

these activities in this manner, the Committee was guided by the OMB policy letter of September 23, 1992, which established Executive Branch policy relating to service contracting and inherently governmental functions. This policy letter defined an “inherently governmental function” as a “function that is so intimately related to the public interest as to mandate performance by Government employees.” While this Act specifies that Government employees are solely to be responsible for the final plan or report, this does not limit agencies from being assisted by non-Federal parties, such as contractors or grantees, in the preparation of these plans and reports. This might be necessitated, for example, when there is a lack of in-house expertise within an agency. The assistance of non-Federal parties may include collection of information, the conduct of studies, analyses, or evaluations, or the providing of advice, opinions, or ideas to Federal officials, or to provide training of Federal employees. This assistance by non-Federal parties in the performance of inherently governmental functions is also consistent with the OMB policy letter. The Committee also recognizes that many Federal programs are carried out by States, local governments, and contractors—not by the Federal Government directly. Federal agencies regularly rely on these parties for performance data, and the Committee neither intends nor expects existing systems, processes, and requirements for measuring current or past performance, or which propose or forecast future performance levels to be duplicated by new parallel efforts involving only Federal employees. Finally, the Committee notes that it is the longstanding policy of the Federal Government that Federal officials should perform the decision and/or policymaking and managerial responsibilities of the government. The basic principle is that accountable Federal employees should not only be responsible for the “products” produced by their agencies (whether contractors or Federal employees produced the product) but also should be involved in a significant manner in the “process” of formulating the product. Thus, agencies are not fulfilling the intent of this legislation if the required plans and reports are largely the products of contractors. To further this need for accountability, agencies should include in their plans and reports an acknowledgment of the role and a description of a significant contribution made by a contractor or other non-Federal entity to the plan or report.

In repeating the inherently governmental functions language of GPRA in H.R. 2142, as amended, the intent of H.R. 2142, as amended, is exactly the same as the intent of the identical language in GPRA, which I previously quoted. My remarks reflect the views of the Homeland Security and Governmental Affairs Committee on the interpretation of this provision. This explanation will be included in the committee’s written report on the legislation that will be filed shortly.

Mr. AKAKA. I thank the gentleman from Delaware for his clarification.

CLAIMS RESOLUTION ACT

Mr. BINGAMAN. Mr. President, I rise today to commemorate President Obama’s signing of the historic Claims Resolution Act of 2010. The act contains measures that resolve long-standing claims against the United States

including claims relating to three Indian water rights adjudication cases in New Mexico. In addition, the act provides significant funding to implement the settlement agreements. The signing of the Claims Resolution Act of 2010 represents a significant achievement for the people of New Mexico.

I would like to express my gratitude to the many New Mexicans who have worked on these settlement agreements over many years. I would also like to commend the Obama administration for its efforts to engage with the settlement parties to finalize the settlements in ways that will strengthen the relationship between the Federal Government and the tribes and protect the non-Indian residents in the settlement areas. Having the full support of the administration was a very important part of our success.

The Aamodt and Abeyta settlements represent agreements that end longstanding litigation and provide numerous benefits that could never have been possible through the courts. The funding we have provided will ensure that the projects can move forward quickly. It is my hope that the settlement parties will continue to make swift progress toward implementation so that the Pueblo and non-Pueblo residents of Taos and the Pojoaque Valley will soon have access to more secure drinking water and improved litigation systems. In addition, the \$180 million in funding provided for the Navajo settlement will expedite the construction necessary to bring drinking water to Navajo citizens who currently haul water to their homes from watering stations many miles away. The Navajo-Gallup project will also provide water to the city of Gallup and the Jicarilla Apache Tribe. I am pleased the Bureau of Reclamation’s planning for the project is well underway and that construction may commence as early as 2012, providing hundreds of jobs for New Mexicans for years to come.

The Aamodt case involves the water rights claims of the Nambe, Pojoaque, San Ildefonso, and Tesuque Pueblos in the Rio Pojoaque stream system north of Santa Fe. It is my understanding that the case, which was filed in 1966, is the longest active Federal case in the country. The Aamodt settlement represents an agreement that quantifies the present and future water rights of the four Pueblos involved in the litigation. The settlement also protects the interests and water rights of non-Indian water users, including the historic acequias irrigation systems that have existed for centuries. The Aamodt settlement will bring new water into the basin for municipal and domestic needs for Pueblo and non-Pueblo residents throughout the Pojoaque basin. I commend the Aamodt settlement parties for their commitment to the negotiation process which will provide benefits to the basin for generations to come.

