

Forces and certain other Federal employees, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. WARNER):

S. 2881. A bill to provide greater technical resources to FCC Commissioners; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today, along with Senator WARNER, to introduce legislation that provides greater technical resources to the Commissioners of the Federal Communications Commission.

Specifically, this legislation simply proposes modifying existing law so that each Commissioner may hire an additional staff member—an electrical engineer or computer scientist—to provide in-depth technical consultation. Currently, the statute allows each Commissioner to appoint only three professional assistants and a secretary. Typically, these professional assistants have been legal advisors covering the wireline, wireless, and cable/media sectors. However, in order to properly regulate communications, Commissioners must be well-versed in both the legal and technical aspects of the issues.

With the rapid advancement of technologies and innovation within the telecommunications industry, it is imperative that Commissioners have the technical expertise on their staff to make well informed regulatory decisions. As one Commissioner recently remarked, “not one of us is an engineer. Do you really want us making these highly technical decisions?” We should not expect every Commissioner to be an engineer, but having one on staff is prudent. Having both technical and legal advisors provides the requisite complement of staff experience for the Commissioners to properly address increasingly complex technical and legal matters.

While the Office of Engineering and Technology, OET, has been and will continue to be a valuable resource, there has been concern in the technical community about the depletion of engineering expertise at the Commission. From 1995 to 2001, the FCC’s engineering staff dropped by more than 20 percent. And at the time, more than 40 percent of the engineering staff were to be eligible for retirement between 2001 and 2005. More recently, the FCC’s Managing Director has identified that the Commission has a shortage of network engineers.

In addition, several engineering membership and standards bodies have weighed in voicing concern about the lack of technical depth at the FCC. The Institute of Electrical and Electronics Engineers, IEEE, the largest technical professional organization in the world, sent a letter in June of 2008 to then-Chairman Martin writing “despite the generally excellent nature of its internal staff, given all of the technical

issues within the FCC’s jurisdiction, it may be prudent to seek means to supplement the internal technical capabilities of the Commission.” The Society of Broadcast Engineers has outlined that one of its legislative goals for 2009–10 is “to promote the maintenance or increase of technical expertise within the FCC to ensure that decision-making by the FCC is based on technical investigation, studies and evaluation rather than political expenditures.” I would like to thank these two organizations for supporting this beneficial legislation.

This bill takes a step towards properly addressing a glaring deficiency by ensuring each Commissioner has a technical expert on staff to provide individual technical advisement. This is absolutely critical given how rapidly technologies are changing and the implications that regulation could have on the underlying technical catalysts of innovation. That is why I sincerely hope that my colleagues join Senator WARNER and me in supporting this critical legislation.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 374—RECOGNIZING THE COOPERATIVE EFFORTS OF HUNTERS, SPORTSMEN’S ASSOCIATIONS, MEAT PROCESSORS, HUNGER RELIEF ORGANIZATIONS, AND STATE WILDLIFE, HEALTH, AND FOOD SAFETY AGENCIES TO ESTABLISH PROGRAMS THAT PROVIDE GAME MEAT TO FEED THE HUNGRY

Mrs. LINCOLN (for herself, Mr. HARKIN, and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 374

Whereas almost every State has a program in which hunters may donate game meat to feed the hungry;

Whereas hunters, sportsmen’s associations, meat processors, community hunger organizations, and State wildlife, health, and food safety agencies work together successfully to operate such programs whereby hunters feed the hungry; and

Whereas such programs have brought hundreds of thousands of pounds of game meat to homeless shelters, soup kitchens, and food banks: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the cooperative efforts of hunters, sportsmen’s associations, meat processors, hunger relief organizations, and State wildlife, health and food safety agencies to establish programs that provide game meat to feed the hungry across the United States; and

(2) recognizes the contributions of such programs to efforts to decrease hunger and feed individuals in need.

SENATE RESOLUTION 375—HONORING THE LIFE AND SERVICE OF BREAST CANCER ADVOCATE, STEFANIE SPIELMAN

Mr. VOINOVICH (for himself and Mr. BROWN) submitted the following resolu-

tion; which was considered and agreed to:

S. RES. 375

Whereas Stefanie Spielman, a tremendous advocate and a true champion for the cause of breast cancer research, passed away on November 19, 2009, after a decade-long battle with breast cancer;

Whereas despite her constant battle with her own illness, Stefanie showed grace and compassion for others, touching countless lives in Ohio and beyond;

Whereas Stefanie tirelessly advocated for additional research into the prevention and treatment of breast cancer, and along with her husband, Chris, founded the Stefanie Spielman Fund for Breast Cancer Research at the Ohio State University Comprehensive Cancer Center—James Cancer Hospital and Solove Research Institute shortly after her diagnosis;

Whereas Stefanie and Chris later established the Stefanie Spielman Fund for Patient Assistance, which to date has generated more than \$6,500,000 to help translate laboratory discoveries into effective treatments for breast cancer patients;

Whereas Stefanie served as an active and vital member of the James Cancer Hospital and Solove Research Institute Foundation Board;

Whereas Stefanie was actively engaged in advocacy issues, including Ohio Mammography Day, which received the strong support of former Ohio First Lady Janet Voinovich and was designated by the Ohio General Assembly as the third Thursday in October;

Whereas in 2000, Stefanie and Chris established “Stefanie’s Champions” to honor one of the most important factors in cancer treatment—the loving and healing presence of a devoted caregiver;

Whereas Stefanie gave the first Champion award to her beloved husband after Chris put his professional football career on hold to care for her when she was first treated; and

Whereas Stefanie was a loving mother to her 4 children: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges the outstanding achievements and profound impact of Stefanie Spielman in the fight against breast cancer;

(2) commends Stefanie for her commitment to caring for others suffering from breast cancer; and

(3) celebrates her life as a wife, mother, and advocate for breast cancer awareness, research, and treatment.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3201. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table.

