

the Senate reports describing the activities undertaken by the President and the Executive Departments and agencies to prepare for the transfer of power to a new President.

(2) **TIMING.**—The reports under paragraph (1) shall be provided six months and three months before the date of the general election for the Office of President of the United States.

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

### NOTICE OF HEARING

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a joint hearing has been scheduled before the Subcommittee on National Parks and the Subcommittee on Public Lands and Forests.

The hearing will be held on Wednesday, September 29, 2010, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 3261, to establish the Buffalo Bayou National Heritage Area in the State of Texas, and for other purposes; S. 3283, A bill to designate Mt. Andrea Lawrence;

S. 3291, to establish Coltsville National Historical Park in the State of Connecticut, and for other purposes;

S. 3524 and H.R. 1858, to authorize the Secretary of the Interior to enter into a cooperative agreement for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes;

S. 3565, to provide for the conveyance of certain Bureau of Land Management land in Mohave County, Arizona, to the Arizona Game and Fish Commission, for use as a public shooting range;

S. 3612, to amend the Marsh-Billings-Rockefeller National Historical Park Establishment Act to expand the boundary of the Marsh-Billings-Rockefeller National Historical Park in the State of Vermont, and for other purposes;

S. 3616, to withdraw certain land in the State of New Mexico, and for other purposes;

S. 3744, to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes;

S. 3778 and H.R. 4773, to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes;

S. 3820, to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes;

S. 3822, to adjust the boundary of the Carson National Forest, New Mexico; and

H.R. 1858, to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [testimony@energy.senate.gov](mailto:testimony@energy.senate.gov).

For further information, please contact David Brooks at (202) 224-9863 or Allison Seyferth at (202) 224-4905.

### PREELECTION PRESIDENTIAL TRANSITION ACT OF 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 499, S. 3196.

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

The legislative clerk read as follows:

A bill (S. 3196) to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

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

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Kaufman-Voinovich substitute amendment, which is at the desk, be considered and agreed to, the bill, as amended, be read the third time and passed; that the motions to reconsider be laid upon the table, without any 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. 4658) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Pre-Election Presidential Transition Act of 2010”.

#### SEC. 2. CERTAIN PRESIDENTIAL TRANSITION SERVICES MAY BE PROVIDED TO ELIGIBLE CANDIDATES BEFORE GENERAL ELECTION.

(a) **IN GENERAL.**—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended by adding at the end the following new subsection:

“(h)(1)(A) In the case of an eligible candidate, the Administrator—

“(i) shall notify the candidate of the candidate’s right to receive the services and facilities described in paragraph (2) and shall provide with such notice a description of the nature and scope of each such service and facility; and

“(ii) upon notification by the candidate of which such services and facilities such can-

didate will accept, shall, notwithstanding subsection (b), provide such services and facilities to the candidate during the period beginning on the date of the notification and ending on the date of the general elections described in subsection (b)(1).

The Administrator shall also notify the candidate that sections 7601(c) and 8403(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 provide additional services.

“(B) The Administrator shall provide the notice under subparagraph (A)(i) to each eligible candidate—

“(i) in the case of a candidate of a major party (as defined in section 9002(6) of the Internal Revenue Code of 1986), on one of the first 3 business days following the last nominating convention for such major parties; and

“(ii) in the case of any other candidate, as soon as practicable after an individual becomes an eligible candidate (or, if later, at the same time as notice is provided under clause (i)).

“(C)(i) The Administrator shall, not later than 12 months before the date of each general election for President and Vice-President (beginning with the election to be held in 2012), prepare a report summarizing modern presidential transition activities, including a bibliography of relevant resources.

“(ii) The Administrator shall promptly make the report under clause (i) generally available to the public (including through electronic means) and shall include such report with the notice provided to each eligible candidate under subparagraph (A)(i).

“(2)(A) Except as provided in subparagraph (B), the services and facilities described in this paragraph are the services and facilities described in subsection (a) (other than paragraphs (2), (3), (4), (7), and 8(A)(v) thereof), but only to the extent that the use of the services and facilities is for use in connection with the eligible candidate’s preparations for the assumption of official duties as President or Vice-President.

“(B) The Administrator—

“(i) shall determine the location of any office space provided to an eligible candidate under this subsection;

“(ii) shall, as appropriate, ensure that any computers or communications services provided to an eligible candidate under this subsection are secure;

“(iii) shall offer information and other assistance to eligible candidates on an equal basis and without regard to political affiliation; and

“(iv) may modify the scope of any services to be provided under this subsection to reflect that the services are provided to eligible candidates rather than the President-elect or Vice-President-elect, except that any such modification must apply to all eligible candidates.

