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# *House of Representatives*

The House was not in session today. Its next meeting will be held on Tuesday, April 13, 2010, at 2 p.m.

# *Senate*

*(Legislative day of Thursday, March 25, 2010)*

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal and blessed God, amid the earthquakes, wind, and fire of this turbulent world, we thank You for seasonal reminders of new life and resurrection. Give our lawmakers the wisdom to wait until they hear Your whispers of healing and hope. Give them sensitive hearts to listen, teachable minds to learn, and humble wills to obey. When doubts assail them, may they remember that no night is endless but always followed by a new day. Inspire them to put all their plans in Your hands, trusting fully in the power of Your love.

We pray in Your sovereign Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 26, 2010.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

## SCHEDULE

Ms. STABENOW. Mr. President, today there will be a period for the transaction of morning business, with the time until 12:30 p.m. equally divided and controlled between myself, Senator STABENOW, and Senator COBURN or our designees. Today we will continue work on reaching an agreement to consider the unemployment and COBRA extension legislation. The majority leader also asked me to alert Senators that Senator LEVIN will come to the floor this morning around 10:30 to ask unanimous consent to confirm the nomination of BG Michael J. Walsh to be Major General for the Army.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with the time until 12:30 p.m. equally divided and controlled between the Senator from Michigan and the Senator from Oklahoma.

## ORDER OF BUSINESS

Ms. STABENOW. Mr. President, this morning Senator COBURN and I have agreed that the majority will take the first 30 minutes, and there will be additional agreements from there. We certainly will be going back and forth between both sides this morning, since the time is equally divided. We will proceed this morning.

Senator HARKIN is here. I am going to yield time first to Senator HARKIN. Senator HARKIN is our leader, of course, on the Health, Education, Labor, and Pensions Committee. He has been a champion of the health insurance reform bill we passed, as well as the new assistance for families for college loans and Pell grants.

He has been a champion for working men and women on so many issues. It is not a surprise that he is here today fighting on behalf of working men and women who have lost their jobs through no fault of their own and are

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

asking that we provide some temporary assistance to them.

I yield 10 minutes to the distinguished Senator from Iowa.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

## CONTINUING EXTENSION ACT OF 2010

Mr. HARKIN. Mr. President, I thank my colleague and dear friend, Senator STABENOW, for those kind words. I know no one who cares more deeply and works harder in this body for the average American family, for the workers of this country, than DEBBIE STABENOW. She is always there thinking about how we can make their lives better, what we can do to increase employment opportunities for working families. The fact she is here today leading the debate on extending unemployment insurance again shows her dedication to those hard-working men and women who make this country what it is. I thank the Senator from Michigan for her leadership in this crucial area.

I listened to the news this morning on the radio while driving in. The new figures are out for growth rate. We are growing now at about—last quarter was about 5 percent. That is a turnaround from a negative 6 percent 1 year ago. Also, in unemployment, about 1 year ago we were losing jobs at 750,000 each month. It came down to only 35,000 jobs we were losing a month in the last 3 months. Every expectation is that when we end March, we will actually be in the positive once again. It shows that President Obama's economic policies and programs and what we did in the Recovery Act are working.

This is encouraging news. However, there are still almost 15 million hard-working people who lost their jobs and still struggling to find work. For these people, the recession is still a reality and recovery seems far out of reach.

There have been 6.1 million people out of work for more than half a year. That is the highest number of long-term unemployed we have had since we started keeping track in 1948. The families of these long-term unemployed are hanging by a thread. Their savings are exhausted. The unemployment benefits they get are the lifeline that helps them pay the rent, put food on the table, and keep their kids in school.

Yet in the face of this unprecedented crisis and long-term unemployment, a short-term extension of unemployment insurance is being needlessly, needlessly—I would say cruelly—obstructed in the Senate. In a real case of deja vu, a few members of the minority party are yet again stonewalling a piece of legislation that I think most people in this room and most of the people in this country would agree is vitally important.

Indeed, we know for a fact there is broad support for extending benefits in the Senate because we already passed a longer extension earlier this year. That is what is most illogical about this whole situation. We have already said we want to continue the Federal extended benefits program through the end of this year. We are now just waiting for the House to act. But now we cannot pass a 30-day extension to give the House the time they need to catch up. That does not make sense. We have already passed it for the year. We just need to fill in a small gap for 1 month. Those on the minority side are saying no.

As a result of this political gamesmanship, more than 37,000 unemployed Americans will be abruptly cut off from Federal unemployment benefits. They will lose their subsidized COBRA health insurance coverage during the first week of April. In my own State of Iowa, about 1,200 workers struggling with joblessness will see their safety net drop out from underneath them.

Blocking this bill may be a political game for some in the minority party, but it is not a game for millions of Americans who, in a matter of days, will lose their lifeline. For them, the obstruction of this bill, by just a few in this Chamber, is a personal and family crisis of the first magnitude.

It is interesting, we are going to be leaving here today. I guess this will be the last day before the Easter recess. We are out for 2 weeks. Senators will be going back to their States, probably traveling and doing different activities with their families. They will probably be having nice Easter dinners with all their families. Guess what. Not one Member of this Senate or the House will lose their pay or benefits during this period of time. How about all the people out there right now who are facing an April 5 cutoff of their unemployment benefits, a cutoff of their COBRA health benefits? These are not people who have a big bank vault with a lot of money on which they can draw. These are people hanging by a thread. They have been out of work at least for over half a year. It almost borders on the unconscionable that we would leave and not pass this bill.

I know those on the other side say we have to pay for it. I am all for paying for things, but I daresay, if a tornado wiped out a town in Oklahoma or we had a flood, as some are having in the Midwest, that wiped out a community and we needed to rush money in and rush items in to help people, would we stand here and say: Oh, no, we can't call that an emergency; that is not an emergency; somehow we have to come up with the pay-fors right away. No, it would be an emergency. We would rush in to help.

For the thousands of Americans who are going to lose their unemployment on April 5, it is an emergency. It is as if a tornado hit their home or a flood wiped out their community. It is an emergency, and we respond to emergencies with emergency spending—that is all we are saying—for 30 days, short term. This is an emergency. Yet it is being obstructed by the minority, by the Republicans. Let's say it for what it is. The Republicans are stopping this legislation. It is simply inexplicable.

There is no reason to put millions of families through the stress and uncertainty of wondering whether their benefits are disappearing. There is no reason to put States through the trouble and administrative expense that comes with a lapse in the program. That is even going to cost more money.

The flood insurance program also needs to be extended or many people purchasing a home will not be able to close on their homes, causing major economic problems for them and the home seller.

Extending benefits is good for the families, workers, the States, and our economy. Economists calculate that every $1 invested in the unemployment insurance safety net generates $1.90 in economic activity. Unemployed households spend these dollars on immediate needs—to pay the rent or medical bill, buy groceries and school supplies, or repair the family car—all economic activities that quickly inject dollars into our communities.

I call on my colleagues to stop their obstruction and do the right thing. Do the right thing. Just think about those people out there who are going to lose these benefits on April 5. I know some people say we will come back on the 12th and maybe by the 15th of the month we will be able to take care of it and we will go retroactive and fill that in. These are not people who can just go down to the bank and have a line of credit. These are people who probably in desperation—in desperation—will go down to some loan shark, get some kind of payday loan, something like that, and pay 20 percent interest on it for a couple weeks because they are that desperate.

I think it is unconscionable that we would hold this up because a few say we have to pay for it. We will pay for it. They say we cannot put this off on our children and our grandchildren. I agree, we have to be careful. We have to start getting out of the hole we are in. We are in a hole economically. Don't put it all on the backs of the few who have been out of work for so long facing getting their money cut off on April 5. Let's have a little heart. Let's have a little compassion. Let's have a little understanding of what these people are going through every day in their lives, the stress they have. Let's do the right thing and extend unemployment benefits for 1 month.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent that Senator STABENOW control the time from 9:30 a.m. to 10 a.m.; that I control the time from 10 a.m. to 10:30 a.m.; that Senator STABENOW control the time from 10:30 a.m. to 11 a.m.; that I control the time from 11 a.m. to 12 p.m.; and that Senator STABENOW control the time from 12 p.m. to 12:30 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. I yield to the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my colleague from Oklahoma.

Mr. President, we are here today because Republicans are objecting again to critical legislation and critical problem-solving efforts that are going to help middle-class families, that are going to help move us forward as a country.

We have seen, over and over, a pattern in the last year and 2 years ago when they first began to move this kind of a strategy forward, of blocking, blocking, blocking, saying no, saying no, saying no, rather than working together to solve critical issues. People are facing some of the most daunting challenges right now, more than they ever have in their lifetime—either trying to hold on to their job, trying to find a job, trying to make sure they have medical care for their families—and we have taken a very critical step this week to be able to ease some of those challenges and fears. Americans are struggling in an economy they didn't create, and when we look over this pattern, I am compelled to speak for a moment about it.

Over the history of our country, we have never seen such obstruction, efforts to block what we are doing, as we are now seeing. In the last 2 years, there were a total of 139 filibusters and efforts to block. That was in a 2-year period. Today, barely into the new year, after a little over a year, we are at 130 different times that the other party has said no to doing things that would help middle-class families, that would help small businesses, and that would help us move this country forward. One hundred thirty times. Unheard of, never happened before.

I know for people watching, they probably wonder: What in the world is going on here, and why should we care about procedure? We just want you to solve problems. But it is the effort we saw in the past with the Senator from Kentucky, who blocked for days our effort to move forward and extend unemployment benefits for families who are out of work through no fault of their own. People want to work, Mr. President, as you know, and they work hard. It is not their fault this economy went into a tailspin, which, quite frankly, in my judgment, was caused as a result of the policies of the previous administration that for 8 years chose to focus on just a few people. So the people in Michigan are saying: What about the rest of us? What about the rest of us? We are not the Wall Street fat cats. We are not the CEOs with the big bonuses or the people who got the big tax cuts. We are just working every day. We just want the American dream for our kids. We want to know things are going to be better. We want to know we can send our kids to college so they will have a great opportunity to be the best they can be.

That is who we are fighting for, and that is why we took subsidies from banks this week and gave the money directly to students, to create opportunities for those who want to go to college. That is why we have focused on lowering costs for middle-class families and small businesses on health insurance. But we are back here today because, unfortunately, our Republican colleagues are trying to score political points on the backs of people who have lost their jobs.

Now, I know a great way to bring down the deficit, and one that hasn't been tried. The 8 years that our colleagues were in control, along with President Bush, they focused on the people at the top and said that was going to do it. If it had worked, that would have been great, but unfortunately they left everybody else behind, and we saw what happened. So I have a great idea. Let's focus on putting everybody back to work so they can contribute to our economy by paying their taxes, and that will pay down the deficit. That is what President Clinton did. That is what the Democrats did when we were last in control. That is what we are focused on doing now—putting people back to work—because that is the formula for bringing down this deficit.

The challenge we have is that we have one job for every six people who are looking right now. So we aren't in a situation yet where we have the jobs available for every person who wants to work and is able to work. That is what we are laser-focused on here in the Congress. But we need to continue to understand, as Senator HARKIN has said, that too many families are caught in this economic tsunami. Whether it is a flood, a hurricane, or the fact that your community got wiped out because a plant closed, it is an economic emergency.

We have always stepped up and funded the extension of unemployment benefits as an emergency with emergency funding. We have always done that, and now we are being asked to change that. We weren't asked to change it for Wall Street and the bailout. We weren't asked to change it for the tax cuts for the wealthiest Americans. But we are being asked to change it on the backs of working people, and I believe that is wrong.

We are still recovering from the worst economic situation since the Great Depression, but we are recovering. When President Obama took office, we were losing 800,000 jobs a month—too many of them in my great State of Michigan. We are now, at the end of the year, down to losing close to zero a month. That is better—not good enough, so we must stay focused, but we are hearing that we are going to have some pretty good numbers from March, where people are actually going back to work and jobs are being created. I don't want to stop and I know the Presiding Officer doesn't want to stop until every single person who is able to work and who wants a job has the dignity of work so that we give breadwinners the ability to bring the bread home. And that is what this is about.

So we are in a situation where we are in transition, and too many families are caught. In my great State, the unemployment rate is still the highest in the country—14.1 percent. It is coming down slowly, but it is still way too high. We have almost 700,000 people who have lost their jobs and are looking for work. But that is only the official number. That doesn't include the people who are working one part-time job, two part-time jobs, three part-time jobs trying to hold it together or people who have been out of work so long they no longer qualify for any kind of help. Those numbers are much bigger.

Every day, the unemployment insurance agency in Michigan gets 13,000 to 15,000 phone calls from people asking for help—every day. Every single day, up to 15,000 phone calls come in from people in Michigan who are desperate about what they are going to do in this situation. Well, we can help them. That is what this is about. That is what we are trying to do.

If this isn't an emergency, I don't know what is. The other side says: No, it is not an emergency. But for families who have lost their jobs and who are trying to find work, trying to put food on the table, I can assure you, this is an emergency. It is an economic disaster. When 14.9 million people around the country are unemployed, to me, that is a disaster. And those are the people we are fighting for today, yesterday, tomorrow. Those are the people who, when Wall Street got bailed out, said to us: What about us? Well, part of the answer is, to make sure they can keep a roof over their head and food on the table, to allow them to receive unemployment benefits. And these aren't huge numbers. They do not begin to match the Wall Street bonuses. We are talking about $250, $300 a week. But it may be the difference between being able to keep your family going or not.

In this legislation, we have a very important provision on health care—on COBRA. When COBRA was put in place, it was a great idea. If you lost your job, you could pay to continue the health insurance your employer was providing. The problem is, it is way too expensive when you are paying both the employee and the employer side. So last year, in the Recovery Act, we put some help in place: 65 percent would be paid for by the Federal Government to help families keep their insurance going. That is also a part of this—to keep that going so families can keep their health care. That is extremely important.

We need to focus on the real challenges families are facing today and work together across the aisle to tackle those. People are so tired of the

games. They are so tired of it. They watch what is happening here, and they say: What are these people thinking? What are they doing?

I know that politically folks may gain points by objecting, blocking, filibustering 130 times, but it makes the whole process look messy—terribly messy. It causes people to lose faith in their government. That may seem to have some short-term advantage, but I believe that is a disastrous direction for our country. People want to know we are going to work together. People are going to want to know we put priorities in the right place so that we are focusing on the majority of Americans, not an elite few.

The great thing about our country is the middle class. That is what has always differentiated us from other countries—the fact that we make things, we grow things, and we add value to it. And by the way, we make things and grow things very well in Michigan, Mr. President. We will take on any State. We will take on anybody. We know how to do things. We know how to work, we know how to make things.

But we have not had this focus over the last decade on strengthening that middle class. We are turning that around now, and I am very proud of the fact that we are seeing manufacturing begin to turn, that we are seeing efforts that we put in place through the Recovery Act putting people back to work.

Too many families are not yet feeling that economic recovery, and this is for them. This is about saying to the American people, middle-class families across the country: You know what, we get it. We are sorry you are having to go through this, and we are going to do our part. We are going to do whatever we can to make sure you have the resources to keep things together while you are going out and looking for that job or going back to job training and holding things together with bits and pieces—odd jobs, part-time jobs—until this economy turns around.

We know, ultimately, that it is about jobs. We know, ultimately, it is about the private sector creating those jobs. But there is a partnership we need to have between the Federal Government and our industry so they can successfully compete in a global economy. Rather than focusing on Democrats versus Republicans, who can score the next short-term gain in the election, we should be coming together and realize that this is an economic race between the United States and China, it is the United States versus Japan, it is the United States versus Korea. We are in a global economic race. Instead of spending time objecting, playing games, filibustering at an unheard of rate in our history—absolutely unheard of; never before have we seen this kind of obstruction—we ought to be coming together and be laser-focused on China, which is spending $288 million every day—$288 million every day—to beat us on clean energy technology. Let's make that the fight. Let's make that the fight together.

This is the wrong place and time to be obstructing and playing games. It is the wrong place to say that suddenly we want to balance the deficit on the backs of people who are out of work through no fault of their own; that we are going to change the rules now; that it is no longer an emergency and no longer emergency spending. We shouldn't be changing the rules now and doing it to people who are out of work. That is not fair.

I say to my colleagues: Don't block democracy. Just vote—today. We can vote on this up or down. We can vote on it. Don't obstruct; just vote. You want to make a motion, you want to vote, a majority vote, fine. Let's vote. But don't force a filibuster and don't object and don't threaten a filibuster. Just vote. We are happy to vote.

UNANIMOUS-CONSENT REQUEST H.R. 4851

Mr. President, at this point, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 323, H.R. 4851, to provide a temporary extension of certain programs, and that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. I think my colleague realizes that, in fact, this will add $9.2 billion to the debt, and she also realizes, in spite of her claim that we could vote, that there is nobody in town to vote because there are only 10 or 11 of us still in town. And because every Republican voted against adjourning so that we could stay and work this out, I would object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Michigan.

Ms. STABENOW. Mr. President, could you indicate the time remaining on our side for this portion?

The ACTING PRESIDENT pro tempore. In this block of time, the Senator has no time remaining.

Ms. STABENOW. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, let me set the record straight. Yesterday in this body we offered the same bill in a way that would not increase the debt. It was immediately tabled, with all Republicans voting not to table it and the majority voting to table it. So there is a little bit of confusion.

We worked out an agreement with Senator STABENOW and Senator LEVIN from Michigan where we came together with an agreement for 2 weeks where this would be paid for, so the reason this bill is not moving forward is because the House leadership rejected that compromise. In other words, we had a compromise. We developed a plan where our children will not pay for this, we will, by offsetting and not adding to the debt.

With that, I wish to recognize my colleague from Wyoming, Senator BARRASSO, for what time he might consume.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, it was fascinating to be here in the Senate Chamber this morning when first the Senator from Iowa made the statement, ''I'm all for paying for things.''

I am all for paying for things? But not for this. Not for that. Not for the next thing.

Watching the Senator's voting record, it seems that everything is an emergency. He certainly does not seem to want to be paying for anything, just add it to the debt.

Mr. COBURN. Will the Senator yield for a moment.

He talked about a tornado in Oklahoma. When the Oklahoma City bombing happened and we sent emergency funds to Oklahoma City, we paid for them. We decreased spending somewhere else to pay for that spending. His point falls on a flat wall because when we had an urgency such as that in 1995, we paid for it.

Mr. BARRASSO. I heard the Senator, my good friend from Michigan, a few minutes ago say it is the United States versus China. My good friend from Michigan said we are laser focused on China and that China is spending money every day to beat us.

I think the problem is the government in Washington is spending money every day—the taxpayers' money, money we do not have, and that is what is going to beat us. It is money irresponsibly being spent by this government in this city, voted on time and time again by a Washington government that doesn't live within its means, doesn't do what the States in this country do, where we do live within our means. I served in the Wyoming Senate where we did balance the budget. The Governor had a line-item veto. We had to balance our budget. It is the spending by us in the United States that is going to lead to China beating us, not money being spent in China every day.

That is why on the front page of the Wall Street Journal today, above the fold, right there, Wall Street Journal, Friday, March 26, 2010, ''Debt Fears Send Rates Up.'' The fear of the debt is sending rates up.

What it means is people do not think we are responsible in the way we are living. We are not living within our means. We are not doing what a family does in this country, where a family says we have to live within our means. When the Senator from Iowa says you can't go down and get an extended line of credit if you have already tapped your credit, this country continues to do it. Washington continues to overspend and not live within its means.

The amount of spending being done, often under the guise of saying it is an emergency, has been irresponsible, unsustainable, and my concern is it will soon be irreversible.

I believe in this country. I believe in America. We are a strong nation. We are a resilient nation. We are a proud nation. And we are a nation that has faced down some of history's most vicious tyrants, we have faced down some of the most incredible obstacles, challenging obstacles, and we have risen to the occasion time and time again.

Today, here we are, faced with many challenges, none of which is too large or too difficult for the American people to overcome. But the President of the United States has determined the people cannot be trusted to overcome the obstacles we face. Instead, here in Washington, Democrats believe the government continues to be the answer. I am here to tell you that government is not the answer. The government is the problem.

Americans have been promised transparency, accountability, hope, and change. Instead, what the American people have been given is irresponsible and unsustainable spending, along with unthinkable government intervention into nearly every aspect of our lives. This country needs an economic environment where people, where individuals, where families, where businesses can recover and thrive. What the administration has done is give us more bureaucracy and more debt and it is going to get worse now that the health care bill has been signed into law. To make matters worse, this government in Washington is sending the bill to our children and our grandchildren.

Look at the proposals that are ahead of us here—costly cap-and-trade proposals which are going to raise costs and raise energy prices for American families, government-run health care, irresponsible bailouts of every industry in sight, one takeover after another, where government says we know better than the American people.

Government is wrong. I have great concern that people here in Washington are completely out of touch with what is happening in the real world. I go home to Wyoming every weekend. I am going today. That is the best way to do it, to go home and listen to people who have to balance their checkbooks, people who have to live within their means, and then visit with State legislators who know when they go to the capitals of their respective States that the States have to live within their means, balance their budget, don't overspend, tighten the belt, cut spending if we need to.

Watching this debate in the last couple of weeks with health care, having practiced medicine for 25 years, we need to focus on the overall health of people as well as the economy, because if people cannot put food on the table or a roof over their head, no matter what additional bill is passed in Washington—which spends more money—that is not going to make it easier for the families of America. Spending billions to combat global warming—global warming—billions, it seems senseless for somebody who is retired and can't afford to heat their home in the Wyoming winter.

There was a time when our leaders recognized that America's most valuable asset was the American people. I continue to believe that. There is a reason the preamble to our Constitution begins with, ''We the people,'' not ''You, the people.'' Our forefathers created a system of government through which free Americans get to decide their own fate. Today the very fabric of America is in danger of being tattered beyond repair, and every time I go home, as I travel around the State of Wyoming, people continue to tell me we are losing our country. I am not the only one who is hearing it. When Senators, when Representatives go home—and many of us do go home every weekend—we are hearing it State by State. Those Members of Congress who choose to not go home, to not go visit with the people they represent, to not hold town meetings because they are told by leadership don't go listen to the people, listen to us—those are the kinds of people who continue to vote for irresponsible spending.

I am hoping Members go home over the upcoming Eastertime, go home and listen to people in their own home communities who will say Washington needs to live by the same rules families in America live by—live within your means. American families know what it means to live within your means.

Since the beginning of this crisis, Americans have been forced to make some very difficult choices and to tighten our belts. Financially stressed Americans balance budgets for food, for gas, for electricity, for tuition, for clothing, rent, mortgage payments, and much more. When your neighbor maxes out the limit on their credit card they are keenly aware this is a clear indication of a spending problem. They cannot call the credit card company and simply say increase the credit limit. Unfortunately, we know Washington is not your average consumer. President Obama said it best. He said:

> In the long run we can't continue to spend as if deficits don't have consequences, as if waste does not matter, as if the hard earned tax dollars of the American people can be treated like monopoly money.

Let me repeat that. This is President Obama who said last year, right before Christmas, ''We can't continue to spend as if the hard earned tax dollars of the American people can be treated like monopoly money. That's what we have seen time and time again.'' He said ''Washington has become more concerned about the next election than the next generation.''

Those on this side of the aisle are most concerned about our economy, our Nation, jobs, growth, opportunity, the families of this country. This is a long-term problem and it must be addressed in the short term. We cannot afford to wait. We cannot continue to call everything emergency spending without paying for it.

The American people are demanding action. Time and again Washington's insatiable appetite for spending is met with more of the same. Only in Washington can you max out the country's credit card at $14 trillion and simply keep on spending. Unlike your average American, Washington has refused to make the tough choices needed to rein in unsustainable deficits we are now facing. Since we are not making the tough choices, the cost of handling the debt is continuing to go up. Interest rates are rising which means the amount of money that is going to go to pay that debt will continue to rise. Yet we are looking at a deficit that continues to rise, $1 trillion a year, all the way through 2020, and a Presidential budget that will double the national debt in 5 years and triple it in 10.

The current national deficit for this fiscal year is $1.4 trillion. That is three times the previous record high. As I said, according to the budget projections, the deficit is going to be close to $1 trillion a year through 2020. This budget deficit is simply appalling. All you need to do is go home, have a townhall meeting, listen to people. People around the country are incensed with this sort of reckless, wasteful Washington spending.

The worst part is people do not believe they are getting value for their money. In a recent poll, of every $1 you send to Washington in taxes, how much do you think is being wasted? The American public said 50 cents on every dollar sent to Washington in taxes is being wasted. That is an all-time record high number. People are not seeing that Washington is being responsible in how taxpayer dollars are being used and the American people simply do not believe they are getting value for their money.

I agree, the people are not getting value for their money. All you need to do is look at the Washington wasteful spending and it is no surprise that the American people are incredibly upset. Year after year, monstrous deficits are leading us to a national debt crisis. In 2009 alone, the public debt grew 31 percent. It now is almost half of the gross domestic product. By 2020 it is expected to balloon to over 70 percent of the gross domestic product.

So when I look at this and I talk to people at home and I think about this and I look at the great threats, the great threats to our Nation, to me the debt is the threat. As a result, I take a look at this major spending bill, the so-called stimulus package—which was supposed to keep unemployment down below 9 percent and said if you didn't pass it, it might go to 9 percent—they passed it, and it still went to 10 percent. Do you know only 1 in 16 Americans believes it actually created jobs.

The President is out there saying it created jobs, traveling around the country, and only 1 in 16 Americans believes it. That is how severe this problem is.

With that, I see my part of the time has expired and I wish to turn the remainder of this time over to Senator COBURN.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to set a little bit of a tone. First, I thank the Senator from Michigan. Yesterday, it was through her work and Senator LEVIN's work that we were able to come to an agreement on a compromise in the Senate. I think that shows when we get down to issues we can work together; when we get to the position. It was her efforts, along with several others, that allowed us to reach that compromise.

But I wanted to make a point—a couple of points. No. 1, there is nobody on our side who does not want to extend the unemployment benefits. The difference is we want to extend them without hurting her future. Whether you are a conservative, liberal, Democrat, Republican, or an Independent, the consequences of our actions are going to affect everybody. I used this last year, and this little girl is saying: I am already $38,375 in debt, and I only own a dollhouse.

Well, let me show you what is going to happen this year. This year alone, she is $45,000 in debt. We moved from $39,000 to $45,000 for every man, woman, and child in this country. That only reflects the outstanding debt we do not owe ourselves, that we have stolen from Social Security and that we have stolen from other trust funds, that we put in an IOU.

There is another thing that is happening that Americans should be aware of. In the past year, the average interest rates on the debt obligations we are issuing have risen 1 percent. So we have $12.8 trillion worth of debt. Multiply that by 1 percent, and in this next year we are going to pay an extra $128 billion in interest just from that 1 percent.

So for every 1 percent interest rates go up, we have interest costs of $128 billion. What will happen as we continue to project trillion-dollar deficits over the next 9 years is, that is going to rise and rise and rise.

She is the one that is going to pay for that, and this will not be $45,000; it will be $75,000. Then it will be $85,000, and then pretty soon—and by the way, that only reflects the debt. That has no reflection on the unfunded commitments that we have made to veterans, social security benefits, Medicare, none.

If we add those in, we have another $37 trillion that has to be accounted for just over the next four decades. So debt is a big problem for us. I would also make a point, the Senator from Michigan mentioned the long-term debt extender that we have. It is 12 months. It is going down each time we do it. We sent that to the House. You know what. It did not increase the debt because we offset it. We paid for it.

So the House has a bill the Senate has passed that was paid for, and they stole some of the pay-fors for the health care bill. So the House has not sent it back because the House refuses to make the hard choices to pay for the things that are necessary to be done right now. That is what happened yesterday. The Senate came to an agreement. We decided we would pay for 2 weeks so nobody will have any hitch in their unemployment, no hitch in their COBRA, no hitch anywhere. When it was sent over there, it was rejected.

Now, I want to posit something to you. The reason it was rejected is we do not want to create the precedent that when we spend money we have to pay for it. Where in the world is that a normal thinking process? In other words, we want to make sure we always have the option to spend money that is not paid for. There could be nothing more economically unreasonable than that.

So this is not a battle about not wanting to help the people who need our help today, this is a battle about helping the people who need our help today without hurting the children of tomorrow, without rescuing them.

If we are talking about emergencies, the fact is, because we cannot control our appetite for spending, our interest costs have gone up another $128 billion this year. That is an emergency. The other thing is that we have over $300 billion worth of waste, of fraud, of duplication in the Federal Government every year. So if you dispute it, you can say there is only—let's say it is half that. Why would we not get rid of that and pay for this rather than charge this intermediate $9.2 billion to those little children?

I actually had the pleasure of meeting this little girl in my office after I saw this photo. She has parents. They are worried. So what is her future going to be like? Is she going to have the same opportunity I have? So what I would posit forth is that we can do both. We can meet the needs of those who are dependent upon us now because of the economic downturn, and we can protect her and all of those of her generation.

To not do so says we are going to take the easy way out. We are not going to act responsibly. We are not going to act like every other family in America acts. They look at what is there, what is the priority, what we can do, and what we cannot do. Then they make a decision about what is most important.

The process the Senator from Michigan wants us to do, even though she agreed yesterday, is to not put a priority on it that considers both the short term and the long term; that cares both for the children as well as the unemployed; that considers both the future of our country and her opportunity to take advantage of the freest Nation in the world.

This is not a Republican-Democrat thing. Republicans have been irresponsible in spending too. It is a whole new era now. Everything has changed. It does not matter what party we are in. If we do not get hold of the debt in this country, everyone is going to suffer.

I spoke on the Senate floor yesterday, and I will reiterate it: Whether you call it a filibuster or whether you call it obstruction, as a grandfather of five children, truly reflective of tons of grandparents out there and tons of grandkids out there, I am not going to agree in the future to spend money we do not have until we get rid of the things that are not a priority, the $300 billion, before we move. Someone has to start saying no to the addiction we have that every time we have a problem we will just spend money.

UNANIMOUS CONSENT REQUEST—H.R. 4915

I would like to make a unanimous consent request. I ask unanimous consent that the Senate now proceed to H.R. 4915, a revenue measure from the House; provided that the only amendment in order be a substitute amendment, the text of which is the 2-week extension that we agreed on yesterday of unemployment benefits that is paid for, that will not increase the debt, with agreed-to offsets from the Finance Committee that was agreed to yesterday; proceeded further that the amendment be agreed to, the bill, as amended, be read a third time and passed, with a motion to reconsider laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Ms. STABENOW. Reserving the right to object, I would just indicate to my colleague that from our perspective this is an emergency, an economic disaster for families right now. We need to do as we have done three other times in the Congress and extend this emergency spending to help families who are out of work.

Given that, I will object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. COBURN. Mr. President, I am sorry we have an objection. The fact is, we agreed to it. The fact is, the Senator from Michigan is having to protect the House of Representatives. She knows we are not going to go forward with this unless we pay for that, until we get back.

The only way to do that is through unanimous consent. The only way we are going to accomplish that is what we agreed to yesterday and send it to the House and let them do it by unanimous consent, even though they said they will not do it.

The fact is, we agreed in the Senate. We came to an agreement, and because the House has said they will not do it, they do not want to—they want to increase the debt to do it rather than to do it and not increase the debt. I think that speaks of where we are in the country.

We cannot do this. We have agreed on the way to do it in our body.

After we had an agreement yesterday that maybe the House did not like, it actually solved the problem and solved the problem for these little kids as well as those unemployed in Michigan and across the country. We now have the House saying: No, we cannot do it.

So I am sorry. I apologize to the Senator from Michigan for putting her in that position. I sincerely do. But I think we have to be recognizable of the fact that what looks like may be happening as both Houses recess is that it will not get done. It will not get done because we cannot get it done. It will not get done because the House refuses to take a position to not add to the debt as we solve this problem, as we meet both priorities—those people who are hurting and the priority of what is to come in the future. I think that is unfortunate for us.

I would yield the remaining time I have, which is only about 2 or 3 minutes, to the Senator from Georgia, and then I hope he will join me when we come back.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. I thank the Senator from Oklahoma. I will be here this morning to talk about this issue. I, too, just want to say to the Senator from Michigan, it is unfortunate that the Senate has tried to be responsible and react to the situation we are in from an unemployment insurance standpoint, and in a very responsible way, and, unfortunately, the House will not agree with us. I am one of the folks who has a great deal of sympathy for those folks who are unemployed, as do all other 99 Members of this body.

This is the fourth time we have sought to extend unemployment insurance for individuals across America. My State of Georgia has an unemployment rate of almost 10.5 percent. We have a lot of people who are hurting in a very significant way.

I voted last time, on March 2 I believe it was, to extend unemployment insurance without paying for it because I know the difficulties people are having. But I did it with the understanding that we had 30 days to fix it. We had 30 days to figure out a way to pay for it. Yet, instead of concentrating on ways to figure out a way to pay for it, last night, the Senator from Oklahoma was forced to raise an objection to the extension that is not paid for, so the majority decided: Well, maybe he is really serious about paying for it. Maybe the Republicans do want to see us pay for this rather than adding to the debt that our children and our grandchildren will inherit.

That is when serious discussions took place. I will come back with my colleague from Oklahoma and talk more about this later. I regret that the House has taken the action they have. It sends us down a continuing trail that we have been on in the Congress over the last several years. My colleague is right. Republicans have done this, just as Democrats have. Republicans have not been as egregious about it as we have seen in the last year and a half, but it is an issue we have to get under control. Now is the time to do it. If we can't find a way to pay for $9 billion worth of expenses, then it is Katy bar the door.