SA 3202. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3203. Mr. BAYH (for himself, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. KOHL, Mr. KERRY, Ms. STABENOW, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3204. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3205. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3206. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3207. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3208. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3209. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3210. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3211. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3212. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3213. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3214. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3215. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. SPECTER, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3216. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3217. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3218. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID

(for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3201.** Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 377, between lines 14 and 15, insert the following:

#### SEC. 1562. CONSCIENCE PROTECTION.

(a) PERMISSIBLE ACCOMMODATIONS.—Nothing in this Act (or an amendment made by this Act) shall be construed to—

(1) require a health plan or health insurance issuer to provide coverage of any item or service to which the health insurance issuer, purchaser, or plan sponsor has a moral or religious objection, or require such coverage for the purpose of—

(A) qualifying as a qualified health plan or participating in an Exchange; or

(B) being eligible for a premium tax credit or cost-sharing reduction or avoiding an assessable payment under section 4980H of the Internal Revenue Code of 1986 (as added by section 1513) or any other tax, assessment, or penalty; or

(2) require an individual or institutional health care provider to provide, participate in, or refer for an item or service to which such provider has a moral or religious objection, or require such conduct as a condition of contracting with a qualified health plan.

(b) NONDISCRIMINATION.—No person implementing this Act (or an amendment made by this Act) shall discriminate against a health plan, health insurance issuer, purchaser, plan sponsor, or individual or institutional health care provider based in whole or in part on an accommodation permitted under subsection (a).

(c) EXCEPTION.—Nothing in this section authorizes a health plan, health insurance issuer, or individual or institutional health care provider to deny all medical care or to deny life-preserving care to an individual based on the view that, because of a disability or other characteristic of such individual, extending the life or preserving the health of such individual is less valuable than extending the life or preserving the health of another individual who does not have such disability or other characteristic.

**SA 3202.** Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

#### SEC. 9. DISALLOWANCE OF DEDUCTION FOR DIRECT TO CONSUMER ADVERTISING EXPENSES FOR PRESCRIPTION PHARMACEUTICALS.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of subtitle A of the Internal Rev-

enue Code of 1986 (relating to items not deductible) is amended by adding at the end the following new section:

#### “SEC. 280I. DISALLOWANCE OF DEDUCTION FOR DIRECT TO CONSUMER ADVERTISING EXPENSES FOR PRESCRIPTION PHARMACEUTICALS.

“No deduction shall be allowed under this chapter for expenses relating to direct to consumer advertising in any media for the sale and use of prescription pharmaceuticals for any taxable year.”.

(b) CONFORMING AMENDMENT.—The table of sections for such part IX of the Internal Revenue Code of 1986 is amended by adding after the item relating to section 280H the following new item:

“Sec. 280I. Disallowance of deduction for direct to consumer advertising expenses for prescription pharmaceuticals.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

#### SEC. 9. PHYSICAL LIFESTYLES FOR AMERICA'S YOUTH (PLAY) DEDUCTION.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 224 as section 225 and inserting after section 223 the following new section:

#### “SEC. 224. FEES FOR ORGANIZATIONS PROMOTING CHILDREN'S PHYSICAL ACTIVITY.

“(a) GENERAL RULE.—There shall be allowed as a deduction under this chapter an amount equal to the lesser of—

“(1) the amount paid or incurred by the taxpayer during the taxable year for the participation of a qualifying child (as defined in section 152(c)) of the taxpayer in a qualified organization, or

“(2) \$500.

“(b) LIMITATIONS.—

“(1) IN GENERAL.—No deduction shall be allowed under subsection (a) with respect to any taxpayer whose adjusted gross income for the taxable year exceeds \$250,000.

“(2) ADJUSTED GROSS INCOME.—For purposes of this subsection, adjusted gross income shall be determined—

“(A) without regard to this section and sections 199, 911, 931, and 933, and

“(B) after the application of sections 86, 135, 137, 219, 221, 222, and 469.

“(c) QUALIFIED ORGANIZATION.—For purposes of this section, the term ‘qualified organization’ means any other organization the principal activities of which are designed to promote or provide for the physical activity of children, as determined under guidelines published by the Secretary in consultation with the Secretary of Health and Human Services.”.

(b) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by redesignating the item relating to section 224 as relating to section 225 and inserting after the item relating to section 223 the following new item:

“Sec. 224. Fees for organizations promoting children's physical activity.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SA 3203.** Mr. BAYH (for himself, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. KOHL, Mr. KERRY, Ms. STABENOW, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr.