MEXICO RESTORATION AND PROTECTION**

**SECTION 1. SHORT TITLE.**

This division may be cited as the “Gulf of Mexico Restoration and Protection Act”.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the Gulf of Mexico is a valuable resource of national and international importance, continuously serving the people of the United States and other countries as an important source of food, economic productivity, recreation, beauty, and enjoyment;

(2) over many years, the resource productivity and water quality of the Gulf of Mexico and its watershed have been diminished by point and nonpoint source pollution;

(3) the United States should seek to attain the protection and restoration of the Gulf of Mexico ecosystem as a collaborative regional goal of the Gulf of Mexico Program; and

(4) the Administrator of the Environmental Protection Agency, in consultation with other Federal agencies and State and local authorities, should coordinate the effort to meet those goals.

(b) PURPOSES.—The purposes of this division are—

(1) to expand and strengthen cooperative voluntary efforts to restore and protect the Gulf of Mexico;

(2) to expand Federal support for monitoring, management, and restoration activities in the Gulf of Mexico and its watershed;

(3) to commit the United States to a comprehensive cooperative program to achieve improved water quality in, and improvements in the productivity of living resources of, the Gulf of Mexico; and

(4) to establish a Gulf of Mexico Program to serve as a national and international model for the collaborative management of large marine ecosystems.

**SEC. 3. GULF OF MEXICO RESTORATION AND PROTECTION.**

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

**“SEC. 123. GULF OF MEXICO RESTORATION AND PROTECTION.**

“(a) DEFINITIONS.—In this section;

“(1) GULF OF MEXICO ECOSYSTEM.—The term ‘Gulf of Mexico ecosystem’ means the ecosystem of the Gulf of Mexico and its watershed.

“(2) GULF OF MEXICO EXECUTIVE COUNCIL.—The term ‘Gulf of Mexico Executive Council’ means the formal collaborative Federal, State, local, and private participants in the Program.

“(3) PROGRAM.—The term ‘Program’ means the Gulf of Mexico Program established by the Administrator in 1988 as a nonregulatory, inclusive partnership to provide a broad geographic focus on the primary environmental issues affecting the Gulf of Mexico.

“(4) PROGRAM OFFICE.—The term ‘Program Office’ means the office established by the Administrator to administer the Program that is reestablished by subsection (b)(1)(A).

“(b) CONTINUATION OF GULF OF MEXICO PROGRAM.—

“(1) GULF OF MEXICO PROGRAM OFFICE.—

“(A) REESTABLISHMENT.—The Program Office established before the date of enactment of this section by the Administrator is reestablished as an office of the Environmental Protection Agency.

“(B) REQUIREMENTS.—The Program Office shall be—

“(i) headed by a Director who, by reason of management experience and technical expertise relating to the Gulf of Mexico, is highly qualified to direct the development of plans and programs on a variety of Gulf of Mexico issues, as determined by the Administrator; and

“(ii) located in a State all or a portion of the coastline of which is on the Gulf of Mexico.

“(C) FUNCTIONS.—The Program Office shall—

“(i) coordinate the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies—

“(I) to improve the water quality and living resources in the Gulf of Mexico ecosystem; and

“(II) to obtain the support of appropriate officials;

“(ii) in cooperation with appropriate Federal, State, and local authorities, assist in developing and implementing specific action plans to carry out the Program;

“(iii) coordinate and implement priority State-led and community-led restoration plans and projects, and facilitate science, research, modeling, monitoring, data collection, and other activities that support the Program through the provision of grants under subsection (d);

“(iv) implement outreach programs for public information, education, and participation to foster stewardship of the resources of the Gulf of Mexico;

“(v) develop and make available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Gulf of Mexico ecosystem;

“(vi) serve as the liaison with, and provide information to, the Mexican members of the Gulf of Mexico States Accord and Mexican counterparts of the Environmental Protection Agency; and

“(vii) focus the efforts and resources of the Program Office on activities that will result in measurable improvements to water quality and living resources of the Gulf of Mexico ecosystem.

“(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into 1 or more interagency agreements with other Federal agencies to carry out this section.

“(d) GRANTS.—

“(1) IN GENERAL.—In accordance with the Program, the Administrator, acting through the Program Office, may provide grants to nonprofit organizations, State and local governments, colleges, universities, interstate agencies, and individuals to carry out this section for use in—

“(A) monitoring the water quality and living resources of the Gulf of Mexico ecosystem;

“(B) researching the effects of natural and human-induced environmental changes on the water quality and living resources of the Gulf of Mexico ecosystem;

“(C) developing and executing cooperative strategies that address the water quality and living resource needs in the Gulf of Mexico ecosystem;

“(D) developing and implementing locally based protection and restoration programs or projects within a watershed that com-

plement those strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Gulf of Mexico ecosystem; and

“(E) eliminating or reducing nonpoint sources that discharge pollutants that contaminate the Gulf of Mexico ecosystem, including activities to eliminate leaking septic systems and construct connections to local sewage systems.

“(2) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using a grant provided under this section shall not exceed 75 percent, as determined by the Administrator.

“(3) ADMINISTRATIVE COSTS.—Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects carried out using funds made available through a grant under this subsection shall not exceed 15 percent of the amount of the grant.

“(e) REPORTS.—

“(1) ANNUAL REPORT.—Not later than December 30, 2009, and annually thereafter, the Director of the Program Office shall submit to the Administrator and make available to the public a report that describes—

“(A) each project and activity funded under this section during the previous fiscal year;

“(B) the goals and objectives of those projects and activities; and

“(C) the net benefits of projects and activities funded under this section during previous fiscal years.

“(2) ASSESSMENT.—

“(A) IN GENERAL.—Not later than April 30, 2011, and every 5 years thereafter, the Administrator, in coordination with the Gulf of Mexico Executive Council, shall complete an assessment, and submit to Congress a comprehensive report on the performance, of the Program.

“(B) REQUIREMENTS.—The assessment and report described in subparagraph (A) shall—

“(i) assess the overall state of the Gulf of Mexico ecosystem;

“(ii) compare the current state of the Gulf of Mexico ecosystem with a baseline assessment;

“(iii) include specific measures to assess any improvements in water quality and living resources of the Gulf of Mexico ecosystem;

“(iv) assess the effectiveness of the Program management strategies being implemented, and the extent to which the priority needs of the region are being met through that implementation; and

“(v) make recommendations for the improved management of the Program, including strengthening strategies being implemented or adopting improved strategies.

“(f) BUDGET ITEM.—The Administrator, in the annual submission to Congress of the budget of the Environmental Protection Agency, shall include a funding line item request for the Program Office as a separate budget line item.

“(g) LIMITATION ON REGULATORY AUTHORITY.—Nothing in this section establishes any new legal or regulatory authority of the Administrator other than the authority to provide grants in accordance with this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

“(1) \$10,000,000 for fiscal year 2010;

“(2) \$15,000,000 for fiscal year 2011; and

“(3) \$25,000,000 for each of fiscal years 2012 through 2014.”.

**SA 4277.** Mr. WICKER (for himself, Mr. SHELBY, and Mr. LEMIEUX) submitted an amendment intended to be

proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**DIVISION B—GULF OF MEXICO  
RESTORATION AND PROTECTION**

**SECTION 1. SHORT TITLE.**

This division may be cited as the “Gulf of Mexico Restoration and Protection Act”.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the Gulf of Mexico is a valuable resource of national and international importance, continuously serving the people of the United States and other countries as an important source of food, economic productivity, recreation, beauty, and enjoyment;

(2) over many years, the resource productivity and water quality of the Gulf of Mexico and its watershed have been diminished by point and nonpoint source pollution;

(3) the United States should seek to attain the protection and restoration of the Gulf of Mexico ecosystem as a collaborative regional goal of the Gulf of Mexico Program; and

(4) the Administrator of the Environmental Protection Agency, in consultation with other Federal agencies and State and local authorities, should coordinate the effort to meet those goals.

(b) PURPOSES.—The purposes of this division are—

(1) to expand and strengthen cooperative voluntary efforts to restore and protect the Gulf of Mexico;

(2) to expand Federal support for monitoring, management, and restoration activities in the Gulf of Mexico and its watershed;

(3) to commit the United States to a comprehensive cooperative program to achieve improved water quality in, and improvements in the productivity of living resources of, the Gulf of Mexico; and

(4) to establish a Gulf of Mexico Program to serve as a national and international model for the collaborative management of large marine ecosystems.