Today we borrow 43 cents out of every dollar the Federal Government spends. That is spending that is out of control. I look forward to continuing this dialog as we turn the discussion over to the other side. We will come back in a little while and talk more about it.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I yield 10 minutes to my distinguished colleague, the chairman of the Armed Services Committee, the terrific senior Senator from Michigan.

Mr. LEVIN. I wonder if Senator CHAMBLISS might stay for 1 second so I can inform my Republican colleagues, in about 10 minutes I will be asking unanimous consent to confirm a general who has been nominated—a brigadier general who has been nominated to be a major general, who has been stuck on this calendar since October because of the objection of Senator VITTER, who is not hiding that it is totally unrelated to the merits of this general. He acknowledges that. Senator VITTER has acknowledged that his problem is with the Corps of Engineers. This is a Corps of Engineers that has nothing to do with the projects Senator VITTER is trying to get funded. The Corps of Engineers has said it is illegal to proceed. They have written him back. The hold still stands. This is a uniformed officer of the U.S. Government. As chairman of the Armed Services Committee, I feel obligated—and the reason I interrupted your mission, forgive me, is because it is a Senate Armed Services Committee matter, where we have unanimously approved him 6 months ago or 5 months ago to be a major general.

I want to put folks on notice. I will be making a unanimous consent request in about 10 minutes that this matter be taken off the calendar and that it be confirmed. I wanted, as a courtesy, to make sure folks on that side of the aisle knew.

I thank my dear friend from Michigan, my colleague, Senator STABENOW, for yielding me this time. I know later on this morning or early this afternoon there will be a unanimous consent request that unemployment benefits be extended, that a bill be adopted. It is critically important that unanimous consent request be approved. I will speak now for a few minutes on that matter.

We have thousands of people in our State of Michigan who have lost jobs thanks to a crisis that was created in mortgage company boiler rooms and Wall Street board rooms. Now they are suffering because of the failure of our Republican colleagues to understand the emergency situation—I want to focus on the word ''emergency''—of those who have lost their jobs because of that crisis. It should not be hard to deliver much needed aid to people who are facing an emergency crisis. We have an unemployment rate in the country that is approximating 10 percent. We have an unemployment rate in Michigan that is over 14 percent. People need us to do what is right and to extend these benefits.

Here we are, up against a wall of obstructionism again, while thousands of our constituents, people in every State, wonder what it is exactly we are doing that we would deny the extension of unemployment benefits when we have a deep recession. Hopefully, we may be coming out. There is some evidence we may be coming out, but not for this record number of people who will lose their unemployment benefits if we don't act.

This is not an abstract policy debate. These are real lives which are hanging in the balance. We have more than a half million Michiganians receiving unemployment benefits. We have 125,000 Michiganians who will lose their unemployment benefits by the end of April, if we do not act. Unemployed breadwinners will continue to receive benefits only if we can find the will and the decency to act on their behalf—real people, real families coping with enormous problems. Denying this extension is simply inhumane. It is more than the families. We could talk about that. We can talk about the economy, which also benefits from these unemployment benefits. In fact, economists tell us—this has been extensively documented—that government payments, such as unemployment benefits, are among the most effective forms of economic stimulus. Not providing that stimulus has a negative effect on the entire economy. But that is not the point I wish to reinforce this morning. It is the fact that we have an emergency in millions of homes, and that emergency needs to be recognized as such. If it is—and I hope our Republican colleagues would agree—we then do not have to have the offsets which we would if it is not designated as an emergency.

Our Republican colleagues tell us they are in favor of an extension, but they argue it should be offset with cuts in other programs. In fact, one of the programs they look to for an offset is the American Recovery and Reinvestment Act or the stimulus package. It is a pretty ironic place to look since that package is a job creator. So in order to do the right thing and extend unemployment benefits, some of our Republican colleagues argue—and I guess continue to believe—we should take funds from a stimulus package, which most economists say is creating jobs, in order to pay for the extension of jobless benefits. If there is any wrong place to look for offsets, that would be it.

The main point is not that it is the wrong offset. The main point is, every single time we have extended benefits,

we have seen in this body that it is an emergency.

On June 30, 2008, in a 2008 Supplemental Appropriations Act, we deemed the extension of unemployment benefits an emergency. It was designated as an emergency on June 30, 2008. Then when we funded unemployment benefits on February 17, 2009, we designated that extension cost as an emergency. December 19, 2009, when we extended benefits, this time in a Defense Appropriations Act, it was designated an emergency. On March 2, a few weeks ago, it was designated as an emergency. Is the emergency over? Is this recession over? Is that what Republican objections are suggesting? It is no longer an emergency? It has been an emergency since 2008, but that is all over now?

I don't think the American people see it that way. I think the American people see what is happening in their families, in their homes, a crisis that continues to exist with record levels of unemployment.

I hope we will be able today to persuade our Republican colleagues they should not object to the extension of benefits and to continue to declare the situation in which we find ourselves as an emergency, since it so clearly is.

I ask the Presiding Officer how much time I have remaining.

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes remaining.

Mr. LEVIN. May I have 2 additional minutes.

Ms. STABENOW. Yes.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. LEVIN. Mr. President, back in October—to be precise, October 27, so we have now almost 5 months—almost 5 months ago, the Armed Services Committee unanimously approved the nomination of BG Michael Walsh to be a major general. This is a man who has had an exemplary career in the military. He has been there 30 years in the Corps of Engineers. He served in command assignments throughout the United States, throughout the world. In 2006–2008, Brigadier General Walsh served in Baghdad. He was commander of the Gulf Region Division of the Army Corps of Engineers. He was responsible for reconstruction projects managed by the corps throughout Iraq. Prior to that tour, Brigadier General Walsh served as commander of the Army Corps's South Atlantic Division. He served in places as far afield as Germany and Saudi Arabia.

We approved this unanimously in the committee. There is no doubt about this general's qualifications and his character. No one has raised the slightest issue as to whether he should be approved based on his own merits. Instead, the objection is, the Corps of Engineers has not approved a number of projects Senator VITTER wants the corps to approve.

It is inappropriate to stop a uniformed officer of the United States from having an advancement in his career because a Senator believes the Corps of Engineers, where this general served, should approve projects which the corps has said it cannot approve. Even if it wanted to, it can't approve them. The funds have not been appropriated. They have written Senator VITTER that it is illegal for them to approve these projects, as well as being against their policy. I don't want to get into the question of whether it is legal or whether it is the right policy to approve three projects which Senator VITTER thinks are important. That is not the issue.

This general could not approve those projects if he wanted to. It is not his job. That comes from higher up. All he does is execute projects which the corps approves.

This is the situation. For 5 months, we have a uniformed officer of the United States whose career is being interfered with in this way, whose advancement is being interfered with because there is a hold on this nomination from one Republican Senator.

I have urged the leadership on the other side to weigh in on this. By the way, Senator MCCAIN, my ranking member on the Armed Services Committee, supports what I am doing. I want Republicans to realize this. The ranking member of the Armed Services Committee is joining me in making this unanimous consent request. This was a unanimously approved nomination. He loses pay. He loses rank. His career is interrupted. Why should this kind of unfairness be perpetrated on a uniformed member of the U.S. Army because one Republican Senator can't get the projects he thinks he should get for his State?

That is what it comes down to. This is one of the purest forms of inappropriate obstructionism I have seen here. As chairman of the committee, I am simply not going to stand by without trying my best to change this.

I hope my friends will not object, but I ask unanimous consent that the Senate proceed to executive session to consider the following nomination on the Executive Calendar, Calendar No. 526, BG Michael Walsh, to be major general; that the nomination be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then resume where it was.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. I must say to my colleague, I agree with him—what he said—but under the conventions that we use, Senators can ask others to object on their behalf, and, regrettably, I have been asked to do that and will do that on Senator VITTER's behalf.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. LEVIN. I deeply regret that, and I am going to continue to press forward on this. I hope the leadership on the Republican side will weigh in on this.

I yield the floor, and I thank my friend.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my colleague for his extraordinary leadership on the Armed Services Committee and his efforts to make sure we have the staff, the leadership in our Department of Defense, our military, on behalf of our troops. It is very regrettable that once again we are seeing obstructionism, blocking us from moving forward.

I do not know the exact number now, but I know we have over 70 different positions that are being held up. They have been held up, many of them, for over a year now in the Obama administration—many related to jobs, to commerce, to trade, to the Department of Defense—and it continues to be part of what we are seeing over and over and over again in efforts to just function, have government be able to function.

Mr. President, for so long—I know there are all the politics of people believing they can gain points because of debating whether government is good or bad, whether it is the problem, whether it is the solution—I think the majority of the American people just want it to work well. They want us to work together, and they want the services that are to be provided, whether it is supporting our troops in the military, whether it is providing education for our children, whether it is police officers on the street, whether it is making sure the water our children drink is safe, or whatever it is. They want it to work well and make sure every dollar we are spending on their behalf is spent with them in mind and it is done well and we are doing it efficiently and effectively.

I do have to say, in looking at the beautiful picture of the child my friend from Oklahoma held up—talking about children and the future—this week, we completed a process that will make sure it is illegal to block that child from getting health insurance because of a preexisting condition. I wish our colleagues on the Republican side of the aisle had chosen to join with us in that very important effort to make sure every child can receive the health insurance they need, that every parent can have freedom from the fear that when they go to bed at night they are not going to have to say one more time: Dear God, please don't let the kids get sick because I don't know what I am going to do.

So we do care about those children. We have put into place a health insurance reform plan that is going to make sure every pregnant mom gets prenatal care and has maternity care, which in a majority of private-sector insurance plans you can go out and buy for yourself, they do not cover it. I am happy to have a discussion about children and about making sure they can afford to go to college, which was also in the bill

we passed this week—providing more opportunity for children. I am happy to have that discussion.

But it is amazing to me we continue to be lectured by the people who got us into this mess because of their economic policies. We are now lectured on probably a daily basis about the size of the deficit. We understand that. I was very proud to be in the House of Representatives when President Clinton and the Democrats balanced the budget for the first time in 30 years. When I came into the Senate, the big debate was what to do about the surplus. We were looking at almost a $6 trillion surplus over 10 years. Well, unfortunately, under President Bush, under a Republican Congress, that went away pretty fast: by not paying for tax cuts for the wealthiest Americans—somehow that was OK—by not paying for two wars, by not paying for a prescription drug effort under Medicare. During those 8 years, somehow it did not matter there was a credit card being run up, that a huge surplus that had been accumulated through tough decisions, very tough choices, in the 1990s was somehow squandered away. So I have a hard time hearing over and over again about the deficit and being lectured as if somehow President Obama or the Democrats caused that deficit.

I am not saying we do not have a challenge right now and a huge hole, and that we are not in a situation where we need to do emergency spending because of this economic disaster that has gone on. I understand that. I understand we are currently in a situation to be forced into a position because there are no savings to help people. Now we are in a deficit position. But I find it interesting that all of a sudden, when we are in a situation where middle-class families need help—all of a sudden, when working people in this country need help—this is an issue, when it was not an issue for 8 years during the Bush administration. That is what I find difficult.

We have put back in place the budget rules that were in place during the Clinton years, and we are going to dig ourselves out of this deficit. We passed a health insurance reform bill that over the next two decades is going to decrease the deficit by over $1.2 trillion. We know there is a hole. We understand that. But we also understand that middle-class families—who are under the crunch, who are losing their jobs, who are trying to figure out how to pay the bills—did not cause that, and the solutions being proposed now would put it right on their backs. That is what we say no to. Because it is about time, as people in my State say, we focus on the rest of us. What about the rest of us in this country—not just those in the privileged, few powerful positions, the people on Wall Street? That is what this is about. This is fundamentally a debate about that. That is what we are talking about today.

I also want to indicate what we are talking about is extending an emergency program put in place in 2008 because of the economic disaster that families are facing. It is not the regular unemployment program. It is what was put in place in 2008 because of job loss, because of the fact that we got to a point where we are losing 600,000, 700,000, 800,000 jobs a month. That is a disaster as much as a hurricane, a flood, or anything else that could happen to families and communities.

Since that time, we have extended it—as we are asking to extend it—on four different occasions. We are asking right now for at least 2 weeks until the long-term extension gets passed by the House. For 2 weeks let us extend it, or 30 days. Let us extend it so there is not a gap in coverage, so we do not have families, who are feeling stress already, now reading in the papers that the unemployment extension is going to stop and trying to figure out what in the world they are going to do during this period of time. We are asking for 2 weeks, 3 weeks, 4 weeks to be able to extend it until the House is able to pass the long-term extension.

We are right back where we were again: objection, objection, objection on being able to do that—more objections than we have ever had in the history of our country in terms of process. We find ourselves in a situation where, even though we have not adjourned—I will emphasize that: Senator REID, the majority leader, did not adjourn. We could have votes. I realize people have left. We could have voted last night. We wanted to vote last night. Our only option to overcome this was to start a process to stop a filibuster, which takes 2 days and voting and 30 hours, and all of this, and they know that. So we could have voted last night: yes or no. We could have done that last night. But, once again, as we have had 130 different times, we are in a situation where there has been objection, objection, objection.

This is very much about priorities. My friends on the other side of the aisle talk about priorities. Yes, this is about priorities. It is about values. And it is about who you are fighting for. Fundamentally, it is about who you are fighting for. I can tell you, the people in Michigan—hard-working people, middle-class Americans, families who care deeply about this country; they love this country—are tired of decisions being made for a few at the top. They are tired of the games and the obstructionism that has gone on and on and on. They want us to get things done—real things that affect their lives. That is what they want to have us get done.

I see my distinguished friend from Rhode Island on the floor—a champion on this issue, a fighter for Rhode Island, working men and women, and someone who has been on this floor over and over again fighting to make sure people who are out of work through no fault of their own have the opportunity to receive some help, some short-term help.

I now yield to my friend from Rhode Island up to 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I thank Senator STABENOW.

We are here to attempt to extend unemployment benefits for a brief period of time so Americans do not get caught up in the expiration of these benefits on April 5. This has been a repeated struggle. We have had many incidents over the last several months where we have had to come down here and, at the last moment, attempt to project these benefits further. I hope we do not fail again today.

In 2009, when President Obama walked into office, we were losing 700,000 jobs per month. This is a crisis of epic proportions, rivaling, in some respect, in some regions of the country, the Great Depression. In my home State of Rhode Island, we have a 12.7-percent unemployment rate, and it has been persistent now for almost 2 years. We are seeing an unfortunate record of long-term unemployment. We have to help our colleagues, our neighbors, our friends, and we have to do it in a way that does not deny them the basic necessities to hang on in a difficult economy.

But this situation is not just as a result of the last several months or the last several years. If you look back across the past decade—from 2000 to 2010—it has been an extraordinarily unproductive one for working Americans. There has been zero net job creation since December 1999. We have had no decade since the 1940s where job growth was less than 20 percent. This is the culmination of a decade in which people could not find the kind of work they typically found in America. We saw middle-income households' earning power decline. They were making less in 2008 than they were in 1999. Two-thirds of the Nation's total income from 2002 to 2007 flowed to the top 1 percent.

So middle-income families have been losing out persistently, and now they have hit the skids because so many of them now are seeing their jobs go, seeing their house threatened with foreclosure, seeing the dream of sending their children to college evaporate. At least the minimum we can do is provide the kind of assistance they need.

We routinely, when there is a natural disaster, provide assistance. In the last 20 years, an estimated $336 billion in disaster assistance and $61.8 billion in agricultural assistance has flowed to the States. This is a disaster in the same respect. It is a disaster to individual families who have lost their employment.

The irony here is, if a flood had washed through a State in the Union and destroyed the work of 12 percent of the population, we would be here with disaster relief to get the funds to give loans, to give support, et cetera. Well, this is a disaster. We must move.

In that respect, seeing my time is coming to a close, the time I have——

Mr. COBURN. Mr. President, I would be happy to give the Senator some additional time, and we will roll the time off of your later time, if you would like time now, I say to the Senator.

Mr. REED. Mr. President, I thank the Senator from Oklahoma. Let me take 1 or 2 more minutes. That is extremely thoughtful. I thank the Senator.

We have an opportunity to act today, and we should. The proposal is to go ahead and to extend through the next several days the existing benefits so we have time to come back. We have already sent to the House an extension of unemployment benefits that will carry through to the end of this calendar year. It also includes FMAP provisions, which are extremely important to States. I think in the spirit of letting us continue to support these Americans while we debate and finally conclude, I hope successfully, a longer term solution is the best thing to do.

UNANIMOUS CONSENT REQUEST—H.R. 4501

My colleague Senator STABENOW an hour ago propounded a unanimous consent request, only to receive an objection. I will once again ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 323, H.R. 4501, to provide a temporary extension of certain programs, that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Mr. President, reserving the right to object, again, I would note this is the fourth time I have done this and, regrettably, because we had an agreement yesterday that the House would not go along with, I have to object because we will be adding to the debt.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REED. Mr. President, I appreciate the Senator's objection. Additionally, I appreciate his consideration in allowing me to speak.

Let me conclude. We have a huge debt at the moment. I think if you look at the major contributing factors of that debt, they would include tax cuts that were unpaid for, supported strongly by the Republicans, which went dramatically to the richest Americans, and two wars that have been unpaid for. In fact, I think in a few weeks we are going to have to consider another supplemental Defense budget which at this point I do not believe is paid for and which I do not feel will engender any objection by the Republican side. It will include, given the nature of counterinsurgency operations, monies that will be used, ironically, to help develop productive jobs and build clinics and do things our soldiers must do to secure the peace in Afghanistan and Iraq. Yet at the same time we can't find that kind of money here without on offset to help Americans.

So there is a question of priorities. There is a question of the deficit. Again, repeating something my colleague said, I too recall when we had a surplus. That was under the leadership of President Clinton. There were tough votes by my colleagues and myself. That surplus has dissipated. We are now in a severe situation with the deficit. The compelling priorities of Americans who need to work and can't find it yet are extremely persuasive and should be responded to by the success of the bill.

I again thank the Senator from Oklahoma. He is extraordinarily kind.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent, since the majority took an additional 5 minutes of our time, that our original unanimous consent be changed to give us the time from 11:05 to 12:05, and the majority from 12:05 to 12:30.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I yield to Senator CHAMBLISS at this time.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, first, let me thank my colleague from Oklahoma for highlighting this issue and for reaching a point where the American people have wanted us to be for some time, and that is to simply look at the spending that is going on in Washington and say enough is enough. That if we are going to continue down the road of increasing Federal spending, then we have to offset that additional Federal spending that is over and above the amount of revenues coming in.

I also wish to say to my friend from Michigan, the chairman of the Armed Services Committee, who made the request on the approval of the promotion of a general that, as he knows, I have already voted in favor of doing that one time within the committee. I regret we are having to stand up and object. However, as he well knows, that is part of the process here, so Senator COBURN had to object on behalf of another Member of the Senate.

I can't help but note, as we are talking about spending here, an article that appeared in this morning's Washington Times. The caption in the article is ''CBO Report: Debt Will Rise to 90 Percent of GDP.''

The article reads:

President Obama's fiscal 2011 budget will generate nearly $10 trillion in cumulative budget deficits over the next 10 years, $1.2 trillion more than the administration projected, and raise the Federal debt to 90 percent of the Nation's economic output by 2020, according to the Congressional Budget Office. In its 2011 budget, which the White House Office of Management and Budget released February 1, the administration projected a 10-year deficit total of $8.53 trillion. After looking it over, CBO said in its final analysis released Thursday that the President's budget would generate a combined $9.75 trillion in deficits over the next decade.

This is exactly why, with the leadership of the Senator from Oklahoma, we have to address this issue of spending and why we have to get this issue of spending under control. No time is better suited to do this than now. We are looking at a deficit, according to the independent Congressional Budget Office, of $10 trillion over the next 10 years.

The majority is saying we can't find $9 billion to offset this particular bill that everybody agrees is needed and that everybody on both sides of the aisle wishes to see enacted. Very simply stated, the Republicans want to see the bill paid for. If we can't find $9 billion in Federal spending that is out there today to offset this bill, how in the world are we going to be able to do anything other than, under the current leadership, go down this road of seeing nearly $10 trillion in budget deficits accumulate over the next 10 years?

Congress has an obligation to serve as custodian of the American taxpayer dollar. When we engage in unchecked deficit spending, it has a long-lasting, negative impact on all Americans.

I understand times are tough across the country. As I said earlier, in my home State of Georgia, the unemployment rate announced last month was 10.4 percent. There is a new number coming out today. I suspect it is going to be at least that high. Georgians are hurting, and I am concerned about that. That is why I wish to make sure we can extend this unemployment insurance but to do so without paying for it, in my opinion, is reckless at this point in time and it would not be in the best interests of all Americans to extend it without paying for it.

The fact is, as I said earlier, I voted to extend it without paying for it back in the early part of March. The reason I did was because it was with the understanding that the majority had 30 days to work with the minority to try to find the offsets. When did the discussions on what those offsets would be begin? They began last night about 2 hours before we finally decided it was time to go home. To the credit of the Presiding Officer as well as others on the Majority side in a leadership role, they agreed with the Republican party, the Republican Members of this Senate, that we should offset it and we could offset it. That was objected to by Speaker PELOSI. So, unfortunately, here we are today in a situation where we are arguing about $9 billion and looking at a proposed deficit from this administration of $10 trillion over the next 10 years.

The American people are as upset as they can be with Congress, and rightfully so. The main reason they are upset with us is because of this very issue. When I am back home, which is where I go every weekend, and I visit with folks, whether it is in the grocery store, whether it is at church or within the business community, every constituent at some point in the conversation about what is happening in Washington will bring up the issue of Federal spending and why in the world

Members of Congress don't take some action to get this spending under control. There has never been a better time to do it than with this particular bill, and there has never been an easier time to do it. We are not talking about $1 trillion; we are talking about $9 billion in offsets, in reductions in Federal spending, in waste, fraud, and abuse that we all know is out there, in whatever area we can agree on that the money would come from. As we know, we have already identified some areas where we can reduce Federal spending to pay this.

Now is the time to do it. I would simply say to my colleague from Oklahoma, I commend him for being firm. I commend him for being in a leadership role on this issue. I am very pleased to stand with him to say that now is the time to do it. I think we should find that $9 billion.

Mr. COBURN. Mr. President, I thank the Senator from Georgia. I ask unanimous consent to have a colloquy on our side between the Members who are here. If there is no objection, I wish to proceed with that.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. COBURN. I recognize the Senator from Florida and the Senator from Alabama to start that off. I yield to the Senator from Alabama.

Mr. SESSIONS. Madam President, I appreciate the leadership Senator COBURN has shown. We need to focus on the seriousness of the issue and all that is at stake—why it is important and how it can be done. It's not impossible to pay for this bill and provide these benefits without adding to the debt of the country by containing other spending. There is no reason we can't do this. I thought last night we had reached an agreement that would actually have achieved that, but we were not able to.

Let me briefly restate the posture we are in. Senator GRASSLEY offered an amendment a few days ago to extend unemployment insurance for 30 days. It also would include a doctors payment so they don't get cut for their Medicare work; COBRA benefits, FMAP benefits, and other things. He offered that measure, but our Democratic colleagues blocked it. Now, the amendment was paid for. He had an offset, which was I think mostly unspent stimulus money that still remains available to us to spend on this kind of activity. Then yesterday Senator MCCONNELL reintroduced it. He sought to have the Grassley amendment come up for a vote that would have extended unemployment insurance and would have paid for it. That was voted down by our Democratic colleagues.

What I first wish to say to my colleagues who have been so vigorous—almost excessively so—in attacking the Republican side for not dealing with this issue is that we have offered two proposals to do so and they have been blocked. So it is not fair to say Republicans don't want to do unemployment insurance. It is not fair to say that. To do it in an attacking fashion, and to attack those of us who are simply saying let's pay for it, as if we don't care about people who are unemployed, is offensive to me and I object.

I know what the deal is. Last night I thought we could reach an agreement on this but it fell apart. The Democratic leadership and Senator REID decided they will let it lapse, and then they will attack and blame Republicans for it.

I just do not think that is fair.

Let's get back to the critical issues that are at stake.

Senator CHAMBLISS mentioned that according to the Washington Times today, the Congressional Budget Office—the group we employ to help us understand these issues—says the publicly held debt of the United States will reach 90 percent of the gross domestic product by 2020. Why is that significant? First of all, it is above what Europe expects. They will not allow a country to enter the European Union if it has debt exceeding 60 percent of GDP.

More importantly, the Budget Committee had a professor testify from the University of Maryland who has written a book on this subject testify. She was asked by the Democratic chairman to provide expertise to the Budget Committee a couple of weeks ago. What she said is that when your debt reaches 90 percent of GDP, it impacts economic growth adversely. She said that with debt at 90 percent of GDP, the growth of our economy will be reduced by at least 1 percent. That is not a small amount.

As we know, 2-percent growth is not a bad thing to have. If you get 3 or 4 percent of GDP growth, you are moving along at a pretty good pace. In a mature economy you almost never get growth exceeding 3 or 4 percent of GDP on a sustained basis. If you are losing 1 percent of your growth, it could be 50 percent or 30 percent of the entire national growth that is being eliminated, pulled down. Why? Because we excessively spending money today, putting our debt off on our children and grandchildren into the future. That is going to make them less able to have a robust economy than they otherwise would have. People will pay. Nothing is created from nothing, as Julie Andrews taught us in that great song. Nothing comes from nothing, nothing ever could. Somebody is going to pay for this.

We are enjoying and celebrating today by spending money that is not ours. We do not have it in our bank account. We are having to go out and borrow. That is the problem that I believe is of great importance.

Get this, it has also been reported in the press that Berkshire Hathaway, Warren Buffett's company—I say to Senator LEMIEUX—can borrow money cheaper than the U.S. Government. The insurance, for those who want to insure the money they loan to the government in case the U.S. Government does not pay it back, has tripled. Our annual deficit, as a percentage of GDP, is about 9.9 percent. The Greeks are in great trouble. Theirs is 12.9 percent of their economy. We are moving too close to that level. Remember, there are people who, when they buy a U.S. Treasury bond, insure themselves against the U.S. Treasury's failure to pay. They are paying three times today what they were paying just a few years ago because the U.S. Government's debt is not sound. Moody's, the company that rates the debt, continues to suggest they may downgrade our debt. This is because we are borrowing too much. It is time for us to put a stop to this and bring it under control.

We have offered several amendments that would fix the unemployment insurance and pay for it. Last night, a series of offsets were provided—offsets being things you could do to get the money out of current resources and expenditures instead of borrowing it.

Also, it is well known that all the money has not been expended in the $800 billion stimulus plan. A lot of that money is not spent. The stimulus bill, when we passed it, was supposed to do a number of things. One was to deal with our crumbling bridges, our infrastructure, and one was unemployment insurance. That money has not been spent. Why don't we use it? If you don't use it, it allows that unspent money in the stimulus pot to be used as a slush fund to finance whatever other idea on which our leadership desires to spend it. That is what it is. Why won't we use it? Because they still want to use it on other things they have in their minds, of which I have not been fully informed.

I will say that I have a lot of county commissioners—and I assume the Senator from Florida has also—talking about roads and highways. I have to tell them how heartbroken I am that the stimulus legislation, which spent an incredible amount of money—$800 billion—only spent 3 or 4 percent on highways and bridges. They are not feeling any growth of a significant nature in their infrastructure improvements. The advantages of money being spent on infrastructure are twofold. It absolutely creates a certain number of jobs. Perhaps not a huge number, but a certain number of jobs are absolutely created to do the construction work, to replace a bridge, to pave a road, or to fix a water sewer system.

Those are real jobs. But, more important, when you do that, you have accomplished something. You have obtained a tangible asset that benefits the people in that community and makes that community more productive. It also helps make our Nation more competitive because we have either built new infrastructure we needed or restored infrastructure we were going to have to restore anyway to keep up our productivity. Having so little of the money in the stimulus

package go to that sort of thing is one reason we have not seen growth in jobs.

It is particularly disheartening to me to think of how little permanent benefit we have gotten from the bill.

I see my colleague from Florida, Senator LEMIEUX, is here. One of the things he and I have talked about a lot—and I think it has been a bit of a shock to him since he has been here—is the extent to which our Nation is increasing our debt. I know he deeply, as a citizen legislator, cares about this situation. In his conversations with me, he has shared with me that is what he thinks is the biggest threat to our country. I know he wants to do everything he can to help us right this ship that is going in the wrong direction.

I am pleased to yield the floor at this time to Senator LEMIEUX.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. LEMIEUX. Mr. President, I thank my friend and colleague from Alabama. Senator SESSIONS has been an outstanding leader on many issues but specifically on this issue of fighting against this debt. He and I often talk about these concerns. He comes to the floor, and he articulates these concerns so the American people can understand how dangerous this situation is. But he does not just come and talk about the problem; he offers real solutions to cap our spending, to find mechanisms to get this Congress on the right course.

As my friend mentioned, I am new to the Senate. I was appointed and came here in September of last year. My experience is in business and my experience is in State government back home in Florida. The comparisons to how Congress manages its money—your money—versus how a family does or a business does or even a State government does, those comparisons are striking because this is the only institution I have ever been a part of where we do not have to make ends meet, where we just spend money we do not have, where we never have a discussion about, well, if we raise this budget for this particular part of the money we spend, how much are we going to have to lower this budget. That discussion does not happen in the U.S. Congress.

In 2011, we are going to take in an estimated $2.2 trillion in revenue from taxes—money that is coming from you, the American people—but we are going to spend $3.8 trillion. That is like a family in my home State, say, in Ocala, who makes $22,000 a year and they are going to spend $38,000. Oh, by the way, they have $1 million in debt. It is unsustainable.

The way the American people run their families, the way businesses have to run their budgets, the way State governments that are constitutionally required to balance their budgets have to cut spending in tough times—we do not have those mechanisms in this body, and we do not have enough people, such as Senator SESSIONS, Senator CHAMBLISS, my friend from Georgia, and Senator COBURN from Oklahoma, who come to the floor and bring forth good ideas to talk about this spending problem.

This current bill to extend unemployment insurance and add money for doctors who give Medicare services—a lot of those folks in my State in Florida—and for money for COBRA, which is health care when you are unemployed, so government can put in that portion your employer would normally pay for—these are all good things. Every Member of this body, all 100 Senators, all 41 Members of the Republican side want to vote for this bill.

Last night, as my friend from Alabama said, we had a deal worked out with my colleagues on the other side of the aisle to pay for this. What a novel idea: We are going to spend new money, and we are actually going to cut money from someplace else in the budget so we do not add to the deficit and the debt—shockingly good idea in Washington. But the deal fell apart because our friends in the House of Representatives, the Democratic leadership, would not agree to it.

Let me tell you, there is probably no State in the Union that needs this money more than Florida. I want to vote for it, but I cannot vote for it because it is not paid for.

My friend from Georgia just talked about the unemployment number that came out—more than 10 percent unemployment in Georgia. He has a new number coming out today. The number came out in Florida. We are at 12.2 percent unemployment announced today—12.2 percent, the worst unemployment in the history of keeping records in Florida. The second worst time was in 1973 to 1975, during that recession. There are 1,126,000 Floridians out of work. By the way, that is just the unemployed number. We know those who are underemployed—people who lost their jobs and now have to work part time and cannot get full-time employment—we know that number, if you add it with those who are unemployed, is probably 17, 18, 19 percent of the people.

When I go home to Florida and I am walking down the street, one out of every five people I see of working age and ability either does not have a job or does not have enough work. That is the issue on which we should be focused. But we cannot continue to pay for things here that we cannot afford. We cannot continue to burden our kids and the next generation with debt they will not be able to pay.

The hour of awakening and the hour we will be responsible and feel the impact for this spending is not just 5 or 10 years from now; it is now, it is today. Let me give an example.

Today in the Wall Street Journal, there is an article by Tom Lauricella. I ask unanimous consent to have printed in the RECORD this article in the Wall Street Journal.

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

[From the Wall St. Journal, Mar. 26, 2010]

DEBT FEARS SEND RATES UP

UNEASE AT DEFICIT HURTS DEMAND FOR TREASURYS; MORTGAGE COSTS ON THE RISE

(By Tom Lauricella)

A sudden drop-off in investor demand for U.S. Treasury notes is raising questions about whether interest rates will finally begin a march higher—a climb that would jack up the government's borrowing costs and spell trouble for the fragile housing market.

For months, investors have focused their attention on the debt crisis in Europe, but there are signs the spotlight is turning to the ability of the U.S. to finance its own budget deficit.

This week, some investors turned up their noses at three big U.S. Treasury offerings. Demand was weak for a $44 billion 2-year-note auction on Tuesday, a $42 billion sale of 5-year debt on Wednesday and a $32 billion 7-year-note sale Thursday.

The poor demand, especially from foreign investors, sent the bonds' prices sharply lower and yields higher. It lifted the yield on the 10-year note to 3.9%—its highest since last June, and approaching the psychologically important 4% mark. That mark has been pierced only briefly since the financial crisis in 2008.

Investors' response marked a big shift from auctions in recent months in which major foreign buyers, such as central banks, had snapped up Treasurys. It could spell trouble for the U.S. housing market; the rates on many mortgages are linked to the yield on the 10-year note.

The move up in its yield coincides with the impending end of the Federal Reserve's program to support the mortgage market. The Fed has bought $1.25 trillion of mortgage-backed securities, bolstering their prices and thus holding down their yields.

In just the past two days, the rate on 30-year Fannie Mae mortgage securities has risen to 4.5% from 4.3%. Once fees by lenders are tacked on, this means mortgage rates above 5%. Thomas Lawler, a housing economist, says some bigger lenders have already raised rates. Some were quoting 30-year mortgages at 5.125% Thursday morning, up from 4.875% earlier in the week, he said in a note to clients.

Concerns about the U.S. budget deficit are beginning to hurt the Treasury market, said Steve Rodosky, head of Treasury and derivatives trading at bond giant Pacific Investment Management Co. He said he is increasingly worried about the U.S. fiscal outlook.

In all, the U.S. government is expected to sell $1.6 trillion in debt this year, including the $118 billion sold this week.

There are some temporary factors behind the week's lackluster demand, such as a reluctance by Japanese investors to make new investments ahead of their fiscal year-end March 31.

While this could be just ''noise'' in the markets, ''I think it involves a greater, long-term concern about deficits in the U.S., about Social Security being in a deficit,'' said Brian Fabbri, chief economist North America at BNP Paribas. ''And all of the concerns about the U.S. have been heightened by concerns about Greece.''

The jitters in Treasurys haven't spread to other markets. Stocks remain near 18-month highs. The Dow Jones Industrial Average came within 45 points of the 11000 mark on Thursday before falling back. It closed up 5.06 points at 10841.21.

Bruce Bittles, a strategist at R.W. Baird & Co., said he remains bullish on stocks for now. But he said if the yield on 10-year Treasurys creeps above 4%, that would be a signal to start dialing back his clients' stock holdings.

''In a debt-based economy like we have in the U.S., it doesn't take much of a hit from bond yields to cause some real pain,'' by raising costs to finance economic activity, he said.

The dollar has rallied, even as Treasurys have sold off. Usually, concerns about budget deficits send a currency lower. But investors appear to be betting on better prospects for a recovery in the U.S. than in Europe.

Adding to the focus on the Treasurys' woes has been an unusual development in an important, but usually ignored, market: interest-rate swaps. These common derivatives entail contracts that typically involve trading one stream of interest income for another. And in the past week, investors are being paid more to own U.S. Treasurys than U.S. corporate bonds.

This development ''is causing a lot of people to start scratching their heads, trying to understand what's going on,'' said BNP's Mr. Fabbri. One explanation, he said, may be investors are more comfortable with the risks of owning bonds backed by U.S. corporations than the government. The big question is whether this slippage in demand for Treasurys will prove temporary or is the start of a trend.

For the most part, investors have taken at face value statements from Federal Reserve officials, including Chairman Ben Bernanke on Thursday, that the Fed isn't about to start raising the short-term rate it controls. But a growing number of investors expect that at its next policy-making meeting in late April, the Fed may step back from its pledge to keep short-term rates low for an ''extended period.''

Longer-term interest rates aren't set by the Fed but move on their own, in response to supply and demand. And some argue that the bond market has been too confident about these longer-term rates remaining low, at a time when the economy is slowly improving and the government is running huge budget deficits.

Mr. LEMIEUX. Mr. President, the article talks about the fact that when we are selling our debt, which is what the Federal Government does when we do not have enough money to pay for our expenditures, when we spend more than we have, we borrow and we issue debt instruments—bonds, Treasury notes. Now we find out in today's Wall Street Journal that the demand for our debt is falling. As my friend, Senator SESSIONS from Alabama, said, Warren Buffett now is a better investment than the U.S. Treasury. What an important statement that is for us to think about, that we no longer are the best investment, that an individual in this country is a more worthy investment.

Now Treasury note demand is down. What happens when less people want to buy our debt? When they turn their nose up at our Treasury offerings, the bond prices go down and the yield goes higher. The interest rate goes up. That does a couple things. One is that we have to spend more money on interest payments. That means more of our spending in the year will go to pay for our debt. The third or fourth—depending on how you count it—biggest expenditure every year in our budget is our interest payments. There is more than $200 billion a year in interest payments alone. That is money that could be sent back to you, the taxpayer, or could be used to pave roads or hire teachers or send kids to college, and we are sending it to finance bad decisions we have already made. But now, with the interest rates, the yield rates going higher on the debt we are offering, guess what it is going to do. It is going to increase the cost of borrowing money, which is going to increase the cost of mortgages.

So here I am from Florida, and I sure want to extend unemployment insurance to folks who are suffering, but I also don't want to do any more damage to our real estate market. We have some of the worst foreclosure rates in the country. So what is going to happen when that family of four in Naples, FL, who has been struggling through this economy, has a problem keeping a job? Maybe mom lost a job and now she is underemployed and dad is unemployed, and they are trying to make their mortgage payments. They have an adjustable rate mortgage and their interest rates are going to go up. What happens if someone wants to buy a new house in our struggling real estate economy? They can't go buy that house because that house is now more expensive because the interest rates have gone up.

So the problems of our debt and our deficit are not just going to be visited on our kids, they are being visited now. Other countries around the world, their economies are booming. Their growth is coming back—places such as Brazil are on fire. Their stock market is up incredibly because the world is finding it a better place to invest than the United States. Our debt is making us a bad investment. So not just for our kids or our grandkids, right now this economy is going to have problems recovering because of the debt we have now.

But let's talk a second about the future. Sometime between now and Monday my wife and I are going to have our fourth child. I have the cell phone in my pocket. If it rings, I have to go. That baby is going to be born in a country where he or she will be responsible for about $40,000 in debt. What is the future of our baby, along with our other three sons who are 6, 4 and 2, going to be like in this country with all of this crushing debt, with $10 trillion more in debt expected by the end of this decade?

We are going to pay $800 billion in interest payments by the end of this decade if this spending continues. That is more than we spend on the defense of the United States, more than our Defense Department budget. More and more will go to interest; less and less will go to spending. Then what will happen? Taxes are going to have to go up, and by the way, 70 million people are going to retire and they are going to go into Medicare. Those two programs right now don't have enough money in them.

So while I am high on the American people, and I am optimistic this country can do anything, I am seriously worried about this government. I am seriously worried about the fact that we spend money we don't have, and I am seriously worried about the fact that there are too few Members of this body and the body down the hall who want to make the tough decisions to start cutting our spending now to save our future.

By the way, it wouldn't be that hard to do. It wouldn't be that hard to do for us to come together, Democrats and Republicans alike. The American people should know we have colleagues on the other side of the aisle who want to do this. We talk to them. They are concerned too. But we have to come together and address this, and we are going to have to make, as the President would say, grownup decisions about the future of this country. Some things are going to have to get cut, and we are going to have to spend less.

Let me give an example of the framework—for when we come back from the break—of a piece of legislation I will introduce to give us the mechanism for doing this. If we went back to the spending that we had in 2007, which is just 3 years ago, and we froze spending at that level for the next 10 years—until 2020—we would balance the budget in 2013, and we would cut the deficit of $12 trillion in half by 2020.

Now, the question I ask when I am back in Florida talking to constituents is—as my friend from Georgia said—whether at a supermarket, at a townhall meeting, or at a church—would you be able to live off the money you made in 2007? Well, the answer unanimously is, yes; it is more than I am making now. The economy didn't go into recession until December of 2007. So why can't government go back to what we spent in 2007 and cap it? Then we could do something we don't do in this Congress: We could look at the money we are spending now as opposed to trying to spend new money and find out whether we are doing it efficiently.

We could cut the wasteful programs. My colleague from Oklahoma has already been identifying hundreds of duplicative programs in government. We could go and find ways to combat waste, fraud, and abuse. For example, we know there is $60 billion to $100 billion a year in Medicare fraud—health care for seniors. My State, unfortunately, is the leading place for health care fraud in the country.

I have a proposal I have talked to my friend, the chairman of the Finance Committee, about—Chairman BAUCUS—and other Democrats, and I think we are going to get some bipartisan support to pass that this year, and that may save us $20 billion by stopping waste, fraud, and abuse in Medicare. Does anyone think there is not waste and fraud and abuse throughout the spending of government? When is the last time someone went and looked under the hood of one of these agencies and said: Could we do the same work with less? Do we need to spend as much money as we spent last year?

Businesses do this every year. They are doing it right now, just as families are doing it. They are saying: Do we really need to do what we did last year? We have less money; what do we cut? Government doesn't do that.

Our friends on the other side are more interested in new programs. We should all spend a year or two focusing on the programs we have. My friend from Oklahoma, Senator COBURN, is a champion at oversight and gets under the hood of these agencies and looks at the spending. It is not just in the social services agencies, it is in all the agencies—in the Defense Department and everywhere.

We have a duty to the American people to make sure that every dollar we spend, we spend wisely. Let's spend a couple of years questioning the money we are spending now. Let's have our agency heads, our Secretaries, our Cabinet members, instead of devising new programs, go into the programs they have and see whether they are helping the American people. If they are not, let's cut them. Let's freeze hiring across the Federal Government. A lot of folks are going to retire out of the Federal Government when the baby boomers retire. It is an easy way to shrink the size of government, to let those folks retire and not replace them. Technology in the private sector gives us great opportunities to do more with less. In government, we do less with more.

So I am appreciative of my friend from Oklahoma for bringing up this point and objecting. It is not politically popular to do. None of us wants to stand in the way of unemployment compensation. I need it in Florida for my folks who are out of work. But we are impacting our way of life now, and we are going to impact our children's lives. When my baby is born this weekend, or on Monday, I am going to be extremely happy—and I know my wife is—about bringing a fourth child into the world, but it will still be in the back of my mind: Is he or she going to inherit the same America I have, with all the same opportunities I was able to enjoy? I hope so.

With that, I yield the floor to my friend from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. I thank the Senators from Alabama and Florida for their comments.

Many have heard us use the word ''pay-for'' sometimes. When we say that, what we are actually saying is, we don't want the debt increased. So we don't want to get that confused.

I also want to make one comment in relation to what Senator REED from Rhode Island said earlier today. He said nobody on the other side of the aisle will be objecting to the supplemental coming for the military if it is not paid for. I want to state for the record that I voted against it the last two times. It is not because I don't want to support the military, but it wasn't paid for. We didn't make the hard choices. I will vote against it again, and I will try to make that a pay-for. So it is an unfair characterization to say ''nobody.'' I am pretty consistent on that. If we are going to spend new money, we should cut some of the money we are spending now that isn't as important.

Under the Constitution, the No. 1 responsibility for us is defending the country. One of the reasons we are in trouble is we have ignored the enumerated powers clause of the Constitution, which sets out a very limited role for the Federal Government and reserves the rest of the programs we are talking about to the States and to the people.

With that, Mr. President, I would like to recognize the senior—the Senator from Arizona, Mr. KYL. I started to say senior, but that is not so.

Mr. KYL. It is easier just to say the ''other'' Senator from Arizona, given who my colleague is. First of all, I want to say that my colleague, JOHN MCCAIN, has been a leader in this battle for fiscal responsibility for as long as I have been in the Senate. So as long as we are talking about the senior Senator from Arizona, let me get in that plug.

But the Senator from Oklahoma, who just yielded the time to me, has been the leader in the fight here to ensure that we pay for the things on which we spend money. I would like to get back to that critical point because I heard both the Senator from Oklahoma and the Senator from Alabama, who is on the Senate floor, and was last night, make this very point.

Let's be clear about what this debate is about and what it is not about. There are a lot of things the government must do. National defense is No. 1. We have to do it. Then we figure out what we have enough money for with regard to everything else.

There are other very important obligations or responsibilities of the Federal Government. We finally get down the list of priorities of the things that it would sure be nice to do, if we could, because of various needs of the American people. But a lot of times this gets into conflict with what families can do to help each other, what communities can do, what churches and religious institutions can do. So it is not just a responsibility of government, let alone the United States Government in Washington.

The reason I make that point is that for every dollar that is sent back to Washington, the amount of money that gets sent back to help people is usually measured in cents rather than dollars. So it is not the best way for us to take care of our fellow citizens. But one of the programs we have decided we want to have some Federal assistance in is to support our States when they provide unemployment compensation to people who have been out of work for a long time and just can't find work.

If we have relatively low unemployment, in the 5- or 6-percent range—5 percent is relatively low; 6 percent is beginning to be something where we begin to pay attention to it—we can let that go for a little while. But before long, we have citizens out there who can't find work and, therefore, are having a hard time supplying what they need for their families. Again, for a while, their families and communities and churches and so on can help them, but there comes a point when government has said: We need to help them, and it is best done at the State level. But in the last many decades the Federal Government has provided support for that unemployment compensation as well.

What we are talking about is a situation where we are now close to 10 percent unemployment, and it has been that way now for a couple of years. So we keep extending the Federal Government's support for people who can't find jobs. That is a legitimate thing for the Federal Government to do. It is not the most important thing, but I will tell you, for everybody who needs the help, it is important.

So we have tried to do that, and I have voted for every one of these temporary extensions of unemployment benefits. But there also comes a point in time, because this has gone on now for a couple of years and we keep voting time after time for these extensions, that you have to ask the question: OK, compared to what? Who is paying for this or who is going to have to pay for it?

As between someone who is looking for a job and needs some help for their family right now, and my grandchild—and I don't know the circumstances of my grandchild. My grandchild may be smart and get a good job and never have to worry about things in life or, as happens to every family, my grandchild might have a tough time—so I am asking myself—and I heard Senator COBURN on the floor last night make this point—as between what we are spending money on today and my grandchild and your grandchild, should we maybe be thinking about the burden we are placing on them to pay for this money we are spending today? It is easy for us to say we feel sorry for people who cannot find a job right now, let's help them out. It is harder when you say, who is paying the bill? If it is my grandkids, and I am not sure what their circumstances will be, I have to think that through.

What Senator COBURN has led is an effort to say, since we cannot say what kind of a burden they will have, although we know it is huge based upon what we have already spent and deferred for them to pay for, we ought to be making the tougher decision right now: If this is a worthwhile goal, if we want to extend this unemployment compensation, then let's find a way to pay for it now rather than putting more of that burden on our children and on our grandchildren. That is what is at issue, not whether we want to do it, not whether it is a good idea to do

it, not whether there are people suffering. All of that is conceded. The question is, Should we put that burden on our children and grandchildren continuously, without even bothering to ask whether we can pay for it now? Maybe there is something else we could give up now or delay in order to pay for this so we are not adding to the burden of our kids and our grandkids.

Last night, we came to a very important conclusion in the Senate, informally, and that conclusion was, since there is a 1-week period of time between the time April 5 that these benefits run out and the time April 12 that we come back into session from the Easter recess, that these, the unemployment benefits, are not paid for here, that we do not have the money to extend the benefits, that what we should do is extend those benefits for that week period of time and pay for it. That is to say, Democratic Senators and Republican Senators agreed, let's extend it for that week and let's make sure we are paying for it right now. So at least that week's benefits are not going to be an added burden on our kids and grandkids—a very important agreement and precedent that we established, for about 45 minutes.

When our colleagues on the Democratic side who had agreed with us that this should be done ran that up the flag pole with our Democratic leadership colleagues in the House of Representatives, apparently the Democratic leadership said: No, we do not want this paid for. In other words, we want that put off in the future so somebody else will pay for it, our kids and grandkids. So our Democratic friends in the Senate came back to us and said we thought we had an agreement to extend this for a week and to pay for it, but our leadership in the House would not agree and, therefore, we have to go back to what we did before, which is we are not going to have those benefits available for the week between April 5 and April 12.

That is too bad because I think what it showed is, first of all, Democrats and Republicans in the Senate can work in a bipartisan way. We established a good principle. We can both lead with our heart and help people who need help today but also act with our heads and make sure we pay for it rather than just sending the bill to our kids. That was a good precedent, that was a good agreement.

But when people out in America say: Why can't they ever work together, why can't they put politics aside, you have to ask the leadership in the House of Representatives because I think we had a pretty good agreement last night.

But what I think we also have established is, over time, more and more of our colleagues are coming to realize it is not a choice between doing something we want to do to help people who need help right now and doing nothing, it is a choice between our paying for it or asking our kids to pay for it. I think most of us are beginning to come to the realization that from now on, as much as we have gone into debt accumulating this huge amount of debt in the past, thinking it would be OK for our kids and grandkids to pay for it, we now realize we have put entirely too much debt on their shoulders. Their standard of living is not going to be as good as ours.

Do you know—I will close with this—public opinion surveys going all the way back to just after World War II asked Americans: Do you think the next generation will be better off than our generation? Do you think we will leave it better for our kids than it was left for us?

Every generation has been able to say: Yes, our kids will have a better standard of living and better future than we did—except now. If you look at the surveys, they all say we believe we have it better than our kids will; that we have put too much of the burden of what we have spent onto our kids and grandkids. For the first time in history, Americans believe their kids, our kids, will not be as well off as we were. Why? Because we wanted to spend, we wanted to help people by spending a lot of money in Washington, but we were not willing to make the tough decisions to figure out how to pay for it.

That is a real shocking testament because we have always said we are the land of opportunity, and the American dream is every generation that succeeds will be better off than the generation before. To think about the fact that Americans do not believe that is true anymore is bothersome. But we have an ability to do something about it, and it started last night right here in the Senate. It started with Senator COBURN saying: No, we need to pay for this, and everybody else finally saying you are right and coming together in a bipartisan way, Democrats and Republicans saying we can at least start with 1 week where we do something we all want to do, help people who are unemployed, and pay for it ourselves rather than sending the bill to our kids.

That is a start and we ought to build on that. Even though that fell apart, I think it represents the beginning. If we can continue to seek the advice of our constituents, ask the American people: What do you think about this, do you think we are right about this, I think they will tell us that is exactly what they want us to do, and I think they will thank us this week for beginning to take the small steps to get to that point. Rather than casting aspersions or making political arguments or getting into partisan politics, I am going to assume we have kind of turned a corner and all of us can agree this is what we aspire to do. We may stumble along the way a little bit. But if we can now take two steps forward and only one step back rather than one step forward and two steps back, digging the debt hole deeper and deeper, then maybe in a few years we will be able to answer those public opinion questions and say: I think we have turned it around. I think our kids will have a better future than we did. That is the best legacy of all that we could leave for them.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. I comment on the Senator's point, there is not anybody in this body, Republican or Democrat, liberal or conservative, who does not want a great future for our kids. Everybody does. The Senator from Oregon has a set of twins, beautiful kids. He wants the best for them. What we want is the same thing other Americans want.

I showed this little sign earlier. I actually got to meet this girl because I thought it was so unique that she had the wisdom or somebody in her family had the wisdom to make the contrast. She doesn't even have a home yet, and when she had this her share of the debt was $38,375. That is just external debt. That does not include what we borrowed and stole from Social Security and all the other trust funds. If we included that, she would have been about $42,000. I marked through that this morning because it is now at the end of this year, September 30 of this year, every man, woman and little girl and little boy will be responsible for $45,000. It is going to grow $6,000 per man, woman, and child this year alone. That is just talking about the external debt. That is not talking about what we are stealing from other people.

Is there a point in time when we are on a downslope, where we get to a point in time where there is no return? We know that. Senator SESSIONS talked about it in terms of 90 percent of GDP, and how that has a depression. I made the point earlier. We saw a 1-percent increase in interest rates last year. We owe $12.8 trillion. That is $128 billion we are going to pay more in interest in this next year than we paid in the last year, as you float through all the bonds and recognize that 1 percent increase. What was 2.4 percent 1½ years ago on 10-year Treasury bonds is 3.88 percent right now, this morning. I checked it before I came over here. That is 1.48. As our debt balloons, that interest cost is going to go up.

You heard Senator SESSIONS say in 2019 we will spend $850 billion on interest. We are going to spend $850 billion on interest. Of the $9.8 trillion we are going to borrow over the next 9 years, $5.6 trillion of that is going to be interest. So now we are borrowing trillions of dollars to pay the interest on trillions of dollars.

It has to stop. My colleagues on the other side of the aisle recognize that. It is not that they do not want to fix it too. I agree with the Senator from Arizona. I think we will come to that realization across party lines. I was proud of the Senate yesterday because we actually worked together and came to a compromise that we could all agree to, and we got shot down by those who are thinking short term.

I am not doing this to score political points, as the Senator from Michigan alluded. I am not doing anything that I have not believed all the time I have been here, and my colleagues all across this body know that. The problem right now in our country is the debt. It is the debt.

If, in fact, we want a future—I have a 7-month old new one. I have five grandchildren. She is as cute as she can be. Her name is Katie Rose. I got to see her a couple weeks ago as my daughter came through. She hadn't seen me in a couple months and didn't like what she saw. I can't blame her for that. But the fact is, everybody has a Katie Rose. If this is your child, the new birth we are going to celebrate, Senator LEMIEUX's this weekend—everybody has one. So the contrast is, Can we do both? Can we take care of the Katie Roses of this world and take care of the unemployed or do we just say: No, it is too hard. If it is too hard, we are over. And I believe it is not over. It does not have to be. We can come together and solve both the debt problem and the needs of our country. We can do that.

I wish to give one little example. In the month of December, I had my staff search through programs that are duplicative. In 2 weeks, my staff found 640 duplicative programs—640. Let me just give one example. In our Federal Government, we have 105 programs run by nine different agencies to encourage people to study math, science, engineering and technology. One hundred five? So after that experience in December on one of the bills out here we put through, that passed, my colleagues on both sides of the aisle agreed we should have GAO do that study for us to give us all of them. That is just what we found in 2 weeks—there are thousands—because that tells us where to start eliminating duplication, start asking for metrics on what you are doing. If you have a program for math, engineering, science and technology, we ought to measure whether it is effective. We might only want to have one program instead of 105.

In the Judiciary Committee in the past 2 months, we have had two different bills that have come forward to solve problems. When the bills were offered, we didn't even know we had agencies out there and a program ready to do it.

There were some positive things with the health care bill. There are tons of negatives in my experience as a doctor who has practiced 27 years. But one of the negatives is, we are going to have 88 new government programs and we are probably going to add about 50,000 or 60,000 or 70,000 people to that. I know we are going to add 16,500 to the IRS to make sure you bought your health insurance. Why would we do that?

It is time for us to make the difficult choices. The choice does not have to be do nothing or pay for it. The choice can be we can take care of both.

I will close with this discussion. This is what we did last year—43 cents of everything the Government spent we borrowed from Katie Roses. That is who is going to pay it back. We are not going to pay it back. This year it is going to be over 45 cents, maybe 46 or 47 cents this year, because when you take the real projections for what our addition to the debt this year is—in terms of recognizing all the debt such as an accountant would do, not like the Government does—we are going to have a $1.8 trillion deficit.

This means, externally and internally, we are going to borrow $1.5 trillion externally, but internally we are going to borrow $300 billion from trust funds and programs and everything else we have.

Let me give you a little example people never think about. It is called the Inland Waterway Trust Fund. It is the trust fund that has paid for all of our inland waterways. There is no money in it because we have taken it all out. We cannot do what we need to do on our navigable waters where we haul freight and barges because we have stolen all of the money. There are hundreds of those trust funds where we have emptied the coffers.

I will end with this last request. When we come back, my pledge is to work with anybody in this body who will seriously work with me on making the appropriate tradeoffs of what is important and what is not in terms of priorities.

You know that our nature as elected officials is not to offend anybody. If we continue with that process—I am talking about those who support programs we cannot afford—we are all going to be offended because every Katie Rose in the world, in our country, will have her future squelched.

And the last set of numbers you should pay attention to: If you are under 25 years of age today—that means from 25 to 1—20 years from now, you plus everybody who is born in that 20 years will be responsible for debt and unfunded liabilities of $1,113,000. Think about that. In the next 20 years, those under 25 and below and everybody born will be responsible for $1,113,000. Think about what that costs. If you apply a 6-percent interest rate to that, let's round it at $60,000—it is more than that; $66,000-something—you are going to have to pay $66,000 in carry costs either through interest on the national debt or through direct taxes before you ever pay the first income tax to run anything for the Federal Government. What does that mean in terms of opportunity for those Katie Roses and this little girl? It means they will have trouble buying a home. They will have trouble educating their kids to give them opportunity.

So I believe we are at a point where we have to start making the hard decisions. My pledge to my colleagues is that I will work with you in a way that is positive to make sure we do not put these people at risk. But I also will work with you to make sure you understand that I am going stand up every time, including the supplemental that is coming forward, and say that we must pay for it rather than charge it to our children.

With that, I yield our time to the Senator from Oregon. I would note that we have until 12:30 to finish this discussion.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, when I have come to the floor over the last few months, I have always tried to focus on ways to bring parties together, both sides to work for common solutions—whether it's health care, the new tax reform bill Senator GREGG and I have introduced, or the Build America Bonds program put together by Senator THUNE and I, which has clearly been a huge success in terms of revolutionizing the system for funding transportation and infrastructure. Senator CORNYN and I are working on a significant crime bill. So I am always going to come to this floor and try to be bipartisan and bring both sides together.

On this question of helping folks who are so desperately hurting today—including so many in my State, where we have a very high unemployment rate—I want to suggest a bipartisan path forward that I hope we can look at in the days ahead. I see my friend from Georgia here, who also wants to work on these major economic issues in a bipartisan way.

When you listened to colleagues last night and this morning, it seems to me there is agreement on two fundamental principles. One is that it is absolutely essential to help folks who are hurting now. We have millions of Americans walking on an economic tightrope; balancing their food bill against their fuel bill; trying to pay for essentials; going to bed every night, whether in Colorado, Oregon, or Georgia, figuring out if they are going to be able to pay the bills when they wake up in the morning. So there is agreement on both sides that you have to help folks who are hurting now. There is also agreement that we have to deal with this deficit, and the spending issue which is contributing to the deficit for the long term. So, in effect, we start the possibility of a bipartisan strategy around agreement in two key areas: We have to help folks now who are hurting, and we have to deal with those major deficits, the revenue and spending problems, in the long term.

What there is disagreement on, it seems to me, is the timing of these particular debates. I and others feel very strongly that it is just not right to compound the hurt Americans are suffering, even for a few weeks, even for a few days. That is why we very much want, before we go home, to have this worked out and to get this unemployment benefits extension to them.

We also recognize that getting at this long-term budget issue quickly is a matter of national urgency. I sit on the Budget Committee. We are going to

have a chance to do that in April, within 30 days.

So what you see is, in effect, all of the various ideas with respect to extending unemployment so that folks who are hurting so badly do not go without for a short period of time—a week, 2 weeks, 30 days—a variety of different approaches. All of those time periods are shorter than the time period for when we will have an our opportunity to make tough decisions for the long term that we have heard Democrats and Republicans talking about this morning.

So I hope that we can get back to working in a bipartisan way around those two areas of agreement that will help folks who are hurting now, help them quickly, not have them suffer any more, even for a few additional days, and that we recognize that in April, on the Budget Committee on which I serve, we will have the opportunity to tackle the larger budget issues. We have very strong bipartisan leadership between Senator CONRAD and Senator GREGG. A lot of us thought they were right on their debt commission. I supported that, supported it for a long time. So we have an opportunity to make those long-term budget decisions Democrats and Republicans rightly have said are so important, beginning next month. So let's do both. Let's help people who are hurting now and recognize how serious the challenge is with respect to the long term as well.

The only other point I would make with respect to the unemployment extension is a point made by a number of our country's leading economists who are advising both Republicans and Democrats, again, in a bipartisan fashion. Mark Zandi, for example, one of our leading economists who is relied on by individuals of both political parties, has pointed out that for every dollar of unemployment, our country gets $1.64 in return. The folks who are unemployed spend their benefits as quickly as they can get them. They spend them only on essentials. They spend them on the essentials of life.

It is pretty obvious that consumer spending is a very significant part of economic recovery. The economic recovery is obviously fragile. We have so many folks out of work, and those folks and the folks who are worried about losing their jobs put off spending on anything but the most basic needs. So obviously that slowdown in consumer spending also takes a toll on our economy. If we are going to make up for the decline in consumer spending, one obvious way, it seems to me, is to get this extra help to folks who are hurting so badly today in our country.

So it strikes me that the decision to not get help to people immediately is simply illogical. It is bad from the standpoint of economic recovery. It is obviously going to compound the hurt Americans who are out of work are experiencing now, and colleagues on both sides of the aisle have said they don't want that to happen.

So I am very hopeful that even before the end of the day, for the folks who are out of work, who are exhausting their unemployment and COBRA benefits—that there will be discussions here in the Senate to try to make sure folks are not denied the bare minimums that are needed to just get by and not denied even for just a few days. The fact is, these are folks who are making $250, $300 a week. None of them are living a life of leisure. No one can say these folks are somehow, as a result of their benefits, disinclined to find work. They are not part of ''Lifestyles of the Rich and Famous.'' They are the millions who today walk that economic tightrope, always feeling that another big bill is going to push them into the abyss where they cannot afford to pay the rent, cannot afford to pay the utility bill, cannot afford food. It is not right to let these folks suffer.

I would submit that on a matter such as this, which is, in my view, a question of right and wrong, that is what extending unemployment benefits for a short period of time to prevent human suffering is all about, that we stay at this effort so folks who are hurting so badly in our country do not lose out, if even for only a few days. I will be at my post to continue to work and talk with colleagues of both political parties toward that end. We have to stay at it to ensure there is no break in the essential benefits the most vulnerable of our country so desperately needs.

## FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4957, which was received from the House and is at the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CHAMBLISS. Reserving the right to object, let me say that the Senator from Oregon has made some very good points, and he is exactly right. They are points we agree with on this side of the aisle.

I do not object.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 4957) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

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

Mr. WYDEN. I ask unanimous consent that the bill be read three times 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 4957) was ordered to a third reading, was read the third time, and passed.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

## CONTINUING EXTENSION ACT, 2010

Mr. BROWN of Ohio. Mr. President, I have listened to the debate in the last few hours, yesterday, and today. I have heard these debates for years about unemployment compensation, unemployment insurance. In the end, some of my colleagues vote for extension of unemployment benefits for hard-working Americans, Americans who have had jobs and are trying to find jobs but have lost their jobs.

When I saw what happened a month ago when Senator BUNNING, time and time again, single-handedly for a period of time—because of the peculiar rules of this institution, one Senator representing a State that has less than 1 percent of the population, one Senator representing a State which makes up less than 1 percent of the country—granted the minority leader is in that State too—one Senator can block the extension of unemployment compensation to millions of Americans, to people in Youngstown, Lima, Mansfield, or Chillicothe and Toledo. Now we have a handful of his colleagues doing the same thing.

Sometimes I think they don't understand unemployment compensation. They believe unemployment is welfare. It is called unemployment insurance. That doesn't mean people are looking for a handout. It means workers, as virtually everyone does who is working, pay into an insurance fund when they are working. The whole point is, if they lose their job they collect unemployment insurance.

It is like you buy car insurance, hoping you don't have to use it. But if you get in a car accident, you use the insurance to pay for it. Many people don't ever have to collect unemployment insurance. They are the lucky ones. It is the same with health insurance. You buy health insurance and you hope to not use it, but if you get sick, then you use your health insurance. Whether you are a worker in Boulder or Pueblo or Trinidad or Columbus or Dayton, you need that unemployment insurance as a backup.

So many of my colleagues on the other side of the aisle, so many conservatives think it is a welfare program: I got laid off. I can draw unemployment and stay on it, and I don't have to work. I can enjoy my time off.

It is not vacation. The New York Times had some articles the other day

about the number of people who can't find jobs and how it affects their health. It affects their mental health, their relationships with their children and spouses. It affects their views of themselves and their self-worth. It is not a welfare program. It is not enough money to get by comfortably. It is enough to keep them going with the hopes that they will find a job pretty soon.

There are, of course, requirements too. They don't just sit home and draw unemployment. They are required to actively seek work in most States. I know of people in my State, as does the Presiding Officer, in Colorado, who have sent out 20, 30, 50 résumés a week. Most of them are not even answered or the answers are curt and negative over and over.

My colleagues, all of whom dress up, men and women both, wear decent clothes, are paid $170,000 a year. Many more come from great wealth. They probably don't experience what unemployment compensation is like. I will not be personal, and I will not mention any names, but for them to stand on the Senate floor—I know what they really think sometimes—for them to come up with all kinds of reasons to block the extension of unemployment benefits—not to mention COBRA, the program, the government helps people continue to get health insurance after they have lost their job, when they have almost no money to spend on it—don't know how important that is to people's lives. I hear some of my colleagues say: I am voting against an unemployment extension because we are not paying for it.

First, unemployment insurance is considered emergency spending. This is a little bit too much beltway talk, but it has always been considered emergency spending. We don't have to find a way to compensate for it, to pay for it, any more than when there is a flood in North Dakota or there is a hurricane in Louisiana or, unfortunately, there is a war in Iraq which had always historically been paid for. Senator Simpson, a former Republican Senator from Wyoming, said the Iraq war is the first time he ever knew about in American history when we didn't pay for a war. I hear these lectures—and that is what they are—from our conservative colleagues, preaching to us, talking to us like we are children because we are not paying for an unemployment extension.

In the last 10 years, they voted for a war that they refused to pay for. Only $1 trillion it has cost. They voted for the giveaway for drug companies and insurance companies, all in the name of Medicare privatization. That was $100 billion or more. They didn't pay for it. Then they voted for tax cuts that went to the richest Americans. They just forgot to pay for that too.

We do tax cuts for the rich; we do giveaways to the drug companies and insurance companies. Tax cuts for the rich, not paid for; giveaway to the insurance companies and the drug companies, not paid for; a war in Iraq, not paid for. Yet they are all of a sudden shrinking it down to: We are not going to let workers in this country who are laid off get their sustenance—just a few dollars for rent, for food, kids' school supplies—we are going to block that. That is, frankly, why people around the country are angry at Congress.

