

him to the bill H.R. 5875, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 104 the following:

SEC. 105. Section 902 of chapter 9 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212) is repealed.

**SA 4581.** Mr. DODD (for Mrs. BOXER) proposed an amendment to the bill S. 1055, to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II; as follows:

On page 4, after line 24, insert the following:

(17) The Military Intelligence Service (in this Act referred to as the "MIS") was made up of about 6,000 Japanese American soldiers who conducted highly classified intelligence operations that proved to be vital to United States military successes in the Pacific Theatre.

(18) As they were discharged from the Army, MIS soldiers were told not to discuss their wartime work, due to its sensitive nature, and their contributions were not known until passage of the Freedom of Information Act in 1974.

(19) MIS soldiers were attached individually or in small groups to United States and Allied combat units, where they intercepted radio transmissions, translated enemy documents, interrogated enemy prisoners of war, volunteered for reconnaissance and covert intelligence missions, and persuaded enemy combatants to surrender.

(20) Their contributions continued during the Allied postwar occupation of Japan, and MIS linguistic skills and understanding of Japanese customs were invaluable to occupation forces as they assisted Japan in a peaceful transition to a new, democratic form of government.

On page 5, line 6, strike "and" and insert a comma.

On page 5, line 7, insert "and the Military Intelligence Service," before "United States".

On page 5, line 19, strike "and" and insert a comma.

On page 5, line 19, insert "and the Military Intelligence Service," before "United".

On page 6, line 3, strike "and" and insert a comma.

On page 6, line 4, insert "and the Military Intelligence Service," before "United States".

On page 6, line 6, strike "Under" and all that follows through "Secretary" on line 7 and insert "The Secretary".

On page 6, strike lines 15 through 17 and insert the following:

**"SEC. 5. AUTHORITY TO USE FUNDS; PROCEEDS OF SALE.**

"(a) AUTHORITY TO USE FUNDS.—There is".

## 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 business meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Thursday, August 5, 2010, at 9:30 a.m., in room

SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending legislation.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DODD. Mr. President, as in executive session, I ask unanimous consent that at 9:30 a.m., Tuesday, August 3, immediately after the opening of the Senate, the Senate proceed to executive session to consider Calendar No. 1001, the nomination of Elena Kagan to be an Associate Justice of the Supreme Court, and that during Tuesday's session, the time be divided as follows: Chairman LEAHY, first 30 minutes; Senator SESSIONS, second 30 minutes; with the time from 10:30 to 11 equally divided and controlled between the leaders or their designees; the time from 11 to 12:30 equally divided and controlled, with the majority controlling the first 45 minutes; the time from 2:15 to 8:15 p.m. divided in 1 hour alternating blocks, with the majority controlling the first block, with any additional time beyond 8:15 p.m. continuing to be divided in 1 hour alternating blocks of time.

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

## GRANTING THE CONGRESSIONAL GOLD MEDAL

Mr. DODD. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 1055 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1055) to grant the Congressional Gold Medal collectively to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

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

Mr. DODD. Mr. President, I ask unanimous consent that a Boxer 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 be printed in the RECORD.

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

The amendment (No. 4581) was agreed to, as follows:

(Purpose: To include members of the Military Intelligence Service, and for other purposes)

On page 4, after line 24, insert the following:

(17) The Military Intelligence Service (in this Act referred to as the "MIS") was made up of about 6,000 Japanese American soldiers who conducted highly classified intelligence operations that proved to be vital to United States military successes in the Pacific Theatre.

(18) As they were discharged from the Army, MIS soldiers were told not to discuss their wartime work, due to its sensitive nature, and their contributions were not known until passage of the Freedom of Information Act in 1974.

(19) MIS soldiers were attached individually or in small groups to United States and Allied combat units, where they intercepted radio transmissions, translated enemy documents, interrogated enemy prisoners of war, volunteered for reconnaissance and covert intelligence missions, and persuaded enemy combatants to surrender.

(20) Their contributions continued during the Allied postwar occupation of Japan, and MIS linguistic skills and understanding of Japanese customs were invaluable to occupation forces as they assisted Japan in a peaceful transition to a new, democratic form of government.

On page 5, line 6, strike "and" and insert a comma.

On page 5, line 7, insert "and the Military Intelligence Service," before "United States".

On page 5, line 19, strike "and" and insert a comma.

On page 5, line 19, insert "and the Military Intelligence Service," before "United".

On page 6, line 3, strike "and" and insert a comma.

On page 6, line 4, insert "and the Military Intelligence Service," before "United States".

On page 6, line 6, strike "Under" and all that follows through "Secretary" on line 7 and insert "The Secretary".

On page 6, strike lines 15 through 17 and insert the following:

**"SEC. 5. AUTHORITY TO USE FUNDS; PROCEEDS OF SALE.**

"(a) AUTHORITY TO USE FUNDS.—There is".

The bill (S. 1055), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1055

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

## SECTION 1. FINDINGS.

Congress makes the following findings:

(1) On January 19, 1942, 6 weeks after the December 7, 1941, attack on Pearl Harbor by the Japanese Navy, the United States Army discharged all Japanese-Americans in the Reserve Officers Training Corps and changed their draft status to "4C"—the status of "enemy alien" which is ineligible for the draft.

(2) On January 23, 1942, Japanese-Americans in the military on the mainland were segregated out of their units.

(3) Further, on May 3, 1942, General John L. DeWitt issued Civilian Exclusion Order No. 346, ordering all people of Japanese ancestry, whether citizens or noncitizens, to report to assembly centers, where they would live until being moved to permanent relocation centers.