**SEC. 3. GULF OF MEXICO RESTORATION AND PROTECTION.**

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

**“SEC. 123. GULF OF MEXICO RESTORATION AND PROTECTION.**

“(a) DEFINITIONS.—In this section;

“(1) GULF OF MEXICO ECOSYSTEM.—The term ‘Gulf of Mexico ecosystem’ means the ecosystem of the Gulf of Mexico and its watershed.

“(2) GULF OF MEXICO EXECUTIVE COUNCIL.—The term ‘Gulf of Mexico Executive Council’ means the formal collaborative Federal, State, local, and private participants in the Program.

“(3) PROGRAM.—The term ‘Program’ means the Gulf of Mexico Program established by the Administrator in 1988 as a nonregulatory, inclusive partnership to provide a broad geographic focus on the primary environmental issues affecting the Gulf of Mexico.

“(4) PROGRAM OFFICE.—The term ‘Program Office’ means the office established by the Administrator to administer the Program that is reestablished by subsection (b)(1)(A).

“(b) CONTINUATION OF GULF OF MEXICO PROGRAM.—

“(1) GULF OF MEXICO PROGRAM OFFICE.—

“(A) REESTABLISHMENT.—The Program Office established before the date of enactment of this section by the Administrator is rees-

tablished as an office of the Environmental Protection Agency.

“(B) REQUIREMENTS.—The Program Office shall be—

“(i) headed by a Director who, by reason of management experience and technical expertise relating to the Gulf of Mexico, is highly qualified to direct the development of plans and programs on a variety of Gulf of Mexico issues, as determined by the Administrator; and

“(ii) located in a State all or a portion of the coastline of which is on the Gulf of Mexico.

“(C) FUNCTIONS.—The Program Office shall—

“(i) coordinate the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies—

“(I) to improve the water quality and living resources in the Gulf of Mexico ecosystem; and

“(II) to obtain the support of appropriate officials;

“(ii) in cooperation with appropriate Federal, State, and local authorities, assist in developing and implementing specific action plans to carry out the Program;

“(iii) coordinate and implement priority State-led and community-led restoration plans and projects, and facilitate science, research, modeling, monitoring, data collection, and other activities that support the Program through the provision of grants under subsection (d);

“(iv) implement outreach programs for public information, education, and participation to foster stewardship of the resources of the Gulf of Mexico;

“(v) develop and make available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Gulf of Mexico ecosystem;

“(vi) serve as the liaison with, and provide information to, the Mexican members of the Gulf of Mexico States Accord and Mexican counterparts of the Environmental Protection Agency; and

“(vii) focus the efforts and resources of the Program Office on activities that will result in measurable improvements to water quality and living resources of the Gulf of Mexico ecosystem.

“(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into 1 or more interagency agreements with other Federal agencies to carry out this section.

“(d) GRANTS.—

“(1) IN GENERAL.—In accordance with the Program, the Administrator, acting through the Program Office, may provide grants to nonprofit organizations, State and local governments, colleges, universities, interstate agencies, and individuals to carry out this section for use in—

“(A) monitoring the water quality and living resources of the Gulf of Mexico ecosystem;

“(B) researching the effects of natural and human-induced environmental changes on the water quality and living resources of the Gulf of Mexico ecosystem;

“(C) developing and executing cooperative strategies that address the water quality and living resource needs in the Gulf of Mexico ecosystem;

“(D) developing and implementing locally based protection and restoration programs or projects within a watershed that complement those strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Gulf of Mexico ecosystem; and

“(E) eliminating or reducing nonpoint sources that discharge pollutants that con-

taminate the Gulf of Mexico ecosystem, including activities to eliminate leaking septic systems and construct connections to local sewage systems.

“(2) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using a grant provided under this section shall not exceed 75 percent, as determined by the Administrator.

“(3) ADMINISTRATIVE COSTS.—Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects carried out using funds made available through a grant under this subsection shall not exceed 15 percent of the amount of the grant.

“(e) REPORTS.—

“(1) ANNUAL REPORT.—Not later than December 30, 2009, and annually thereafter, the Director of the Program Office shall submit to the Administrator and make available to the public a report that describes—

“(A) each project and activity funded under this section during the previous fiscal year;

“(B) the goals and objectives of those projects and activities; and

“(C) the net benefits of projects and activities funded under this section during previous fiscal years.

“(2) ASSESSMENT.—

“(A) IN GENERAL.—Not later than April 30, 2011, and every 5 years thereafter, the Administrator, in coordination with the Gulf of Mexico Executive Council, shall complete an assessment, and submit to Congress a comprehensive report on the performance, of the Program.

“(B) REQUIREMENTS.—The assessment and report described in subparagraph (A) shall—

“(i) assess the overall state of the Gulf of Mexico ecosystem;

“(ii) compare the current state of the Gulf of Mexico ecosystem with a baseline assessment;

“(iii) include specific measures to assess any improvements in water quality and living resources of the Gulf of Mexico ecosystem;

“(iv) assess the effectiveness of the Program management strategies being implemented, and the extent to which the priority needs of the region are being met through that implementation; and

“(v) make recommendations for the improved management of the Program, including strengthening strategies being implemented or adopting improved strategies.

“(f) BUDGET ITEM.—The Administrator, in the annual submission to Congress of the budget of the Environmental Protection Agency, shall include a funding line item request for the Program Office as a separate budget line item.

“(g) LIMITATION ON REGULATORY AUTHORITY.—Nothing in this section establishes any new legal or regulatory authority of the Administrator other than the authority to provide grants in accordance with this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

“(1) \$10,000,000 for fiscal year 2010;

“(2) \$15,000,000 for fiscal year 2011; and

“(3) \$25,000,000 for each of fiscal years 2012 through 2014.”.

**SA 4278.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, between lines 7 and 8, insert the following:



## DEPARTMENT OF ENERGY

TITLE XVII INNOVATIVE TECHNOLOGY LOAN  
GUARANTEE PROGRAM

For the cost of guaranteed loans as authorized by section 1702(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)) for nuclear power facilities, an additional total principal amount of \$9,000,000,000, to remain available until expended: *Provided*, That amounts made available under this heading shall be subject to section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a): *Provided further*, That amounts made available under this heading shall be in addition to the authority provided under section 20320 of the Continuing Appropriations Act, 2007 (42 U.S.C. 16515): *Provided further*, That amounts made available under this heading shall be derived from amounts received as payments from borrowers under section 1702(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)) and collected in accordance with section 502(7) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(7)): *Provided further*, That the source of payment received from the borrowers shall not be considered a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That, pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)), no amounts made available under this heading shall be used to pay the subsidy cost of guarantees: *Provided further*, That none of the loan guarantee authority made available under this heading shall be available for commitments to guarantee loans for any projects for which funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support a project or to obtain goods or services from the project: *Provided further*, That the previous proviso does not preclude the use of the loan guarantee authority provided under this heading for commitments to guarantee loans for projects as a result of the projects benefitting from (1) otherwise allowable Federal income tax benefits, (2) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (A) paid exclusively in cash, (B) deposited in the Treasury as offsetting receipts, and (C) equal to the fair market value as determined by the head of the relevant Federal agency, (4) Federal insurance programs, including section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the "Price-Anderson Act"), or (5) for electric generation projects, use of transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: *Provided further*, That none of the loan guarantee authority made available under this heading shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.): *Provided further*, That, of the unobligated balances appropriated or otherwise made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115) (other than under title X of division A of that Act), \$90,000,000 is rescinded.

**SA 4279.** Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Ms. MUR-

KOWSKI, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, strike lines 9 through 25 and insert the following:

## FOREST SERVICE

## NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System", for the protection of public health and safety through the removal of hazard trees killed by bark beetles, \$50,000,000, to remain available until expended: *Provided*, That any of the funds made available under this heading may be transferred by the Secretary of Agriculture to the "Capital Improvement and Maintenance" account to carry out the purposes of the matter under this heading: *Provided further*, That \$8,000,000 of the funds provided under this heading shall be transferred to the National Park Service for "Operation of the National Park System", to carry out the purposes of the matter under this heading.

## FOREIGN AGRICULTURAL SERVICE

## FOOD FOR PEACE TITLE II GRANTS

For an additional amount for "Food for Peace Title II Grants" for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, \$150,000,000, to remain available until expended.

## GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. None of the funds appropriated or made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a biomass crop assistance program as authorized by section 9011 of Public Law 107-171 in excess of \$552,000,000 in fiscal year 2010, \$432,000,000 in fiscal year 2011, or \$299,000,000 in fiscal year 2012: *Provided*, That section 3002 shall not apply to the amount under this section.

**SA 4280.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

PUBLIC AVAILABILITY OF CONTRACTOR  
INTEGRITY AND PERFORMANCE DATABASE

SEC. 3008. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110-417; 41 U.S.C. 417b(e)(1)) is amended by adding at the end the following: "In addition, the Administrator shall post all such information, excluding past performance reviews, on a publicly available Internet website."

**SA 4281.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

PUBLIC AVAILABILITY OF CONTRACTOR  
INTEGRITY AND PERFORMANCE DATABASE

SEC. 3008. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110-417; 41 U.S.C. 417b(e)(1)) is amended by striking "and, upon request" and all that follows through the period at the end and inserting "and to all members of Congress. In addition, the Administrator shall post all such information, excluding past performance reviews, on a publicly available Internet website."

**SA 4282.** Mr. PRYOR (for himself, Mrs. LINCOLN, Mr. VITTER, Mr. BROWNBACK, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

## TITLE IV—FLOOD INSURANCE

## SEC. 4001. BASE FLOOD ELEVATION DETERMINATION APPEAL PERIOD.

(a) IN GENERAL.—Notwithstanding any other provision of law, the appeal period for any base flood elevation determination or any determination of an area having special flood hazards shall be 90 days unless an extended appeal period is requested by a party affected by such determination, in which case the appeal period shall be 120 days.

(b) REENTRY OF APPEALS.—Effective for the 90-day period beginning on the date of enactment of this Act, any community whose Flood Insurance Rate Maps were revised, updated, or otherwise altered after September 30, 2008, pursuant to the Flood Map Modernization Program established under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) shall be permitted to re-enter an appeal of such revision, update, or alteration and such appeal shall be subject to the time limitations established under subsection (a).

SEC. 4002. ECONOMIC IMPACT OF PRELIMINARY  
BASE FLOOD ELEVATION DETERMINATIONS AND PRELIMINARY  
FLOOD INSURANCE RATE MAPS.

For purposes of section 605(b) of title 5, United States Code, the issuance by the Administrator of the Federal Emergency Management Agency of a proposed modified base flood elevation, proposed area having special flood hazards, preliminary flood insurance study, or preliminary Flood Insurance Rate Maps shall be deemed to have a significant economic impact on a substantial number of small entities.

SEC. 4003. ESTABLISHMENT OF A BASE FLOOD  
ELEVATION DETERMINATION AND  
SPECIAL FLOOD HAZARD AREA DE-  
TERMINATION ARBITRATION PANEL.

(a) ESTABLISHMENT.—As allowed under section 1307(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104), and notwithstanding any other provision of law, not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall establish an arbitration panel—

(1) to efficiently and clearly resolve disputes between communities and the Federal Government regarding the Flood Map Modernization Program; and

(2) to expedite the general acceptance of technically accurate base flood elevation determinations as reflected in Flood Insurance Rate Maps.

## (b) ARBITRATION PANEL.—

(1) MEMBERSHIP.—The arbitration panel established under subsection (a) shall be comprised of 5 members.

## (2) REQUIRED QUALIFICATIONS.—

(A) ECONOMIC AND ADMINISTRATIVE EXPERTISE.—At least 1 member of the arbitration panel established under subsection (a) shall have expertise in each of the following fields:

- (i) Community economic development.
- (ii) Administrative law.

(B) WATER RESOURCES EXPERTISE.—At least 3 members of the arbitration panel established under subsection (a) shall have technical expertise in water resources and other related scientific disciplines.

(3) NO FEMA EMPLOYEES.—No member of the arbitration panel established under subsection (a) shall be an employee of the Federal Emergency Management Agency.

(4) INDEPENDENCE.—Each member of the arbitration panel established under subsection (a) shall be independent and neutral.

(5) USE OF.—A community may choose to have a dispute resolved by the arbitration panel not later than 90 days after the appeal period described in section 4001(a) ends.

## (c) CONSIDERATIONS.—

(1) IN GENERAL.—The arbitration panel established under subsection (a) may consider historical flood data and other data outside the scope of scientific or technical data in carrying out the duties and responsibilities of the arbitration panel.

(2) PROHIBITION.—In resolving any dispute under this section, the arbitration panel may not take into consideration the status of the grant application of any community under section 4.

(3) COORDINATION WITH CORPS OF ENGINEERS.—Upon request by the arbitration panel, the appropriate district office of jurisdiction of the United States Army Corps of Engineers shall fund and make available personnel or technical guidance to assist the arbitration panel in considering hydrological data, historical data, budgetary data, or other relevant information.

(d) COMMUNITY CHOICE.—A community may choose to have a dispute resolved by the arbitration panel only if the community has satisfied the following conditions:

(1) The community has appealed a base flood elevation determination or a determination of an area having special flood hazards and undergone a 30-day consultation period with the Administrator of the Federal Emergency Management Agency in an effort to resolve the dispute.

(2) The 30-day consultation period described in paragraph (1) shall begin upon the Administrator's receipt of notice of intent of the community to enter arbitration.

(3) In cases in which the appeal period described under paragraph (1) begins a sufficient time after the date of enactment of this Act, the community has adequately notified the public 180 days prior to the beginning of the appeal period regarding the changes proposed by the Administrator. Such notification may include individual notification of affected households, public meetings, or publication of proposed changes in local media.

## (e) BINDING AUTHORITY.—

(1) IN GENERAL.—Any determination of resolution of a dispute by the arbitration panel under this section—

- (A) shall be final and binding; and
- (B) may not appeal or seek further relief for such dispute to any other administrative or judicial body.

## (2) PROCEEDINGS.—

(A) IN GENERAL.—The arbitration panel shall—

- (i) initiate proceedings to resolve any disputes brought before the arbitration panel;
- (ii) consider all relevant information during the course of any such proceeding; and
- (iii) issue a determination of resolution of the dispute, as soon as is practical after the initiation of such proceeding.

## (B) EFFECT PRIOR TO DETERMINATION.—

Until such time as the arbitration panel issues a determination of resolution under subparagraph (A), the most current Flood Insurance Rate Maps shall remain in effect.

(3) FINAL DETERMINATION.—Following deliberations, the arbitration panel shall issue a final determination of resolution of a dispute setting forth the base flood elevation determination or the determination of an area having special flood hazards that shall be reflected in the Flood Insurance Rate Maps. The final determination of the arbitration panel shall not be limited to either acceptance or denial of the position of Administrator of the Federal Emergency Management Agency or the position of the community.

(4) WRITTEN OPINION.—Accompanying any final determination of resolution issued pursuant to paragraph (3), the arbitration panel shall issue a written opinion fully explaining its decision, including all relevant information relied upon by the panel. The opinion issued under this paragraph shall provide communities seeking to mitigate their flood risk with sufficient information to make informed future planning decisions in light of identified flood hazards.

(f) RULE OF CONSTRUCTION.—Nothing contained in this section shall alter existing procedures for revision, update, or amendment of Flood Insurance Rate Maps, including Flood Insurance Rate Maps resulting from decisions of the arbitration panel.

(g) SUNSET.—This section shall cease to have effect 3 years after the date of enactment of this Act.

**SEC. 4004. ELIGIBILITY FOR CERTAIN REIMBURSEMENTS FOR COMMUNITIES PARTICIPATING IN ARBITRATION.**

(a) FUNDING.—For communities who enter arbitration pursuant to section 3, funds derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be made available to reimburse communities for certain expenses related to the collection of technical data related to Flood Insurance Rate Maps that are the subject of a dispute for which the arbitration panel established in this title has been directed to resolve, as allowed for pursuant to section 1307(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(f)).

(b) SUNSET.—This section shall cease to have effect on the date that is 3 years after the date of enactment of this title.

**SA 4283.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, add the following:

**SEC. 2 . OUTER CONTINENTAL SHELF.**

Section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) is amended by adding at the end the following:

**“(e) OUTER CONTINENTAL SHELF.—**

“(1) IN GENERAL.—The liability for an incident on the outer Continental Shelf occurring during the period beginning on the date of enactment of this subsection and ending on December 31, 2025, shall be determined in accordance with this subsection.