They say: Why can't you just do the right thing here instead of making it political? They have made it political by saying: This is where we are drawing the line. We are not paying for unemployment insurance extension. If you are not going to pay for it, we are not going to do it.

It is the same over and over. Offer another drug company giveaway or tax cuts for the rich, they will say: Where do I sign up? That will help the country. Their way of thinking is a bit peculiar.

Senator KAUFMAN, who has such insight on preventing another disaster on Wall Street—if people would have listened to him a few years earlier, we would be in a better situation. He is waiting to speak. I will read a few letters I have received.

Marianne from Lorain County, the county I live in, says: I am a single mom of a 4-year-old. I have been unemployed for over a year. I have never been unemployed before. I have worked since I was 15. It is a terribly difficult situation. I am at the end of my rope, not knowing what do I have to give up next. Do I have to give up my home, my car, my son's preschool. I am writing to ask you to push another unemployment extension, please.

How can that not be an emergency. How can they stand on this floor and say: Sorry, can't do it, just can't do the unemployment extension? This is exactly the kind of person who is so often afflicted by this situation. She works and she has worked since she was 15. She has a 4-year-old. She is making a choice: Do I give up my home? Do I give up my car?

I live in Lorain County. Unless you are lucky and you live in exactly the right place, you have a lot of trouble getting to work if you don't have a car. So we are going to say: You get rid of your car, but we want you to find work. Or if she gives up preschool, we know, by any measurement, if we are going to get this country competitive economically, internationally, and do what we need to do, we need to do better with education. The Presiding Officer understands that preschool education is such an important component for children for preparing for the future.

Let me read a second letter from Stephen from Tuscarawas County, a county south of Canton, west of Youngstown, a fairly small county.

Stephen writes:

I am a union electrician who started my apprenticeship in 1992. I have been an electrician ever since. I have never been at a loss for work until September 2009. As much as I wish I didn't have to collect unemployment, I am terrified it will run out. I will have no means to take care of my family of five. I will have no idea what to do if that happens. I am the sole breadwinner for my family. My wife has had to have surgery twice in the past year and a half. She broke her knee and currently can't walk.

She is a mother of five and busy doing what she is doing taking care of this family. For many families, there are two breadwinners. In Stephen's case, with electrician's wages, he has had enough income for a wife and three children.

He continues:

I just ask that you take into consideration our situation. We need this extension.

I will not share other letters. I wanted to share those two from a single mother who has worked all her life, and an electrician in Tuscarawas County who has, for more than 20 years, been a well-paid union electrician. We know those are good jobs with good benefits and contribute a lot to our country.

I will close with this: Again, I plead with my colleagues, my conservative colleagues, put aside your ideology for a minute. Put aside your ideology that says that unemployment is welfare because it is not; it is insurance. People have paid into it. They should collect when they have paid into it and when they have done well; they collect from it when they have done badly. It is an American concept of insurance, social insurance, private insurance, whatever. Put aside your ideology, put aside your politics that you want to score points by saying: We will not do this because we have to ''pay for it.''

If they had shown us they cared a little more about the budget deficit 10 years ago, when we had a huge budget surplus, soon after the Presiding Officer came to the House—he was part of the effort that put a budget together and we had economic growth and we had a budget surplus. They took that surplus and put all that money to their contractor friends in Iraq and put all that money into drug companies and insurance company subsidies, put all that money into tax cuts for the richest Americans. Now they want to take it out on those people who have lost their jobs. It is unconscionable. It is not what the American people stand for. It is not American values.

I ask them to reconsider what they are doing.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KAUFMAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

## TOO BIG TO FAIL

Mr. KAUFMAN. Mr. President, I have spoken twice on the floor in the past

few weeks on the problem of ''too big to fail.'' This is a critical issue for any financial reform legislation. Each Senator must ask whether this issue is effectively addressed in landmark legislation the Senate will soon consider. I will limit my remarks today to the central aspect of the challenge we face, ''too big to fail.'' In particular, does this bill take the necessary steps to reduce the size, complexity, and concentrated power of the behemoths that currently dominate our financial industry and our economy?

If not, what is the justification for maintaining their status quo, what is the risk that one might fail, and—if that were to occur—what is the likelihood that the American taxpayer will once again have to bail them out?

The answer is that there is little in the current legislation that would change the behavior or reduce the size of the Nation's six megabanks.

Instead, this bill invests its hopes in two ideas: First, that chastened regulators—who, we must remember, failed miserably in preventing the crisis—will this time control these megabanks more effectively—today, tomorrow, and decades into the future. And, second, that a resolution authority designed to shield the taxpayers from yet another bailout will be able successfully to unwind incredibly complex megabanks that are engaged across the globe.

In the midst of the Great Depression, Congress built laws that maintained financial stability for nearly 60 years.

Through the Glass-Steagall Act, which included the establishment of the Federal Deposit Insurance Corporation, Congress separated investment banks, which were free to engage in risky behavior, and commercial banks, whose deposits were federally insured.

As I described in a previous speech, during the last 30 years, that division was methodically disassembled by a deregulatory mindset, leading to the reckless Wall Street behavior that caused the greatest financial crisis and economic downturn since the 1930s.

What walls will this bill erect? None.

On what bedrock does this bill rest if the Nation is to hope for another 60 years of financial stability? Better and smarter regulators, plain and simple.

No great statutory walls, no hard divisions or limits on regulatory discretion, only a reshuffled set of regulatory powers that already exist. Remember, it was the regulators who abdicated their responsibilities and helped cause this crisis.

Thus far, on the central aspect of ''too big to fail,'' financial reform consists of giving regulators the authority to supervise institutions that are too big, and then the ability to resolve those banks when they are about to fail.

Upon closer examination, however, the former is virtually the same authority regulators currently possess, while the latter—an orderly resolution of a failing megabank—I believe, is an illusion.

Unless Congress breaks up the megabanks that are ''too big to fail,'' the American taxpayer will remain the ultimate guarantor in an almost certain-to-repeat-itself cycle of boom, bust, and bailout.

The first question is how big must a financial institution be to be ''too big to fail''?

Let us examine how concentrated some of our giant financial institutions have become.

Only 15 years ago, the six largest U.S. banks had assets equal to 17 percent of overall gross domestic product.

The six largest banks today in the United States now have total assets estimated to be in excess of 63 percent of our gross domestic product.

Three of these megabanks have close to $2 trillion of assets on their balance sheets.

Their gigantic size, and the perception in the marketplace that they are indeed too big for the government ever to permit them to fail, gives these megabanks a competitive advantage over smaller financial institutions. It also instills a dangerous willingness to engage in excessive risk taking.

As Federal Reserve Chairman Ben Bernanke recently stated,

> [I]f a firm is publicly perceived as too big, or interconnected, or systemically critical for the authorities to permit its failure, its creditors and counterparties have less incentive to evaluate the quality of the firm's business model, its management, and its risk-taking behavior.
>
> As a result, such firms face limited market discipline, allowing them to obtain funding on better terms than the quality or riskiness of their business would merit and giving them incentives to take on excessive risks.

In other words, with a taxpayer safety net beneath them, these Wall Street firms will continue to have an irresistible incentive to keep walking across a financial high-wire of speculative investments in search of ever greater profits.

Some might say that Canada and other countries also have large banks and didn't encounter serious problems. But this ignores the obvious facts that our economy is about 10 times the size of Canada's and our financial ecosystem is far more complex.

It also ignores that Canada's largest banks rest on a bedrock of government-guaranteed mortgages and a social compact between those banks and their regulators.

To adopt a Canadian-type model in the U.S., we would need to merge our banks into even fewer banking giants, and then re-inflate Fannie Mae and Freddie Mac to guarantee some of the riskiest parts of the banks' portfolios.

Moreover, for every example of a country—usually far smaller than ours—that has coped with megabanks, there are at least as many where this system has failed, and failed spectacularly.

Take Ireland, for example, whose largest banks went on a credit binge that ended in disaster. Now Ireland's citizens are paying the price through draconian pay cuts and higher taxes, to say nothing of the country's lost economic growth.

Ireland provides a cautionary tale. These megabanks, whether they are legally domiciled in our borders or beyond, are simply too big to manage and too complicated to regulate.

There are also those who argue that we have had financial crises caused largely by small institutions. That is absolutely true. But those problems were managed without bringing our entire financial system to the brink of disaster, the signature and near-cataclysmic event of the last crisis.

In the savings and loan crisis, more than 700 thrifts—both large and small—failed, many wrongdoers were sent to prison, and the Resolution Trust Corporation was created to liquidate the assets of failed institutions. In short, the crisis was managed and our financial system absorbed the blows.

Compare that to the last crisis when our financial system barely recovered from a black hole that threatened to suck into oblivion our entire financial system after the failure of just one large investment bank.

The legislation proposes that we must improve the regulation of institutions that are ''too big.'' The reform proposals would put in place a systemic risk council to monitor for such risks and to identify financial institutions that should be subject to enhanced supervision. Next, they would have the Federal Reserve act as the de facto regulator of these systemically significant financial institutions.

The truth is, we have had a de facto systemic risk council for decades. It is called the President's Working Group on Financial Markets. Chaired by the Treasury Secretary, it includes the heads of the Federal Reserve, the Securities and Exchange Commission, and the Commodities Futures Trading Commission, and it was established by President Reagan following the 1987 stock market crash.

Its track record in spotting incipient financial risks has been abysmal. Notably, Treasury Secretary Paulson used the President's Working Group as a form of a systemic risk council, but it achieved essentially nothing—nothing—to reduce those risks. While adding additional members and providing some additional powers, the new systemic risk council is the President's Working Group by another name.

The reform proposals would also give the Federal Reserve the authority to supervise institutions that the council deems are systemically significant. Under the proposed legislation, the Federal Reserve would have specific powers to impose higher leverage, capital, liquidity, and other requirements upon these institutions.

The Federal Reserve already has the power to impose such standards on most of these institutions. The proposed regulatory reforms are mainly a redundant statement of the Fed's existing powers.

Just this week, a Moody's report stated:

. . . the proposed regulatory framework doesn't appear to be significantly different from what exists today.

Moody's went on to explain that:

The current regulatory regime is already authorized to protect the soundness of banks and the financial system as a whole. In addition, the current banking laws give bank regulators the power to have banks cease and desist from activities and to require banks to have higher capital ratios.

No doubt the bill does contain some expanded tools for the Fed. For the first time, the Fed will have direct supervisory authority for not just bank holding companies, but for their large nonbank subsidiaries as well. In addition, the Fed will also have authority over nonbank financial institutions that the council deems are systemically risky.

But as Moody's has recognized, the powers resemble the current regulatory framework. Federal bank regulators, which had the responsibility to ensure financial stability before the crisis, will again bear the responsibility after the crisis.

And bank regulators will continue to dance the tango with the big banks, interrupted briefly by new legislation which, in fact, includes few substantive changes in safety and soundness banking practices.

It is true that under the current Senate bill, regulators could—could—potentially invoke the Volcker Rule, which would prohibit commercial banks from owning or sponsoring ''hedge funds, private equity funds, and purely proprietary trading in securities, derivatives or commodity markets.''

I applaud former Federal Reserve Chairman Paul Volcker for his critical leadership on these issues, which the administration has endorsed.

Unfortunately, the legislation now being considered by the Senate requires the council first to study the Volcker rule before deciding whether to enforce it. In the end, it could issue a recommendation not to enforce the Volcker rule at all.

Or the council might recommend simply that regulators mandate capital requirements that are adequate for any risky proprietary activities a particular bank might undertake—a power regulators already have. The reality is that regulators have long had the authority to prohibit speculative activities at banks, but never opted to do so.

Under the Bank Holding Company Act, the Federal Reserve may require a bank holding company to terminate an activity or control of a nonbank subsidiary—such as a broker-dealer or an insurance company—if that activity or subsidiary poses serious risk to the safety, soundness or stability of the holding company.

As we all know too well, in the past, these very same bank regulators failed utterly. Indeed, as the ''umbrella regulator'' for all bank holding companies, the Federal Reserve could have increased capital and other requirements for these institutions, but instead farmed out this function to credit rating agencies and the banks themselves.

Meanwhile, as the consolidated supervisor of major investment banks, the SEC had similar powers to those of the Fed. And it goes without saying that its track record of regulatory enforcement was littered with colossal failures.

Chastened regulators may try in the coming years to be harder on the megabanks, to increase their capital requirements, and to keep a close eye on their liquidity levels, liabilities, and leverage ratios.

But even if they do, history has shown us that the tango will reach the end of the dance floor, and the big banks will execute the turn and lead again, leaving our regulators hopelessly aside in understanding the complex and opaque transactions that interconnect the giant banks.

In sum, little in these reforms is really new, and nothing in these reforms will change the size ofour megabanks.

That is why I believe we must impose these changes by statute—by statute. I would go beyond even statutorily requiring banks to live under the Volcker rule, by reinstating by statute the firewall between commercial and investment banking activities. Unless we break the megabanks apart, they will remain too large and interconnected for regulators to effectively control them. And once the next inevitable financial crisis occurs, and the contagion spreads too quickly for the government to believe that a failing firm won't take down others as well, the American taxpayer—the American taxpayer—the American taxpayer—will again be forced into the breach.

The proposed plan calls for a resolution authority to deal with these institutions when they inevitably get into trouble. An early resolution, we are promised, guided by a systemic council looking into its crystal ball, will prevent the taxpayer from ever again needing to save the day.

It is true that the existing mechanism, which tasks the FDIC with resolving failing depository institutions, has worked well—but only worked well up to a point. The problem is that our experience with resolving banks—highlighted by the 140 bank failures that occurred last year and their cost to the deposit insurance fund—has shown us that prompt corrective action is almost always too late.

As many commentators have noted, no matter how well Congress crafts a resolution mechanism, there can never be an orderly winddown of a $2 trillion financial institution that has hundreds of billions of dollars of off-balance-sheet assets, relies heavily on wholesale funding, and has more than a toehold in over 100 countries.

A backstop of a $50 billion or even a $100 billion resolution fund would come nowhere close to being big enough to resolve a $2 trillion financial institution.

As the Economist notes:

[Resolution authority] may prove unworkable, of course. The threat of being wiped out in bankruptcy could cause creditors to flee both the troubled firm and any firms like it, precisely the sort of panic the resolution regime is meant to avoid.

''In a severe financial crisis it will be too terrifying for politicians and bureaucrats to use'' the new process, predicts Douglas Elliott of the Brookings Institution.

Instead, he says, they will resort to ad hoc measures as they did in 2008.

Not surprisingly, there are many barriers to resolving large and complex financial institutions. Most notably, there are international dimensions to the problem, depending on resolution authority.

Following the collapse of Lehman Brothers, there was an intense and disruptive dispute between regulators in the U.S. and U.K. over how to handle customer claims and liabilities. While U.S. bankruptcy protection allowed Lehman Brothers' U.S. operations to continue for days as a going concern, Lehman's operations in the U.K. were halted in accordance with British bankruptcy law.

Given that there apparently were more than 600,000 open derivatives contracts in the U.K. on the day that Lehman failed, many counterparties and clients were stranded, consequently hampering bankruptcy efforts in the U.S. as well.

To those who promote resolution authority as a solution, I ask: Exactly what would have happened differently if Lehman had been in receivership during those harrowing days in September?

Moreover, the reluctance last spring to nationalize these banks, to place them in a form of resolution receivership, was because it would have been too costly to the taxpayer to take over or put into bankruptcy the megabanks.

Why would it not be costly with a U.S.-only resolution authority? The truth is: It would be. The taxpayer will remain the ultimate guarantor.

The international difficulty of acting quickly before contagion spreads is almost impossible to overcome without a cross-border resolution agreement. Unfortunately, there is nothing in the resolution authority that the Senate will consider that would help address this problem. We all know that it is a problem that will only get worse given the inevitability of further financial globalization.

In coming years, the U.S. megabanks will extend their reach into global markets, relying on their funding advantages as too-big-to-fail U.S. banks to profit from increasingly sophisticated transactions in countries around the world.

The problems with resolution authority for the megabanks aren't just international in nature. These institutions use short-term collateralized loans called repurchase agreements, or repos, to finance a significant portion of their

balance sheet and have massive counterparty exposures that arise out of their roles as derivatives dealers.

Both repos and derivatives are qualified financial contracts, meaning that exposures that arise from them are effectively super senior to the claims of all other creditors. By giving these trading exposures such a privileged position under the bankruptcy code, we have allowed a major part of our financial system—called the shadow banking system—to grow completely unchecked without any market or regulatory discipline whatsoever.

As Peter Fisher, former Under Secretary of the Treasury and former head of the markets desk at the Federal Reserve Bank of New York, has stated:

[these changes to the bankruptcy code] transformed the 'too-big-to-fail' problem of our largest deposit takers into the 'too-interconnected-to-fail' problem of our major financial institutions.

The proof of that statement is borne out by the data.

One report by researchers at the Bank of International Settlements estimated that the size of the overall repo market in the U.S., Euro region and the U.K. totaled approximately $11 trillion at the end of 2007.

Meanwhile, the total notional value of OTC derivatives contracts is equal to $605 trillion, as of June, 2009.

Large financial institutions that rely chiefly upon wholesale financing and have massive counterparty exposures from their derivatives positions are combustible. The case studies of Lehman and the other investment banks show how quickly and violently these institutions can implode. When they do, their interconnected nature inevitably causes a contagion, leading to a collapse in confidence and the classic patterns of a bank run.

As the Moody's report summarizes the question, We must:

try to assess whether or not the law could be effective in its stated objective: allowing a troubled, systemically important financial institution to default on selected obligations, while avoiding the larger effects that such a default might have on the financial system and on the broader economy.

That is a challenging objective to accomplish in reality, given contagion risk and the high degree of connectedness among such institutions, both domestically and cross border (where any such resolution authority would have no authority).

Resolution authority is therefore a slender reed upon which to lean when it comes to institutions as large, complex and interconnected as these.

The truth is that we need to split up and break down the largest and most complex financial institutions.

As President of the Federal Reserve Bank of Dallas Richard Fisher stated on March 3rd:

I think the disagreeable but sound thing to do regarding institutions that are ['too big to fail'] is to dismantle them over time into institutions that can be prudently managed and regulated across borders. And this should be done before the next financial crisis, because it surely cannot be done in the middle of a crisis.

The first step is to separate federally insured banks from risky investment banks. As Senators MARIA CANTWELL, JOHN MCCAIN and others have urged, we should break up the largest banks and resign to history ''too big to fail'' banks. This worked for nearly 60 years, and would once again ensure the soundness of commercial banks while placing risky investment bank activities far beyond any government safety net.

Second, we also need statutory size and leverage limits on banks and nonbanks. We should set a hard cap on the liabilities of banks and other financial institutions as a percentage of GDP.

The size limit should constrain the amount of non-deposit liabilities at large mega-banks, which rely heavily on short-term financing like repos and commercial paper.

In addition, we should institute a simple statutory leverage requirement to limit how much firms can borrow relative to how much their shareholders have on the line.

Finally, we must put in place reforms for derivatives and other qualified financial contracts.

Get this: The five largest banks control 95 percent of the OTC derivatives market.

We must require derivatives to be centrally cleared, which will reduce the complex web of counterparty credit risks throughout our system.

CFTC Chairman Gary Gensler underscores that point by stating:

Central clearing would greatly reduce both the size of dealers as well as the interconnectedness between Wall Street banks, their customers and the economy.

In addition, we should reconsider the legal treatment of qualified financial contract exposures under the bankruptcy code, and therefore under a resolution regime, as well.

Given the sheer size of cross exposures arising from derivatives and repos that financial firms have with each other, it makes sense to allow derivative and repo exposures to be netted out prior to any automatic stay.

It is not apparent why that net credit exposure should come ahead of the claims of other secured creditors. This is special treatment, not market discipline.

All of these changes taken together would reduce risk in the system, impose discipline in the market, and break the cycle of obligatory booms, busts and bailouts. In short, they eliminate the problem of having institutions that are both too big and interconnected to fail.

If instead our solution is to depend on regulators, and to wait with an impractical plan to resolve failing institutions, the financial system will continue on its inexorable path, growing bigger, more complex and more concentrated. And we will only be laying the groundwork for an even greater crisis the next time.

In the midst of the Great Depression, we built strong walls that lasted for generations. The devastation of our most recent crisis challenges us to do so again.

These megabanks are too big to manage, too big to regulate, too big to fail, and too interconnected to resolve when the next crisis hits. We must break up these banks and separate again those commercial banking activities that are guaranteed by the government from those investment banking activities that are speculative and reflect greater risk.

We must limit the size, liabilities, and leverage of any systemically significant financial institution.

Given the ever-increasing rate of financial innovation, the need for Congress—not the regulators—to impose these time-honored principles has never been greater. The stakes have never been higher.

It is time to follow in the footsteps of those great Senators who made the tough decision in the 1930s to pass the Glass-Steagall Act and other landmark reform bills, which paved the way for almost 60 years without a major financial meltdown. Once again, we must ensure that government guarantees of commercial bank deposits do not enable financial institutions to engage in the risky activities of investment banks.

Finally we must guarantee that there are no banks that are too big to manage too big to regulate, and too big to fail. The American people deserve no less.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Connecticut.

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

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

## FINANCIAL SERVICES REFORM

Mr. DODD. Mr. President, I wish to take a few minutes, if I can. I know we are in the waning minutes of going out of session and Members have, I think by and large, probably left the city for their respective States—as I will be doing in a day or so, going back to Connecticut to spend time with my family and constituents over the Easter-Passover break.

I wish to take a couple of minutes to talk briefly about my responsibilities as chairman of the Senate Banking, Housing, and Urban Affairs Committee on which I serve with 22 others of our colleagues. Almost a quarter of this institution sits on that committee. Senator RICHARD SHELBY of Alabama is my ranking Republican member and former chairman of the committee, I might point out.

We finished our work, at least in our committee, last Monday—a rather abbreviated markup, I might point out. I didn't plan it to be that way, but we ended up with a pretty short markup of a fairly complicated bill.

A week ago today, at about this time or a little after this time, we received amendments. Almost 400 amendments were filed, so I anticipated a rather elongated markup, but members decided they weren't going to offer their amendments in the committee, which is their right. I had a responsibility as chairman of the committee to consider those amendments if they were offered, and we were prepared to accept some, modify some, and reject others. But the conclusion of the committee was to take what changes we had made and move forward. So it is my hope that shortly after our return in the second week of April, we will come to the floor of the Senate to debate—hopefully a full-throated debate—about how we reform the financial services sector of our Nation.

In light of the events over the last several years, this is a compelling issue that mandates our involvement and participation. We can hardly allow this Congress to leave the door wide open again to the kind of abuses that brought our Nation to the brink of financial collapse. Those were the words used by the Chairman of the Federal Reserve, Mr. Ben Bernanke, on September 18 of 2008, as they were the words of the former Treasury Secretary, Henry Paulson, when they met with the leadership of the House and the Senate and the respective leaderships of the committees of jurisdiction. They predicted that had we not acted in the remaining weeks of that session before the adjournment in 2008, in fact, we might very well be looking at a very different country today. Certainly we avoided the collapse they talked about but at great cost. The fact that this country and its taxpayers had to write a check for $700 billion, resources of which went to a handful of financial institutions to ''bail them out'' in order to preserve the safety and soundness of a fragile financial system is something that still causes remarkable levels of anger and frustration—understandable levels of frustration and anger—of the American people all across the country, regardless of where one lives. The idea is that a firm on Wall Street could get near the brink of disaster and get massive resources poured into them and then we have to watch someone's home in Connecticut or Delaware or Colorado, Tennessee or Alabama foreclosed, a business closed, a retirement account evaporating within a matter of hours, despite the fact these larger institutions were getting the resources from the American taxpayers.

We made an effort—I don't claim by any stretch of the imagination perfection—to try to deal with the reforms. Obviously, it is a complicated matter and complications are added to it. We have 23 members of a committee, not to mention 100 Members of this body who all have various views on what ought to be done, not to mention the other body, the White House, stakeholders, and others, trying to fashion legislation, not saying we are going to stop all financial problems in the future—that would be ludicrous to make such a suggestion—but there will be other financial problems.

What we are going to try and do with this bill and what we think we have done to a large extent with this bill is to say there may be other financial problems but never again should a financial problem of a major financial institution put the rest of the country at risk. That is what happened. Because of their abuses, their greed, the failure of regulators, or the failure of the government to regulate certain institutions, we saw a system go haywire.

I do not mind if some firm wants to go to the casino and gamble with their money. I understand that. But the idea that they would do that with the taxpayers' money or with the well-being of our economy has to stop. Our legislation is designed to do that.

First and foremost, never, ever again should a financial institution get so large, so interconnected, and produce products that put the rest of us at risk. Our legislation shuts that door, we believe, firmly.

Others are arguing because, frankly, they do not want to admit what the real argument is about, they do not like the fact we have a consumer protection agency for the first time in the history of our country, so people who buy a mortgage, buy stock, buy an insurance policy, whatever else it may be, will have someplace to go if, in fact, they are being abused. That is exactly what happened. They were abused in too many instances. Rather than focus their criticism on that, they are focusing on other things that, frankly, we are dealing with very effectively in the legislation.

We also set up an early warning system to the largest extent possible so we know what is going on out there with products and firms that bring us to the brink of disaster as they did only a few short months ago.

We are looking at some of these exotic instruments—credit default swaps, derivatives, over the counter—an industry that went from about $90 billion and within the space of 6 or 7 years, to close to $600 billion. It exploded in large measure because it was in the shadow economy. That ends with this bill. They are going to have the glaring light of sunshine on them through exchanges so the American people can know exactly what these instruments are and how much risk is being taken with their use.

There are elements of this country that do not like that idea because they would rather not have the light shone on them to examine what they are, but we are determined to see to it that is going to be the case in our legislation as well.

There are a lot of other provisions in a 1,400-page bill that deal with other matters related to all of this business. I wanted to inform my colleagues that we have a strong bill coming out of our committee—a fully independent consumer protection agency, bureau or division. It is housed in the Federal Reserve in our bill, which has caused some people to wonder how independent it can be. It is totally independent. Its head will be appointed by the President of the United States. That head would then have to be confirmed by the Senate. The budget this agency would have is going to be separate from other budgets. It will have its own line of funding to go forward. It has independent authority on rulemaking, examination, and enforcement with institutions that have assets in excess of $10 billion. And for those that are smaller than that, the examination and enforcement will be done at the State level or others will be responsible.

Many are concerned this would reach down to the community banks. We separated that out. I know my colleagues expressed that view. That we have finally someone watching out is going to be very important. We were told for years our system was safe and sound because they were making a lot of money. As we learned painfully, that is not the only criteria to determine whether a financial institution is safe or sound. In fact, they were anything but safe and sound, despite their earnings reports. We subsequently learned that people were put into homes they never could afford, did not understand because these institutions were securitizing those mortgages, bundling them together and then selling them to unwitting investors because they had ratings on them that never reflected the reality of what those instruments were worth in our country. Our legislation deals with that as well in a very strong and effective manner.

My only purpose in sharing a few thoughts this afternoon before adjournment occurs is to say I hope my colleagues in their visits back to their States, in talking with their constituents, will talk about these issues. Listen to your businesses on Main Street. Listen to the borrowers. Listen to the users and the customers of financial institutions.

The institutions are going to call you. They are going to write you. They are going to find you, believe me, because many of them do not like what I have done in this bill. They would like the status quo to be maintained. You are going to hear from them, I promise you. You are going to have to work a little harder to listen to the voices out there who may not contact you about this but will tell you what it is like to try to borrow money, make an investment, get credit, buy a home, get a student loan in order to afford the cost of higher education. I urge my colleagues

to listen to those voices as well. They deserve to be heard in this debate. Then I hope we will have the kind of full-throated debate when we get back, meet with the other body with a final product, and hopefully give the President of the United States a bill worthy of the challenge before us.

This is the single largest reform of financial services since the thirties. It is long overdue. We must not fail in our obligation to meet the challenges. If we leave here failing to do this, we will expose our economy, and the American public will never, ever again write a check as they did in the fall of 2008. You can forget about that. We need to make sure these firms that get into trouble understand the presumption is bankruptcy, receivership. Shareholders will pay a price, and management goes. The idea that you are going to be able to count somehow on the American taxpayer pulling your chestnuts out of the fire is over within the ''too big to fail'' concept.

The importance of achieving that goal along with these other reforms I think will have the desired effect. Failure to do that leaves us exposed to the kinds of financial challenges we have witnessed over the last several years.

Again, a business, I say respectfully, in Connecticut, Delaware, or Colorado, a homeowner in those States should not have to pay the price because a handful of financial institutions got too greedy, too risky, and were unwilling to examine what they were doing or did, recognizing the Federal Government would bail them out if they made a bad choice, which they did.

I look forward to that debate and presenting the bill our committee marked up on Monday of this past week.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

## HEALTH CARE

Mr. UDALL of Colorado. Mr. President, I rise today to speak on behalf of the millions of Americans who know our Nation is desperately in need of health care reform. Traveling across Colorado this past year, a common theme surfaced as I spoke with families, health care providers, and businesses alike. They all want a health care system that tackles costs, improves quality, and puts their needs first.

I have heard, as I know the Presiding Officer has in his home State of Delaware, stories of Coloradans who paid a lifetime of health care premiums in order to provide for their families, all to have an insurance company drop their coverage because a wife or a husband or a child became ill.

Visiting with health care providers, I heard about the waste and abuse in our system. They have all pleaded with me to have commonsense reforms that get them back to the business they thought they were entering years ago—the business of caring for their fellow Americans beset by illness and disease.

I heard from small business owners who continue to see double-digit increases in insurance costs, in many cases for the ninth or the tenth or even more years in a row. These small business owners want to see relief, not for themselves but because they do not want to have to choose between laying off workers and leaving their workers vulnerable to medical bankruptcies.

Decade after decade, we see how the fine print of insurance company policies puts shareholder interests above those of American families and how partisanship has prevented the kind of progress everyone agrees is sorely needed.

I have good news. Despite all the ugly rhetoric, distortions, and misrepresentations we have heard, Coloradans and the rest of the country can finally rest assured that someone has put their interests first.

This week, I watched as President Obama signed into law the kind of reforms that will free Americans from the shackles of never-ending cost increases, dropped coverage, and unfair practices that put profits above the provision of care.

Throughout this past fall and winter, I joined you, Mr. President, and the rest of our freshman class in the Chamber repeatedly to talk about the urgent need for health care reform. We shot down false claims, challenged the phony reasoning that was out there, and pointed out where the rhetoric ends and reality begins.

Over the past few days, many more of our colleagues from this side of the aisle have compellingly and eloquently explained how important the new health reform law is to both the American people and the American economy. The fact is that this historic bill signed by the President saves lives, saves money, and it saves Medicare.

Bringing this long debate to a close, I wish to speak directly to the people of Colorado. It is important that they know how these health insurance reforms will benefit their families and the rest of our great State.

As a result of the President signing the Patient Protection and Affordable Care Act into law, the parents of Colorado's 1.2 million children can sleep easy starting this year knowing that insurance companies no longer have the right to deny their kids health care coverage because of a preexisting condition.

Also starting in 2010, almost half a million, 500,000 young adults in Colorado who would otherwise be kicked off their parents' health care policies can maintain that coverage through to their 27th birthday. This is particularly welcome to me, as I know it is for many Coloradans, because I have two college-age kids who fit into the category I just described.

We have 575,000 seniors in our Medicare Program, and for every single one of them, this new law will protect—I want to emphasize that—will protect their guaranteed benefits and immediately allow them to get preventive care with absolutely no copay or out-of-pocket costs. This added benefit, contrary to what we have heard, will increase their health care coverage under the Medicare Program so that our seniors can continue to live happy and healthy lives.

This new law goes to great lengths to help slow the growth of health care costs and, by doing so, it is projected that these lower costs will allow Colorado's employers to hire up to 6,500 new employees in our State. And for as many as 68,000 small businesses, health reform will begin providing millions of dollars in tax credits so they can afford to offer health insurance to their employees.

Yesterday, we sat here and cast 56 votes as Democrats to make final improvements to the Patient Protection and Affordable Care Act. That reconciliation measure we passed yesterday will provide prescription drug relief as well for our Colorado seniors. More than 100,000 Colorado seniors, such as my friend Frank Blakely in Colorado Springs, will pay less for prescription drugs.

Right now, these seniors hit what we all know here as the Medicare part D doughnut hole, which means they have to pay thousands of dollars directly out of pocket for their medicines. But beginning this year, every one of these seniors will receive a $250 check to help them offset those costs, and we will begin to close the overall gap in Medicare coverage so that we completely fill this doughnut hole by the year 2020. I know this will be welcome relief to those on fixed incomes all across the United States, because it will free up scarce retirement dollars to visit family members, help pay a grandchild's college tuition or even to help, in some cases, put food on the table.

I think one of the overriding features of health reform is the freedom it will give to Coloradans and hard-working Americans—the freedom to change jobs, to launch a business, to even start a family while knowing that health care coverage will be there for them when they need it. Americans need to know their country won't leave them to fend for themselves when an insurance company denies or drops their coverage. They deserve peace of mind to know that someone is on their side.

Over the last few days we have heard a lot of the same misleading rhetoric that we did back in August by those who were dead set on levying accusations rather than working on real reform. Well, health reform has become the law of the land and the American people don't have to wait any longer for these important reforms. The legislation we passed will establish a sturdy foundation upon which we will build, improve, and strengthen access to health care in America. Will there be mistakes made along the way? I don't doubt it.

