

(2) by striking “substituting” and all that follows through “for such plan year” and inserting “substituting for such percentage the plan’s adjusted funding target attainment percentage for the last plan year ending before September 30, 2009,”; and

(3) by striking “for the preceding plan year is greater” and inserting “for such last plan year is greater”.

(b) SOCIAL SECURITY LEVEL-INCOME OPTIONS.—

(1) ERISA AMENDMENT.—Section 206(g)(3)(E) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new sentence: “For purposes of applying clause (i) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 204(b)(1)(G)).”.

(2) IRC AMENDMENT.—Section 436(d)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “For purposes of applying subparagraph (A) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 411(a)(9)).”.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to annuity payments the annuity starting date for which occurs on or after January 1, 2011.

(B) PERMITTED APPLICATION.—A plan shall not be treated as failing to meet the requirements of sections 206(g) of the Employee Retirement Income Security Act of 1974 (as amended by this subsection) and section 436(d) of the Internal Revenue Code of 1986 (as so amended) if the plan sponsor elects to apply the amendments made by this subsection to payments the annuity starting date for which occurs before January 1, 2011.

(c) REPEAL OF RELATED PROVISIONS.—The provisions of, and the amendments made by, section 203 of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 are repealed and the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Worker, Retiree, and Employer Recovery Act of 2008 (Public Law 110-458; 122 Stat. 5118) shall be applied as if such section had never been enacted.

#### SEC. 4. OPTIONAL USE OF 30-YEAR AMORTIZATION PERIODS.

(a) AMENDMENT TO ERISA.—Paragraph (8) of section 304(b) of the Employee Retirement Income Security Act of 1974, as amended by the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended by striking “after August 31, 2008” each place it appears in subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II), and inserting “on or after June 30, 2008”.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (8) of section 431(b) of the Internal Revenue Code of 1986, as amended by the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended by striking “after August 31, 2008” each place it appears in subparagraphs (A)(i) and (B)(i)(I) and inserting “on or after June 30, 2008”.

(c) EFFECTIVE DATE AND SPECIAL RULES.—The amendments made by this section shall take effect as of the first day of the first plan year beginning on or after June 30, 2008, except that any election a plan sponsor

makes pursuant to this section or the amendments made thereby that affects the plan’s funding standard account for any plan year beginning before October 1, 2009, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to that plan year.

**SA 4849.** Mr. BROWN of Ohio (for Mr. BAUCUS) proposed an amendment to the bill H.R. 4915, 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; as follows:

Amend the title so as to read: “An Act to amend the Internal Revenue Code of 1986 to make technical corrections to the pension funding provisions of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010.”.

**SA 4850.** Mr. BROWN of Ohio (for Mr. DODD) proposed an amendment to the bill S. 118, to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes; as follows:

On page 45, strike line 1 and all that follows through page 50, line 8.

On page 50, after line 8, insert the following:

#### TITLE IV—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010 SEC. 401. BUDGETARY EFFECTS.

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.

**SA 4851.** Mr. SESSIONS submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

At the end of subsection (c), add the following:

(14) NUCLEAR DETERRENCE.—The Senate declares that it will not support further nuclear reductions that put the United States on a path to zero nuclear weapons, would require the elimination of a leg of the United States nuclear triad, or require significant changes to the nuclear posture or doctrine of the United States in a manner that would undermine the credibility of the nuclear deterrent, the assurance of extended deterrence, or the dissuasive effect of the posture or doctrine on would-be nuclear states or potential nuclear competitors.

**SA 4852.** Mr. THUNE submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Meas-

ures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

At the end of subsection (a), add the following:

(11) DEVELOPMENT OF REPLACEMENT HEAVY BOMBER.—Prior to entry into force of the New START Treaty, the President shall certify to the Senate that the President has made a commitment to develop a replacement heavy bomber that is both nuclear and conventionally capable.

**SA 4853.** Mr. CORNYN submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

At the end of subsection (a), add the following:

(11) PRESIDENTIAL CERTIFICATION REJECTING INTERRELATIONSHIP BETWEEN STRATEGIC OFFENSIVE AND STRATEGIC DEFENSIVE ARMS.—The New START Treaty shall not enter into force until the President certifies to the Senate and notifies the President of the Russian Federation in writing that the President rejects the following recognition stated in the preamble to the New START Treaty: “Recognizing the existence of the interrelationship between strategic offensive arms and strategic defensive arms, that this interrelationship will become more important as strategic nuclear arms are reduced, and that current strategic defensive arms do not undermine the viability and effectiveness of the strategic offensive arms of the Parties”.

#### PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that two additional staff members from Senator LIEBERMAN’s office be granted floor privileges for the duration of the debate on the vote to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 2965.

We do not need their names. You are entitled to two and he wants to be able to have four. So I ask that consent.

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

#### REAL PROPERTY CONVEYANCE

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 6510 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 bill clerk read as follows:

A bill (H.R. 6510) to direct the Administrator of General Services to convey a parcel

of real property in Houston, Texas, to the Military Museum of Texas, and for other purposes.

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

Mr. BROWN of Ohio. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

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

The bill (H.R. 6510) was ordered to a third reading, was read the third time, and passed.

#### AIRPORT AND AIRWAY EXTENSION ACT OF 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6473, which was received from the House and is at the desk.

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

The bill clerk read as follows:

A bill (H.R. 6473) 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 the airport improvement program, and for other purposes.

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

Mr. BROWN of Ohio. Mr. President, 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 any statements be printed in the RECORD.

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

The bill (H.R. 6473) was ordered to a third reading, was read the third time, and passed.

#### LOCAL COMMUNITY RADIO ACT OF 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6533, which was received from the House.

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

The bill clerk read as follows:

A bill (H.R. 6533) to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service, and for other purposes.

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

Mr. LEAHY. Mr. President, I have long argued in favor of greater diversity and localism in broadcasting. Today, Congress takes a positive step by making available more radio broadcast outlets for local content.

I am pleased that Congress has finally passed and sent to the President the Local Community Radio Act, which will increase the number of frequencies available for low power FM,

LPFM, radio stations. I am a cosponsor of the Senate version of this legislation, and have been an original cosponsor of similar legislation in each of the previous two Congresses. I commend Senator CANTWELL for her hard work in reaching an agreement with full power broadcasters that will ensure they are protected.

The rash of nationwide consolidation we have witnessed in the broadcast industry over the last decade has been alarming, if predictable. Low power FM stations offer a valuable counterweight to this trend. By using low power stations, community groups can access underutilized spectrum and provide content tailored to smaller communities. The Local Community Radio Act rolls back unnecessary restrictions that have limited the number of frequencies on which LPFM stations can operate.

This legislation is important because LPFM stations provide opportunities for local organizations to serve local communities. Vermont has 11 LPFM stations serving local communities in Vermont from Hyde Park to Brattleboro to Warren. There is room for more in Vermont and across the country.

Low Power FM provides the opportunity for truly local content to flourish, and today's legislation will make more such stations available.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, 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. 6533) was ordered to a third reading, was read the third time, and passed.

#### FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 4915 and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 4915) 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. BROWN of Ohio. I ask unanimous consent that the Baucus substitute amendment at the desk be considered and agreed to; the bill, as amended, be read a third time, passed, and the motion to reconsider be laid on the table; that the title amendment which is at the desk be considered and agreed to,

and that any statements related thereto be printed in the RECORD.

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

The amendment (No. 4848) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 4849) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: "An Act to amend the Internal Revenue Code of 1986 to make technical corrections to the pension funding provisions of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010."

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4915), as amended, was read the third time and passed.

#### HONORING AMBASSADOR RICHARD HOLBROOKE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 335 just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 335) honoring the exceptional achievements of Ambassador Richard Holbrooke and recognizing the significant contributions he has made to United States national security, humanitarian causes, and peaceful resolutions of international conflict.

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

Mr. KERRY. Mr. President, today the Senate has been asked to concur with our colleagues in the House and approve a resolution honoring our friend and a great public servant, Ambassador Richard Holbrooke, who passed away on Monday.

We remember Richard not just as one of America's most distinguished and accomplished statesmen, but as a man who—from Vietnam to his last mission in Afghanistan—really was a warrior for peace. It is fitting that we honor him by approving this resolution.

Richard was an incredible combination of the best qualities of the human spirit—a serious thinker who embraced relentless action; a tough-as-nails negotiator who commanded an enormous and infectious sense of humor; and perhaps above all, a diplomat who knew firsthand just how difficult and frustrating engagement could be, but in his life's legacy reminded all of us just how much engagement could accomplish.

Richard's passing is almost incomprehensible, not just because it was so sudden, but because I cannot imagine Richard Holbrooke in anything but a state of perpetual motion. He was always working. Always hard-charging in the best sense of the word—he had an immense presence—and a brilliance matched only by his perseverance and