**“(2) INITIAL LIABILITY.—**

“(A) IN GENERAL.—Each lease for oil and gas exploration, production, or development issued by the Secretary of the Interior after the date of enactment of this subsection shall have, as a condition of the lease, a re-

quirement that the lessee have and maintain financial protection in the form of liability insurance from private sources of such type and in such amounts as the Secretary of the Interior determines to be necessary to cover public liability claims in a minimum aggregate amount of \$300,000,000.

“(B) INDEMNIFICATION; PUBLIC LIABILITY.—In a case in which financial protection is required for a lessee under subparagraph (A), the lessee shall, as a further condition of a lease for oil and gas exploration, production, or development, be required—

“(i) to execute and maintain an indemnification agreement to indemnify and hold harmless the lessee and other persons indemnified, as the interest of those persons may appear, from public liability arising from incidents on the outer Continental Shelf the liability claims with respect to which are in excess of the level of financial protection required of the lessee;

“(ii) to execute and maintain an agreement with the Secretary of the Interior stating that the United States and other parties affected by the incident are not liable for damages with respect to the incident, and including an affirmation that the lessee is the responsible party with respect to that liability; and

“(iii) to waive any immunity from public liability conferred by law.

“(3) MAXIMUM LIABILITY OF LESSEE.—A lessee that is a responsible party for an incident on the outer Continental Shelf for which liability claims exceed, in the aggregate, the minimum aggregate amount covered by liability insurance under paragraph (2) shall be liable for additional liability claims relating to the incident up to a maximum aggregate amount of—

“(A) \$1,000,000,000; or

“(B) such greater amount as may be required by the Secretary of the Interior.

**“(4) LIABILITY OF INDUSTRY.—**

“(A) IN GENERAL.—If an incident on the outer Continental Shelf results in liability claims exceeding, in the aggregate, the maximum aggregate amount to be paid by the responsible party under paragraph (3), the additional claims shall be paid by all other entities conducting oil and gas exploration, production, or development activities on the outer Continental Shelf as of the date of the incident, as determined by the Secretary of the Interior, in accordance with subparagraph (B).

“(B) PROPORTIONAL PAYMENT.—The amount of liability claims to be paid under subparagraph (A) by an entity described in that subparagraph shall be determined by the Secretary of the Interior based on the proportion that—

“(i) the number of facilities operated by the entity on the outer Continental Shelf; bears to

“(ii) the total number of facilities operated by all entities on the outer Continental Shelf.”.

**SA 4284.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . AMENDMENT OF OUTER CONTINENTAL SHELF LANDS ACT.**

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) by inserting “the Secretary of Commerce, and the Secretary of the department

in which the Coast Guard is operating,” in subsection (c)(1) after “Attorney General.”;

(2) in subsection (d)(1), by striking “program,” and all that follows and inserting “program—

“(A) the Attorney General may, after consultation with the Federal Trade Commission, submit comments on the anticipated effects of such proposed program upon competition;

“(B) the Secretary of Commerce may submit comments on the anticipated effects of such proposed program on the human, marine, and coastal environments, including the likelihood of occurrence and potential severity of spills and chronic pollution;

“(C) the Secretary of the department in which the Coast Guard is operating may submit comments on the adequacy of the Federal government’s response capabilities for spills and chronic pollution that may occur as a result of such proposed program; and

“(D) any State, local government, or other person may submit comments and recommendations as to any aspect of such proposed program.”; and

(3) by striking “Attorney General” in subsection (d)(2) and inserting “Attorney General, the Secretary of Commerce, the Secretary of the department in which the Coast Guard is operating.”.

**SA 4285.** Mr. SCHUMER (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) For an additional amount for the Department of Justice, \$178,000,000, to remain available until September 30, 2012, of which—

(1) \$32,000,000 shall be used by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for—

(A) increasing the number of Project Gunrunner teams; and

(B) expanding ATF’s tracing capacity to address increased firearms trace demands generated by expanded use of the eTrace electronic tracking system along the international land border between the United States and Mexico;

(2) \$32,000,000 shall be used by the Drug Enforcement Administration (DEA) for—

(A) increasing DEA’s electronic surveillance and intercept capacity along the international land border between the United States and Mexico;

(B) expanding DEA’s capacity for judicialized wiretaps performed by Sensitive Investigative Units in drug source and transit countries; and

(C) expanding DEA’s successful Drug Flow Attack Strategy, which focuses on disrupting the flow of drug, money, and precursor chemicals between source zones and the United States;

(3) \$25,000,000 shall be used by the Federal Bureau of Investigation for—

(A) increasing the number of FBI Hybrid Squads to assist State and local law enforcement agencies to address kidnappings, homicides, and home invasion robberies;

(B) creating additional capability for processing DNA samples;

(C) strengthening existing Border Corruption Task Forces; and

(D) adding new Border Corruption Task Forces;

(4) \$33,000,000 shall be used by the Organized Crime and Drug Enforcement Task Force (OCDETF) for—

(A) supporting prosecutorial activities of the United States Attorneys’ Office and the Criminal Division arising from OCDETF investigations that target drugs trafficking along the international land border between the United States and Mexico and Mexican money laundering activities, including financial assistance for—

(i) increasing the number of positions in the United States Attorneys’ Office, 50 percent of which shall be attorneys; and

(ii) increasing the number of positions in the Criminal Division, a majority of which shall be attorneys; and

(B) supporting the 7 OCDETF Strike Forces;

(5) \$9,000,000 shall be used by the Criminal Division to provide additional support for the investigation and prosecution of transnational gangs, firearms and drug traffickers, and money laundering activities;

(6) \$12,000,000 shall be used by the Executive Office for Immigration Review, of which—

(A) \$6,000,000 shall be available for additional court personnel, including immigration judges, staff attorneys of the Board of Immigration Appeals, and support personnel; and

(B) \$6,000,000 shall be available for the expansion of the Legal Orientation Program;

(7) \$25,000,000 shall be used by the United States Marshals Service to combat criminal activity along the international land border between the United States and Mexico; and

(8) \$10,000,000 shall be used by the Detention Trustee to combat criminal activity along the international land border between the United States and Mexico.

(c) For an additional amount for “Salaries and Expenses” of U.S. Customs and Border Protection, \$64,000,000, to remain available until September 30, 2011—

(1) to hire 250 additional U.S. Customs and Border Protection officers and targeting personnel;

(2) for unmanned aircraft system pilots and sensor operators; and

(3) to expand border surveillance and outbound inspection operations.

(d) For an additional amount for “Air and Marine Interdiction, Operations, Maintenance, and Procurement” for U.S. Customs and Border Protection, \$120,000,000, to remain available until September 30, 2011, for procurement of 6 unmanned aircraft systems and supporting equipment.

(e) For an additional amount for “Construction and Facilities Management” for U.S. Customs and Border Protection, \$12,000,000, to remain available until expended, for construction and operation of 4 forward operating bases along the international land border between the United States and Mexico.

(f) Of the amount made available under the heading “BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY” under the heading “U.S. CUSTOMS AND BORDER PROTECTION” in title II of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83; 123 Stat. 2145), \$100,000,000, to remain available until September 30, 2011, shall be made available for critical fencing along the international land border between the United States and Mexico.

(g) For an additional amount for “Salaries and Expenses” of U.S. Immigration and Customs Enforcement, \$70,000,000, to remain available until September 30, 2011, for expansion of the Border Enforcement Security Task Force initiative along the international land border between the United States and Mexico, the hiring of additional special agents and intelligence analysts for the initiative, and the procurement of related equipment.

(h) For an additional amount for “Salaries and Expenses” of the Federal Law Enforce-

ment Training Center, \$6,000,000, to remain available until September 30, 2011, for the training of additional U.S. Customs and Border Protection officers, Border Patrol agents, and U.S. Immigration and Customs Enforcement personnel.

(i)(1) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)) shall be increased by \$2,250 for applicants that are not publicly traded corporations and whose shares were first offered in a stock exchange based in the United States.

(2) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) shall be increased by \$2,000 for applicants—

(A) that employ 50 or more employees in the United States; and

(B) if more than 50 percent of the applicant’s employees are H-1B nonimmigrants or nonimmigrants described in section 101(a)(15)(L) of such Act.

(3) During the period beginning on the date of the enactment of this Act and ending on September 30, 2011, all amounts collected pursuant to the fee increase authorized under this subsection shall be deposited in the General Fund of the Treasury.