I am a lifelong mountain climber, and I know from experience that any difficult climb includes storms, and you make a mistake finding your route along the way. But what matters is that you dust yourself off and you move forward. I think there have been a lot of storms on this journey so far, and it hasn't been perfectly smooth. But it has been in the right direction. Despite our stumbles and twists and turns along the way, we kept our eye on the summit in front of us, where providing quality affordable coverage for every American is a reality.

Every successful expedition, in my experience, has a leader, and I want to take a moment to recognize our leader, Senate Majority Leader REID. He has literally had the health and well-being of millions of Americans on his shoulders—some would say the weight of the world. That is a heavy backpack. But at the same time he has shouldered that load, been an unwavering advocate for reform, and he has exemplified the American resiliency which has helped make our Nation the greatest Nation on Earth.

I would also like to thank my staff, especially Jake Swanton and John Rayburn, who have worked tirelessly to fight for Colorado and make quality affordable health coverage a reality for millions of Americans.

As I close, I want to say how proud I am that the health care bills we passed this week will modernize our health care delivery system, increase much-needed choice and competition within the health insurance industry, and help put our economy back on track, while clearly improving the financial security of middle-class working families.

This has been an historic week for Colorado and for the American people. The victory, of course, isn't for the Senate or the House, or the President, or for our political parties, it is for the American people. I have certainly been humbled to have been given the opportunity to serve my great State during this unforgettable, long, and sustained debate, and I look forward to the important climbs that still await us as we implement this very important piece of legislation.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

## PATIENT PROTECTION AND AFFORDABLE CARE ACT

Mr. REID. Mr. President, the signing of the Patient Protection and Affordable Care Act was historic. In addition to providing coverage and lowering health insurance costs for millions of Americans, the legislation will truly transform how care is delivered in the United States. As part of this new law, we are improving Medicare for the seniors and people with disabilities who depend on the program, extending the solvency of the program, and closing the prescription drug doughnut hole.

The Patient Protection and Affordable Care Act creates the Independent Payment Advisory Board, IPAB. The Finance Committee, led by Chairman BAUCUS and Senator ROCKEFELLER, devised the board to provide reason and expertise to Medicare payment policy. Experts have concluded that the board will in fact bend the cost curve, achieving key goals of health reform: lowering costs overall and increasing Medicare's longevity.

Built into the IPAB are protections for beneficiaries from limits on care and increased costs. The Senate will ensure that the new board operates in a transparent way with input from patients, providers, and experts to guarantee the best outcomes and continued access to care. Moreover, we in the Senate will oversee Medicare and the IPAB to protect the seniors and people with disabilities. Medicare is one of our most treasured programs, and the IPAB will only improve the program for beneficiaries in the future.

## COWBOY POETRY WEEK

Mr. REID. Mr. President, I rise today to recognize the ninth annual Cowboy Poetry Week, which will be celebrated from April 18 to 24, 2010. Across the Western States, in public libraries, museums, and over the airwaves, cowboy poets and cowboy poetry enthusiasts will come together to celebrate the spirit of the West through this unique art form. What began as storytelling over the campfire has evolved into both a way to preserve the history and culture of the West, as well as a modern art form that embraces the cowboy way of life.

The National Cowboy Poetry Gathering, in Elko, NV, celebrated its 26th anniversary this January. Through events like this, cowboy poetry has experienced a resurgence in recent years, at once preserving recitation traditions that are a central form of artistry in communities throughout the West and promoting popular poetry and literature to the general public. At cowboy poetry gatherings, urban populations are able to glimpse a way of life that continues to exist on rangelands across the West.

As someone from a small town in Nevada, I have seen firsthand how the West has changed since I was young, but thanks to cowboy poets, among others, we will never lose the true spirit of the West. For this reason, I would like to thank the thousands of people out there in a few short weeks celebrating Cowboy Poetry Week, and I wish them all an enjoyable and successful week.

## RECONCILIATION

Ms. STABENOW. Mr. President, over the last several days, the Senate voted on a number of amendments to H.R. 4872, the Health Care and Education Reconciliation Act of 2010. This important legislation makes changes to the Patient Protection and Affordable Care Act, which President Obama signed into law on Tuesday. In short, it makes a good bill better.

Now, at the very last minute, my colleagues on the other side have offered a number of amendments designed to play games with Americans' health care and to cause delays and obstructions as we reach final passage of this bill. I voted against the long list of amendments offered by the other side—as did the majority of the Senate—not because some weren't good amendments but because this was not the appropriate legislation to attach them to. I have been and will continue to be a champion of many of these issues, but I will not vote to play games with the health care of American families. Trying to tackle these issues at the last minutes of the health care debate is not appropriate or wise or responsible. Instead, I look forward to working with my colleagues in the coming months to find bipartisan solutions to these problems.

## WOMEN'S HISTORY MONTH

Mr. BURR. Mr. President, today I rise to speak on the important occasion of Women's History Month. Since 1987, the month of March has been dedicated not only to remembering and appreciating the distinguished accomplishments of women, but also to commending their continued positive influence on society. I would like to call particular attention to the contributions of North Carolina women, as they have consistently proven themselves to be revolutionary in their thoughts and actions and have contributed immensely to the development of our Nation since its conception.

Our way of life has been bettered in countless ways by women revolutionaries, crusaders, politicians, athletes, and everyday citizens of North Carolina. From the 51 patriotic women who organized the Edenton Tea Party to Dolley Madison, whose social grace and political acumen helped create the modern White House; from Harriet Jacobs, a North Carolina escaped slave who exposed the injustices of slavery in her ''Incidents in the Life of a Slave Girl,'' to Mary Jane Patterson, the first African-American woman to receive a bachelor of arts degree; from Tabitha Ann Holton, the first licensed female attorney in North Carolina and the South, to Dr. Annie Lowrie Alexander, the State's first female physician; from Sallie Walker Stockard, the first woman to graduate from the University of North Carolina to Kay Yow, the great North Carolina State University women's basketball coach who led

American women to gold at the 1988 Seoul Olympics; from Eliza Jane Pratt, the first woman to represent North Carolina in the United States Congress to Elizabeth Dole, the first female U.S. Senator from North Carolina and dedicated public servant, the history of North Carolina's women is America's history, and it is truly remarkable.

During Women's History Month, we honor the generations of women who have achieved notoriety in the past, however, we must do more than remember. It is imperative that we reflect on the present and prepare for the future. It is the hardworking North Carolina women who are continuing to serve our society as parents, doctors, teachers, nurses, businesswomen, soldiers, marines, and in countless other capacities that will impact our Nation's history in a powerful and positive way. We must build on the legacy of these great North Carolina women, especially those who serve anonymously and who have preserved the American way of life while contributing so much to the strength and character of our Nation. The women of our great State have triumphed throughout our history, and I know that they will play a leading role in our future.

## CLOSING THE GUN SHOW LOOPHOLE

Mr. LEVIN. Mr. President, on March 4, 2010, John Patrick Bedell, a 36-year-old Californian with a history of mental illness, arrived at the Pentagon after a manic, cross-country journey. At 6:40 pm, Mr. Bedell, armed with two 9mm handguns, walked to the security checkpoint at the Pentagon entrance and started shooting. Three Pentagon security officers, Colin Richards, Jeffrey Amos and Marvin Carraway, returned fire and brought down Mr. Bedell, who later died from his injuries. Mr. Amos and Mr. Carraway were wounded in the exchange, but thankfully have fully recovered. If not for the decisive action taken by these brave officers, this apparently random attack could have claimed more victims. And while I am pleased the Pentagon's security system worked in this instance, I remain deeply troubled by the fact that Mr. Bedell was able to acquire firearms in the first place.

Since the shooting, law enforcement officials have been able to partially trace the firearms used by Mr. Bedell. One handgun was sold last year to a private individual at a Las Vegas gun show, and that person later resold the gun to a third person. At that point, according to authorities, they were not able to further trace the gun's ownership history until Mr. Bedell opened fire on March 4. This murky trail perfectly illustrates the danger of unregulated, private firearm transactions.

Under the Brady Law, before an individual can purchase a gun from a licensed dealer, they must pass a background check to ensure they are not legally prohibited from purchasing a firearm. In 2008, 9.9 million background checks were conducted for firearm purchases, 147,000 of which were rejected. The majority of these denials were the consequence of a prior conviction, indictment or a history of mental illness. However, when an individual purchases a handgun from a private citizen, who is not a licensed gun dealer, there are no requirements to ensure that the purchaser is not in a prohibited category. Neither the Las Vegas gun show sale, nor the subsequent private transactions that ultimately resulted in Mr. Bedell acquiring the firearm, were regulated. Due to this ''gun show loophole'' in federal law, authorities were not aware of, or able to block this string of private sales, which led to Mr. Bedell purchasing the weapon and using it to attack the Pentagon. In fact, according to news reports, Mr. Bedell attempted to buy a gun from a licensed firearm dealer in California, but the sale was blocked because he fell into a prohibited category.

Because private party transactions account for approximately 40 percent of all gun sales, current Federal background check requirements have a limited impact on the overall rates of gun related violent crime. To better protect our communities from gun related violence, background checks should be required for all prospective firearm transactions, including private transactions. To that end, I am a cosponsor of the Gun Show Background Check Act of 2009, S.843, which was introduced by Senator FRANK LAUTENBERG. This bill would extend the protections of the Brady Law to purchases made at gun shows, thereby closing the loophole that currently permits gun sales without criminal background checks. I urge my colleagues to take up and pass this commonsense legislation.

## PASSAGE OF S. 3186

Mr. LEAHY. Mr. President, I am pleased that the Senate acted to pass legislation that will extend key provisions of the Satellite Home Viewer Act through the end of April. The statutory licenses and Communications Act authorizations that are contained in this act allow consumers to receive broadcast network stations by satellite. These consumers are otherwise unable to receive these signals over-the-air, and ensuring that they continue to have access to network programming is critical. I understand that the House of Representatives also took up and passed the Senate measure last night. By passing this short-term extension, we can be sure that nobody will be left in the dark while Congress is away. I look forward to a full reauthorization of this act being signed into law once we return from Easter recess.

## RED CROSS MONTH

Mr. BROWNBACK. Mr. President, I wish today to join with the American Red Cross and elebrate March as American Red Cross Month. Throughout the history of this organization, the American Red Cross has demonstrated not only their fierce and patriotic loyalty to this country and our needs but to those abroad as well.

This year, many of our brothers and sisters worldwide have experienced extreme devastation. The earthquakes in Haiti and Chile showed us not only how fragile life can be but the importance of humanitarian response to those in need.

Alexander Solzhenitsyn, a Russian novelist, historian, and Nobel Laureate for literature knew the power of our interconnectedness as it relates to our own humanity. He said, ''The salvation of mankind lies only in making everything the concern of all.''

No other organization embodies this philosophy more than the American Red Cross and of the vision articulated by Clara Barton, founder of this wonderful organization that has helped countless individuals—both domestic and abroad—in times of crisis.

Whether comforting a wounded soldier during battle, assisting those who are recovering from a natural disaster, or administering life-saving blood to a sick patient, the American Red Cross is there, never wavering but standing steadfast in the service to humanity.

This year especially, they have been ever vigilant in remaining true to the humanitarian nature of their organization. In Haiti, the Red Cross distributions of food and relief supplies continue throughout urban settlements and are reaching approximately 12,500 people each day. To date, nearly 27,000 people have been vaccinated in the coordinated immunization campaign, in which the Red Cross health care units and the Haitian National Red Cross Society are participating. The American Red Cross has provided approximately $375,000 in operational funding for this campaign.

In Chile, the American Red Cross has increased the funds committed from its International Response Fund to $250,000 in support of Red Cross response operations. It will be contributing these funds toward the International Federation's emergency appeal. Additionally, the International Federation has announced a disaster plan of action and funding in the amount of $6.4 million to support Chilean Red Cross relief operations to assist 75,000 people for 6 months in the areas of shelter, water and sanitation, health and telecommunications. This is in addition to $280,000 released from its Disaster Response Emergency Fund.

Like the national headquarters of the American Red Cross, I am extremely proud of our Kansas chapters of the American Red Cross organizations and volunteers. From respnding to our own State's natural disasters, to providing programs to our troops such as the Holiday Mail for Heroes Program to providing much needed health and wellness courses—these individuals are

the bedrock upon our local Kansas communities.

Since 1943, every President of the United States has proclaimed March as American Red Cross Month and in turn, the organization uses this month to promote the services provided to the public each and every day. Communities depend on the Red Cross in times of need, the Red Cross depends on the support of the public to achieve its mission.

I am pleased to join with the Red Cross and highlight the courageous work that this organization has accomplished for more than 128 years and continues to accomplish this day. I would also like to take this opportunity to salute all of the tireless volunteers of this organization known as ''Red Crossers'' who for many, have been involved in their communities for 10, 20, even 80 years.

It is very fitting that we celebrate March as American Red Cross Month and continue to advance the principles of this very essential organization.

## ADDITIONAL STATEMENTS

### TRIBUTE TO SENATOR J. BENNETT JOHNSTON

● Ms. LANDRIEU. Mr. President, I wish to congratulate the former senior Senator from Louisiana, Senator J. Bennett Johnston, on receiving the prestigious Centennial Leadership Award. As chairman and ranking member of the Senate Energy and Natural Resources Committee, Senator Johnston oversaw the enactment of two decades' worth of legislation involving our Nation's national parks. It is most appropriate that my former colleague is being honored with this award, and I congratulate him on receiving it.

The Centennial Leadership Award is an appreciation of Senator Johnston's leadership in advancing the National Parks Second Century Commission. In 2008, the National Parks and Conservation Association established an independent commission to develop a 21st century vision for the National Park Service. This Commission was comprised of over 30 national leaders and experts with substantial knowledge of the Nation's National Park System. This Commission met several times, held public meetings, and produced a report recommending expansion of the National Park idea through educational opportunities, community conservation, and local partnerships to preserve our national heritage.

In 2016, this country will celebrate the centennial of the National Park Service. As we get ready to celebrate these breathtaking landscapes and historic treasures, I am especially grateful to Senator Johnston for his leadership over the years in preserving these areas. Senator Johnston's leadership created the Jean Lafitte National Historical Park, the Cane River Creole National Historical Park and National Heritage Area, and the New Orleans Jazz National Historical Park. In addition, he also championed passage of the National Historic Preservation Act Amendments of 1990, the California Desert Protection Act, and has always been a staunch advocate of the Land and Water Conservation Fund. Without his forethought and perseverance, Americans might not have many of these magnificent parks to visit and recreate with their families each year.

Again, I congratulate the former Senator from Louisiana on receiving this award. I think Senator Johnston said it best: ''The national parks truly are America's best idea.'' I couldn't agree more.●

### UNIVERSITY OF MICHIGAN'S MEN'S GLEE CLUB

● Mr. LEVIN. Mr. President, I would like to call attention to the 150th anniversary of the Men's Glee Club at the University of Michigan, the second oldest collegiate chorus in the Nation. Long recognized as one of the world's best male choruses, the Men's Glee Club is a talented and highly entertaining group. This impressive milestone will be marked by a series of events in early April. Alumni from across the Nation will gather in Ann Arbor to commemorate this occasion, celebrating 150 years of outstanding musical achievement.

The Men's Glee Club, which currently numbers more than 100 and is led by director Paul Rardin, was started by a handful of students in 1859. This chorus has evolved from its early years when it was divided into groups by academic year and some of those groups were accompanied by instruments. Ultimately, these groups would unite, and ever since, the chorus has enjoyed steady and growing success.

In the 1920s, the Glee Club began to venture beyond Michigan's border to tour the Nation, often by train. After World War II, the Glee Club sought to widen its audience through the use of radio, television and recordings. In 1955, the Glee Club decided to venture internationally, touring Western Europe. In 1959, the chorus won its first international competition, the International Musical Eisteddfod in Llangollen, Wales. This accomplishment was especially gratifying because the Glee Club was the first American group to do so. Since then, the Men's Glee Club has won this prestigious competition on three more occasions.

In the ensuing years, the U-M Men's Glee Club has continued to travel internationally, cementing an international reputation for excellence. In 1967, the Glee Club embarked on an 8-week, around the world tour to mark the University of Michigan's 150th anniversary of its founding. In the 1980s, the Glee Club performed at Avery Fisher Hall in New York and at Tiger Stadium in Detroit prior to a World Series game.

Among the group's notable alumni are individuals such as former New York governor Thomas Dewey, Metropolitan Opera star Russell Christopher, CNN medical reporter Sanjay Gupta, and Bob McGrath, a tenor who sang on the Mitch Miller Show before becoming a star on Sesame Street.

The University of Michigan is renowned for excellence across many disciplines, so it is no surprise the Men's Glee Club has had such a rich history. I know my colleagues join me in paying tribute to the University of Michigan Men's Glee Club on their 150th anniversary. I look forward to another 150 years of harmony and outreach.●

## MESSAGES FROM THE HOUSE

At 9:38 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1612. An act to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service.

H.R. 4360. An act to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the ''Major Charles Robert Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center''.

H.R. 4957. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 3186. An act to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the title of the bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients, and that the House agrees to the amendment of the Senate to the text of the aforesaid bill, with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILL SIGNED

At 10:54 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4872. An act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

ENROLLED BILL SIGNED

At 11:11 a.m., a message from the House of Representatives, delivered by

Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 3186. An act to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

ENROLLED BILL SIGNED

At 12:45 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4938. An act to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

ENROLLED BILL SIGNED

At 1:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4957. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1612. An act to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service; to the Committee on Energy and Natural Resources.

H.R. 4360. An act to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the ''Major Charles Robert Stoltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center''; to the Committee on Veterans' Affairs.

H.R. 4783. An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated; to the Committee on Finance.

H.R. 4786. An act to provide authority to compensate Federal employees for the 2-day period in which authority to make expenditures from the Highway Trust Fund lapsed, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4849. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, extend the Build America Bonds program, provide other infrastructure job creation tax incentives, and for other purposes; to the Committee on Finance.

H.R. 4915. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Finance.

## MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 725. An act to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes .

H.R. 1065. An act to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5213. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Implementation of both the Understandings Reached at the 2009 Australia Group (AG) Plenary Meeting and a Decision Adopted under the AG Intersessional Silent Approval Procedures'' (RIN0694–AE85) received in the Office of the President of the Senate on March 23, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5214. A communication from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to the Department's intent to impose new foreign policy-based export controls on certain concealed object detection equipment and related software and technology; to the Committee on Banking, Housing, and Urban Affairs.

EC–5215. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; $NO_x$ Budget Trading Program; Correction'' (FRL No. 9129–9) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Environment and Public Works.

EC–5216. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Michigan; PSD Regulations'' (FRL No. 9129–5) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Environment and Public Works.

EC–5217. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Revision to Control Volatile Organic Compound Emissions in the Houston/Galveston/Brazoria 8-Hour Ozone Nonattainment Area'' (FRL No. 9130–8) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Environment and Public Works.

EC–5218. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Commercial Fishing Operations; Harbor Porpoise Take Reduction Plan Regulations'' (RIN0648–AW51) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Environment and Public Works.

EC–5219. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Wassenaar Arrangement 2008 Plenary Agreements Implementation: Categories 1, 2, 3, 4, 5 Parts I and II, 6, 7, 8 and 9 of the Commerce Control List, Definitions, Reports; Correction'' (RIN0694–AE58) received in the Office of the President of the Senate on March 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5220. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Export Administration Regulations to Enhance U.S. Homeland Security: Addition of Three Export Control Classification Numbers (ECCNs) and License Review Policy'' (RIN0694–AE58) received in the Office of the President of the Senate on March 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5221. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska'' (RIN0648–XV12) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5222. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program'' (RIN0648–XV03) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5223. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure'' (RIN0648–XU86) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5224. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Inseason Action to Close the Commercial Gulf of Mexico Non-Sandbar Large Coastal Shark Fishery'' (RIN0648–XU90) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5225. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery'' (RIN0648–XU90) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5226. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 10'' (RIN0648–AY00) received in the Office of the

President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5227. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications'' (RIN0648–XT32) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5228. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2010 and 2011 Harvest Specifications for Groundfish'' (RIN0648–XS43) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5229. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2010 and 2011 Harvest Specifications for Groundfish'' (RIN0648–XS44) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5230. A communication from the Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the Department of Commerce's use of category rating; to the Committee on Commerce, Science, and Transportation.

EC–5231. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''New Animal Drug Applications; Confirmation of Effective Date'' (Docket Nos. FDA–2009–N–0436) received in the Office of the President of the Senate on March 23, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–5232. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to the Government Accountability Office recommendations in ''Results-Oriented Cultures: Office of Personnel Management Should Review Administrative Law Judge Program to Improve Hiring and Performance''; to the Committee on Homeland Security and Governmental Affairs.

EC–5233. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Changes to Consolidation of DEA Mailing Addresses'' (RIN1117–AB19) received in the Office of the President of the Senate on March 24, 2010; to the Committee on the Judiciary.

EC–5234. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Information on Foreign Chain of Distribution for Ephedrine, Pseudoephedrine, and Phenylpropanolamine'' (RIN1117–AB07) received in the Office of the President of the Senate on March 24, 2010; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2960. A bill to exempt aliens who are admitted as refugees or granted asylum and are employed overseas by the Federal Government from the 1-year physical presence requirement for adjustment of status to that of aliens lawfully admitted for permanent residence, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 2974. A bill to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Ohio (for himself and Mr. WYDEN):

S. 3189. A bill to amend title 49, United States Code, to allow for additional transportation assistance grants; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU (for herself and Mr. DURBIN):

S. 3190. A bill to reaffirm that the Small Business Reauthorization Act of 1997 does not limit a contracting officer's discretion regarding whether to make a contract available for award pursuant to any of the restricted competition programs authorized by the Small Business Act; to the Committee on Small Business and Entrepreneurship.

By Mrs. HUTCHISON:

S. 3191. A bill to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004, and for other purposes; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COCHRAN (for himself and Mr. WICKER):

S. Res. 471. A resolution recognizing the University of Southern Mississippi for 100 years of service and excellence in higher education; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. THUNE, and Mr. ROCKEFELLER):

S. Res. 472. A resolution in recognition and support of National Safe Digging Month; considered and agreed to.

By Mrs. LINCOLN (for herself and Mr. WICKER):

S. Res. 473. A resolution designating April 4, 2010, as ''National Association of Junior Auxiliaries Day''; considered and agreed to.

By Ms. STABENOW (for herself, Mr. ISAKSON, Mr. JOHANNS, and Mr. UDALL of Colorado):

S. Res. 474. A resolution supporting the designation of April as Parkinson's Awareness Month; considered and agreed to.

By Ms. MURKOWSKI (for herself, Ms. LANDRIEU, Mrs. HUTCHISON, Ms. SNOWE, and Ms. MIKULSKI):

S. Res. 475. A resolution recognizing March 2010 as National Women's History Month; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 649

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 649, a bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

S. 1019

At the request of Mr. HARKIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1019, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1021

At the request of Mrs. LINCOLN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1021, a bill to amend the Internal Revenue Code of 1986 to provide an enhanced credit for research and development by companies that manufacture products in the United States.

S. 2974

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2974, a bill to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes.

S. 3165

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3165, a bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs.

S. 3166

At the request of Mr. SCHUMER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3166, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for persons with investment losses due to fraud or embezzlement.

S. 3180

At the request of Mr. LEMIEUX, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 3180, a bill to prohibit the use of funds for the termination of the Constellation Program of the National Aeronautics and Space Administration, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself and Mr. DURBIN):

S. 3190. A bill to reaffirm that the Small Business Reauthorization Act of 1997 does not limit a contracting officer's discretion regarding whether to make a contract available for award pursuant to any of the restricted competition programs authorized by the Small Business Act; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I am pleased to introduce the Small Business Parity Programs Act of 2010. As the Chair of the Committee on Small Business and Entrepreneurship, I have held a number of hearings and roundtables on the issues affecting small businesses that contract with the Federal Government. The legislation I am introducing today represents the second of several steps the Committee is taking to address some of the disparities and inequalities that prevent our small businesses from receiving their fair share of government contracts.

As the largest purchaser in the world, the Federal Government is uniquely positioned to offer new and reliable business opportunities for our Main Street businesses. Government contracts are perhaps one of the easiest and most inexpensive ways the government can help immediately increase sales for America's entrepreneurs, giving them the tools they need to keep our economy strong and create jobs. When large businesses get government contracts, they can potentially absorb that new work into their workforce. When small businesses get government work they must ''staff up'' to meet the increased demand. By increasing contracts to small businesses by just 1 percent, we can create more than 100,000 new jobs—and today, we need those jobs more than ever.

But small businesses face significant challenges in competing for these contracts, including a maze of complicated regulations, contract bundling, size standards with loopholes for big businesses and a lack of protections for sub-contractors. Despite the fact that federal agencies have a statutory goal to spend 23 percent of their contract dollars on contracts to small firms, and to ensure fair participation by women-owned firms, small disadvantaged firms, service-disabled veteran firms, and HUBZone businesses, the agencies often fall short of these goals.

The Small Business Parity Programs Act of 2010 is just the second of several steps that I am undertaking to ensure that all small businesses have fair access to government contracting opportunities. This particular legislation will reaffirm Congress's intent that government contracting officers have the discretion to choose among any of the small business development and contracting programs when deciding to make a contract award. This legislation makes clear that small businesses that participate in the 8(a), service-disabled veterans, women, and HUBZone programs all have a fair opportunity to win these contracts.

Two recent decisions by the Government Accountability Office misinterpreted Congress's long-standing intent with regard to the operation of the current laws governing these programs. The decisions stated that the HUBZone program had preference over all other small business contracting programs. The decisions were also relied upon in a recent opinion issued by a judge of the Court of Federal Claims, in a case called Mission Critical Solutions v. United States.

I was disappointed by these decisions because they misinterpret the intent of Congress in passing the Small Business Reauthorization Act of 1997. For this reason, along with the Small Business Committee's Ranking Member, Senator OLYMPIA SNOWE of Maine, I filed an amendment containing the provisions included in this bill to S. 1390, the Department of Defense Authorization Act for Fiscal Year 2010. The amendment was accepted and passed the full Senate on July 24, 2009 with overwhelming and bipartisan support. To my disappointment, it did not make it through conference Committee with the House and was left out of the final bill. The Conference Report accompanying that bill did include, however, explicit language reaffirming Congress' intent that ''contracting officers of the Department of Defense and other federal agencies have the discretion whether or not to award contracts pursuant to the HUBZone program'' or any of the other small business procurement programs.

As Chair of the Committee on Small Business and Entrepreneurship, I have focused a considerable amount of energy on promoting the interests of small businesses in the federal contracting arena. The legislation I am introducing will, quite simply, make clear that it has always been Congress' intent to allow contracting officers to accord parity to each restricted competition program authorized by the Small Business Act.

This legislation will have an immediate, positive impact for small businesses seeking fair access to federal contracts. It will reaffirm contracting officers' flexibility to award contracts to HUBZone businesses, which provide important benefits for hard-hit communities. At the same time, it also will reaffirm Congress's intent to ensure robust implementation of the 8(a), SDVO and Women-Owned small business development and procurement programs. Among other things, programs such as these are crucial to enable the government to address the significant discriminatory barriers that evidence submitted to us shows still limit the opportunities available for minority-owned businesses, women-owned businesses, and SDVO businesses to participate in the marketplace.

The language of our bill is intended to make clear that no single restricted competition program has priority over any other, contrary to the misinterpretation of Congress' intent by the GAO and one decision of the Court of Federal Claims. However, nothing in the bill is intended to change the current requirement that, where a contracting officer chooses to make an award pursuant to the HUBZone program, that award must be made on the basis of restricted competition if the contracting officer has a reasonable expectation that at least two qualified HUBZone small business concerns will submit offers and that the award can be made at a fair market price.

It is well past time to provide greater opportunities for the thousands of small business owners who wish to do business with the Federal Government. I believe that this legislation is a good step toward opening those doors.

I hope my colleagues will join me in supporting this simple yet commonsense bill and I look forward to working with them as we move this legislation forward.

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

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

S. 3190

*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 ''Small Business Programs Parity Act of 2010''.

**SEC. 2. SMALL BUSINESS CONTRACTING PROGRAMS PARITY.**

Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking ''shall'' and inserting ''may''.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 471—RECOGNIZING THE UNIVERSITY OF SOUTHERN MISSISSIPPI FOR 100 YEARS OF SERVICE AND EXCELLENCE IN HIGHER EDUCATION

Mr. COCHRAN (for himself and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 471

Whereas classes began at The University of Southern Mississippi (referred to in this preamble as ''the University''), originally named Mississippi Normal College, on March 30, 1910;

Whereas throughout a century of growth, expansion, and changes of name, first to State Teachers College, in 1924, then Mississippi Southern College, in 1940, and ultimately The University of Southern Mississippi, in 1962, the institution has been dedicated to engaging and empowering the citizens of Mississippi to transform lives and communities;

Whereas the University is the only dual-campus university in Mississippi, and the innovative faculty of the University continues to cultivate intellectual development and creativity through the generation, dissemination, application, and preservation of knowledge by annually educating more than 16,000 students from over 100 countries;

Whereas the University is the home of numerous innovative and internationally recognized programs that contribute to the successful research enterprise of the University,

which generates more than $90,000,000 annually;

Whereas the University has more than 125,000 graduates, whose talents and skills have reflected favorably on the State of Mississippi and who have served as trailblazers in the areas of politics, entertainment, law, business, professional athletics, and volunteerism, improving the lives of all they have touched;

Whereas the University is looking ahead as it enters its second century as a premier research university of the Gulf South, with programs in academics, athletics, community service, and the arts that are competitive in the State and region, and throughout the Nation and around the world; and

Whereas the significance of this centennial in the development of the University, and the State of Mississippi, cannot be overemphasized: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes The University of Southern Mississippi for 100 years of service and excellence in higher education; and

(2) proudly shares this commemorative occasion with the administration, faculty, students, and alumni of The University of Southern Mississippi.

## SENATE RESOLUTION 472—IN RECOGNITION AND SUPPORT OF NATIONAL SAFE DIGGING MONTH

Mr. LAUTENBERG (for himself, Mr. THUNE, and Mr. ROCKEFELLER) submitted the following resolution; which was considered and agreed to:

S. RES. 472

Whereas each year the Nation's underground utility infrastructure—including pipelines and electric, gas, telecommunications, water, sewer, and cable television lines—is jeopardized by unintentional damage due to those who fail to have underground lines located prior to digging;

Whereas some lines are buried only a few inches underground, making them easy to strike even during shallow digging projects;

Whereas such digging often has unintended consequences such as service interruption, environmental damage, personal injury, and even death;

Whereas April is the beginning of the peak of excavation projects around the Nation;

Whereas in 2002 Congress required the Department of Transportation and the Federal Communications Commission to establish a 3-digit, nationwide toll-free number to be used by State ''One-Call'' systems;

Whereas in 2005 the Federal Communications Commission designated ''811'' as the nationwide ''One Call'' number for homeowners and all excavators to call before conducting excavation activities;

Whereas the ''One-Call'' system has helped reduce the number of digging damages caused by failure to call before digging from 57 percent in 2004 to 37.5 percent in 2009;

Whereas the 1,400 members of the Common Ground Alliance, who are dedicated to ensuring public safety, environmental protection, and the integrity of services, promote the national ''Call Before You Dig'' campaign to increase public awareness about the importance, for homeowners and excavators, of calling 811 to find out the exact location of underground lines;

Whereas the Common Ground Alliance has designated April as National Safe Digging Month in order to increase awareness of safe digging practices across the country and to celebrate the anniversary of 811, the national ''Call Before You Dig'' number: Now, therefore, be it

*Resolved,* That the Senate supports the goals of National Safe Digging Month and encourages homeowners and all excavators throughout the country to call 811 before digging.

## SENATE RESOLUTION 473—DESIGNATING APRIL 4, 2010, AS ''NATIONAL ASSOCIATION OF JUNIOR AUXILIARIES DAY''

Mrs. LINCOLN (for herself and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 473

Whereas the National Association of Junior Auxiliaries and the members of the National Association of Junior Auxiliaries provide valuable service and leadership opportunities for women who wish to take an active role in their communities;

Whereas the mission of the National Association of Junior Auxiliaries is to encourage member chapters to render charitable services that—

(1) are beneficial to the general public; and

(2) place a particular emphasis on providing for the needs of children; and

Whereas, since the founding of the National Association of Junior Auxiliaries in 1941, the organization has provided strength and inspiration to women who want to effect positive change in their communities: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates April 4, 2010, as ''National Association of Junior Auxiliaries Day'';

(2) recognizes the great contributions made by members of the National Association of Junior Auxiliaries to their communities and to the people of the United States; and

(3) especially commends the work of the members of the National Association of Junior Auxiliaries to better the lives of children in the United States.