“(C) An eligible candidate, or any person on behalf of the candidate, shall not use any services or facilities provided under this subsection other than for the purposes described in subparagraph (A), and the candidate or the candidate’s campaign shall reimburse the Administrator for any unauthorized use of such services or facilities.

“(3)(A) Notwithstanding any other provision of law, an eligible candidate may establish a separate fund for the payment of expenditures in connection with the eligible candidate’s preparations for the assumption of official duties as President or Vice-President, including expenditures in connection with any services or facilities provided under this subsection (whether before such services or facilities are available under this section or to supplement such services or facilities when so provided). Such fund shall be established and maintained in such manner as to

qualify such fund for purposes of section 501(c)(4) of the Internal Revenue Code of 1986.

“(B)(i) The eligible candidate may—

“(I) transfer to any separate fund established under subparagraph (A) contributions (within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8))) the candidate received for the general election for President or Vice-President or payments from the Presidential Election Campaign Fund under chapter 95 of the Internal Revenue Code of 1986 the candidate received for the general election; and

“(II) solicit and accept amounts for receipt by such separate fund.

“(ii) Any expenditures from the separate fund that are made from such contributions or payments described in clause (i)(I) shall be treated as expenditures (within the meaning of section 301(9) of such Act (2 U.S.C. 431(9))) or qualified campaign expenses (within the meaning of section 9002(11) of such Code), whichever is applicable.

“(iii) An eligible candidate establishing a separate fund under subparagraph (A) shall (as a condition for receiving services and facilities described in paragraph (2)) comply with all requirements and limitations of section 5 in soliciting or expending amounts in the same manner as the President-elect or Vice-President-elect, including reporting on the transfer and expenditure of amounts described in subparagraph (B)(i) in the disclosures required by section 5.

“(4)(A) In this subsection, the term ‘eligible candidate’ means, with respect to any presidential election (as defined in section 9002(10) of the Internal Revenue Code of 1986)—

“(i) a candidate of a major party (as defined in section 9002(6) of such Code) for President or Vice-President of the United States; and

“(ii) any other candidate who has been determined by the Administrator to be among the principal contenders for the general election to such offices.

“(B) In making a determination under subparagraph (A)(ii), the Administrator shall—

“(i) ensure that any candidate determined to be an eligible candidate under such subparagraph—

“(I) meets the requirements described in Article II, Section 1, of the United States Constitution for eligibility to the office of President;

“(II) has qualified to have his or her name appear on the ballots of a sufficient number of States such that the total number of electors appointed in those States is greater than 50 percent of the total number of electors appointed in all of the States; and

“(III) has demonstrated a significant level of public support in national public opinion polls, so as to be realistically considered among the principal contenders for President or Vice-President of the United States; and

“(iv) consider whether other national organizations have recognized the candidate as being among the principal contenders for the general election to such offices, including whether the Commission on Presidential Debates has determined that the candidate is eligible to participate in the candidate debates for the general election to such offices.”

(b) **ADMINISTRATOR REQUIRED TO PROVIDE TECHNOLOGY COORDINATION UPON REQUEST.**—Section 3(a)(10) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended to read as follows:

“(10) Notwithstanding subsection (b), consultation by the Administrator with any President-elect, Vice-President-elect, or eligible candidate (as defined in subsection (h)(4)) to develop a systems architecture plan for the computer and communications systems of the candidate to coordinate a transi-

tion to Federal systems if the candidate is elected.”

(c) **COORDINATION WITH OTHER TRANSITION SERVICES.**—

(1) **SECURITY CLEARANCES.**—Section 7601(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b note) is amended—

(A) by striking paragraph (1) and inserting: “(1) **DEFINITION.**—In this section, the term ‘eligible candidate’ has the meaning given such term by section 3(h)(4) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note).”, and

(B) by striking “major party candidate” in paragraph (2) and inserting “eligible candidate”.

(2) **PRESIDENTIALLY APPOINTED POSITIONS.**—Section 8403(b)(2)(B) of such Act (5 U.S.C. 1101 note) is amended to read as follows:

“(B) **OTHER CANDIDATES.**—After making transmittals under subparagraph (A), the Office of Personnel Management shall transmit such electronic record to any other candidate for President who is an eligible candidate described in section 3(h)(4)(B) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) and may transmit such electronic record to any other candidate for President.”