**SA 4286.** Mr. SCHUMER (for himself, Mr. REID, and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) For an additional amount for the Department of Justice, \$178,000,000, to remain available until September 30, 2012, of which—

(1) \$32,000,000 shall be used by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for—

(A) increasing the number of Project Gunrunner teams; and

(B) expanding ATF’s tracing capacity to address increased firearms trace demands generated by expanded use of the eTrace electronic tracking system along the international land border between the United States and Mexico;

(2) \$32,000,000 shall be used by the Drug Enforcement Administration (DEA) for—

(A) increasing DEA’s electronic surveillance and intercept capacity along the international land border between the United States and Mexico;

(B) expanding DEA’s capacity for judicialized wiretaps performed by Sensitive Investigative Units in drug source and transit countries; and

(C) expanding DEA’s successful Drug Flow Attack Strategy, which focuses on disrupting the flow of drug, money, and precursor chemicals between source zones and the United States;

(3) \$25,000,000 shall be used by the Federal Bureau of Investigation for—

(A) increasing the number of FBI Hybrid Squads to assist State and local law enforcement agencies to address kidnappings, homicides, and home invasion robberies;

(B) creating additional capability for processing DNA samples;

(C) strengthening existing Border Corruption Task Forces; and

(D) adding new Border Corruption Task Forces;

(4) \$33,000,000 shall be used by the Organized Crime and Drug Enforcement Task Force (OCDETF) for—

(A) supporting prosecutorial activities of the United States Attorneys' Office and the Criminal Division arising from OCDETF investigations that target drugs trafficking along the international land border between the United States and Mexico and Mexican money laundering activities, including financial assistance for—

(i) increasing the number of positions in the United States Attorneys' Office, 50 percent of which shall be attorneys; and

(ii) increasing the number of positions in the Criminal Division, a majority of which shall be attorneys; and

(B) supporting the 7 OCDETF Strike Forces;

(5) \$9,000,000 shall be used by the Criminal Division to provide additional support for the investigation and prosecution of transnational gangs, firearms and drug traffickers, and money laundering activities;

(6) \$12,000,000 shall be used by the Executive Office for Immigration Review, of which—

(A) \$6,000,000 shall be available for additional court personnel, including immigration judges, staff attorneys of the Board of Immigration Appeals, and support personnel; and

(B) \$6,000,000 shall be available for the expansion of the Legal Orientation Program;

(7) \$25,000,000 shall be used by the United States Marshals Service to combat criminal activity along the international land border between the United States and Mexico; and

(8) \$10,000,000 shall be used by the Detention Trustee to combat criminal activity along the international land border between the United States and Mexico.

(b)(1) For an additional amount for "Operation and Maintenance, Defense-Wide", \$50,000,000, to remain available until September 30, 2011, for, except as provided in paragraph (2), the deployment of 1,200 members of the National Guard to perform operations and missions under section 502(f) of title 32, United States Code, in the States along the international land border between the United States and Mexico.

(2) The Secretary of Defense may transfer the amounts appropriated pursuant to paragraph (1) to amounts available to the Department of Defense for military personnel, operation and maintenance, and procurement.

(c) For an additional amount for "Salaries and Expenses" of U.S. Customs and Border Protection, \$64,000,000, to remain available until September 30, 2011—

(1) to hire 250 additional U.S. Customs and Border Protection officers and targeting personnel;

(2) for unmanned aircraft system pilots and sensor operators; and

(3) to expand border surveillance and out-bound inspection operations.

(d) For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" for U.S. Customs and Border Protection, \$120,000,000, to remain available until September 30, 2011, for procurement of 6 unmanned aircraft systems and supporting equipment.

(e) For an additional amount for "Construction and Facilities Management" for U.S. Customs and Border Protection,

\$12,000,000, to remain available until expended, for construction and operation of 4 forward operating bases along the international land border between the United States and Mexico.

(f) Of the amount made available under the heading "BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY" under the heading "U.S. CUSTOMS AND BORDER PROTECTION" in title II of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83; 123 Stat. 2145), \$100,000,000, to remain available until September 30, 2011, shall be made available for critical fencing along the international land border between the United States and Mexico.

(g) For an additional amount for "Salaries and Expenses" of U.S. Immigration and Customs Enforcement, \$70,000,000, to remain available until September 30, 2011, for expansion of the Border Enforcement Security Task Force initiative along the international land border between the United States and Mexico, the hiring of additional special agents and intelligence analysts for the initiative, and the procurement of related equipment.

(h) For an additional amount for "Salaries and Expenses" of the Federal Law Enforcement Training Center, \$6,000,000, to remain available until September 30, 2011, for the training of additional U.S. Customs and Border Protection officers, Border Patrol agents, and U.S. Immigration and Customs Enforcement personnel.

(i)(1) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)) shall be increased by \$2,250 for applicants that are not publicly traded corporations and whose shares were first offered in a stock exchange based in the United States.

(2) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) shall be increased by \$2,000 for applicants—

(A) that employ 50 or more employees in the United States; and

(B) if more than 50 percent of the applicant's employees are H-1B nonimmigrants or nonimmigrants described in section 101(a)(15)(L) of such Act.

(3) During the period beginning on the date of the enactment of this Act and ending on September 30, 2011, all amounts collected pursuant to the fee increase authorized under this subsection shall be deposited in the General Fund of the Treasury.

**SA 4287.** Mr. SHELBY (for himself, Mr. VITTER, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, insert the following:

FUNDING FOR ENVIRONMENTAL AND FISHERIES  
IMPACTS

SEC. 2002.

(1) **FISHERIES DISASTER RELIEF.**—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$20,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) **EXPANDED STOCK ASSESSMENT OF FISHERIES.**—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$15,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) **ECOSYSTEM SERVICES IMPACTS STUDY.**—For an additional amount, in addition to other amounts provided for the Department of Commerce, \$1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

**IN GENERAL.**—Of the amounts appropriated or made available under Division B, Title III of Public Law 111-117 that remain unobligated as of the date of the enactment of this Act for ISS Cargo Crew Services, \$36,000,000 of the amounts appropriated are hereby rescinded.

**SA 4288.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, add the following:

#### SEC. 2 . OUTER CONTINENTAL SHELF.

Section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) is amended by adding at the end the following:

“(e) OUTER CONTINENTAL SHELF.—

“(1) **IN GENERAL.**—The liability for an incident on the outer Continental Shelf occurring during the period beginning on the date of enactment of this subsection and ending on December 31, 2025, shall be determined in accordance with this subsection.

“(2) **INITIAL LIABILITY.**—

“(A) **IN GENERAL.**—Each lease for oil and gas exploration, production, or development issued by the Secretary of the Interior after the date of enactment of this subsection shall have, as a condition of the lease, a requirement that the lessee have and maintain financial protection in the form of liability insurance from private sources of such type and in such amounts as the Secretary of the Interior determines to be necessary to cover public liability claims in a minimum aggregate amount of \$300,000,000.

“(B) **INDEMNIFICATION; PUBLIC LIABILITY.**—In a case in which financial protection is required for a lessee under subparagraph (A), the lessee shall, as a further condition of a lease for oil and gas exploration, production, or development, be required—

“(i) to execute and maintain an indemnification agreement to indemnify and hold

harmless the lessee and other persons indemnified, as the interest of those persons may appear, from public liability arising from incidents on the outer Continental Shelf the liability claims with respect to which are in excess of the level of financial protection required of the lessee;

“(ii) to execute and maintain an agreement with the Secretary of the Interior stating that the United States and other parties affected by the incident are not liable for damages with respect to the incident, and including an affirmation that the lessee is the responsible party with respect to that liability; and

“(iii) to waive any immunity from public liability conferred by law.

“(3) MAXIMUM LIABILITY OF LESSEE.—A lessee that is a responsible party for an incident on the outer Continental Shelf for which liability claims exceed, in the aggregate, the minimum aggregate amount covered by liability insurance under paragraph (2) shall be liable for additional liability claims relating to the incident up to a maximum aggregate amount of—

“(A) \$1,000,000,000; or

“(B) such greater amount as may be required by the Secretary of the Interior.

“(4) LIABILITY OF INDUSTRY.—

“(A) IN GENERAL.—If an incident on the outer Continental Shelf results in liability claims exceeding, in the aggregate, the maximum aggregate amount to be paid by the responsible party under paragraph (3), the additional claims shall be paid by all other entities conducting oil and gas exploration, production, or development activities on the outer Continental Shelf as of the date of the incident, as determined by the Secretary of the Interior, in accordance with subparagraph (B).