## SENATE RESOLUTION 474—SUPPORTING THE DESIGNATION OF APRIL AS PARKINSON'S AWARENESS MONTH

Ms. STABENOW (for herself, Mr. ISAKSON, Mr. JOHANNS, and Mr. UDALL of Colorado) submitted the following resolution; which was considered and agreed to:

S. RES. 474

Whereas Parkinson's disease is the second most common neurodegenerative disease in the United States, second only to Alzheimer's disease;

Whereas even though there is inadequate comprehensive data on the incidence and prevalence of Parkinson's disease, as of 2010, it is estimated that the disease affects over 1,000,000 people in the United States;

Whereas although research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown;

Whereas there is no objective test for Parkinson's disease and the rate of misdiagnosis can be high;

Whereas symptoms of Parkinson's disease vary from person to person and include tremor, slowness, difficulty with balance, swallowing, chewing, and speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep disruptions;

Whereas medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side-effects;

Whereas ultimately the medications and treatments lose their effectiveness, generally after 4 to 8 years, leaving the person unable to move, speak, or swallow;

Whereas there is no cure, therapy, or drug to slow or halt the progression of Parkinson's disease;

Whereas increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson's disease;

Whereas the Federal Government, through the National Institutes of Health, the Department of Defense Neurotoxin Exposure Treatment Parkinson's Research Program, the Veterans Affairs Parkinson's Disease Research, Education and Clinical Centers, and other agencies, supports vital work to better understand Parkinson's disease and to find new treatments; and

Whereas the Parkinson's community will gather in Central Park on April 24, 2010, for the Parkinson's Unity Walk, an annual gathering inspiring people with Parkinson's, their friends, and their families: Now, therefore, be it

*Resolved,* That the Senate—

(1) supports the designation of April as Parkinson's Awareness Month;

(2) supports the goals and ideals of Parkinson's Awareness Month;

(3) continues to support research to find better treatments, and eventually, a cure for Parkinson's disease;

(4) recognizes the people living with Parkinson's who participate in vital clinical trials to advance our knowledge of this disease; and

(5) commends the dedication of local and regional organizations, volunteers, and millions of Americans across the country working to improve the quality of life of persons living with Parkinson's disease and their families.

## SENATE RESOLUTION 475—RECOGNIZING MARCH 2010 AS NATIONAL WOMEN'S HISTORY MONTH

Ms. MURKOWSKI (for herself, Ms. LANDRIEU, Mrs. HUTCHISON, Ms. SNOWE, and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 475

Whereas the purpose of National Women's History Month is to increase awareness and knowledge of women's involvement in history;

Whereas as recently as the 1970s, women's history was rarely included in the kindergarten through grade 12 curriculum and was not part of public awareness;

Whereas in 1981, responding to the growing popularity of women's history celebrations, Congress enacted a joint resolution designating the week beginning March 7, 1982, as '' Women's History Week'' (Public Law 97–28; 95 Stat. 148);

Whereas during the week of March 7, 1982, thousands of schools and communities joined in the commemoration of National Women's History Week, with support and encouragement from governors, city councils, school boards, and Congress;

Whereas in 1987, the National Women's History Project petitioned Congress to expand the national celebration to include the entire month of March;

Whereas educators, workplace program planners, parents, and community organizations in thousands of communities in the

United States, have turned National Women's History Month into a major local learning experience and celebration;

Whereas the popularity of women's history celebrations has sparked a new interest in uncovering women's forgotten heritage;

Whereas the President's Commission on the Celebration of Women in American History was established to consider how best to acknowledge and celebrate the roles and accomplishments of women in the history of the United States;

Whereas the National Women's History Museum was founded in 1996 as an institution dedicated to preserving, interpreting, and celebrating the diverse historic contributions of women, and integrating this rich heritage fully into the Nation's teachings and history books; and

Whereas the theme of National Women's History Month for 2010 is writing women back into history: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes March 2010 as National Women's History Month;

(2) supports the goals and ideals of National Women's History Month; and

(3) recognizes and honors the women and organizations in the United States that have fought for and continue to promote the teaching of women's history.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3718. Mr. KAUFMAN (for Mr. DODD) proposed an amendment to the bill H.R. 4573, to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.

SA 3719. Mr. KAUFMAN (for Mr. BAUCUS) proposed an amendment to the resolution S. Res. 427, designating the first week of April 2010 as ''National Asbestos Awareness Week''.

## TEXT OF AMENDMENTS

**SA 3718.** Mr. KAUFMAN (for Mr. DODD) proposed an amendment to the bill H.R. 4573, to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes; as follows:

On page 3, line 4, insert '', before February 1, 2015,'' after ''provision''.

On page 3, lines 18 and 19, strike ''relief'' and all that follows through ''Haiti.'' and insert ''relief and debt service relief for Haiti and, before February 1, 2015, to provide grants for Haiti.''.

On page 4, line 7, insert ''and future generations'' after ''Haiti's future''.

**SA 3719.** Mr. KAUFMAN (for Mr. BAUCUS) proposed an amendment to the resolution S. Res. 427, designating the first week of April 2010 as ''National Asbestos Awareness Week''; as follows:

Strike the 8th whereas clause of the preamble.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 26, 2010, at 9 a.m.

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

## PRIVILEGES OF THE FLOOR

Ms. STABENOW. Mr. President, I ask unanimous consent that Randy Aussenberg and Ivie English of the Finance Committee staff be accorded the privilege of the floor for today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## CLARIFYING MINIMUM ESSENTIAL COVERAGE

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Veterans Affairs Committee be discharged from further consideration of S. 3162 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. 3162) to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage.

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

Mr. KAUFMAN. 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 any statements related to the bill be printed in the RECORD.

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

The bill (S. 3162) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3162

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

**SECTION 1. CLARIFICATION OF HEALTH CARE PROVIDED BY THE SECRETARY OF VETERANS AFFAIRS THAT CONSTITUTES MINIMUM ESSENTIAL COVERAGE.**

(a) IN GENERAL.—Clause (v) of section 5000A(f)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act, is amended to read as follows:

''(v) chapter 17 or 18 of title 38, United States Code, or otherwise under the laws administered by the Secretary of Veterans Affairs, of an individual entitled to coverage under such chapter or laws for essential health benefits (as defined by the Secretary for purposes of section 1302(b) of the Patient Protection and Affordable Care Act) insofar as such benefits are available under such chapter or laws; or''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 1501(b) of the Patient Protection and Affordable Care Act and shall be executed immediately after the amendments made by such section 1501(b).

## PROTECTING THE INTEGRITY OF THE CENSUS ACT

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 4621, 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. 4621) to protect the integrity of the constitutionality mandated United States census and prohibit deceptive mail practices that attempt to exploit the decennial census.

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

Mr. KAUFMAN. 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 any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 4621) was ordered to be read a third time, was read the third time, and passed.

## HAITI DEBT RELIEF AND EARTHQUAKE RECOVERY ACT OF 2010

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4573, which was received from the House.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4573) to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.

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

Mr. KAUFMAN. Mr. President, I ask unanimous consent that a Dodd 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 any statements related to the bill be printed in the RECORD.

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

The amendment (No. 3718) was agreed to, as follows:

On page 3, line 4, insert '', before February 1, 2015,'' after ''provision''.

On page 3, lines 18 and 19, strike ''relief'' and all that follows through ''Haiti.'' and insert ''relief and debt service relief for Haiti

and, before February 1, 2015, to provide grants for Haiti.''.

On page 4, line 7, insert ''and future generations'' after ''Haiti's future''.

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

The bill (H.R. 4573), as amended, was read the third time, and passed.

## RECOGNIZING AND HONORING THE BLINDED VETERANS ASSOCIATION

Mr. KAUFMAN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.J. Res. 80, which was received from the House and is at the desk.

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

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 80) recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families.

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

Mr. AKAKA. Mr. President, today I ask our colleagues to support a joint resolution honoring and recognizing the Blinded Veterans Association for its 65 years of dedication to blinded veterans, and their families.

On March 28, 1945, during the closing stages of World War II, a group of nearly 100 blinded veterans were recuperating at the Old Farms Army Convalescent Hospital near Avon, Connecticut. These men discussed the challenges they had faced and those they were yet to experience, and decided to form an organization with the express purpose of helping other fellow blinded veterans. It was on that day that the Blinded Veterans Association was born.

The war-blinded population is one with unique needs and as such, requires specialized care and support. BVA has filled an essential role, serving as an ardent advocate and engaging in outreach efforts, to ensure these men and women regain independence and confidence, and experience a smooth transition into civilian life.

After 65 years of service, BVA continues to actively contribute to the betterment of blinded veterans' lives. BVA conducts two programs that help to reintegrate newly blinded veterans of our current wars back into their communities. The Field Service Program strategically places legally blind veteran representatives in different geographical areas, to ensure newly blinded veterans are aware of what health care services they qualify for, and are equipped with the necessary skills and tools to deal with life after sight loss. Operation Peer Support links returning blinded OEF/OIF veterans with blinded veterans of previous wars who faced similar challenges, thereby providing role models and necessary support. BVA further supports this important community by offering academic scholarships each year to a limited number of blinded veteran dependents.

Blinded veterans have sacrificed much for this nation and deserve the best care and support. As their voice, BVA has helped Congress ensure we are doing everything within our reach to assist these brave men and women as they adapt to a new life after service.

Mr. President, I urge passage of this joint resolution honoring BVA on its 65th anniversary of advocacy on behalf of blinded veterans, on March 28, 2010.

Mr. KAUFMAN. I ask unanimous consent the joint resolution be read three times and passed, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The joint resolution (H.J. Res. 80) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

## COMMEMORATING THE 80TH ANNIVERSARY OF THE DAUGHTERS OF PENELOPE

## DESIGNATING SEPTEMBER 2010 AS ''NATIONAL CHILDHOOD OBESITY AWARENESS MONTH''

Mr. KAUFMAN. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 117 and S. Res. 412 en bloc, and the Senate proceed to their immediate consideration en bloc.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 117) commemorating the 80th anniversary of the Daughters of Penelope, a preeminent international women's association and affiliate organization of the American Hellenic Educational Progressive Association (AHEPA).

A resolution (S. Res. 412) designating September 2010 as ''National Childhood Obesity Awareness Month''.

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

Mr. KAUFMAN. I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate en bloc, and any statements related to the resolutions be printed in the RECORD at the appropriate place.

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

The resolutions (S. Res. 117) and (S. Res. 412) were agreed to en bloc.

The preambles were agreed to en bloc.

The resolutions, with their preambles, read as follows:

S. RES. 117

Whereas the Daughters of Penelope is a leading international organization of women of Hellenic descent and Philhellenes, founded November 16, 1929, in San Francisco, California, to improve the status and well-being of women and their families and to provide women the opportunity to make significant contributions to their community and country;

Whereas the mission of the Daughters of Penelope is to promote the ideals of ancient Greece, philanthropy, education, civic responsibility, good citizenship, and family and individual excellence, through community service and volunteerism;

Whereas the chapters of the Daughters of Penelope sponsor affordable and dignified housing to the Nation's senior citizen population by participating in the Department of Housing and Urban Development's section 202 housing program (12 U.S.C. 1701q);

Whereas Penelope House, a domestic violence shelter for women and their children sponsored by the Daughters of Penelope, is the first of its kind in the State of Alabama and is recognized as a model shelter for others to emulate throughout the United States;

Whereas the Daughters of Penelope Foundation, Inc. supports the educational objectives of the Daughters of Penelope by providing tens of thousands of dollars annually for scholarships, sponsoring educational seminars, and donating children's books to libraries, schools, shelters, and churches through the ''Open Books'' program;

Whereas the Daughters of Penelope is the first ethnic organization to submit oral history tapes to the Library of Congress, providing an oral history of first generation Greek-American women in the United States;

Whereas the Daughters of Penelope promotes awareness of cancer research, such as thalassemia (Cooley's anemia), lymphangioleiomyomatosis (LAM), Alzheimer's disease, muscular dystrophy, and others;

Whereas the Daughters of Penelope provides financial support for many medical research and charitable organizations such as the University of Miami Sylvester Comprehensive Cancer Center (formerly the Papanicolaou Cancer Center), the Alzheimer's Foundation of America, the American Heart Association, the Special Olympics, the Barbara Bush Foundation for Family Literacy, the Children's Wish Foundation International, the United Nations Children's Fund (UNICEF), Habitat for Humanity, St. Basil Academy, and others; and

Whereas the Daughters of Penelope provides support and financial assistance to victims and communities affected by natural disasters such as hurricanes, earthquakes, and forest fires: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes the significant contributions of people of Greek ancestry, and of Philhellenes, to the United States; and

(2) commemorates the 80th anniversary of the Daughters of Penelope in 2009, applauds its mission, and commends the many charitable contributions of its members to organizations and communities around the world.

S. RES. 412

Whereas during the past 4 decades, obesity rates have soared among all age groups, increasing more than four-fold among children ages 6 to 11;

Whereas 31.8 percent or 23,000,000 children and teenagers ages 2 to 19 are obese or overweight, a statistic that health and medical experts consider an epidemic;

Whereas significant disparities exist among the obesity rates of children based on race and poverty;

Whereas the financial implications of childhood obesity pose a tremendous financial threat to our economy and health care

system, carrying up to $14,000,000,000 per year in direct health care cost, with people in the United States spending about 9 percent of their total medical costs on obesity-related illnesses;

Whereas obese young people have an 80 percent chance of being obese adults and are more likely than children of normal weight to become overweight or obese adults, and therefore more at risk for associated adult health problems, including heart disease, type 2 diabetes, sleep apnea, stroke, several types of cancer, and osteoarthritis;

Whereas in part due to the childhood obesity epidemic, 1 in 3 children (and nearly 1 in 2 minority children) born in the year 2000 will develop type 2 diabetes at some point in their lifetime if current trends continue;

Whereas some consequences of childhood and adolescent obesity are psychosocial and obese children and adolescents are targets of early and systematic social discrimination, leading to low self-esteem which, in turn, can hinder academic and social functioning and persist into adulthood;

Whereas participating in physical activity is important for children and teens as it may have beneficial effects not only on body weight, but also on blood pressure and bone strength;

Whereas proper nutrition is important for children before birth and through their lifespan as nutrition has beneficial effects for health and body weight, and is key in the prevention of various chronic diseases;

Whereas childhood obesity is preventable yet does not appear to be declining;

Whereas public, community-based, and private sector organizations and individuals throughout the United States, including First Lady Michelle Obama, are working to decrease childhood obesity rates for people in the United States of all races through a range of efforts, including educational presentations, media campaigns, Web sites, policies, healthier food options, and greater opportunities for physical activity; and

Whereas Members of Congress have championed legislation to reduce and bring awareness to the issue of childhood obesity: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 2010 as ''National Childhood Obesity Awareness Month'' in order to raise public awareness and mobilize the country to address childhood obesity;

(2) recognizes the importance of preventing childhood obesity and decreasing its prevalence in the United States; and

(3) requests that the President issue a proclamation calling on the Federal Government, States, tribes and tribal organizations, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities with the goal of promoting healthy eating and physical activity and increasing awareness of childhood obesity among individuals of all ages and walks of life.

## NATIONAL ASBESTOS AWARENESS WEEK

Mr. KAUFMAN. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 427, and the Senate proceed to its immediate consideration.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 427) designating the first week of April, 2010 as ''National Asbestos Awareness Week.''

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

Mr. KAUFMAN. I ask unanimous consent the resolution be agreed to; a Baucus amendment to the preamble be agreed to, the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 427) was agreed to.

The amendment to the preamble (No. 3719) was agreed to, as follows:

Strike the 8th whereas clause of the preamble.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended reads as follows:

S. RES. 427

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas asbestos fibers can cause mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally, little is known about late-stage treatment of asbestos-related diseases, and there is no cure for such diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognoses;

Whereas the United States has reduced its consumption of asbestos substantially, yet continues to consume almost 2,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas exposure to asbestos continues, but safety and prevention of asbestos exposure already has significantly reduced the incidence of asbestos-related diseases and can further reduce the incidence of such diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana, have asbestos-related diseases at a significantly higher rate than the national average and suffer from mesothelioma at a significantly higher rate than the national average; and

Whereas the establishment of a ''National Asbestos Awareness Week'' will raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the first week of April 2010 as ''National Asbestos Awareness Week'';

(2) urges the Surgeon General to warn and educate people about the public health issue of asbestos exposure, which may be hazardous to their health; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Office of the Surgeon General.

## RECOGNIZING THE UNIVERSITY OF SOUTHERN MISSISSIPPI

## NATIONAL SAFE DIGGING MONTH

## NATIONAL ASSOCIATION OF JUNIOR AUXILIARIES DAY

## PARKINSON'S AWARENESS MONTH

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following resolutions: S. Res. 471, S. Res 472, S. Res. 473, and S. Res. 474.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. KAUFMAN. I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 471

Whereas classes began at The University of Southern Mississippi (referred to in this preamble as ''the University''), originally named Mississippi Normal College, on March 30, 1910;

Whereas throughout a century of growth, expansion, and changes of name, first to State Teachers College, in 1924, then Mississippi Southern College, in 1940, and ultimately The University of Southern Mississippi, in 1962, the institution has been dedicated to engaging and empowering the citizens of Mississippi to transform lives and communities;

Whereas the University is the only dual-campus university in Mississippi, and the innovative faculty of the University continues to cultivate intellectual development and creativity through the generation, dissemination, application, and preservation of knowledge by annually educating more than 16,000 students from over 100 countries;

Whereas the University is the home of numerous innovative and internationally recognized programs that contribute to the successful research enterprise of the University, which generates more than $90,000,000 annually;

Whereas the University has more than 125,000 graduates, whose talents and skills have reflected favorably on the State of Mississippi and who have served as trailblazers in the areas of politics, entertainment, law, business, professional athletics, and volunteerism, improving the lives of all they have touched;

Whereas the University is looking ahead as it enters its second century as a premier research university of the Gulf South, with programs in academics, athletics, community service, and the arts that are competitive in the State and region, and throughout the Nation and around the world; and

Whereas the significance of this centennial in the development of the University, and the State of Mississippi, cannot be overemphasized: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes The University of Southern Mississippi for 100 years of service and excellence in higher education; and

(2) proudly shares this commemorative occasion with the administration, faculty, students, and alumni of The University of Southern Mississippi.

S. RES. 472

Whereas each year the Nation's underground utility infrastructure—including pipelines and electric, gas, telecommunications, water, sewer, and cable television lines—is jeopardized by unintentional damage due to those who fail to have underground lines located prior to digging;

Whereas some lines are buried only a few inches underground, making them easy to strike even during shallow digging projects;

Whereas such digging often has unintended consequences such as service interruption, environmental damage, personal injury, and even death;

Whereas April is the beginning of the peak of excavation projects around the Nation;

Whereas in 2002 Congress required the Department of Transportation and the Federal Communications Commission to establish a 3-digit, nationwide toll-free number to be used by State ''One-Call'' systems;

Whereas in 2005 the Federal Communications Commission designated ''811'' as the nationwide ''One Call'' number for homeowners and all excavators to call before conducting excavation activities;

Whereas the ''One-Call'' system has helped reduce the number of digging damages caused by failure to call before digging from 57 percent in 2004 to 37.5 percent in 2009;

Whereas the 1,400 members of the Common Ground Alliance, who are dedicated to ensuring public safety, environmental protection, and the integrity of services, promote the national ''Call Before You Dig'' campaign to increase public awareness about the importance, for homeowners and excavators, of calling 811 to find out the exact location of underground lines;

Whereas the Common Ground Alliance has designated April as National Safe Digging Month in order to increase awareness of safe digging practices across the country and to celebrate the anniversary of 811, the national ''Call Before You Dig'' number: Now, therefore, be it

*Resolved*, That the Senate supports the goals of National Safe Digging Month and encourages homeowners and all excavators throughout the country to call 811 before digging.

S. RES. 473

Whereas the National Association of Junior Auxiliaries and the members of the National Association of Junior Auxiliaries provide valuable service and leadership opportunities for women who wish to take an active role in their communities;

Whereas the mission of the National Association of Junior Auxiliaries is to encourage member chapters to render charitable services that—

(1) are beneficial to the general public; and

(2) place a particular emphasis on providing for the needs of children; and

Whereas, since the founding of the National Association of Junior Auxiliaries in 1941, the organization has provided strength and inspiration to women who want to effect positive change in their communities: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 4, 2010, as ''National Association of Junior Auxiliaries Day'';

(2) recognizes the great contributions made by members of the National Association of Junior Auxiliaries to their communities and to the people of the United States; and

(3) especially commends the work of the members of the National Association of Junior Auxiliaries to better the lives of children in the United States.

S. RES. 474

Whereas Parkinson's disease is the second most common neurodegenerative disease in the United States, second only to Alzheimer's disease;

Whereas even though there is inadequate comprehensive data on the incidence and prevalence of Parkinson's disease, as of 2010, it is estimated that the disease affects over 1,000,000 people in the United States;

Whereas although research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown;

Whereas there is no objective test for Parkinson's disease and the rate of misdiagnosis can be high;

Whereas symptoms of Parkinson's disease vary from person to person and include tremor, slowness, difficulty with balance, swallowing, chewing, and speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep disruptions;

Whereas medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side-effects;

Whereas ultimately the medications and treatments lose their effectiveness, generally after 4 to 8 years, leaving the person unable to move, speak, or swallow;

Whereas there is no cure, therapy, or drug to slow or halt the progression of Parkinson's disease;

Whereas increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson's disease;

Whereas the Federal Government, through the National Institutes of Health, the Department of Defense Neurotoxin Exposure Treatment Parkinson's Research Program, the Veterans Affairs Parkinson's Disease Research, Education and Clinical Centers, and other agencies, supports vital work to better understand Parkinson's disease and to find new treatments; and

Whereas the Parkinson's community will gather in Central Park on April 24, 2010, for the Parkinson's Unity Walk, an annual gathering inspiring people with Parkinson's, their friends, and their families: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of April as Parkinson's Awareness Month;

(2) supports the goals and ideals of Parkinson's Awareness Month;

(3) continues to support research to find better treatments, and eventually, a cure for Parkinson's disease;

(4) recognizes the people living with Parkinson's who participate in vital clinical trials to advance our knowledge of this disease; and

(5) commends the dedication of local and regional organizations, volunteers, and millions of Americans across the country working to improve the quality of life of persons living with Parkinson's disease and their families.

## APPOINTMENT AUTHORITY

Mr. KAUFMAN. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law, by concurrent resolution of the two Houses or by order of the Senate.

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

## AUTHORITY FOR COMMITTEES TO REPORT

Mr. KAUFMAN. I ask unanimous consent that notwithstanding an adjournment of the Senate, the Senate committees may file reported legislative and Executive Calendar business on Thursday, April 1, 2010, from 11 a.m. to 1 p.m.

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

Mr. KAUFMAN. 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. KAUFMAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

## UNANIMOUS CONSENT AGREEMENT—H.R. 4851

Mr. KAUFMAN. I ask unanimous consent that the vote on the motion to invoke cloture on the motion to proceed to H.R. 4851 occur at 5:30 p.m., Monday, April 12, and that the time from 5 until 5:30 p.m. be equally divided and controlled between the leaders or their designees, with the majority leader controlling the final 15 minutes prior to the vote, and that the Senate resume the motion to proceed at 3 p.m. Monday, April 12; further, that the mandatory quorum be waived.

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

Mr. KAUFMAN. 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. KAUFMAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

## SATELLITE HOME VIEWER EXTENSION AND REAUTHORIZATION ACT OF 2010

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3191, introduced earlier today.

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

The assistant legislative clerk read as follows:

A bill (S. 3191) to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004, and for other purposes.

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

Mr. LEAHY. Mr. President, as the Senate prepares to break for Easter recess, I am pleased that it has acted to pass two pieces of legislation that will allow for the extension and reauthorization of the Satellite Home Viewer Act. Yesterday, the Senate passed a bill that will extend key provisions of the Act through the end of April. Passing this short-term extension is necessary to ensure that consumers across the country retain access to network television content. Without it, these consumers would have no way to receive these signals. I understand that the House of Representatives also acted on this short-term extension last night.

Today, the Senate passed the Satellite Television Extension and Localism Act of 2010—STELA—which is a full, 10-year reauthorization. Since the inception of the distant signal license, the license has been reauthorized for 5-year periods, giving all stakeholders an opportunity to revisit it and Congress the opportunity to improve it. Reauthorizing the,law for 10 years is not my preferred course of action. In fact, the Senate previously passed a 5-year version of STELA that makes significant improvements to current law, as part of H.R. 4213, which is currently pending in the House of Representatives.

The version of STELA passed by unanimous consent in the Senate today contains all of the improvements from the 5-year version. Nonetheless, it is my view that enacting a 5-year extension is preferable, given the rate at which technology is altering the marketplace. I urge the House of Representatives to enact STELA as swiftly as possible once Congress returns from Easter recess, and I look forward to working with them to accomplish that goal.

Mr. KAUFMAN. I ask unanimous consent that the bill be read for a third time.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on the engrossment and third reading of the bill.

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

Mr. KAUFMAN. I understand there is a statement regarding the pay-go effects of the legislation, which I ask unanimous consent to have printed in the RECORD.

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

BUDGETARY EFFECTS OF PAYGO LEGISLATION FOR S. 3191

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for S. 3191. This statement has been prepared pursuant to Section 4 of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139), and is being submitted for printing in the Congressional Record prior to passage of S. 3191 by the Senate.

Total Budgetary Effects of S. 3191 for the 5-year Statutory PAYGO Scorecard:
$354 million decrease in the deficit.

Total Budgetary Effects of S. 3191 for the 10-year Statutory PAYGO Scorecard:
$278 million decrease in the deficit.

Also submitted for the Record as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR THE SATELLITE TELEVISION EXTENSION AND LOCALISM ACT OF 2010

| | By fiscal year, in millions of dollars— | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2010–2015 | 2010–2020 |
| | Net Increase or Decrease (−) in the Deficit | | | | | | | | | | | | |
| Statutory Pay-As-You-Go Impact | −21 | −92 | −100 | −80 | −49 | −12 | 13 | 17 | 16 | 15 | 15 | −354 | −278 |

Source: Congressional Budget Office.

Mr. KAUFMAN. I now ask that the bill be passed and the motion to reconsider be laid upon the table and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 3191) was passed, as follows:

S. 3191

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Satellite Televison Extension and Localism Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:



**TITLE I—STATUTORY LICENSES**

**SEC. 101. REFERENCE.**

Except as otherwise provided, whenever in this title an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of title 17, United States Code.

**SEC. 102. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS.**

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 119 is amended by striking ''**superstations and network stations for private home viewing**'' and inserting ''**distant television programming by satellite**''.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 119 and inserting the following:

''119. Limitations on exclusive rights: Secondary transmissions of distant television programming by satellite.''.

(b) UNSERVED HOUSEHOLD DEFINED.—

(1) IN GENERAL.—Section 119(d)(10) is amended—

(A) by striking subparagraph (A) and inserting the following:

''(A) cannot receive, through the use of an antenna, an over-the-air signal containing the primary stream, or, on or after the qualifying date, the multicast stream, originating in that household's local market and affiliated with that network of—

''(i) if the signal originates as an analog signal, Grade B intensity as defined by the Federal Communications Commission in section 73.683(a) of title 47, Code of Federal Regulations, as in effect on January 1, 1999; or

''(ii) if the signal originates as a digital signal, intensity defined in the values for the digital television noise-limited service contour, as defined in regulations issued by the Federal Communications Commission (section 73.622(e) of title 47, Code of Federal Regulations), as such regulations may be amended from time to time;'';

(B) in subparagraph (B)—

(i) by striking ''subsection (a)(14)'' and inserting ''subsection (a)(13),''; and

(ii) by striking ''Satellite Home Viewer Extension and Reauthorization Act of 2004'' and inserting ''Satellite Television Extension and Localism Act of 2010''; and

(C) in subparagraph (D), by striking ''(a)(12)'' and inserting ''(a)(11)''.

(2) QUALIFYING DATE DEFINED.—Section 119(d) is amended by adding at the end the following:

''(14) QUALIFYING DATE.—The term 'qualifying date', for purposes of paragraph (10)(A), means—

''(A) July 1, 2010, for multicast streams that exist on December 31, 2009; and

''(B) January 1, 2011, for all other multicast streams.''.

(c) FILING FEE.—Section 119(b)(1) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) a filing fee, as determined by the Register of Copyrights pursuant to section 708(a).''.

(d) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—Section 119(b) is amended—

(1) by amending the subsection heading to read as follows: ''(b) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—'';

(2) in paragraph (1), by striking subparagraph (B) and inserting the following:

''(B) a royalty fee payable to copyright owners pursuant to paragraph (4) for that 6-month period, computed by multiplying the total number of subscribers receiving each secondary transmission of a primary stream or multicast stream of each non-network station or network station during each calendar year month by the appropriate rate in effect under this subsection; and'';

(3) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(4) by inserting after paragraph (1) the following:

''(2) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to permit interested parties to verify and audit the statements of account and royalty fees submitted by satellite carriers under this subsection.'';

(5) in paragraph (3), as redesignated, in the first sentence—

(A) by inserting ''(including the filing fee specified in paragraph (1)(C))'' after ''shall receive all fees''; and

(B) by striking ''paragraph (4)'' and inserting ''paragraph (5)'';

(6) in paragraph (4), as redesignated—

(A) by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(B) by striking ''paragraph (4)'' each place it appears and inserting ''paragraph (5)''; and

(7) in paragraph (5), as redesignated, by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(e) ADJUSTMENT OF ROYALTY FEES.—Section 119(c) is amended as follows:

(1) Paragraph (1) is amended—

(A) in the heading for such paragraph, by striking ''ANALOG'';

(B) in subparagraph (A)—

(i) by striking ''primary analog transmissions'' and inserting ''primary transmissions''; and

(ii) by striking ''July 1, 2004'' and inserting ''July 1, 2009'';

(C) in subparagraph (B)—

(i) by striking ''January 2, 2005, the Librarian of Congress'' and inserting ''May 1, 2010, the Copyright Royalty Judges''; and

(ii) by striking ''primary analog transmission'' and inserting ''primary transmissions'';

(D) in subparagraph (C), by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges'';

(E) in subparagraph (D)—

(i) in clause (i)—

(I) by striking ''(i) Voluntary agreements'' and inserting the following:

''(i) VOLUNTARY AGREEMENTS; FILING.—Voluntary agreements''; and

(II) by striking ''that a parties'' and inserting ''that are parties''; and

(ii) in clause (ii)—

(I) by striking ''(ii)(I) Within'' and inserting the following:

''(ii) PROCEDURE FOR ADOPTION OF FEES.—

''(I) PUBLICATION OF NOTICE.—Within'';

(II) in subclause (I), by striking ''an arbitration proceeding pursuant to subparagraph (E)'' and inserting ''a proceeding under subparagraph (F)'';

(III) in subclause (II), by striking ''(II) Upon receiving a request under subclause (I), the Librarian of Congress'' and inserting the following:

''(II) PUBLIC NOTICE OF FEES.—Upon receiving a request under subclause (I), the Copyright Royalty Judges''; and

(IV) in subclause (III)—

(aa) by striking ''(III) The Librarian'' and inserting the following:

''(III) ADOPTION OF FEES.—The Copyright Royalty Judges'';

(bb) by striking ''an arbitration proceeding'' and inserting ''the proceeding under subparagraph (F)''; and

(cc) by striking ''the arbitration proceeding'' and inserting ''that proceeding'';

(F) in subparagraph (E)—

(i) by striking ''Copyright Office'' and inserting ''Copyright Royalty Judges''; and

(ii) by striking ''April 30, 2010'' and inserting ''December 31, 2020''; and

(G) in subparagraph (F)—

(i) in the heading, by striking ''COMPULSORY ARBITRATION'' and inserting ''COPYRIGHT ROYALTY JUDGES PROCEEDING'';

(ii) in clause (i)—

(I) in the heading, by striking ''PROCEEDINGS'' and inserting ''THE PROCEEDING'';

(II) in the matter preceding subclause (I)—

(aa) by striking ''May 1, 2005, the Librarian of Congress'' and inserting ''July 1, 2010, the Copyright Royalty Judges'';

(bb) by striking ''arbitration proceedings'' and inserting ''a proceeding'';

(cc) by striking ''fee to be paid'' and inserting ''fees to be paid'';

(dd) by striking ''primary analog transmission'' and inserting ''the primary transmissions''; and

(ee) by striking ''distributors'' and inserting ''distributors—'';

(III) in subclause (II)—

(aa) by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''; and

(bb) by striking ''arbitration''; and

(IV) by amending the last sentence to read as follows: ''Such proceeding shall be conducted under chapter 8.'';

(iii) in clause (ii), by amending the matter preceding subclause (I) to read as follows:

''(ii) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this subparagraph, the Copyright Royalty Judges shall establish fees for the secondary transmissions of the primary transmissions of network stations and non-network stations that most clearly represent the fair market value of secondary transmissions, except that the Copyright Royalty Judges shall adjust royalty fees to account for the obligations of the parties under any applicable voluntary agreement filed with the Copyright Royalty Judges in accordance with subparagraph (D). In determining the fair market value, the Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—'';

(iv) by amending clause (iii) to read as follows:

''(iii) EFFECTIVE DATE FOR DECISION OF COPYRIGHT ROYALTY JUDGES.—The obligation to pay the royalty fees established under a determination that is made by the Copyright Royalty Judges in a proceeding under this paragraph shall be effective as of January 1, 2010.''; and

(v) in clause (iv)—

(I) in the heading, by striking ''FEE'' and inserting ''FEES''; and

(II) by striking ''fee referred to in (iii)'' and inserting ''fees referred to in clause (iii)''.

(2) Paragraph (2) is amended to read as follows:

''(2) ANNUAL ROYALTY FEE ADJUSTMENT.—Effective January 1 of each year, the royalty fee payable under subsection (b)(1)(B) for the secondary transmission of the primary transmissions of network stations and non-network stations shall be adjusted by the Copyright Royalty Judges to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index (for all consumers and for all items) published by the Secretary of Labor before December 1 of the preceding year. Notification of the adjusted fees shall be published in the Federal Register at least 25 days before January 1.''.