(d) **CONFORMING AMENDMENTS.**—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in subsection (a)(8)(B), by striking “President-elect” and inserting “President-elect or eligible candidate (as defined in subsection (h)(4)) for President”; and

(2) in subsection (e), by inserting “, or eligible candidate (as defined in subsection (h)(4)) for President or Vice-President,” before “may designate”.

**SEC. 3. AUTHORIZATION OF TRANSITION ACTIVITIES BY THE INCUMBENT ADMINISTRATION.**

(a) **IN GENERAL.**—The President of the United States, or the President’s delegate, may take such actions as the President determines necessary and appropriate to plan and coordinate activities by the Executive branch of the Federal Government to facilitate an efficient transfer of power to a successor President, including—

(1) the establishment and operation of a transition coordinating council comprised of—

(A) high-level officials of the Executive branch selected by the President, which may include the Chief of Staff to the President, any Cabinet officer, the Director of the Office of Management and Budget, the Administrator of the General Services Administration, the Director of the Office of Personnel Management, the Director of the Office of Government Ethics, and the Archivist of the United States, and

(B) any other persons the President determines appropriate;

(2) the establishment and operation of an agency transition directors council which includes career employees designated to lead transition efforts within Executive Departments or agencies;

(3) the development of guidance to Executive Departments and agencies regarding briefing materials for an incoming administration, and the development of such materials; and

(4) the development of computer software, publications, contingency plans, issue memoranda, memoranda of understanding, training and exercises (including crisis training and exercises), programs, lessons learned from previous transitions, and other items appropriate for improving the effectiveness and efficiency of a Presidential transition that may be disseminated to eligible candidates (as defined in section 3(h)(4) of the Presidential Transition Act of 1963, as added

by section 2(a)) and to the President-elect and Vice-President-elect.

Any information and other assistance to eligible candidates under this subsection shall be offered on an equal basis and without regard to political affiliation.

(b) **REPORTS.**—

(1) **IN GENERAL.**—The President of the United States, or the President’s delegate, shall provide to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate reports describing the activities undertaken by the President and the Executive Departments and agencies to prepare for the transfer of power to a new President.

(2) **TIMING.**—The reports under paragraph (1) shall be provided six months and three months before the date of the general election for the Office of President of the United States.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The bill (S. 3196), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. KAUFMAN. Mr. President, the Senate has just passed an important piece of legislation that will make our Presidential transitions safer. The Presidential Election Transition Act, which I introduced in April along with Senators VOINOVICH, AKAKA, and LIEBERMAN—and which has also been cosponsored by Senators CARPER and COLLINS—is a bipartisan bill and the product of research into best practices from recent transitions.

With input from the General Services Administration, and following the release of new studies by the nonpartisan Partnership for Public Service and Presidential scholars like Martha Joynt Kumar and Terry Sullivan, we crafted a bill that draws on the successes of the 2008–2009 transition. Our Nation was fortunate that both President Bush and President-Elect Obama were both focused on ensuring a smooth and secure transition. In this, our first transition between parties since the attacks of September 11, 2001, in the midst of two wars and the worst economic downturn since the Great Depression, we had no room for error.

This legislation will help remove the stigma that all too often dissuades candidates from taking the responsible step of early transition planning before election day. By extending a limited number of government services to Presidential nominees, we can make early transition activities a normal part of responsible candidacy.

I thank my cosponsors for their work on this bill, and I thank my colleagues for their unanimous support. I am glad that the Senate has taken this important step. In our post-September 11 security environment, we simply cannot afford to leave Presidential transitions to chance. I urge the House of Representatives to take swift action to pass this bill.

I also ask unanimous consent that the op-ed by Ed Gillespie and Donna

Brazile on the importance of passing this bill be printed in the RECORD.

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

[From Roll Call, July 20, 2010]

CONGRESS CAN EXPEDITE THE PRESIDENTIAL TRANSITION

(By Donna Brazile and Ed Gillespie)

For most Americans, the morning after a presidential election has been decided represents a moment of relief. Relief that months of campaign commercials, debates and a seemingly endless stream of canvassers knocking on their doors and phoning interrupting their dinners are finally over—relief at the end of a long and exhausting process.

However, for the election winner's staff, that morning is the official beginning of a stressful and complicated process that can make or break the new president's first two years in office.

Having worked on presidential transitions, we both know the pressures facing transition staff. There are only 11 or 12 weeks between Election Day and the inauguration, too short a period to prepare for the host of challenges facing incoming administrations. This is especially true in our post-9/11 security environment and in times of economic uncertainty, which demand a seamless transfer of power and leave us no room for a gap in national leadership.