“(B) PROPORTIONAL PAYMENT.—The amount of liability claims to be paid under subparagraph (A) by an entity described in that subparagraph shall be determined by the Secretary of the Interior based on the proportion that—

“(i) the number of facilities operated by the entity on the outer Continental Shelf; bears to

“(ii) the total number of facilities operated by all entities on the outer Continental Shelf.”.

**SA 4289.** Mr. MENENDEZ (for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

#### TITLE V—OIL SPILL LIABILITY

##### SEC. 5001. REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES.

(a) IN GENERAL.—Section 1004(a)(3) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(3)) is amended by striking “plus \$75,000,000” and inserting “and the liability of the responsible party under section 1002”.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on April 15, 2010.

**SA 4290.** Ms. LANDRIEU submitted an amendment intended to be proposed

by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 74, strike line 13 and all that follows through page 79, line 3, and insert the following:

#### TITLE II

##### DEPARTMENT OF COMMERCE

###### ECONOMIC DEVELOPMENT ADMINISTRATION

###### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Economic Development Assistance Programs”, to carry out planning, technical assistance and other assistance under section 209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in States affected by the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$10,000,000, to remain available until expended, of which not less than \$5,000,000 shall be used to provide technical assistance grants in accordance with section 2002.

###### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

###### OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Operations, Research, and Facilities”, \$13,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses affected by the Deepwater Horizon oil spill:

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Operations, Research, and Facilities”, for activities undertaken including scientific investigations and sampling as a result of the incidents related to the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$7,000,000, to remain available until expended. These activities may be funded through the provision of grants to universities, colleges and other research partners through extramural research funding.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

###### FOOD AND DRUG ADMINISTRATION

###### SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, Food and Drug Administration, Department of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$2,000,000, to remain available until expended.

##### DEPARTMENT OF THE INTERIOR

###### DEPARTMENTAL OFFICES

###### OFFICE OF THE SECRETARY

###### SALARIES AND EXPENSES

###### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for the “Office of the Secretary, Salaries and Expenses” for increased inspections, enforcement, investigations, environmental and engineering studies, and other activities related to emergency offshore oil spill incidents in the Gulf

of Mexico, \$29,000,000, to remain available until expended: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department of the Interior to carry out the purposes provided herein.

##### DEPARTMENT OF JUSTICE

###### LEGAL ACTIVITIES

###### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for “Salaries and Expenses, General Legal Activities”, \$10,000,000, to remain available until expended, for litigation expenses resulting from incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

##### ENVIRONMENTAL PROTECTION AGENCY

###### SCIENCE AND TECHNOLOGY

For an additional amount for “Science and Technology” for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J), as appropriate, \$2,000,000, to remain available until expended: *Provided*, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Commerce and the Secretary of the Interior: *Provided further*, That the study may be funded through the provision of grants to universities and colleges through extramural research funding.

##### GENERAL PROVISION—THIS TITLE

###### DEEPWATER HORIZON

##### SEC. 2001. Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:

(1) by inserting “: (1)” before “may obtain an advance” and after “the Coast Guard”;

(2) by striking “advance. Amounts” and inserting the following: “advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of \$100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts”.

##### SEC. 2002. OIL SPILL CLAIMS ASSISTANCE AND RECOVERY.

(a) ESTABLISHMENT OF GRANT PROGRAM.—The Secretary of Commerce (referred to in this section as the “Secretary”) shall establish a grant program to provide to eligible (as determined by the Secretary) organizations technical assistance grants for use in assisting individuals and businesses affected by the Deepwater Horizon oil spill in the Gulf of Mexico (referred to in this section as the “oil spill”).

(b) APPLICATION.—An organization that seeks to receive a grant under this section shall submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary shall require.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Funds from a grant provided under this section may be used by an eligible organization—

(A) to support—

(i) education;  
 (ii) outreach;  
 (iii) intake;  
 (iv) language services;  
 (v) accounting services;  
 (vi) legal services offered pro bono or by a nonprofit organization;  
 (vii) damage assessments;  
 (viii) economic loss analysis;  
 (ix) collecting and preparing documentation; and  
 (x) assistance in the preparation and filing of claims or appeals;

(B) to provide assistance to individuals or businesses seeking assistance from or under—

- (i) a party responsible for the oil spill;
- (ii) the Oil Spill Liability Trust Fund;
- (iii) an insurance policy; or
- (iv) any other program administered by the Federal Government or a State or local government;

(C) to pay for salaries, training, and appropriate expenses relating to the purchase or lease of property to support operations, equipment (including computers and telecommunications), and travel expenses;

- (D) to assist other organizations in—
- (i) assisting specific business sectors;
- (ii) providing services;
- (iii) assisting specific jurisdictions; or
- (iv) otherwise supporting operations; and

(E) to establish an advisory board of service providers and technical experts—

(i) to monitor the claims process relating to the oil spill; and

(ii) to provide recommendations to the parties responsible for the oil spill, the National Pollution Funds Center, other appropriate agencies, and Congress to improve fairness and efficiency in the claims process.

(2) PROHIBITION ON USE OF FUNDS.—Funds from a grant provided under this section may not be used to provide compensation for damages or removal costs relating to the oil spill.

(d) PROVISION OF GRANTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall provide grants under this section.

(2) NETWORKED ORGANIZATIONS.—The Secretary is encouraged to consider applications for grants under this section from organizations that have established networks with affected business sectors, including—

- (A) the fishery and aquaculture industries;
- (B) the restaurant, grocery, food processing, and food delivery industries; and
- (C) the hotel and tourism industries.

(3) TRAINING.—

(A) IN GENERAL.—Not later than 30 days after the date on which an eligible organization receives a grant under this section, the Director of the National Pollution Funds Center and the parties responsible for the oil spill shall provide training to the organization regarding the applicable rules and procedures for the claims process relating to the oil spill.

(B) FAILURE TO PROVIDE TRAINING.—If a responsible party fails to provide training pursuant to this paragraph, the Secretary shall request the Attorney General to bring civil action against the responsible party or a guarantor in an appropriate United States district court for that purpose.

(4) AVAILABILITY OF FUNDS.—Funds from a grant provided under this section shall be available until the later of, as determined by the Secretary—

(A) the date that is 6 years after the date on which the oil spill occurred; and

(B) the date on which all claims relating to the oil spill have been satisfied.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committees on

Appropriations of the House of Representatives and the Senate a report describing the use of funds under this section.

(f) APPLICABILITY.—This section shall take effect immediately upon enactment and shall apply to all responsible parties under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) for any incident that occurred prior to the date of enactment of this Act.

#### SEC. 2003. EMERGENCY DESIGNATIONS.

(a) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This Act is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

**SA 4291.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . NATIONAL EMERGENCY GRANTS.

(a) APPROPRIATIONS FOR OIL SPILL RELIEF EMPLOYMENT.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for “Training and Employment Services” for the Employment and Training Administration of the Department of Labor, to carry out the provisions of subsections (a)(5) and (h) of section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918), \$50,000,000. Such amount shall be available on the date of enactment of this section, notwithstanding section 189(g)(1) of that Act (29 U.S.C. 2939(g)(1)) and remain available through June 30, 2011.

(b) PROGRAMS.—Section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(5) to provide assistance to a State that is partially or completely within the boundaries of an area that is the subject of a presidential determination that additional resources are necessary to respond to an incident, as defined in subsection (h)(1)(A)(i)(I), to provide oil spill relief employment in the area and in offshore areas related to the incident, and related assistance, as described in subsection (h); and

“(6) to provide assistance to a State for technical assistance grants described in subsection (i).”.