(f) DEFINITIONS.—

(1) SUBSCRIBER.—Section 119(d)(8) is amended to read as follows:

''(8) SUBSCRIBER; SUBSCRIBE.—

''(A) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

''(B) SUBSCRIBE.—The term 'subscribe' means to elect to become a subscriber.''.

(2) LOCAL MARKET.—Section 119(d)(11) is amended to read as follows:

''(11) LOCAL MARKET.—The term 'local market' has the meaning given such term under section 122(j).''.

(3) LOW POWER TELEVISION STATION.—Section 119(d) is amended by striking paragraph (12) and redesignating paragraphs (13) and (14) as paragraphs (12) and (13), respectively.

(4) MULTICAST STREAM.—Section 119(d), as amended by paragraph (3), is further amended by adding at the end the following new paragraph:

''(14) MULTICAST STREAM.—The term 'multicast stream' means a digital stream containing programming and program-related material affiliated with a television network, other than the primary stream.''.

(5) PRIMARY STREAM.—Section 119(d), as amended by paragraph (4), is further amended by adding at the end the following new paragraph:

''(15) PRIMARY STREAM.—The term 'primary stream' means—

''(A) the single digital stream of programming as to which a television broadcast station has the right to mandatory carriage with a satellite carrier under the rules of the Federal Communications Commission in effect on July 1, 2009; or

''(B) if there is no stream described in subparagraph (A), then either—

''(i) the single digital stream of programming associated with the network last transmitted by the station as an analog signal; or

''(ii) if there is no stream described in clause (i), then the single digital stream of programming affiliated with the network that, as of July 1, 2009, had been offered by

the television broadcast station for the longest period of time.''.

(6) CLERICAL AMENDMENT.—Section 119(d) is amended in paragraphs (1), (2), and (5) by striking ''which'' each place it appears and inserting ''that''.

(g) SUPERSTATION REDESIGNATED AS NON-NETWORK STATION.—Section 119 is amended—

(1) by striking ''superstation'' each place it appears in a heading and each place it appears in text and inserting ''non-network station''; and

(2) by striking ''superstations'' each place it appears in a heading and each place it appears in text and inserting ''non-network stations''.

(h) REMOVAL OF CERTAIN PROVISIONS.—

(1) REMOVAL OF PROVISIONS.—Section 119(a) is amended—

(A) in paragraph (2), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(B) by striking paragraph (3) and redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively; and

(C) by striking paragraph (15) and redesignating paragraph (16) as paragraph (14).

(2) CONFORMING AMENDMENTS.—Section 119 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''(5), (6), and (8)'' and inserting ''(4), (5), and (7)'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''subparagraphs (B) and (C) of this paragraph and paragraphs (5), (6), (7), and (8)'' and inserting ''subparagraph (B) of this paragraph and paragraphs (4), (5), (6), and (7)'';

(II) in subparagraph (B)(i), by striking the second sentence; and

(III) in subparagraph (C) (as redesignated), by striking clauses (i) and (ii) and inserting the following:

''(i) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station pursuant to subparagraph (A) shall, not later than 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station a list identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission to subscribers in unserved households.

''(ii) MONTHLY LISTS.—After the submission of the initial lists under clause (i), the satellite carrier shall, not later than the 15th of each month, submit to the network a list, aggregated by designated market area, identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) any persons who have been added or dropped as subscribers under clause (i) since the last submission under this subparagraph.''; and

(iii) in subparagraph (E) of paragraph (3) (as redesignated)—

(I) by striking ''under paragraph (3) or''; and

(II) by striking ''paragraph (12)'' and inserting ''paragraph (11)''; and

(B) in subsection (b)(1), by striking the final sentence.

(i) MODIFICATIONS TO PROVISIONS FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS.—

(1) PREDICTIVE MODEL.—Section 119(a)(2)(B)(ii) is amended by adding at the end the following:

''(III) ACCURATE PREDICTIVE MODEL WITH RESPECT TO DIGITAL SIGNALS.—Notwithstanding subclause (I), in determining presumptively whether a person resides in an unserved household under subsection (d)(10)(A) with respect to digital signals, a court shall rely on a predictive model set forth by the Federal Communications Commission pursuant to a rulemaking as provided in section 339(c)(3) of the Communications Act of 1934 (47 U.S.C. 339(c)(3)), as that model may be amended by the Commission over time under such section to increase the accuracy of that model. Until such time as the Commission sets forth such model, a court shall rely on the predictive model as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05–182, FCC 05–199 (released December 9, 2005).''.

(2) MODIFICATIONS TO STATUTORY LICENSE WHERE RETRANSMISSIONS INTO LOCAL MARKET AVAILABLE.—Section 119(a)(3) (as redesignated) is amended—

(A) by striking ''analog'' each place it appears in a heading and text;

(B) by striking subparagraphs (B), (C), and (D), and inserting the following:

''(B) RULES FOR LAWFUL SUBSCRIBERS AS OF DATE OF ENACTMENT OF 2010 ACT.—In the case of a subscriber of a satellite carrier who, on the day before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, was lawfully receiving the secondary transmission of the primary transmission of a network station under the statutory license under paragraph (2) (in this subparagraph referred to as the 'distant signal'), other than subscribers to whom subparagraph (A) applies, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber's household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, whether or not the subscriber elects to subscribe to receive the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

''(C) FUTURE APPLICABILITY.—

''(i) WHEN LOCAL SIGNAL AVAILABLE AT TIME OF SUBSCRIPTION.—The statutory license under paragraph (2) shall not apply to the secondary transmission by a satellite carrier of the primary transmission of a network station to a person who is not a subscriber lawfully receiving such secondary transmission as of the date of the enactment of the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

''(ii) WHEN LOCAL SIGNAL AVAILABLE AFTER SUBSCRIPTION.—In the case of a subscriber who lawfully subscribes to and receives the secondary transmission by a satellite carrier of the primary transmission of a network station under the statutory license under paragraph (2) (in this clause referred to as the 'distant signal') on or after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber's household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, but only if such subscriber subscribes to the secondary transmission of the primary transmission of a local network station affiliated with the same network within 60 days after the satellite carrier makes available to the subscriber such secondary transmission of the primary transmission of such local network station.'';

(C) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively;

(D) in subparagraph (E) (as redesignated), by striking ''(C) or (D)'' and inserting ''(B) or (C)''; and

(E) in subparagraph (F) (as redesignated), by inserting ''9-digit'' before ''zip code''.

(3) STATUTORY DAMAGES FOR TERRITORIAL RESTRICTIONS.—Section 119(a)(6) (as redesignated) is amended—

(A) in subparagraph (A)(ii), by striking ''$5'' and inserting ''$250'';

(B) in subparagraph (B)—

(i) in clause (i), by striking ''$250,000 for each 6-month period'' and inserting ''$2,500,000 for each 3-month period''; and

(ii) in clause (ii), by striking ''$250,000'' and inserting ''$2,500,000''; and

(C) by adding at the end the following flush sentences:

''The court shall direct one half of any statutory damages ordered under clause (i) to be deposited with the Register of Copyrights for distribution to copyright owners pursuant to subsection (b). The Copyright Royalty Judges shall issue regulations establishing procedures for distributing such funds, on a proportional basis, to copyright owners whose works were included in the secondary transmissions that were the subject of the statutory damages.''.

(4) TECHNICAL AMENDMENT.—Section 119(a)(4) (as redesignated) is amended by striking ''and 509''.

(5) CLERICAL AMENDMENT.—Section 119(a)(2)(B)(iii)(II) is amended by striking ''In this clause'' and inserting ''In this clause,''.

(j) MORATORIUM EXTENSION.—Section 119(e) is amended by striking ''April 30, 2010'' and inserting ''December 31, 2020''.

(k) CLERICAL AMENDMENTS.—Section 119 is amended—

(1) by striking ''of the Code of Federal Regulations'' each place it appears and inserting '', Code of Federal Regulations''; and

(2) in subsection (d)(6), by striking ''or the Direct'' and inserting '', or the Direct''.

**SEC. 103. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS IN LOCAL MARKETS.**

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 122 is amended by striking ''**by satellite carriers within local markets**'' and inserting ''**of local television programming by satellite**''.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 122 and inserting the following:

''122. Limitations on exclusive rights: Secondary transmissions of local television programming by satellite.''.

(b) STATUTORY LICENSE.—Section 122(a) is amended to read as follows:

''(a) SECONDARY TRANSMISSIONS INTO LOCAL MARKETS.—

''(1) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS WITHIN A LOCAL MARKET.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station into the station's local market shall be subject to statutory licensing under this section if—

''(A) the secondary transmission is made by a satellite carrier to the public;

''(B) with regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

''(C) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

''(i) each subscriber receiving the secondary transmission; or

''(ii) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

''(2) SIGNIFICANTLY VIEWED STATIONS.—

''(A) IN GENERAL.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a network station or a non-network station to a subscriber who resides outside the station's local market but within a community in which the signal has been determined by the Federal Communications Commission to be significantly viewed in such community, pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, applicable to determining with respect to a cable system whether signals are significantly viewed in a community.

''(B) WAIVER.—A subscriber who is denied the secondary transmission of the primary transmission of a network station or a non-network station under subparagraph (A) may request a waiver from such denial by submitting a request, through the subscriber's satellite carrier, to the network station or non-network station in the local market affiliated with the same network or non-network where the subscriber is located. The network station or non-network station shall accept or reject the subscriber's request for a waiver within 30 days after receipt of the request. If the network station or non-network station fails to accept or reject the subscriber's request for a waiver within that 30-day period, that network station or non-network station shall be deemed to agree to the waiver request.

''(3) SECONDARY TRANSMISSION OF LOW POWER PROGRAMMING.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a television broadcast station that is licensed as a low power television station, to a subscriber who resides within the same designated market area as the station that originates the transmission.

''(B) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

''(C) NO IMPACT ON OTHER SECONDARY TRANSMISSIONS OBLIGATIONS.—A satellite carrier that makes secondary transmissions of a primary transmission of a low power television station under a statutory license provided under this section is not required, by reason of such secondary transmissions, to make any other secondary transmissions.

''(4) SPECIAL EXCEPTIONS.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall, if the secondary transmission is made by a satellite carrier that complies with the requirements of paragraph (1), be subject to statutory licensing under this paragraph as follows:

''(A) STATES WITH SINGLE FULL-POWER NETWORK STATION.—In a State in which there is licensed by the Federal Communications Commission a single full-power station that was a network station on January 1, 1995, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmission of that station to any subscriber in a community that is located within that State and that is not within the first 50 television markets as listed in the regulations of the Commission as in effect on such date (47 C.F.R. 76.51).

''(B) STATES WITH ALL NETWORK STATIONS AND NON-NETWORK STATIONS IN SAME LOCAL MARKET.—In a State in which all network stations and non-network stations licensed by the Federal Communications Commission within that State as of January 1, 1995, are assigned to the same local market and that local market does not encompass all counties of that State, the statutory license provided under this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmissions of such station to all subscribers in the State who reside in a local market that is within the first 50 major television markets as listed in the regulations of the Commission as in effect on such date (section 76.51 of title 47, Code of Federal Regulations).

''(C) ADDITIONAL STATIONS.—In the case of that State in which are located 4 counties that—

''(i) on January 1, 2004, were in local markets principally comprised of counties in another State, and

''(ii) had a combined total of 41,340 television households, according to the U.S. Television Household Estimates by Nielsen Media Research for 2004,

the statutory license provided under this paragraph shall apply to secondary transmissions by a satellite carrier to subscribers in any such county of the primary transmissions of any network station located in that State, if the satellite carrier was making such secondary transmissions to any subscribers in that county on January 1, 2004.

''(D) CERTAIN ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

''(i) the 2 counties are located in a local market that is in the top 100 markets for the year 2003 according to Nielsen Media Research; and

''(ii) the total number of television households in the 2 counties combined did not exceed 10,000 for the year 2003 according to Nielsen Media Research.

''(E) NETWORKS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.—In the case of a system of three or more noncommercial educational broadcast stations licensed to a single State, public agency, or political, educational, or special purpose subdivision of a State, the statutory license provided for in this paragraph shall apply to the secondary transmission of the primary transmission of such system to any subscriber in any county or county equivalent within such State, if such subscriber is located in a designated market area that is not otherwise eligible to receive the secondary transmission of the primary transmission of a noncommercial educational broadcast station located within the State pursuant to paragraph (1).

''(5) APPLICABILITY OF ROYALTY RATES AND PROCEDURES.—The royalty rates and procedures under section 119(b) shall apply to the secondary transmissions to which the statutory license under paragraph (4) applies.''.

(c) REPORTING REQUIREMENTS.—Section 122(b) is amended—

(1) in paragraph (1), by striking ''station a list'' and all that follows through the end and inserting the following: ''station—

''(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a); and

''(B) a separate list, aggregated by designated market area (by name and address, including street or rural route number, city, State, and 9-digit zip code), which shall indicate those subscribers being served pursuant to paragraph (2) of subsection (a).''; and

(2) in paragraph (2), by striking ''network a list'' and all that follows through the end and inserting the following: ''network—

''(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection; and

''(B) a separate list, aggregated by designated market area (by name and street address, including street or rural route number, city, State, and 9-digit zip code), identifying those subscribers whose service pursuant to paragraph (2) of subsection (a) has been added or dropped since the last submission under this subsection.''.

(d) NO ROYALTY FEE FOR CERTAIN SECONDARY TRANSMISSIONS.—Section 122(c) is amended—

(1) in the heading, by inserting ''FOR CERTAIN SECONDARY TRANSMISSIONS'' after ''REQUIRED''; and

(2) by striking ''subsection (a)'' and inserting ''paragraphs (1), (2), and (3) of subsection (a)''.

(e) VIOLATIONS FOR TERRITORIAL RESTRICTIONS.—

(1) MODIFICATION TO STATUTORY DAMAGES.—Section 122(f) is amended—

(A) in paragraph (1)(B), by striking ''$5'' and inserting ''$250''; and

(B) in paragraph (2), by striking ''$250,000'' each place it appears and inserting ''$2,500,000''.

(2) CONFORMING AMENDMENTS FOR ADDITIONAL STATIONS.—Section 122 is amended—

(A) in subsection (f), by striking ''section 119 or'' each place it appears and inserting the following: ''section 119, subject to statutory licensing by reason of paragraph (2)(A), (3), or (4) of subsection (a), or subject to''; and

(B) in subsection (g), by striking ''section 119 or'' and inserting the following: ''section 119, paragraph (2)(A), (3), or (4) of subsection (a), or''.

(f) DEFINITIONS.—Section 122(j) is amended—

(1) in paragraph (1), by striking ''which contracts'' and inserting ''that contracts'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(3) in paragraph (3)—

(A) by redesignating such paragraph as paragraph (4);

(B) in the heading of such paragraph, by inserting ''NON-NETWORK STATION;'' after ''NETWORK STATION;''; and

(C) by inserting '' 'non-network station','' after '' 'network station','';

(4) by inserting after paragraph (2) the following:

''(3) LOW POWER TELEVISION STATION.—The term 'low power television station' means a low power TV station as defined in section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of this paragraph, the term 'low power television station' includes a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.'';

(5) by inserting after paragraph (4) (as redesignated) the following:

''(5) NONCOMMERCIAL EDUCATIONAL BROADCAST STATION.—The term 'noncommercial educational broadcast station' means a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.''; and

(6) by amending paragraph (6) (as redesignated) to read as follows:

''(6) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.''.

**SEC. 104. MODIFICATIONS TO CABLE SYSTEM SECONDARY TRANSMISSION RIGHTS UNDER SECTION 111.**

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 111 is amended by inserting at the end the following: ''**of broadcast programming by cable**''.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 111 and inserting the following:

''111. Limitations on exclusive rights: Secondary transmissions of broadcast programming by cable.''.

(b) TECHNICAL AMENDMENT.—Section 111(a)(4) is amended by striking ''; or'' and inserting ''or section 122;''.

(c) STATUTORY LICENSE FOR SECONDARY TRANSMISSIONS BY CABLE SYSTEMS.—Section 111(d) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''A cable system whose secondary'' and inserting the following: ''STATEMENT OF ACCOUNT AND ROYALTY FEES.—Subject to paragraph (5), a cable system whose secondary''; and

(ii) by striking ''by regulation—'' and inserting ''by regulation the following:'';

(B) in subparagraph (A)—

(i) by striking ''a statement of account'' and inserting ''A statement of account''; and

(ii) by striking ''; and'' and inserting a period; and

(C) by striking subparagraphs (B), (C), and (D) and inserting the following:

''(B) Except in the case of a cable system whose royalty fee is specified in subparagraph (E) or (F), a total royalty fee payable to copyright owners pursuant to paragraph (3) for the period covered by the statement, computed on the basis of specified percentages of the gross receipts from subscribers to the cable service during such period for the basic service of providing secondary transmissions of primary broadcast transmitters, as follows:

''(i) 1.064 percent of such gross receipts for the privilege of further transmitting, beyond the local service area of such primary transmitter, any non-network programming of a primary transmitter in whole or in part, such amount to be applied against the fee, if any, payable pursuant to clauses (ii) through (iv);

''(ii) 1.064 percent of such gross receipts for the first distant signal equivalent;

''(iii) 0.701 percent of such gross receipts for each of the second, third, and fourth distant signal equivalents; and

''(iv) 0.330 percent of such gross receipts for the fifth distant signal equivalent and each distant signal equivalent thereafter.

''(C) In computing amounts under clauses (ii) through (iv) of subparagraph (B)—

''(i) any fraction of a distant signal equivalent shall be computed at its fractional value;

''(ii) in the case of any cable system located partly within and partly outside of the local service area of a primary transmitter, gross receipts shall be limited to those gross receipts derived from subscribers located outside of the local service area of such primary transmitter; and

''(iii) if a cable system provides a secondary transmission of a primary transmitter to some but not all communities served by that cable system—

''(I) the gross receipts and the distant signal equivalent values for such secondary transmission shall be derived solely on the basis of the subscribers in those communities where the cable system provides such secondary transmission; and

''(II) the total royalty fee for the period paid by such system shall not be less than the royalty fee calculated under subparagraph (B)(i) multiplied by the gross receipts from all subscribers to the system.

''(D) A cable system that, on a statement submitted before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, computed its royalty fee consistent with the methodology under subparagraph (C)(iii), or that amends a statement filed before such date of enactment to compute the royalty fee due using such methodology, shall not be subject to an action for infringement, or eligible for any royalty refund or offset, arising out of its use of such methodology on such statement.

''(E) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are $263,800 or less—

''(i) gross receipts of the cable system for the purpose of this paragraph shall be computed by subtracting from such actual gross receipts the amount by which $263,800 exceeds such actual gross receipts, except that in no case shall a cable system's gross receipts be reduced to less than $10,400; and

''(ii) the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be 0.5 percent, regardless of the number of distant signal equivalents, if any.

''(F) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are more than $263,800 but less than $527,600, the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be—

''(i) 0.5 percent of any gross receipts up to $263,800, regardless of the number of distant signal equivalents, if any; and

''(ii) 1 percent of any gross receipts in excess of $263,800, but less than $527,600, regardless of the number of distant signal equivalents, if any.

''(G) A filing fee, as determined by the Register of Copyrights pursuant to section 708(a).'';

(2) in paragraph (2), in the first sentence—

(A) by striking ''The Register of Copyrights'' and inserting the following ''HANDLING OF FEES.—The Register of Copyrights''; and

(B) by inserting ''(including the filing fee specified in paragraph (1)(G))'' after ''shall receive all fees'';

(3) in paragraph (3)—

(A) by striking ''The royalty fees'' and inserting the following: ''DISTRIBUTION OF ROYALTY FEES TO COPYRIGHT OWNERS.—The royalty fees'';

(B) in subparagraph (A)—

(i) by striking ''any such'' and inserting ''Any such''; and

(ii) by striking ''; and'' and inserting a period;

(C) in subparagraph (B)—

(i) by striking ''any such'' and inserting ''Any such''; and

(ii) by striking the semicolon and inserting a period; and

(D) in subparagraph (C), by striking ''any such'' and inserting ''Any such'';

(4) in paragraph (4), by striking ''The royalty fees'' and inserting the following: ''PROCEDURES FOR ROYALTY FEE DISTRIBUTION.—The royalty fees''; and

(5) by adding at the end the following new paragraphs:

''(5) 3.75 PERCENT RATE AND SYNDICATED EXCLUSIVITY SURCHARGE NOT APPLICABLE TO MULTICAST STREAMS.—The royalty rates specified in sections 256.2(c) and 256.2(d) of title 37, Code of Federal Regulations (commonly referred to as the '3.75 percent rate' and the 'syndicated exclusivity surcharge', respectively), as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010, as such rates may be adjusted, or such sections redesignated, thereafter by the Copyright Royalty Judges, shall not apply to the secondary transmission of a multicast stream.

''(6) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to provide for the confidential verification by copyright owners whose works were embodied in the secondary transmissions of primary transmissions pursuant to this section of the information reported on the semiannual statements of account filed under this subsection on or after January 1, 2010, in order that the auditor designated under subparagraph (A) is able to confirm the correctness of the calculations and royalty payments reported therein. The regulations shall—

''(A) establish procedures for the designation of a qualified independent auditor—

''(i) with exclusive authority to request verification of such a statement of account on behalf of all copyright owners whose works were the subject of secondary transmissions of primary transmissions by the cable system (that deposited the statement) during the accounting period covered by the statement; and

''(ii) who is not an officer, employee, or agent of any such copyright owner for any purpose other than such audit;

''(B) establish procedures for safeguarding all non-public financial and business information provided under this paragraph;

''(C)(i) require a consultation period for the independent auditor to review its conclusions with a designee of the cable system;

''(ii) establish a mechanism for the cable system to remedy any errors identified in the auditor's report and to cure any underpayment identified; and

''(iii) provide an opportunity to remedy any disputed facts or conclusions;

''(D) limit the frequency of requests for verification for a particular cable system and the number of audits that a multiple system operator can be required to undergo in a single year; and

''(E) permit requests for verification of a statement of account to be made only within 3 years after the last day of the year in which the statement of account is filed.

''(7) ACCEPTANCE OF ADDITIONAL DEPOSITS.—Any royalty fee payments received by the Copyright Office from cable systems for the secondary transmission of primary transmissions that are in addition to the payments calculated and deposited in accordance with this subsection shall be deemed to have been deposited for the particular accounting period for which they are received and shall be distributed as specified under this subsection.''.

(d) EFFECTIVE DATE OF NEW ROYALTY FEE RATES.—The royalty fee rates established in section 111(d)(1)(B) of title 17, United States Code, as amended by subsection (c)(1)(C) of this section, shall take effect commencing with the first accounting period occurring in 2010.

(e) DEFINITIONS.—Section 111(f) is amended—

(1) by striking the first undesignated paragraph and inserting the following:

''(1) PRIMARY TRANSMISSION.—A 'primary transmission' is a transmission made to the public by a transmitting facility whose signals are being received and further transmitted by a secondary transmission service, regardless of where or when the performance or display was first transmitted. In the case of a television broadcast station, the primary stream and any multicast streams transmitted by the station constitute primary transmissions.'';

(2) in the second undesignated paragraph—

(A) by striking ''A 'secondary transmission'  '' and inserting the following:

''(2) SECONDARY TRANSMISSION.—A 'secondary transmission'  '';  and

(B) by striking '' 'cable system'  '' and inserting ''cable system'';

(3) in the third undesignated paragraph—

(A) by striking ''A 'cable system'  '' and inserting the following:

''(3) CABLE SYSTEM.—A 'cable system'  '';  and

(B) by striking ''Territory, Trust Territory, or Possession'' and inserting ''territory, trust territory, or possession of the United States'';

(4) in the fourth undesignated paragraph, in the first sentence—

(A) by striking ''The 'local service area of a primary transmitter', in the case of a television broadcast station, comprises the area in which such station is entitled to insist'' and inserting the following:

''(4) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The 'local service area of a primary transmitter', in the case of both the primary stream and any multicast streams transmitted by a primary transmitter that is a television broadcast station, comprises the area where such primary transmitter could have insisted'';

(B) by striking ''76.59 of title 47 of the Code of Federal Regulations'' and inserting the following: ''76.59 of title 47, Code of Federal Regulations, or within the noise-limited contour as defined in 73.622(e)(1) of title 47, Code of Federal Regulations''; and

(C) by striking ''as defined by the rules and regulations of the Federal Communications Commission,'';

(5) by amending the fifth undesignated paragraph to read as follows:

''(5) DISTANT SIGNAL EQUIVALENT.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), a 'distant signal equivalent'—

''(i) is the value assigned to the secondary transmission of any non-network television programming carried by a cable system in whole or in part beyond the local service area of the primary transmitter of such programming; and

''(ii) is computed by assigning a value of one to each primary stream and to each multicast stream (other than a simulcast) that is an independent station, and by assigning a value of one-quarter to each primary stream and to each multicast stream (other than a simulcast) that is a network station or a noncommercial educational station.

''(B) EXCEPTIONS.—The values for independent, network, and noncommercial educational stations specified in subparagraph (A) are subject to the following:

''(i) Where the rules and regulations of the Federal Communications Commission require a cable system to omit the further transmission of a particular program and such rules and regulations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, or where such rules and regulations in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to effect such omission and substitution of a nonlive program or to carry additional programs not transmitted by primary transmitters within whose local service area the cable system is located, no value shall be assigned for the substituted or additional program.

''(ii) Where the rules, regulations, or authorizations of the Federal Communications Commission in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to omit the further transmission of a particular program and such rules, regulations, or authorizations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, the value assigned for the substituted or additional program shall be, in the case of a live program, the value of one full distant signal equivalent multiplied by a fraction that has as its numerator the number of days in the year in which such substitution occurs and as its denominator the number of days in the year.

''(iii) In the case of the secondary transmission of a primary transmitter that is a television broadcast station pursuant to the late-night or specialty programming rules of the Federal Communications Commission, or the secondary transmission of a primary transmitter that is a television broadcast station on a part-time basis where full-time carriage is not possible because the cable system lacks the activated channel capacity to retransmit on a full-time basis all signals that it is authorized to carry, the values for independent, network, and noncommercial educational stations set forth in subparagraph (A), as the case may be, shall be multiplied by a fraction that is equal to the ratio of the broadcast hours of such primary transmitter retransmitted by the cable system to the total broadcast hours of the primary transmitter.

''(iv) No value shall be assigned for the secondary transmission of the primary stream or any multicast streams of a primary transmitter that is a television broadcast station in any community that is within the local service area of the primary transmitter.'';

(6) by striking the sixth undesignated paragraph and inserting the following:

''(6) NETWORK STATION.—

''(A) TREATMENT OF PRIMARY STREAM.—The term 'network station' shall be applied to a primary stream of a television broadcast station that is owned or operated by, or affiliated with, one or more of the television networks in the United States providing nationwide transmissions, and that transmits a substantial part of the programming supplied by such networks for a substantial part of the primary stream's typical broadcast day.

''(B) TREATMENT OF MULTICAST STREAMS.—The term 'network station' shall be applied to a multicast stream on which a television broadcast station transmits all or substantially all of the programming of an interconnected program service that—

''(i) is owned or operated by, or affiliated with, one or more of the television networks described in subparagraph (A); and

''(ii) offers programming on a regular basis for 15 or more hours per week to at least 25 of the affiliated television licensees of the interconnected program service in 10 or more States.'';

(7) by striking the seventh undesignated paragraph and inserting the following:

''(7) INDEPENDENT STATION.—The term 'independent station' shall be applied to the primary stream or a multicast stream of a television broadcast station that is not a network station or a noncommercial educational station.'';

(8) by striking the eighth undesignated paragraph and inserting the following:

''(8) NONCOMMERCIAL EDUCATIONAL STATION.—The term 'noncommercial educational station' shall be applied to the primary stream or a multicast stream of a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.''; and

(9) by adding at the end the following:

''(9) PRIMARY STREAM.—A 'primary stream' is—

''(A) the single digital stream of programming that, before June 12, 2009, was substantially duplicating the programming transmitted by the television broadcast station as an analog signal; or

''(B) if there is no stream described in subparagraph (A), then the single digital stream of programming transmitted by the television broadcast station for the longest period of time.

''(10) PRIMARY TRANSMITTER.—A 'primary transmitter' is a television or radio broadcast station licensed by the Federal Communications Commission, or by an appropriate governmental authority of Canada or Mexico, that makes primary transmissions to the public.

''(11) MULTICAST STREAM.—A 'multicast stream' is a digital stream of programming that is transmitted by a television broadcast station and is not the station's primary stream.

''(12) SIMULCAST.—A 'simulcast' is a multicast stream of a television broadcast station that duplicates the programming transmitted by the primary stream or another multicast stream of such station.

''(13) SUBSCRIBER; SUBSCRIBE.—

''(A) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a cable system and pays a fee for the service, directly or indirectly, to the cable system.

''(B) SUBSCRIBE.—The term 'subscribe' means to elect to become a subscriber.''.

(f) TIMING OF SECTION 111 PROCEEDINGS.—Section 804(b)(1) is amended by striking ''2005'' each place it appears and inserting ''2015''.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CORRECTIONS TO FIX LEVEL DESIGNATIONS.—Section 111 is amended—

(A) in subsections (a), (c), and (e), by striking ''clause'' each place it appears and inserting ''paragraph'';

(B) in subsection (c)(1), by striking ''clauses'' and inserting ''paragraphs''; and

(C) in subsection (e)(1)(F), by striking ''subclause'' and inserting ''subparagraph''.

(2) CONFORMING AMENDMENT TO HYPHENATE NONNETWORK.—Section 111 is amended by striking ''nonnetwork'' each place it appears and inserting ''non-network''.

(3) PREVIOUSLY UNDESIGNATED PARAGRAPH.—Section 111(e)(1) is amended by striking ''second paragraph of subsection (f)'' and inserting ''subsection (f)(2)''.

(4) REMOVAL OF SUPERFLUOUS ANDS.—Section 111(e) is amended—

(A) in paragraph (1)(A), by striking ''and'' at the end;

(B) in paragraph (1)(B), by striking ''and'' at the end;

(C) in paragraph (1)(C), by striking ''and'' at the end;

(D) in paragraph (1)(D), by striking ''and'' at the end; and

(E) in paragraph (2)(A), by striking ''and'' at the end.

(5) REMOVAL OF VARIANT FORMS REFERENCES.—Section 111 is amended—

(A) in subsection (e)(4), by striking '', and each of its variant forms,''; and

(B) in subsection (f), by striking ''and their variant forms''.

(6) CORRECTION TO TERRITORY REFERENCE.—Section 111(e)(2) is amended in the matter preceding subparagraph (A) by striking ''three territories'' and inserting ''five entities''.

(h) EFFECTIVE DATE WITH RESPECT TO MULTICAST STREAMS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by this section, to the extent such amendments assign a distant signal equivalent value to the secondary transmission of the multicast stream of a primary transmitter, shall take effect on the date of the enactment of this Act.

(2) DELAYED APPLICABILITY.—

(A) SECONDARY TRANSMISSIONS OF A MULTICAST STREAM BEYOND THE LOCAL SERVICE AREA OF ITS PRIMARY TRANSMITTER BEFORE 2010 ACT.—In any case in which a cable system was making secondary transmissions of a multicast stream beyond the local service area of its primary transmitter before the date of the enactment of this Act, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream that are made on or before June 30, 2010.

(B) MULTICAST STREAMS SUBJECT TO PREEXISTING WRITTEN AGREEMENTS FOR THE SECONDARY TRANSMISSION OF SUCH STREAMS.—In any case in which the secondary transmission of a multicast stream of a primary transmitter is the subject of a written agreement entered into on or before June 30, 2009, between a cable system or an association representing the cable system and a primary transmitter or an association representing the primary transmitter, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream beyond the local service area of its primary transmitter that are made on or before the date on which such written agreement expires.

(C) NO REFUNDS OR OFFSETS FOR PRIOR STATEMENTS OF ACCOUNT.—A cable system that has reported secondary transmissions of a multicast stream beyond the local service area of its primary transmitter on a statement of account deposited under section 111 of title 17, United States Code, before the date of the enactment of this Act shall not be entitled to any refund, or offset, of royalty fees paid on account of such secondary transmissions of such multicast stream.

(3) DEFINITIONS.—In this subsection, the terms ''cable system'', ''secondary transmission'', ''multicast stream'', and ''local service area of a primary transmitter'' have the meanings given those terms in section 111(f) of title 17, United States Code, as amended by this section.

**SEC. 105. CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE FOR ALL DMAS.**

Section 119 is amended by adding at the end the following new subsection:

''(g) CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

''(1) INJUNCTION WAIVER.—A court that issued an injunction pursuant to subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction if the court recognizes the entity against which the injunction was issued as a qualified carrier.

''(2) LIMITED TEMPORARY WAIVER.—

''(A) IN GENERAL.—Upon a request made by a satellite carrier, a court that issued an injunction against such carrier under subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction with respect to the statutory license provided under subsection (a)(2) to the extent necessary to allow such carrier to make secondary transmissions of primary transmissions made by a network station to unserved households located in short markets in which such carrier was not providing local service pursuant to the license under section 122 as of December 31, 2009.

''(B) EXPIRATION OF TEMPORARY WAIVER.—A temporary waiver of an injunction under subparagraph (A) shall expire after the end of the 120-day period beginning on the date such temporary waiver is issued unless extended for good cause by the court making the temporary waiver.

