

Mr. Komorowski is a descendent of Polish nobility, a historian by training, and a lifelong freedom fighter. He took part in his first anti-Communist protests as a high school student in 1968. As a young man, he defied communist authorities by lighting candles and posting banners at the Katyn section of the historic Powazki Cemetery in Warsaw, the resting place of many Polish heroes. He served as Poland's defense minister in 2000 and 2001 and became Speaker of the Sejm, Poland's House of Representatives, in 2007. The day after he was elected President, President Obama invited him to visit the United States. The two Presidents are meeting in the White House today.

As a boy growing up in East St. Louis, IL, I knew without a doubt that the greatest man on Earth was the son of a Polish Immigrant to America. He was born Stanisław Franciszek Musiał, but America came to know and love him as Stan "The Man" Musial. He was the heart and soul of the St. Louis Cardinals of my youth and one of the best outfielders in baseball history.

In school, I learned that American history is, in fact, filled with Polish and Polish-American heroes—men and women who helped lift this country into what it is today.

Polish craftsmen were already hard at work helping to build the colony of Jamestown when the Pilgrims landed at Plymouth Rock. In 1619 when the Virginia House of Burgesses refused to extend to the Polish workers the "rights of the Englishmen," including the right to vote, the Polish people began and won the first recorded strike in the New World.

More than a century and a half later, two valiant sons of Poland stepped forward and joined America in our effort to gain independence. Thaddeus Kosciuszko landed shortly after the signing of the Declaration of Independence and, upon learning of the document, decided that he must meet the author. He and Thomas Jefferson became friends. He built the United States Military Academy at West Point and helped lead American troops in their improbable and crucial early victories at the Battles of Saratoga and Ticonderoga. Years later, Thomas Jefferson called him "as pure a son of liberty as I have ever known," and statues of him stand today at West Point and in Lafayette Square across from the White House.

Casimir Pulaski was drawn to the same idea of freedom and became a brigadier general in the Continental Army. He was the "father of the US Cavalry," saved George Washington's Army at the Battle of Brandywine and gave his life for American independence at the Battle of Savannah. He has a statue in his honor here in Washington, DC, and is held in such high regard by my home State of Illinois that there is a statewide holiday so that all residents may pay their respects.

And when the time came for Poland to seek its freedom in 1989, the United

States was at its side. It is astonishing to consider the changes that took place over these two decades. Poland today is a major force in Europe and a brave and indispensable leader in the effort to finish the work of making Europe whole, free and at peace with itself. Poland stood with its Baltic neighbors—including Lithuania, the land of my mother's birth—as they, too, have reached for democracy and freedom.

Poland's historic entry into NATO in 1999 has led to invaluable Polish contributions to peace and stability—not only in Europe, but around our world. Polish soldiers fought side-by-side with Americans in Iraq, standing with us even during the darkest days of that war. Today, more than 2,500 Polish soldiers are serving in Afghanistan, and Poland is leading a Provisional Reconstruction Team in one of the most dangerous and challenging areas in that nation. Poland has also agreed to allow a US missile defense base on its territory in order to help defend Europe from new security threats from those who may not share our values.

In 2004, Poland joined the European Union, symbolically ending the long and unjust Cold War division of Europe. As a member of the EU, Poland has also shown great leadership in its transition to a free market economy. Indeed, it is the only nation in Europe to have avoided a recession during the financial crisis, and its economy is growing faster than almost any other nation in Europe. Thirty years after the birth of Solidarity in the shipyards of Gdansk, Poland today is at the forefront of efforts to build a new cooperative relationship with Russia, while also helping other Central and Eastern European nations build up their own democratic institutions and market economies and find their rightful place in the new Europe.

The United States and Poland are connected by strong bonds of shared history and shared values. We are more than allies; we are family. More than 9 million Americans trace their roots to Poland. I am proud to represent Chicago, the most Polish city outside of Poland. Even today, there are neighborhoods in Chicago where you can scarcely walk a block without hearing someone speaking Polish. I am proud to welcome the President Komorowski, and I hope for the continued strong relationship between Poland and the United States for many years to come.

#### HONORING OUR ARMED FORCES

CORPORAL CHAD S. WADE

Mrs. LINCOLN. Mr. President, today I honor Corporal Chad S. Wade, 22, of Bentonville, AR, who died December 1 while conducting combat operations in Helmand province, Afghanistan.

My heart goes out to the family of CPL Wade who made the ultimate sacrifice on behalf of our Nation. Along with all Arkansans, I am grateful for his service and for the service and sacrifice of all of our military service-members and their families.

More than 11,000 Arkansans on active duty and more than 10,000 Arkansas Reservists have served in Iraq or Afghanistan since September 11, 2001. These men and women have shown tremendous courage and perseverance through the most difficult of times. As neighbors, as Arkansans, and as Americans, it is incumbent upon us to do everything we can to honor their service and to provide for them and their families, not only when they are in harm's way but also when they return home. It is the least we can do for those whom we owe so much.

Corporal Wade was assigned to the 2nd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

#### LEGISLATIVE INTENT—H.R. 2142

Mr. AKAKA. Mr. President, H.R. 2142, as amended, will modernize and refine key aspects of the Government Performance and Results Act, or GPRA, while keeping the statutory foundation established by the act in place. I was pleased to join Mr. LIEBERMAN, Ms. COLLINS, and Mr. VOINOVICH in cosponsoring the substitute amendment Mr. CARPER offered at the September 29, 2010, business meeting held by the Committee on Homeland Security and Governmental Affairs, and I strongly support the bill. I would, however, like to take this opportunity to clarify the intent of the legislation on a matter of great importance. Concerns have been raised that this legislation will prohibit Federal agencies from being assisted by non-Federal parties when preparing GPRA reports. It is my understanding that, in reporting favorably H.R. 2142, as amended, the committee chose not to change the language in GPRA that made the preparation of agency strategic plans, annual performance plans, or annual program performance reports an inherently governmental function. May I ask the Senator from Delaware, as the primary sponsor of the substitute amendment to H.R. 2142, to clarify the intent of the provisions contained in H.R. 2142, as amended, which address the issue of inherently governmental functions?

Mr. CARPER. My friend is correct. This bill will not change the language in GPRA statutes addressing inherently governmental functions. It merely extends existing GPRA standards to apply to the new requirements established by H.R. 2142, as amended, that did not exist in 1993, such as the Federal Government and agency priority goals, along with agency performance updates. As you know, in addressing the issue of inherently governmental functions, the Government Performance and Results Act of 1993 Report of the Committee on Governmental Affairs states:

The preparation of an agency's or the Postal Service's strategic plan, annual performance plan, and annual program performance report under this Act are declared to be inherently governmental functions. In defining

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