(c) OIL SPILL RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) is amended by adding at the end the following:

“(h) OIL SPILL RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—

“(1) IN GENERAL.—Funds made available under subsection (a)(5)—

“(A)(i) shall be used to provide oil spill relief employment on—

“(I) projects regarding cleaning, restoration, renovation, repair, and reconstruction of lands, marshes, waters, structures, and fa-

cilities located within the area of an incident related to a spill classified as a spill of national significance for the National Contingency Plan under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) (referred to in this subsection as an ‘incident’), as well as offshore areas related to such incident; and

“(II) projects that provide food, clothing, shelter, and other humanitarian assistance to individuals adversely affected by the incident;

“(ii) may be expended to provide employment and training activities related to the projects described in clause (i);

“(iii) may be expended to provide personal protective equipment to employees engaged in oil spill relief employment described in clause (i); and

“(iv) may be used to make subgrants to public and private agencies and organizations to engage in the projects;

“(B) may be used to increase the capacity of States to make available the full range of services authorized under this title, and provide information (in languages appropriate to the individuals served) about, and access to, the range of the public and private services available, to individuals adversely affected by the incident, through one-stop delivery system described in section 134(c), and other access points (including other public facilities, mobile service delivery units, and social services offices); and

“(C) may be used to provide temporary employment by public sector entities for a period of not more than 6 months, in addition to the oil spill relief employment described in subparagraph (A).

“(2) ELIGIBILITY.—An individual shall be eligible for any services described in paragraph (1)(B) or employment described in subparagraph (A) or (C) of paragraph (1) if such individual—

“(A) is temporarily or permanently laid off as a consequence of the incident;

“(B) is a dislocated worker;

“(C) is a long-term unemployed individual; or

“(D) meets such other criteria as the Secretary may establish.

“(3) LIMITATIONS ON OIL SPILL RELIEF EMPLOYMENT ASSISTANCE.—No individual shall be employed under subsection (a)(5) for more than 6 months for oil spill relief employment related to response to a single incident. After reviewing a request from the State involved for an extension of the employment, the Secretary may extend such employment related to response to a single incident for not more than an additional 6 months.

“(4) APPLICATIONS FOR ASSISTANCE.—To be eligible to receive assistance for a State as described in paragraph (1), the Governor of the State shall submit an application to the Secretary at such time, in such manner, and containing—

“(A) a detailed description of how the State will ensure the capacity of the one-stop delivery system described in section 134(c) and other access points to—

“(i) provide individuals adversely affected by the incident with information, in languages appropriate to the individuals served, about the range of available services authorized under this title; and

“(ii) provide the adversely affected individuals with access to the range of the services;

“(B) a detailed description of how the State will prioritize individuals who are temporarily or permanently laid off as a consequence of the incident in the assignment of temporary employment positions; and

“(C) any other supporting information the Secretary may require.

“(5) REIMBURSEMENT.—

“(A) IN GENERAL.—Each responsible party under the Oil Pollution Act of 1990 (33 U.S.C.



2701 et seq.), with respect to an incident, is liable for any costs incurred by the United States under this subsection (including paragraph (7)) or subsection (a)(5) for the that incident. The responsible party shall, upon the demand of the Secretary of the Treasury, reimburse the Oil Spill Liability Trust Fund for all of the costs as well as the costs of the United States in administering its responsibilities under this subsection or subsection (a)(5) for that incident.

“(B) ACTION.—If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this subsection or subsection (a)(5), the Secretary shall request the Attorney General to bring a civil action against the responsible party or a guarantor in an appropriate district court. The Attorney General shall bring the action for reimbursement of costs, in the amount of the demand, plus all costs incurred in obtaining payment, including prejudgment interest, attorney’s fees, and any other administrative and adjudicative costs involved. Such reimbursement shall be without regard to limits of liability under section 1004 of Oil Pollution Act of 1990 (33 U.S.C. 2704).

“(6) USE OF AVAILABLE FUNDS.—Funds appropriated for fiscal years 2009 and 2010 and remaining available for obligation by the Secretary to provide any assistance authorized under this section shall be available to provide that assistance, subject to paragraph (3), to eligible individuals described in paragraph (2), including employees who have relocated from areas in which an incident has occurred. Under such conditions as the Secretary may approve, any State may use funds that remain available for expenditure under any grants awarded to the State for fiscal year 2009, 2010, or 2011 under this section to provide that assistance to those eligible individuals. Funds used pursuant to the authority provided under this paragraph shall be reimbursed as described in paragraph (5).

“(7) RESERVATION OF FUNDS FOR ADMINISTRATIVE ACTIVITIES OF THE DEPARTMENT OF LABOR.—The Secretary may reserve not more than 1 percent of the funds available to carry out this subsection and transfer the reserved funds to appropriate Department of Labor accounts. The Secretary shall transfer the funds to accounts for program administration and support activities in the Department of Labor associated with this subsection, and for increased worker protection and workplace benefit activities and oversight and coordination activities in connection with the application of laws (including regulations) associated with the Department’s response to spills described in subsection (a)(5). Funds used pursuant to the authority provided under this paragraph shall be reimbursed as described in paragraph (5).

“(8) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report describing the use of the funds made available to carry out this subsection.”

(d) OIL SPILL CLAIMS ASSISTANCE AND RECOVERY REQUIREMENTS.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918), as amended by subsection (c), is further amended by adding at the end the following:

“(i) OIL SPILL CLAIMS ASSISTANCE AND RECOVERY REQUIREMENTS.—

“(1) GRANTS.—A State board shall use funds made available under subsection (a)(6) to provide, to eligible nonprofit organizations, technical assistance grants for use in assisting individuals and businesses affected by the Deepwater Horizon oil spill in the Gulf of Mexico (referred to in this subsection

as the ‘oil spill’). Determinations of the criteria for eligible nonprofit organizations shall be made by the Secretary, except that the Secretary may elect to give a State board the authority to make such a determination within that State.

“(2) APPLICATION.—An organization that seeks to receive a grant under this subsection shall submit to the State board an application for the grant such time, in such form, and containing such information as the State board shall require.

“(3) PROVISION OF GRANTS.—

“(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the State board shall provide grants under this subsection.

“(B) NETWORKED ORGANIZATIONS.—The State board shall, to the maximum extent practicable, consider applications for grants under this subsection from organizations that have established networks with affected business sectors, including—

“(i) the fishery and aquaculture industries;

“(ii) the restaurant, grocery, food processing, and food delivery industries; and

“(iii) the hotel and tourism industries.

“(4) USE OF FUNDS.—

“(A) IN GENERAL.—Funds from a grant provided under this subsection may be used by an eligible organization—

“(i) to support—

“(I) education;

“(II) outreach;

“(III) intake;

“(IV) language services;

“(V) accounting services;

“(VI) legal services offered pro bono or by a nonprofit organization;

“(VII) damage assessments;

“(VIII) economic loss analysis;

“(IX) collecting and preparing documentation; and

“(X) assistance in the preparation and filing of claims or appeals;

“(ii) to provide assistance to individuals or businesses seeking assistance from or under—

“(I) a party responsible for the oil spill;

“(II) the Oil Spill Liability Trust Fund;

“(III) an insurance policy; or

“(IV) any other program administered by the Federal Government or a State or local government;

“(iii) to pay for salaries, training, and appropriate expenses relating to the purchase or lease of property to support operations, equipment (including computers and telecommunications), and travel expenses;

“(iv) to assist other organizations—

“(I) assisting specific business sectors;

“(II) providing services;

“(III) assisting specific jurisdictions; or

“(IV) otherwise supporting operations; and

“(v) to establish an advisory board of service providers and technical experts—

“(I) to monitor the claims process relating to the oil spill; and

“(II) to provide recommendations to the parties responsible for the oil spill, the National Pollution Funds Center, other appropriate agencies, and Congress to improve fairness and efficiency in the claims process.

“(B) PROHIBITION ON USE OF FUNDS.—Funds from a grant provided under this subsection may not be used to provide compensation for damages or removal costs relating to the oil spill.

“(5) TRAINING.—Not later than 30 days after the date on which an eligible organization receives a grant under this subsection, the Director of the National Pollution Funds Center and the parties responsible for the oil spill shall provide training to the organization regarding the applicable rules and procedures for the claims process relating to the oil spill.

“(6) AVAILABILITY OF FUNDS.—Funds from a grant provided under this subsection shall be

available until the later of, as determined by the Secretary—

“(A) the date that is 6 years after the date on which the oil spill occurred; and

“(B) the date on which all claims relating to the oil spill have been satisfied.”

(e) EFFECTIVE DATE.—This section, and the amendments made by this section, take effect on the date of enactment of this Act. The amendment made by subsection (c) applies to all responsible parties for incidents (as defined in section 173(h) of the Workforce Investment Act of 1998) under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), including any party determined to be liable under the Oil Pollution Act of 1990 for such an incident that occurred prior to the date of enactment of this Act.