The Abeyta settlement resolves Taos Pueblo’s water rights claims in the Rio Pueblo de Taos stream system. The

Abeyta adjudication case is also over 40 years old and the settlement parties have been working toward this result for decades. I commend them for their hard work and dedication. The Abeyta settlement will quantify the water rights of Taos Pueblo and will protect the interests of the other citizens throughout the Taos region. The Abeyta settlement provides for the construction of mutually beneficial projects designed to modernize water infrastructure and protect historic landscapes. The settlement will help to preserve the region’s historic irrigation systems and provide security to domestic water users as well.

The Aamodt and Abeyta settlements represent fair and reasonable conclusions to protracted, contentious litigation. They are the product of countless hours of hard work and determination. Numerous individuals have worked on these issues for decades like Nelson Cordova, Gil Suazo, Palemon Martinez and John Painter in the Taos Valley and David Ortiz, Maxine Goad, Herbert Yates, Ernest Mirabal, Charlie Dorame, James Hena, Perry Martinez, and George Rivera from the Aamodt case. I am grateful to those individuals and the many others who made these settlements possible. I would like to provide a special acknowledgment to Michael Connor, the Commissioner of Reclamation, for his longstanding commitment to resolving Indian water rights claims in ways that promote sound federal policy and fairness to the parties involved. Finally, I would like to recognize both Tanya Trujillo, my water expert on the Committee on Energy and Natural Resources, and Trudy Vincent, my legislative director, for their wise counsel and hard work in passing this important legislation.

Thank you for the opportunity to make these remarks.

PRESERVING CRIMINAL ASSETS FOR FORFEITURE ACT

Mr. WHITEHOUSE. Mr. President, I rise to speak in support of S. 4005, the Preserving Criminal Assets for Forfeiture Act of 2010, which I recently introduced with my distinguished colleague Senator CORNYN. This bill will help keep the proceeds and instrumentalities of crime out of the hands of foreign criminals. It will also encourage foreign countries to assist the United States in recovering the overseas assets of U.S. criminals.

The U.S. Government is currently authorized to assist foreign nations seeking to enforce their forfeiture judgments, for example by seizing the proceeds of large-scale international fraud, drug trafficking, or money laundering. Recent judicial decisions, however, have interpreted existing statutes as not providing our courts with the authority to restrain known criminal assets located in the U.S. prior to the issuance of a foreign forfeiture judgment. Criminals are therefore able to move and hide the assets they hold in

the United States as soon as they find out they will be subject to foreign forfeiture proceedings, or even while the proceedings are ongoing. This leaves U.S. courts with no property to freeze once the foreign forfeiture judgment is entered.

Because of this hole in the law, foreign criminals have already been able to shield hundreds of millions of dollars worth of ill-gotten property, allowing them to continue their criminal enterprises and frustrating the efforts of law enforcement. In recent months alone, our government has been unable to restrain more than \$550 million that had been identified for forfeiture by foreign governments in connection with criminal investigations and prosecutions. This money will remain a continuing resource for criminal organizations, allowing them to fund extensive additional criminal activity, some of which may well target Americans.

The U.S. Government's lack of authority to preserve criminal assets in advance of a foreign forfeiture judgment also threatens the cooperation we receive from foreign nations in our own criminal cases. The United States regularly seeks our allies' assistance in issuing prejudgment restraints to preserve the ill-gotten assets of U.S. criminals who have hidden their proceeds overseas. For example, in April of this year, Panama repatriated approximately \$40 million in gold and jewelry from a drug money laundering case, which had been restrained there for years at our request. The forfeited assets will be liquidated, with the final proceeds from those sales placed into the Department of Justice's assets forfeiture fund, and used to enhance future domestic and international criminal investigations and law enforcement initiatives. As another example, in the major international fraud case involving Allen Stanford, Switzerland, the United Kingdom, and Canada have restrained a combined \$400 million on behalf of the United States pursuant to our forfeiture proceedings.

Comparable future forfeitures could be in jeopardy because, before executing a request from the United States, most countries require assurances of reciprocity. In fact, a number of these reciprocity agreements are codified in treaties. If we fail to provide our government with authority to restrain assets pending foreign forfeiture judgments, we may ultimately enable criminal organizations in the United States to dissipate foreign assets that should be subject to U.S. forfeiture proceedings. That puts at risk hundreds of millions of dollars in criminal proceeds that may not be able to be returned to fraud victims or that criminals will reinvest in drug trafficking offenses or other crimes that affect our communities.