(4) On June 5, 1942, 1,432 predominantly Nisei (second generation Americans of Japanese ancestry) members of the Hawaii Provisional Infantry Battalion were shipped from the Hawaiian Islands to Oakland, CA, where the 100th Infantry Battalion was activated on June 12, 1942, and then shipped to train at Camp McCoy, Wisconsin.

(5) The excellent training record of the 100th Infantry Battalion and petitions from prominent civilian and military personnel helped convince President Roosevelt and the War Department to reopen military service to Nisei volunteers who were incorporated into the 442nd Regimental Combat Team after it was activated in February of 1943.

(6) In that same month, the 100th Infantry Battalion was transferred to Camp Shelby, Mississippi, where it continued to train, and even though the battalion was ready to deploy shortly thereafter, the battalion was refused by General Eisenhower, due to concerns over the loyalty and patriotism of the Nisei.

(7) The 442nd Regimental Combat Team later trained with the 100th Infantry Battalion at Camp Shelby in May of 1943.

(8) Eventually, the 100th Infantry Battalion was deployed to the Mediterranean and entered combat in Italy on September 26, 1943.

(9) Due to their bravery and valor, members of the Battalion were honored with 6 awards of the Distinguished Service Cross in the first 8 weeks of combat.

(10) The 100th Battalion fought at Cassino, Italy in January 1944, and later accompanied the 34th Infantry Division to Anzio, Italy.

(11) The 442nd Regimental Combat Team arrived in Civitavecchia, Italy on June 7, 1944, and on June 15 of the following week, the 100th Infantry Battalion was formally made an integral part of the 442nd Regimental Combat Team, and fought for the last 11 months of the war with distinction in Italy, southern France, and Germany.

(12) The battalion was awarded the Presidential Unit Citation for its actions in battle on June 26-27, 1944.

(13) The 442nd Regimental became the most decorated unit in United States military history for its size and length of service.

(14) The 100th Battalion and the 442nd Regimental Combat Team, received 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars, 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals, and over 4,000 Purple Hearts, among numerous additional distinctions.

(15) The United States remains forever indebted to the bravery, valor, and dedication to country these men faced while fighting a 2-fronted battle of discrimination at home and fascism abroad.

(16) Their commitment and sacrifice demonstrates a highly uncommon and commendable sense of patriotism and honor.

(17) The Military Intelligence Service (in this Act referred to as the "MIS") was made up of about 6,000 Japanese American soldiers who conducted highly classified intelligence operations that proved to be vital to United States military successes in the Pacific Theatre.

(18) As they were discharged from the Army, MIS soldiers were told not to discuss their wartime work, due to its sensitive nature, and their contributions were not known until passage of the Freedom of Information Act in 1974.

(19) MIS soldiers were attached individually or in small groups to United States and Allied combat units, where they intercepted radio transmissions, translated enemy documents, interrogated enemy prisoners of war, volunteered for reconnaissance and covert intelligence missions, and persuaded enemy combatants to surrender.

(20) Their contributions continued during the Allied postwar occupation of Japan, and MIS linguistic skills and understanding of Japanese customs were invaluable to occupation forces as they assisted Japan in a peaceful transition to a new, democratic form of government.

## SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of the Congress, of a single gold medal of appropriate design to the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army, collectively, in recognition of their dedicated service during World War II.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal in honor of the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army, under subsection (a), the gold medal shall be given to the Smithsonian Institution, where it will be displayed as appropriate and made available for research.

(2) SENSE OF CONGRESS.—It is the sense of the Congress that the Smithsonian Institution should make the gold medal received under paragraph (1) available for display elsewhere, particularly at other appropriate locations associated with the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army.

## SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

## SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

## SEC. 5. AUTHORITY TO USE FUNDS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUNDS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, an amount not to exceed \$30,000 to pay for the cost of the medal authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

## STAR-SPANGLED BANNER BICENTENNIAL COMMEMORATIVE COIN ACT

Mr. DODD. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 2097 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2097) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

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

Mr. DODD. Mr. President, I ask unanimous consent that the bill 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 be printed in the RECORD.

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

The bill (H.R. 2097) was ordered to a third reading, was read the third time, and passed.

## COPYRIGHT CLEANUP, CLARIFICATION, AND CORRECTIONS ACT OF 2010

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3689, introduced earlier today by Senators LEAHY and SESSIONS.

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

The assistant legislative clerk read as follows:

A bill (S. 3689) to clarify, improve, and correct the laws relating to copyrights.

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

Mr. LEAHY. Mr. President, today, the Senate considers bipartisan legislation to make a number of improvements in the way the Copyright Office functions. This bill will also clarify certain areas of copyright law to provide certainty, and make technical corrections to the Code. The Copyright Office has done a terrific job, as it always does, assisting Congress in finding inefficiencies in the law and recommending appropriate changes. I appreciate the Senate acting swiftly to pass this bill.

This bill is another bipartisan effort to improve the copyright laws. Similar to the Trademark Technical and Conforming Amendments Act, today's legislation makes commonsense improvements to the copyright system that will make it more efficient. Congress should work in a bipartisan fashion to find inefficiencies and correct them. We are doing that today.

The provisions of the bill fall into three categories: those designed to make the Office's operations more efficient; those designed to clarify issues of copyright law made unclear either by recent court decisions or by ambiguities in the statute; and those that are technical.

In the first category, the Copyright Office has requested two statutory changes that will facilitate their transition to digital files and record keeping. These changes will also make it easier for filers to submit documents electronically.

In the second category, the bill clarifies, for instance, that the exclusive licensee of a work may further license the work in the absence of an agreement to the contrary. There are inefficiencies that arise from a lack of clarity in the statute, particularly as circuit splits arise. The bill makes other clarifications, such as that the distribution of a phonorecord prior to 1978 shall not constitute a publication of a dramatic and literary work included in