(f) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This section is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this section is designated as an emergency requirement pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**SA 4292.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 2 and 3, insert the following:

**SEC. 608. COMPLIANCE WITH ENVIRONMENTAL LAWS.**

For an interoperable communications system facility for which construction began before June 1, 2009 using a grant made under section 573 of division E of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 2093), section 10501 of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3592), or section 603 of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1882), if the facility is determined to be in compliance with Federal environmental laws under standards established by the Federal Communications Commission, the facility shall be deemed in compliance with standards established by the Federal Emergency Management Agency relating to Federal environmental laws.

**SA 4293.** Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, after line 12 insert the following (or where best appropriate)

**FEDERAL TRANSPARENCY**

SEC 20. For all programs administered competitively or as sole source, the Secretary of the Department of Transportation, the Secretary of Housing and Urban Development and any other large agencies (with staffing over 500 FTEs) are required to file in the Federal Register the following transparency information, including, but limited, to information including the name, address and phone number of each successful grantee, and each grant award amount. Each agency shall provide the minimum criteria and process for the decisionmaking. Within three days prior to publication in the Federal Agency, all cost shares and leveraging of

funds within the grant program shall be included as well as any other sources of Federal, State or private funds. In addition, within three days of publication, each relevant agency shall be required to submit to the primary House and Senate committees all back-up information and materials on the methodology of the award selections, including how these awards are consistent with program assistance and goals; also included shall be all benchmarks and deadlines including rationales for the program(s)."

**SA 4294.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4175 proposed by Mr. LAUTENBERG to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(C) **LIABILITY FOR DEEPWATER HORIZON OIL SPILL.**—

(1) **IN GENERAL.**—Congress finds that—

(A) executives of British Petroleum Exploration & Production, Incorporated (referred to in this subsection as "BP") testified before Congress in May 2010 that BP would pay all legitimate claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations;

(B) a letter from the Group Chief Executive of BP to the Secretaries of Homeland Security and the Interior dated May 16, 2010, evidences an offer of BP to modify the oil and gas leasing contract involved in the Deepwater Horizon incident to incorporate new terms of liability by stating that BP is "prepared to pay above \$75 million" on "all legitimate claims" relating to that explosion and oil spill;

(C) that offer is acceptable to Congress and to the Secretary of the Interior;

(D) all documented legitimate claims pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) for economic damages relating to the Deepwater Horizon explosion and oil spill should be paid by BP without limit on liability;

(E) BP should provide to the Federal Government any claims relating to the Deepwater Horizon explosion and oil spill that BP fails to pay; and

(F) if the Federal Government finds pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) that such claims are legitimate under that Act, the claims should be returned to BP for immediate payment.

(2) **DIRECTIVE TO SECRETARY OF THE INTERIOR.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of the Interior (referred to in this subsection as the "Secretary") shall—

(i) accept the new terms of liability offered by BP in the letter described in paragraph (1)(B); and

(ii) consider the oil and gas leasing contract involved in the Deepwater Horizon incident as being amended to reflect those new terms.

(B) **PAYMENT OF CLAIMS.**—

(1) **IN GENERAL.**—As an inherent condition of the amended lease described in subparagraph (A), BP shall present to the Secretary each claim relating to the Deepwater Horizon explosion and oil spill that BP fails to pay.

(ii) **FINDING OF LEGITIMACY.**—As a further inherent condition of the amended lease, if the Secretary finds a claim described in

clause (i) to be legitimate for payment by BP, the claim shall be returned to BP for immediate payment.

**SA 4295.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . EXCISE TAX ON PATENT TERM EXTENSIONS.**

(a) **EXCISE TAX ON PATENT TERM EXTENSIONS GRANTED PURSUANT TO CERTAIN EXTENSION REQUESTS.**—Chapter 36 of the Internal Revenue Code of 1986 is amended by adding after subchapter D the following new subchapter:

**"Subchapter E—Tax on Patent Term Extensions Granted Pursuant to Certain Extension Requests**

**"SEC. 4491. IMPOSITION OF TAX.**

"(a) **IMPOSITION OF TAX.**—A tax is hereby imposed on the acceptance of an extension of a patent term pursuant to a request under section 156(i) of title 35, United States Code.

"(b) **AMOUNT OF TAX.**—

"(1) **IN GENERAL.**—The amount of tax imposed by subsection (a) shall be—

"(A) \$65,000,000 with respect to any application for a patent term extension, filed with the United States Patent and Trademark Office before the date of the enactment of this section, for a drug intended for use in humans that is in the anticoagulant class of drugs; or

"(B) the amount determined under paragraph (2) with respect to any other application for a patent term extension.

"(2) **CALCULATION OF TAX.**—The amount determined under this paragraph is the amount which the Secretary estimates to be equal to the sum of—

"(A) any net increase in direct spending arising from the extension of the patent term (including direct spending of the United States Patent and Trademark Office and any other department or agency of the Federal Government),

"(B) any net decrease in revenues arising from such patent term extension, and

"(C) any indirect reduction in revenues associated with payment of the tax under this section.

"(3) **DETERMINATION BY SECRETARY.**—The Secretary, in determining the amount under paragraph (2), shall consult with the Director of the Office of Management and Budget, the Director of the United States Patent and Trademark Office, and either the Secretary of Health and Human Services or, in the case of a drug product subject to the Act commonly referred to as the 'Virus-Serum-Toxin Act' (21 U.S.C. 151 et seq.), the Secretary of Agriculture.

"(c) **BY WHOM PAID.**—The tax imposed by this section shall be paid by the owner of record of the patent, or its agent. The Director of the United States Patent and Trademark Office, after consultation with the Secretary, shall inform the owner of record of the patent, or its agent, of the tax determined under subsection (b) at the time the Director provides notice of the length of the period of the extension of the patent term that will become effective pursuant to a request under section 156(i) of title 35, United States Code.

"(d) **PAYMENT.**—The tax imposed by this section shall be payable within 60 days after the Director of the United States Patent and Trademark Office provides notice to the owner of record of the patent, or its agent,

under subsection (c) of the amount of tax imposed. Unless such payment is made within such 60 days, a patent term extension pursuant to a request under section 156(i) of title 35, United States Code, shall not become effective and no tax shall be due under this section.

"(e) **TAX PAYMENT NOT AVAILABLE FOR OBLIGATION.**—Taxes received under this section are not available for obligation."

(b) **CLERICAL AMENDMENT.**—The table of subchapters for chapter 36 of such Code is amended by adding after the item relating to subchapter D the following new item:

"SUBCHAPTER E. TAX ON PATENT TERM EXTENSIONS GRANTED PURSUANT TO CERTAIN EXTENSION REQUESTS."

(c) **AMENDMENT.**—Section 156 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(i) **ACCEPTANCE OF FILINGS IN CERTAIN CASES.**—The Director shall accept an application under this section that was filed not later than 3 business days after the expiration of the 60-day period provided in subsection (d)(1) if the owner of record of the patent, or its agent, submits a request to the Director to proceed under this subsection not later than 5 business days after the expiration of that 60-day period. An application accepted by the Director under this subsection shall be treated as if it had been filed within the period specified in subsection (d)(1)."

(d) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) Section 156(d)(1) of title 35, United States Code, is amended in the second sentence, by inserting "or subsection (i)" after "paragraph (5)".

(2) Section 156 (e)(2) of title 35, United States Code, is amended by inserting "or before a request under subsection (i) respecting the application is resolved" after "respecting the application" and inserting "certificate of extension" after "such".

(e) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply with respect to any application for a patent term extension pursuant to section 156 of title 35, United States Code—

(A) that is made on or after the date of the enactment of this Act, or

(B) that, on the date of the enactment of this Act, is pending, that is described in section 4491(b)(1)(A) of the Internal Revenue Code of 1986 as added by subsection (a) of this section, or as to which a decision denying the application is subject to judicial review on such date.

(2) **TREATMENT OF CERTAIN APPLICATIONS.**—In the case of any application described in paragraph (1)(B), the 5-business-day period specified in section 156(i) of title 35, United States Code, as added by subsection (c) of this section, shall be deemed to begin on the date of the enactment of this Act, and, if the original term of the patent to be extended has expired, any extension or interim extension of the term of the patent granted pursuant to a request under section 156(i) of title 35, United States Code, shall be effective from the original expiration date of the patent.

#### NOTICE OF INTENT TO SUSPEND THE RULES

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XVI, and rule XXII, Paragraph 2, for the purpose of