''(C) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

''(i) FAILURE TO ACT REASONABLY AND IN GOOD FAITH.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to act reasonably or has failed to make a good faith effort to provide local-into-local service to all DMAs, such failure—

''(I) is actionable as an act of infringement under section 501 and the court may in its discretion impose the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

''(II) shall result in the termination of the waiver issued under subparagraph (A).

''(ii) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to provide local-into-local service to all DMAs, but determines that the carrier acted reasonably and in good faith, the court may in its discretion impose financial penalties that reflect—

''(I) the degree of control the carrier had over the circumstances that resulted in the failure;

''(II) the quality of the carrier's efforts to remedy the failure; and

''(III) the severity and duration of any service interruption.

''(D) SINGLE TEMPORARY WAIVER AVAILABLE.—An entity may only receive one temporary waiver under this paragraph.

''(E) SHORT MARKET DEFINED.—For purposes of this paragraph, the term 'short market' means a local market in which programming of one or more of the four most widely viewed television networks nationwide as measured on the date of the enactment of this subsection is not offered on the primary stream transmitted by any local television broadcast station.

''(3) ESTABLISHMENT OF QUALIFIED CARRIER RECOGNITION.—

''(A) STATEMENT OF ELIGIBILITY.—An entity seeking to be recognized as a qualified carrier under this subsection shall file a statement of eligibility with the court that imposed the injunction. A statement of eligibility must include—

''(i) an affidavit that the entity is providing local-into-local service to all DMAs;

''(ii) a request for a waiver of the injunction; and

''(iii) a certification issued pursuant to section 342(a) of Communications Act of 1934.

''(B) GRANT OF RECOGNITION AS A QUALIFIED CARRIER.—Upon receipt of a statement of eligibility, the court shall recognize the entity as a qualified carrier and issue the waiver under paragraph (1).

''(C) VOLUNTARY TERMINATION.—At any time, an entity recognized as a qualified carrier may file a statement of voluntary termination with the court certifying that it no longer wishes to be recognized as a qualified carrier. Upon receipt of such statement, the court shall reinstate the injunction waived under paragraph (1).

''(D) LOSS OF RECOGNITION PREVENTS FUTURE RECOGNITION.—No entity may be recognized as a qualified carrier if such entity had previously been recognized as a qualified carrier and subsequently lost such recognition or voluntarily terminated such recognition under subparagraph (C).

''(4) QUALIFIED CARRIER OBLIGATIONS AND COMPLIANCE.—

''(A) CONTINUING OBLIGATIONS.—

''(i) IN GENERAL.—An entity recognized as a qualified carrier shall continue to provide local-into-local service to all DMAs.

''(ii) COOPERATION WITH GAO EXAMINATION.—An entity recognized as a qualified carrier shall fully cooperate with the Comptroller General in the examination required by subparagraph (B).

''(B) QUALIFIED CARRIER COMPLIANCE EXAMINATION.—

''(i) EXAMINATION AND REPORT.—The Comptroller General shall conduct an examination and publish a report concerning the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section. The report shall address the qualified carrier's conduct during the period beginning on the date on which the qualified carrier is recognized as such under paragraph (3)(B) and ending on December 31, 2011.

''(ii) RECORDS OF QUALIFIED CARRIER.—Beginning on the date that is one year after the date on which the qualified carrier is recognized as such under paragraph (3)(B), but not later than October 1, 2011, the qualified carrier shall provide the Comptroller General with all records that the Comptroller General, in consultation with the Register of Copyrights, considers to be directly pertinent to the following requirements under this section:

''(I) Proper calculation and payment of royalties under the statutory license under this section.

''(II) Provision of service under this license to eligible subscribers only.

''(iii) SUBMISSION OF REPORT.—The Comptroller General shall file the report required by clause (i) not later than March 1, 2012, with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate.

''(iv) EVIDENCE OF INFRINGEMENT.—The Comptroller General shall include in the report a statement of whether the examination by the Comptroller General indicated that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement. The Comptroller General shall consult with the Register of Copyrights in preparing such statement.

''(v) SUBSEQUENT EXAMINATION.—If the report includes the Comptroller General's statement that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement, the Comptroller General shall, not later than 6 months after the report under clause (i) is published, initiate another examination of the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section since the last report was filed under clause (iii). The Comptroller General shall file a report on such examination with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate. The report shall include a statement described in clause (iv), prepared in consultation with the Register of Copyrights.

''(vi) COMPLIANCE.—Upon motion filed by an aggrieved copyright owner, the court recognizing an entity as a qualified carrier shall terminate such designation upon finding that the entity has failed to cooperate with the examinations required by this subparagraph.

''(C) AFFIRMATION.—A qualified carrier shall file an affidavit with the district court and the Register of Copyrights 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

''(D) COMPLIANCE DETERMINATION.—Upon the motion of an aggrieved television broadcast station, the court recognizing an entity as a qualified carrier may make a determination of whether the entity is providing local-into-local service to all DMAs.

''(E) PLEADING REQUIREMENT.—In any motion brought under subparagraph (D), the party making such motion shall specify one or more designated market areas (as such term is defined in section 122(j)(2)(C)) for which the failure to provide service is being alleged, and, for each such designated market area, shall plead with particularity the circumstances of the alleged failure.

''(F) BURDEN OF PROOF.—In any proceeding to make a determination under subparagraph (D), and with respect to a designated market area for which failure to provide service is alleged, the entity recognized as a qualified carrier shall have the burden of proving that the entity provided local-into-local service with a good quality satellite signal to at least 90 percent of the households in such designated market area (based on the most recent census data released by the United States Census Bureau) at the time and place alleged.

''(5) FAILURE TO PROVIDE SERVICE.—

''(A) PENALTIES.—If the court recognizing an entity as a qualified carrier finds that such entity has willfully failed to provide local-into-local service to all DMAs, such finding shall result in the loss of recognition of the entity as a qualified carrier and the termination of the waiver provided under paragraph (1), and the court may, in its discretion—

''(i) treat such failure as an act of infringement under section 501, and subject such infringement to the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

''(ii) impose a fine of not less than $250,000 and not more than $5,000,000.

''(B) EXCEPTION FOR NONWILLFUL VIOLATION.—If the court determines that the failure to provide local-into-local service to all DMAs is nonwillful, the court may in its discretion impose financial penalties for noncompliance that reflect—

''(i) the degree of control the entity had over the circumstances that resulted in the failure;

''(ii) the quality of the entity's efforts to remedy the failure and restore service; and

''(iii) the severity and duration of any service interruption.

''(6) PENALTIES FOR VIOLATIONS OF LICENSE.—A court that finds, under subsection (a)(6)(A), that an entity recognized as a qualified carrier has willfully made a secondary transmission of a primary transmission made by a network station and embodying a performance or display of a work to a subscriber who is not eligible to receive the transmission under this section shall reinstate the injunction waived under paragraph (1), and the court may order statutory damages of not more than $2,500,000.

''(7) LOCAL-INTO-LOCAL SERVICE TO ALL DMAS DEFINED.—For purposes of this subsection:

''(A) IN GENERAL.—An entity provides 'local-into-local service to all DMAs' if the entity provides local service in all designated market areas (as such term is defined in section 122(j)(2)(C)) pursuant to the license under section 122.

''(B) HOUSEHOLD COVERAGE.—For purposes of subparagraph (A), an entity that makes available local-into-local service with a good quality satellite signal to at least 90 percent of the households in a designated market area based on the most recent census data released by the United States Census Bureau shall be considered to be providing local service to such designated market area.

''(C) GOOD QUALITY SATELLITE SIGNAL DEFINED.—The term 'good quality signal' has the meaning given such term under section 342(e)(2) of Communications Act of 1934.''.

**SEC. 106. COPYRIGHT OFFICE FEES.**

Section 708(a) is amended—

(1) in paragraph (8), by striking ''and'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon;

(3) by inserting after paragraph (9) the following:

''(10) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 119 or 122; and

''(11) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 111.''; and

(4) by adding at the end the following new sentence: ''Fees established under paragraphs (10) and (11) shall be reasonable and may not exceed one-half of the cost necessary to cover reasonable expenses incurred by the Copyright Office for the collection and administration of the statements of account and any royalty fees deposited with such statements.''.

**SEC. 107. TERMINATION OF LICENSE.**

Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking ''April 30, 2010'' and inserting ''December 31, 2020''.

**SEC. 108. CONSTRUCTION.**

Nothing in section 111, 119, or 122 of title 17, United States Code, including the amendments made to such sections by this title, shall be construed to affect the meaning of any terms under the Communications Act of 1934, except to the extent that such sections are specifically cross-referenced in such Act or the regulations issued thereunder.

## TITLE II—COMMUNICATIONS PROVISIONS

**SEC. 201. REFERENCE.**

Except as otherwise provided, whenever in this title an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

**SEC. 202. EXTENSION OF AUTHORITY.**

Section 325(b) is amended—

(1) in paragraph (2)(C), by striking ''April 30, 2010'' and inserting ''December 31, 2020''; and

(2) in paragraph (3)(C), by striking ''May 1, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''January 1, 2021''.

**SEC. 203. SIGNIFICANTLY VIEWED STATIONS.**

(a) IN GENERAL.—Paragraphs (1) and (2) of section 340(b) are amended to read as follows:

''(1) SERVICE LIMITED TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—This section shall apply only to retransmissions to subscribers of a satellite carrier who receive retransmissions of a signal from that satellite carrier pursuant to section 338.

''(2) SERVICE LIMITATIONS.—A satellite carrier may retransmit to a subscriber in high definition format the signal of a station determined by the Commission to be significantly viewed under subsection (a) only if such carrier also retransmits in high definition format the signal of a station located in the local market of such subscriber and affiliated with the same network whenever such format is available from such station.''.

(b) RULEMAKING REQUIRED.—Within 240 days after the date of the enactment of this Act, the Federal Communications Commission shall take all actions necessary to promulgate a rule to implement the amendments made by subsection (a).

**SEC. 204. DIGITAL TELEVISION TRANSITION CONFORMING AMENDMENTS.**

(a) SECTION 338.—Section 338 is amended—

(1) in subsection (a), by striking ''(3) EFFECTIVE DATE.—No satellite'' and all that follows through ''until January 1, 2002.''; and

(2) by amending subsection (g) to read as follows:

''(g) CARRIAGE OF LOCAL STATIONS ON A SINGLE RECEPTION ANTENNA.—

''(1) SINGLE RECEPTION ANTENNA.—Each satellite carrier that retransmits the signals of local television broadcast stations in a local market shall retransmit such stations in such market so that a subscriber may receive such stations by means of a single reception antenna and associated equipment.

''(2) ADDITIONAL RECEPTION ANTENNA.—If the carrier retransmits the signals of local television broadcast stations in a local market in high definition format, the carrier shall retransmit such signals in such market so that a subscriber may receive such signals by means of a single reception antenna and associated equipment, but such antenna and associated equipment may be separate from the single reception antenna and associated equipment used to comply with paragraph (1).''.

(b) SECTION 339.—Section 339 is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking ''Such two network stations'' and all that follows through ''more than two network stations.''; and

(B) in paragraph (2)—

(i) in the heading for subparagraph (A), by striking ''TO ANALOG SIGNALS'';

(ii) in subparagraph (A)—

(I) in the heading for clause (i), by striking ''ANALOG'';

(II) in clause (i)—

(aa) by striking ''analog'' each place it appears; and

(bb) by striking ''October 1, 2004'' and inserting ''October 1, 2009'';

(III) in the heading for clause (ii), by striking ''ANALOG''; and

(IV) in clause (ii)—

(aa) by striking ''analog'' each place it appears; and

(bb) by striking ''2004'' and inserting ''2009'';

(iii) by amending subparagraph (B) to read as follows:

''(B) RULES FOR OTHER SUBSCRIBERS.—

''(i) IN GENERAL.—In the case of a subscriber of a satellite carrier who is eligible to receive the signal of a network station under this section (in this subparagraph referred to as a 'distant signal'), other than subscribers to whom subparagraph (A) applies, the following shall apply:

''(I) In a case in which the satellite carrier makes available to that subscriber, on January 1, 2005, the signal of a local network station affiliated with the same television network pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if the subscriber's satellite carrier, not later than March 1, 2005, submits to that television network the list and statement required by subparagraph (F)(i).

''(II) In a case in which the satellite carrier does not make available to that subscriber, on January 1, 2005, the signal of a local network station pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if—

''(aa) that subscriber seeks to subscribe to such distant signal before the date on which such carrier commences to carry pursuant to section 338 the signals of stations from the local market of such local network station; and

''(bb) the satellite carrier, within 60 days after such date, submits to each television network the list and statement required by subparagraph (F)(ii).

''(ii) SPECIAL CIRCUMSTANCES.—A subscriber of a satellite carrier who was lawfully receiving the distant signal of a network station on the day before the date of enactment of the Satellite Television Extension and Localism Act of 2010 may receive both such distant signal and the local signal of a network station affiliated with the same network until such subscriber chooses to no longer receive such distant signal from such carrier, whether or not such subscriber elects to subscribe to such local signal.'';

(iv) in subparagraph (C)—

(I) by striking ''analog'';

(II) in clause (i), by striking ''the Satellite Home Viewer Extension and Reauthorization Act of 2004; and'' and inserting the following: ''the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the signal of a local network station affiliated with the same television network pursuant to section 338 (and the retransmission of such signal by such carrier can reach such subscriber); or''; and

(III) by amending clause (ii) to read as follows:

''(ii) lawfully subscribes to and receives a distant signal on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, and, subsequent to such subscription, the satellite carrier makes available to that subscriber the signal of a local network station affiliated with the same network as the distant signal (and the retransmission of such signal by such carrier can reach such subscriber), unless such person subscribes to the signal of the local network station within 60 days after such signal is made available.'';

(v) in subparagraph (D)—

(I) in the heading, by striking ''DIGITAL'';

(II) by striking clauses (i), (iii) through (v), (vii) through (ix), and (xi);

(III) by redesignating clause (vi) as clause (i) and transferring such clause to appear before clause (ii);

(IV) by amending such clause (i) (as so redesignated) to read as follows:

''(i) ELIGIBILITY AND SIGNAL TESTING.—A subscriber of a satellite carrier shall be eligible to receive a distant signal of a network station affiliated with the same network under this section if, with respect to a local network station, such subscriber—

''(I) is a subscriber whose household is not predicted by the model specified in subsection (c)(3) to receive the signal intensity required under section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of title 47, Code of Federal Regulations, or a successor regulation;

''(II) is determined, based on a test conducted in accordance with section 73.686(d) of title 47, Code of Federal Regulations, or any successor regulation, not to be able to receive a signal that exceeds the signal intensity standard in section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of such title, or a successor regulation; or

''(III) is in an unserved household, as determined under section 119(d)(10)(A) of title 17, United States Code.'';

(V) in clause (ii)—

(aa) by striking ''DIGITAL'' in the heading;

(bb) by striking ''digital'' the first two places such term appears;

(cc) by striking ''Satellite Home Viewer Extension and Reauthorization Act of 2004'' and inserting ''Satellite Television Extension and Localism Act of 2010''; and

(dd) by striking '', whether or not such subscriber elects to subscribe to local digital signals'';

(VI) by inserting after clause (ii) the following new clause:

''(iii) TIME-SHIFTING PROHIBITED.—In a case in which the satellite carrier makes available to an eligible subscriber under this subparagraph the signal of a local network station pursuant to section 338, the carrier may only provide the distant signal of a station affiliated with the same network to that subscriber if, in the case of any local market in the 48 contiguous States of the United States, the distant signal is the secondary transmission of a station whose prime time network programming is generally broadcast simultaneously with, or later than, the prime time network programming of the affiliate of the same network in the local market.''; and

(VII) by redesignating clause (x) as clause (iv); and

(vi) in subparagraph (E), by striking ''distant analog signal or'' and all that follows through ''(B), or (D))'' and inserting ''distant signal'';

(2) in subsection (c)—

(A) by amending paragraph (3) to read as follows:

''(3) ESTABLISHMENT OF IMPROVED PREDICTIVE MODEL AND ON-LOCATION TESTING REQUIRED.—

''(A) PREDICTIVE MODEL.—Within 240 days after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the Commission shall develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations, through the use of an antenna, to receive signals in accordance with the signal intensity standard in section 73.622(e)(1) of title 47, Code of Federal Regulations, or a successor regulation, including to account for the continuing operation of translator stations and low power television stations. In prescribing such model, the Commission shall rely on the Individual Location Longley-Rice model set forth by the Commission in CS Docket No. 98–201, as previously revised with respect to analog signals, and as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05–182, FCC 05–199 (released December 9, 2005). The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available.

''(B) ON-LOCATION TESTING.—The Commission shall issue an order completing its rulemaking proceeding in ET Docket No. 06–94 within 240 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010. In conducting such rulemaking, the Commission shall seek ways to minimize consumer burdens associated with on-location testing.'';

(B) by amending paragraph (4)(A) to read as follows:

''(A) IN GENERAL.—If a subscriber's request for a waiver under paragraph (2) is rejected and the subscriber submits to the subscriber's satellite carrier a request for a test verifying the subscriber's inability to receive a signal of the signal intensity referenced in clause (i) of subsection (a)(2)(D), the satellite carrier and the network station or stations asserting that the retransmission is prohibited with respect to that subscriber shall select a qualified and independent person to conduct the test referenced in such clause. Such test shall be conducted within 30 days after the date the subscriber submits a request for the test. If the written findings and conclusions of a test conducted in accordance with such clause demonstrate that the subscriber does not receive a signal that meets or exceeds the requisite signal intensity standard in such clause, the subscriber shall not be denied the retransmission of a signal of a network station under section 119(d)(10)(A) of title 17, United States Code.'';

(C) in paragraph (4)(B), by striking ''the signal intensity'' and all that follows through ''United States Code'' and inserting ''such requisite signal intensity standard''; and

(D) in paragraph (4)(E), by striking ''Grade B intensity''.

(c) SECTION 340.—Section 340(i) is amended by striking paragraph (4).

**SEC. 205. APPLICATION PENDING COMPLETION OF RULEMAKINGS.**

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on the date on which the Federal Communications Commission adopts rules pursuant to the amendments to the Communications Act of 1934 made by section 203 and section 204 of this title, the Federal Communications Commission shall follow its rules and regulations promulgated pursuant to sections 338, 339, and 340 of the Communications Act of 1934 as in effect on the day before the date of the enactment of this Act.

(b) TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.—Notwithstanding subsection (a), for purposes of determining whether a subscriber within the local market served by a translator station or a low power television station affiliated with a television network is eligible to receive distant signals under section 339 of the Communications Act

of 1934, the rules and regulations of the Federal Communications Commission for determining such subscriber's eligibility as in effect on the day before the date of the enactment of this Act shall apply until the date on which the translator station or low power television station is licensed to broadcast a digital signal.

(c) DEFINITIONS.—As used in this subtitle:

(1) LOCAL MARKET; LOW POWER TELEVISION STATION; SATELLITE CARRIER; SUBSCRIBER; TELEVISION BROADCAST STATION.—The terms ''local market'', ''low power television station'', ''satellite carrier'', ''subscriber'', and ''television broadcast station'' have the meanings given such terms in section 338(k) of the Communications Act of 1934.

(2) NETWORK STATION; TELEVISION NETWORK.—The terms ''network station'' and ''television network'' have the meanings given such terms in section 339(d) of such Act.

**SEC. 206. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.**

Part I of title III is amended by adding at the end the following new section:

**''SEC. 342. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.**

''(a) CERTIFICATION.—The Commission shall issue a certification for the purposes of section 119(g)(3)(A)(iii) of title 17, United States Code, if the Commission determines that—

''(1) a satellite carrier is providing local service pursuant to the statutory license under section 122 of such title in each designated market area; and

''(2) with respect to each designated market area in which such satellite carrier was not providing such local service as of the date of enactment of the Satellite Television Extension and Localism Act of 2010—

''(A) the satellite carrier's satellite beams are designed, and predicted by the satellite manufacturer's pre-launch test data, to provide a good quality satellite signal to at least 90 percent of the households in each such designated market area based on the most recent census data released by the United States Census Bureau; and

''(B) there is no material evidence that there has been a satellite or sub-system failure subsequent to the satellite's launch that precludes the ability of the satellite carrier to satisfy the requirements of subparagraph (A).

''(b) INFORMATION REQUIRED.—Any entity seeking the certification provided for in subsection (a) shall submit to the Commission the following information:

''(1) An affidavit stating that, to the best of the affiant's knowledge, the satellite carrier provides local service in all designated market areas pursuant to the statutory license provided for in section 122 of title 17, United States Code, and listing those designated market areas in which local service was provided as of the date of enactment of the Satellite Television Extension and Localism Act of 2010.

''(2) For each designated market area not listed in paragraph (1):

''(A) Identification of each such designated market area and the location of its local receive facility.

''(B) Data showing the number of households, and maps showing the geographic distribution thereof, in each such designated market area based on the most recent census data released by the United States Census Bureau.

''(C) Maps, with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's pre-launch tests, showing that the contours of the carrier's satellite beams as designed and the geographic area that the carrier's satellite beams are designed to cover are predicted to provide a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

''(D) For any satellite relied upon for certification under this section, an affidavit stating that, to the best of the affiant's knowledge, there have been no satellite or sub-system failures subsequent to the satellite's launch that would degrade the design performance to such a degree that a satellite transponder used to provide local service to any such designated market area is precluded from delivering a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

''(E) Any additional engineering, designated market area, or other information the Commission considers necessary to determine whether the Commission shall grant a certification under this section.

''(c) CERTIFICATION ISSUANCE.—

''(1) PUBLIC COMMENT.—The Commission shall provide 30 days for public comment on a request for certification under this section.

''(2) DEADLINE FOR DECISION.—The Commission shall grant or deny a request for certification within 90 days after the date on which such request is filed.

''(d) SUBSEQUENT AFFIRMATION.—An entity granted qualified carrier status pursuant to section 119(g) of title 17, United States Code, shall file an affidavit with the Commission 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

''(e) DEFINITIONS.—For the purposes of this section:

''(1) DESIGNATED MARKET AREA.—The term 'designated market area' has the meaning given such term in section 122(j)(2)(C) of title 17, United States Code.

''(2) GOOD QUALITY SATELLITE SIGNAL.—

''(A) IN GENERAL.—The term ''good quality satellite signal'' means—

''(i) a satellite signal whose power level as designed shall achieve reception and demodulation of the signal at an availability level of at least 99.7 percent using—

''(I) models of satellite antennas normally used by the satellite carrier's subscribers; and

''(II) the same calculation methodology used by the satellite carrier to determine predicted signal availability in the top 100 designated market areas; and

''(ii) taking into account whether a signal is in standard definition format or high definition format, compression methodology, modulation, error correction, power level, and utilization of advances in technology that do not circumvent the intent of this section to provide for non-discriminatory treatment with respect to any comparable television broadcast station signal, a video signal transmitted by a satellite carrier such that—

''(I) the satellite carrier treats all television broadcast stations' signals the same with respect to statistical multiplexer prioritization; and

''(II) the number of video signals in the relevant satellite transponder is not more than the then current greatest number of video signals carried on any equivalent transponder serving the top 100 designated market areas.

''(B) DETERMINATION.—For the purposes of subparagraph (A), the top 100 designated market areas shall be as determined by Nielsen Media Research and published in the Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication as of the date of a satellite carrier's application for certification under this section.''.

**SEC. 207. NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION DIGITAL SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.**

(a) IN GENERAL.—Section 338(a) is amended by adding at the end the following new paragraph:

''(5) NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.—

''(A) EXISTING CARRIAGE OF HIGH DEFINITION SIGNALS.—If, before the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier is providing, under section 122 of title 17, United States Code, any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of qualified noncommercial educational television stations located within that local market in accordance with the following schedule:

''(i) By December 31, 2010, in at least 50 percent of the markets in which such satellite carrier provides such secondary transmissions in high definition format.

''(ii) By December 31, 2011, in every market in which such satellite carrier provides such secondary transmissions in high definition format.

''(B) NEW INITIATION OF SERVICE.—If, on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier initiates the provision, under section 122 of title 17, United States Code, of any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of all qualified noncommercial educational television stations located within that local market.''.

(b) DEFINITIONS.—Section 338(k) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

''(2) ELIGIBLE SATELLITE CARRIER.—The term 'eligible satellite carrier' means any satellite carrier that is not a party to a carriage contract that—

''(A) governs carriage of at least 30 qualified noncommercial educational television stations; and

''(B) is in force and effect within 120 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010.'';

(3) by redesignating paragraphs (6) through (9) (as previously redesignated) as paragraphs (7) through (10), respectively; and

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

''(6) QUALIFIED NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term 'qualified noncommercial educational television station' means any full-power television broadcast station that—

''(A) under the rules and regulations of the Commission in effect on March 29, 1990, is licensed by the Commission as a noncommercial educational broadcast station and is owned and operated by a public agency, nonprofit foundation, nonprofit corporation, or nonprofit association; and

''(B) has as its licensee an entity that is eligible to receive a community service grant,

or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B) of this title.''.

**SEC. 208. SAVINGS CLAUSE REGARDING DEFINITIONS.**

Nothing in this title or the amendments made by this title shall be construed to affect—

(1) the meaning of the terms ''program related'' and ''primary video'' under the Communications Act of 1934; or

(2) the meaning of the term ''multicast'' in any regulations issued by the Federal Communications Commission.

**SEC. 209. STATE PUBLIC AFFAIRS BROADCASTS.**

Section 335(b) is amended—

(1) by inserting ''**STATE PUBLIC AFFAIRS,**'' after ''**EDUCATIONAL,**'' in the heading;

(2) by striking paragraph (1) and inserting the following:

''(1) CHANNEL CAPACITY REQUIRED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a provider of direct broadcast satellite service providing video programming, that the provider of such service reserve a portion of its channel capacity, equal to not less than 4 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.

''(B) REQUIREMENT FOR QUALIFIED SATELLITE PROVIDER.—The Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a qualified satellite provider of direct broadcast satellite service providing video programming, that such provider reserve a portion of its channel capacity, equal to not less than 3.5 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.'';

(3) in paragraph (5), by striking ''For purposes of the subsection—'' and inserting ''For purposes of this subsection:''; and

(4) by adding at the end of paragraph (5) the following:

''(C) The term 'qualified satellite provider' means any provider of direct broadcast satellite service that—

''(i) provides the retransmission of the State public affairs networks of at least 15 different States;

''(ii) offers the programming of State public affairs networks upon reasonable prices, terms, and conditions as determined by the Commission under paragraph (4); and

''(iii) does not delete any noncommercial programming of an educational or informational nature in connection with the carriage of a State public affairs network.

''(D) The term 'State public affairs network' means a non-commercial non-broadcast network or a noncommercial educational television station—

''(i) whose programming consists of information about State government deliberations and public policy events; and

''(ii) that is operated by—

''(I) a State government or subdivision thereof;

''(II) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code and that is governed by an independent board of directors; or

''(III) a cable system.''.

## TITLE III—REPORTS AND SAVINGS PROVISION

**SEC. 301. DEFINITION.**

In this title, the term ''appropriate Congressional committees'' means the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate and the Committees on the Judiciary and on Energy and Commerce of the House of Representatives.

**SEC. 302. REPORT ON MARKET BASED ALTERNATIVES TO STATUTORY LICENSING.**

Not later than 1 year after the date of the enactment of this Act, and after consultation with the Federal Communications Commission, the Register of Copyrights shall submit to the appropriate Congressional committees a report containing—

(1) proposed mechanisms, methods, and recommendations on how to implement a phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code, by making such sections inapplicable to the secondary transmission of a performance or display of a work embodied in a primary transmission of a broadcast station that is authorized to license the same secondary transmission directly with respect to all of the performances and displays embodied in such primary transmission;

(2) any recommendations for alternative means to implement a timely and effective phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code; and

(3) any recommendations for legislative or administrative actions as may be appropriate to achieve such a phase-out.

**SEC. 303. REPORT ON COMMUNICATIONS IMPLICATIONS OF STATUTORY LICENSING MODIFICATIONS.**

(a) STUDY.—The Comptroller General shall conduct a study that analyzes and evaluates the changes to the carriage requirements currently imposed on multichannel video programming distributors under the Communications Act of 1934 (47 U.S.C. 151 et seq.) and the regulations promulgated by the Federal Communications Commission that would be required or beneficial to consumers, and such other matters as the Comptroller General deems appropriate, if Congress implemented a phase-out of the current statutory licensing requirements set forth under sections 111, 119, and 122 of title 17, United States Code. Among other things, the study shall consider the impact such a phase-out and related changes to carriage requirements would have on consumer prices and access to programming.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report to the appropriate Congressional committees the results of the study, including any recommendations for legislative or administrative actions.

**SEC. 304. REPORT ON IN-STATE BROADCAST PROGRAMMING.**

Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall submit to the appropriate Congressional committees a report containing an analysis of—

(1) the number of households in a State that receive the signals of local broadcast stations assigned to a community of license that is located in a different State;

(2) the extent to which consumers in each local market have access to in-state broadcast programming over the air or from a multichannel video programming distributor; and

(3) whether there are alternatives to the use of designated market areas, as defined in section 122 of title 17, United States Code, to define local markets that would provide more consumers with in-state broadcast programming.

**SEC. 305. LOCAL NETWORK CHANNEL BROADCAST REPORTS.**

(a) REQUIREMENT.—

(1) IN GENERAL.—On the 180th day after the date of the enactment of this Act, and on each succeeding anniversary of such 180th day, each satellite carrier shall submit an annual report to the Federal Communications Commission setting forth—

(A) each local market in which it—

(i) retransmits signals of 1 or more television broadcast stations with a community of license in that market;

(ii) has commenced providing such signals in the preceding 1-year period; and

(iii) has ceased to provide such signals in the preceding 1-year period; and

(B) detailed information regarding the use and potential use of satellite capacity for the retransmission of local signals in each local market.

(2) TERMINATION.—The requirement under paragraph (1) shall cease after each satellite carrier has submitted 5 reports under such paragraph.

(b) FCC STUDY; REPORT.—

(1) STUDY.—If no satellite carrier files a request for a certification under section 342 of the Communications Act of 1934 (as added by section 206 of this title) within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall initiate a study of—

(A) incentives that would induce a satellite carrier to provide the signals of 1 or more television broadcast stations licensed to provide signals in local markets in which the satellite carrier does not provide such signals; and

(B) the economic and satellite capacity conditions affecting delivery of local signals by satellite carriers to these markets.

(2) REPORT.—Within 1 year after the date of the initiation of the study under paragraph (1), the Federal Communications Commission shall submit a report to the appropriate Congressional committees containing its findings, conclusions, and recommendations.

(c) DEFINITIONS.—In this section—

(1) the terms ''local market'' and ''satellite carrier'' have the meaning given such terms in section 339(d) of the Communications Act of 1934 (47 U.S.C. 339(d)); and

(2) the term ''television broadcast station'' has the meaning given such term in section 325(b)(7) of such Act (47 U.S.C. 325(b)(7)).

**SEC. 306. SAVINGS PROVISION REGARDING USE OF NEGOTIATED LICENSES.**

(a) IN GENERAL.—Nothing in this Act, title 17, United States Code, the Communications Act of 1934, regulations promulgated by the Register of Copyrights under this title or title 17, United States Code, or regulations promulgated by the Federal Communications Commission under this Act or the Communications Act of 1934 shall be construed to prevent a multichannel video programming distributor from retransmitting a performance or display of a work pursuant to an authorization granted by the copyright owner or, if within the scope of its authorization, its licensee.

(b) LIMITATION.—Nothing in subsection (a) shall be construed to affect any obligation of a multichannel video programming distributor under section 325(b) of the Communications Act of 1934 to obtain the authority of a television broadcast station before retransmitting that station's signal.

**SEC. 307. EFFECTIVE DATE; NONINFRINGEMENT OF COPYRIGHT.**

(a) EFFECTIVE DATE.—Unless specifically provided otherwise, this Act, and the amendments made by this Act, shall take effect on February 27, 2010, and with the exception of the reference in subsection (b), all references to the date of enactment of this Act shall be deemed to refer to February 27, 2010, unless otherwise specified.

(b) NONINFRINGEMENT OF COPYRIGHT.—The secondary transmission of a performance or display of a work embodied in a primary

transmission is not an infringement of copyright if it was made by a satellite carrier on or after February 27, 2010, and prior to enactment of this Act, and was in compliance with the law as in existence on February 27, 2010.

**TITLE IV—SEVERABILITY**

**SEC. 401. SEVERABILITY.**

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

**TITLE V—DETERMINATION OF BUDGETARY EFFECTS**

**SEC. 501. DETERMINATION OF BUDGETARY EFFECTS.**

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

## ORDERS FOR MONDAY, APRIL 12, 2010

Mr. KAUFMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 257 until 2 p.m. on Monday, April 12; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 3 p.m., with the time equally divided and controlled between the two leaders or their designees; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 4851, the Continuing Extension Act of 2010, as provided for under the previous order.

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

## PROGRAM

Mr. KAUFMAN. Mr. President, under a previous order, the cloture vote on the motion to proceed to H.R. 4851 will occur at 5:30 p.m. on Monday, April 12.

## ADJOURNMENT UNTIL MONDAY, APRIL 12, 2010, AT 2 P.M.

Mr. KAUFMAN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 1:49 p.m., adjourned until Monday, April 12, 2010, at 2 p.m.