That is why, in recent elections, candidates have begun planning their transitions informally before winning election. While these efforts are almost never spoken of out of fear they will be derided as presumptuous, they have become as important to the process of transferring power as the formal transition following Election Day.

To their credit, both President Barack Obama and Sen. John McCain (R-Ariz.) engaged in transition planning before the election was held in 2008. President George W. Bush also deserves praise for making a smooth transition out of office a high priority during the final months of his term. None of these steps was mandated by law, and all pre-election transition efforts by candidates had to be funded privately.

It was fortunate that, in the first transfer of power between parties after 9/11, with two ongoing wars and the worst financial crisis since the Great Depression, both major candidates and the White House took it upon themselves to ensure one of the smoothest transitions in modern history. But we should not simply leave something so important to fortune.

Sens. Ted Kaufman (D-Del.) and George Voinovich (R-Ohio) have introduced the Pre-Election Presidential Transition Act. This bipartisan legislation would extend to both parties' nominees some of the government services (i.e., office space, secure computer systems) currently provided to presidents-elect for their transition planning several weeks before Election Day. It also authorizes funding for sitting presidents to help plan for a responsible transfer out of office and recommends the Bush administration's Presidential Transition Coordinating Council as a model.

This will go a long way toward removing the stigma of presumptuousness that discourages early transition planning. We now know that in 2008 the Obama and McCain campaigns were poised to make a joint statement acknowledging that both were engaging in pre-election transition planning as an act of responsibility. However, at the last minute the issue became politicized and neither campaign wanted to risk being accused of "measuring the drapes" in the White House.

This political calculus is understandable but dangerous in today's world. The Kaufman-Voinovich bill was written in consultation with veterans of past transitions. Its introduction follows on the heels of a landmark report by the nonpartisan, nonprofit Partnership for Public Service as well as academic articles by presidential scholars Martha Joynt Kumar, Terry Sullivan and others analyzing the successes and shortcomings of recent transitions. The Pre-Election Presidential Transition Act would provide nominees with office space, computer services and information about previous transitions. It would not pay transition staff salaries or provide for the hiring of outside consultants. For those expenses and others not covered by the bill, it would allow candidates to open transition accounts to which they could raise money or transfer funds from their campaign chests.

For those of us who have worked on presidential transitions, this bipartisan effort by two outgoing Senators in a non-presidential election year is long overdue. Congress should take advantage of this opportunity to implement the changes proposed by this bill to ensure more responsible, more secure and more seamless transfers of power in the future.

TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3839, which was introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 3839) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

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

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the bill be read the third time and passed; that the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements related to the bill be printed in the RECORD.

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

The bill (S. 3839) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3839

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

**SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.**

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111-214 (124 Stat. 2346), is amended by striking "September 30, 2010" each place it appears and inserting "January 31, 2011".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on September 29, 2010.

NATIONAL WILDLIFE REFUGE WEEK

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 644, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 644) designating the week of October 10, 2010, as "National Wildlife Refuge Week."

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

Mr. KAUFMAN. Mr. President, I rise to speak on a resolution I submitted today with Senators CRAPO and CARDIN to celebrate National Wildlife Refuge Week and honor the extraordinary National Wildlife Refuge System. I am pleased that so many of my colleagues have joined me to cosponsor this resolution.

President Theodore Roosevelt established the first national wildlife refuge on Florida's Pelican Island in 1903. He was a renowned naturalist, an avid hunter, and is considered to be one of the greatest conservation leaders in American history.

Roosevelt was spurred to action after witnessing a dramatic decline in bird and animal populations across the country due to unregulated and unsustainable hunting. A sportsman himself, Roosevelt saw a great need to conserve our nation's natural resources not only for the benefit of his generation but for future generations as well.

President Roosevelt set out this basic principle when he said:

I recognize the right and duty of this generation to develop and use the natural resources of our land. But I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us.

He was a man of action. Over the course of Presidency, Roosevelt would establish more than 50 Federal bird reserves which would become the foundation of the National Wildlife Refuge System.

Today, the Refuge System has grown to more than 150 million acres, 552 national wildlife refuges, and 38 wetland management districts. These lands are truly American treasures and important parts of our natural heritage.

The Refuge System is a magnificent network of lands and waters dedicated to wildlife conservation. It is exceptionally diverse, encompassing every kind of ecosystem in the United States, including forests, wetlands, deserts, grasslands, tundras, and remote islands.

National wildlife refuges are critical to the broad goals of wildlife conservation to both keep common species common and to protect and restore imperiled species. Refuges do this well. They are home to an incredible amount of biodiversity, including over 700 species of birds, 220 species of mammals, 250 reptile and amphibian species, and