The bipartisan Preserving Criminal Assets for Forfeiture Act of 2010 will fix these problems by preventing criminals from removing illicit assets from the United States during the pendency

of foreign forfeiture proceedings. The bill would amend 28 U.S.C. § 4267(d)(3) to clarify that U.S. courts have the power to issue restraining orders freezing the proceeds and instrumentalities of foreign criminals until foreign forfeiture proceedings have concluded. In doing so, the legislation brings the treatment of international criminals' assets in line with that of domestic criminals.

The bill includes due process protections analogous to those used for restraining orders in anticipation of domestic forfeiture judgments, to make sure that only criminal assets are targeted. It also requires the U.S. court to ensure that the relevant foreign tribunal observes due process protections, has subject matter jurisdiction, and is not acting as a result of fraud.

The bill is supported by the Department of Justice, and I thank the attorneys of the Department for their expert advice on this legislation. I also particularly thank Senator CORNYN for his leadership on this issue. It has been a great pleasure to work with him in introducing this legislation. I urge our colleagues on both sides of the aisle to join with us to enact this much needed bill into law.

ADDITIONAL STATEMENTS

REMEMBERING RICHARD GOLDMAN

• Mrs. BOXER. Mr. President, it is with a heavy heart that I ask my colleagues to join me today in honoring the memory of Richard Goldman, a visionary philanthropist and extraordinary civic leader. Richard was a successful businessman whose dedication to his global community improved the lives of millions. Richard passed away peacefully at his home in San Francisco on November 29, 2010. He was 90 years old.

Richard Goldman was born on April 16, 1920, in San Francisco, CA. He grew up just down the street from his future wife, Rhoda Haas. Richard attended the University of California at Berkeley before serving 4 years in the U.S. Armed Forces. In 1946, Richard returned to San Francisco and shortly thereafter reconnected with Rhoda, a descendant of Levi Strauss, who served on the board of directors of both the apparel company and the Levi Strauss Foundation. Richard and Rhoda were married within the year.

In 1949, Richard founded Goldman Insurance Services, a major San Francisco brokerage firm that was sold to Willis Insurance in 2001. In 1951, Goldman and his wife Rhoda Haas Goldman created the Goldman Fund, which has since then given more than half a billion dollars to a range of philanthropic causes in the bay area, nationally, and internationally. The Goldman Fund recently made a \$10,000,000 grant to the San Francisco Symphony and a \$3,600,000 grant to the Golden Gate Na-

tional Parks Conservancy for the restoration of Lands End, a 1.6-mile coastal hiking trail with views of the Golden Gate Bridge and the Marin Headlands. The Goldmans focused their philanthropic efforts on the arts, cultural institutions, Jewish affairs, and of course, the environment.

As an expression of their lifelong commitment to environmental protection, Richard and Rhoda launched the Goldman Prize in 1990. Each year, up to seven individuals from each of the six inhabited continental regions of the world are selected to receive the \$150,000 prize. Goldman Environmental Prize winners are announced each year in April, to coincide with Earth Day. Recipients participate in a 10-day tour of San Francisco and Washington, DC; an award ceremony in each city; and many opportunities to meet with elected and environmental leaders, news media, and other dignitaries. In addition to financial support, the prize provides invaluable opportunities for prize winners to raise awareness about the issue they are combating, and attract worldwide visibility for the work they're doing to address it. The prize has always been intended to honor grassroots environmental heroes who are involved in local efforts to protect the world's precious natural resources.

Richard and Rhoda created an environmental legacy that has reached all corners of the globe. The Goldman Prize has been awarded to a range of activists around the world from Swaziland to Romania, working on issues from shark finning to uranium mining. It has become the world's largest prize program for grassroots environmental activists, attracting intense international media attention. The Goldman Environmental Prize has a lasting impact; recipients continue their work long after the award ceremonies have ended and the public spotlight has dimmed. Many have gone on to win election or appointment to public office or to expand the reach and impact of their work in other ways. The 1991 Goldman Prize winner from Africa, Wangari Maathai, became the first African woman to win the Nobel Peace Prize. In 2004, Ms. Maathai won the Nobel for her dedication to the environment, human rights, and peace.●

TRIBUTE TO BAILEY JEAN CARLSEN

• Mr. THUNE. Mr. President, today I recognize Bailey Jean Carlsen, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Bailey is a graduate of Roncalli High School in Aberdeen, SD. Currently, she is attending Drake University, where she is majoring in sociology and law, and politics and society. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Bailey for