

happens if these huge fish get into our precious Great Lakes. In 2003, a woman named Mary Poppett, from Peoria, IL, decided to enjoy some warm October weather with a little jet skiing on the Illinois River. As she cruised the waves, the sound of her ski's motor excited a 30-pound Asian carp swimming under the water, which then leapt up and crashed into her. Imagine being hit in the face by a bowling ball. That is how she referred to it. She was knocked unconscious. She broke her nose, fractured a vertebrae, and she would have drowned if other boaters in the area had not gotten to her in time. Imagine that. Imagine that happening over and over again in Lake Michigan, in Lake Superior, and around our Great Lakes. I can't imagine it. I don't want to imagine it.

Mary is not alone. Since Asian carp were introduced to control algae in catfish ponds down South in the 1970s, the carp have spread at a very rapid pace, causing injuries, destroying ecosystems, and threatening entire industries. Now that an Asian carp has been found so close to Lake Michigan, it better be a huge wake-up call that we have to act swiftly to contain this threat.

Despite everyone's best efforts, this situation we find ourselves in is calling for very decisive action. I have introduced legislation to close the locks until we have a permanent solution. This has also been introduced in the House by my colleague, Congressman CAMP, and others, and I today urge in the strongest possible terms that the Army Corps close the locks between the rivers and Lake Michigan now—now, today—while they continue to determine the best way to permanently separate the Chicago area waterway system from the Great Lakes.

We know we need additional monitoring and sampling of resources applied to the area. I appreciate that last December, when there was fish DNA found above the locks, the administration worked with us very quickly to redirect resources to the Army Corps to take some immediate actions at that time. But now it is not just DNA from a dead fish. Now it is a live fish, and it is beyond the electric barrier. It is on its way in open waters into our Great Lakes, and we have to act decisively and immediately to protect our waters while a long-term solution is found.

Again, I urge the Army Corps of Engineers and the other agencies involved to take this finding very seriously and to act with the same tremendous urgency that all of us who represent Great Lakes States feel to prevent further encroachment by these Asian carp into our Great Lakes. This isn't just the economy, it is not just boating, and it is not just fishing; it really is our way of life in the Great Lakes. Despite efforts that have gone on for years to stop the fish, that hasn't happened, and now we have to take very decisive action to close the locks immediately so we can determine how best, in the long term, to solve this problem.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### CONGRATULATING THE SUMRALL BASEBALL TEAM

Mr. WICKER. Mr. President, I rise today to inform the Senate of the accomplishments of Mississippi's Sumrall High School varsity baseball team. Earlier this year, the Bobcats set a Mississippi record by winning 67 consecutive games and winning their third straight State championship, an impressive achievement worthy of recognition.

The team fell just eight wins shy of breaking the national record for consecutive wins and secured their spot as the team with the Nation's fourth longest winning streak. Some teams might have been discouraged after a loss ended such an impressive streak, but the Bobcats regrouped and went on to win their final 11 games and their third consecutive Class 3-A State Championship. The Bobcats' state title and 36-1 record earned them the top spot in USA Today's national high school baseball rankings.

Sumrall High's baseball staff consists of Head Coach Larry Knight and Assistant Coaches Steve Cooley, Andy Davis, Richard Broom, and Matt Thomas. The team members and coaching staff have demonstrated outstanding teamwork, discipline, and sportsmanship. I congratulate the Sumrall High School baseball team and wish them continued success both on and off the field.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

#### EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, we are still working on this extenders bill. We thought we had it all worked out. There was one of the Senators who wanted some more changes. Each time we do that, we have to rescind the bill. It takes time. We are in the process of doing that right now. So I apologize to everyone for not having these votes.

I ask unanimous consent now that the Senate be in a period of morning business until 6 o'clock tonight, with Senators allowed to speak for up to 10 minutes each; that during this time we

are involved in morning business it would be for debate only.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. REID. I ask for the regular order.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

The PRESIDING OFFICER. The clerk will report the pending business. The bill clerk read as follows:

Motion to concur in the House amendment to the Senate amendment with an amendment to H.R. 4213, an act to amend the Internal Revenue Code of 1986, to extend certain expiring provisions, and for other purposes.

Pending:

Baucus motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus amendment No. 4369 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute.

Coburn amendment No. 4331 (to amendment No. 4369), to pay for the cost of this act by reducing wasteful, inefficient, excessive, and duplicative government spending.

Casey/Brown (OH) amendment No. 4371 (to amendment No. 4369), to provide for the extension of premium assistance for COBRA benefits.

LeMieux amendment No. 4300 (to amendment No. 4369), to establish an expedited procedure for consideration of a bill returning spending levels to 2007 levels.

DeMint motion to refer the House message to accompany H.R. 4213, to the Committee on Finance with instructions.

#### MOTION TO REFER

Mr. REID. Is the pending matter the DeMint motion?

The PRESIDING OFFICER (Mr. WARNER). It is the motion to refer.

Mr. REID. I move to table that motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—57

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Voinovich
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—40

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brown (MA)	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Wicker
Corker	Kyl	
Cornyn	LeMieux	

NOT VOTING—3

Byrd	Roberts	Rockefeller
------	---------	-------------

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, for the benefit of all Members, we are trying to work through having an amendment Senator BAUCUS will offer when we dispose of the present amendment.

I have had one Senator come to me and ask: Once we get on the next Baucus amendment, what are we going to do? I will be happy to confer with the Republican leader and see if there is a way of moving forward. We have been on this matter for a long time—not on a contiguous basis, but this is the beginning of the end of the eighth week on this piece of legislation. But we have no desire at this time to have an outline of how we are going to get where we are going to.

I will be happy to visit with the Republican leader because one of his Senators asked me what we were going to do once we get on the Baucus amendment. The plan would be to complete tabling the Baucus amendment, and then the plan would be to recess subject to the call of the Chair. At that time, Senator BAUCUS would lay down the amendment. It is not ready. That is why we are not doing it now. And then we could decide at that time, or maybe even in the morning, how we are going to proceed. I think that gives everyone a general idea. There will be no more votes tonight after we have this one vote.

Mr. President, I move to table the Baucus motion to concur in the House amendment to the Senate amendment with amendment No. 4369, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from North Dakota (Mr. DORGAN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 40, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—56

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

NAYS—40

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brown (MA)	Graham	Risch
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Isakson	Voinovich
Collins	Johanns	Wicker
Corker	Kyl	
Cornyn	LeMieux	

NOT VOTING—4

Byrd	Roberts
Dorgan	Rockefeller

The motion to table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business and that Senators be recognized for up to 10 minutes each.

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

INDIAN ARTS AND CRAFTS  
AMENDMENTS ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 339, H.R. 725.

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

The assistant legislative clerk read as follows:

A bill (H.R. 725) to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the Dorgan amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 4391) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 725), as amended, was read the third time and passed.

IMPROPER PAYMENTS ELIMINATION AND RECOVERY ACT OF 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 430, S. 1508.

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

The assistant legislative clerk read as follows:

A bill (S. 1508) to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

S. 1508

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improper Payments Elimination and Recovery Act of 2009".

SEC. 2. IMPROPER PAYMENTS ELIMINATION AND RECOVERY.

(a) SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (a) and inserting the following:

“(a) IDENTIFICATION OF SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—

“(1) IN GENERAL.—The head of each agency shall, in accordance with guidance prescribed by the Director of the Office of Management and Budget, periodically review all programs and activities that the relevant agency head administers and identify all programs and activities that may be susceptible to significant improper payments.

“(2) FREQUENCY.—Reviews under paragraph (1) shall be performed for each program and activity that the relevant agency head administers during the year after which the Improper Payments Elimination and Recovery Act of 2009 is enacted and at least once every 3 fiscal years thereafter.