

foster national reconciliation, and facilitate peaceful transition to civilian, democratic rule: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the continued detention of Burmese democracy leader Daw Aung San Suu Kyi and all prisoners of conscience in Burma, and calls for their immediate and unconditional release;

(2) calls on the military regime in Burma to engage in dialogue with all political groups and individuals dedicated to democratic ideals, as well as with ethnic minorities, to broaden political participation in an environment free from fear and intimidation;

(3) calls upon the Secretary of State to assess the effectiveness of the policy of engagement with the military regime in Burma in furthering United States interests, and to maintain, and consider strengthening, sanctions against Burma if the military regime continues its systematic violation of human rights and fails to embrace the democratic aspirations of the people of Burma;

(4) calls upon the Secretary of State to engage regional governments and multilateral organizations, as appropriate, in order to push for the establishment of an environment in Burma that encourages the full and unfettered participation of the people of Burma in a democratic transition to civilian rule; and

(5) calls on the Secretary of State to support the people of Burma in calling for significant constitutional and election reforms by the military regime, which will broaden political participation, further democracy, accountability, and responsive governance, and improve human rights in Burma.

#### AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 247 which was received from the House and is at the desk.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 247) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

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

Mr. WHITEHOUSE. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 247) was agreed to.

#### AUTHORIZING THE USE OF CAPITOL GROUNDS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 263, which was received from the House and is at the desk.

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

The legislative clerk read as follows:

A resolution (H. Con. Res. 263) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

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

Mr. WHITEHOUSE. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table without any intervening action or debate, and any statements be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 263) was agreed to.

#### ENDANGERED SPECIES DAY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the judiciary committee be discharged from further consideration of S. Res. 503 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. 503) designating May 21, 2010 as "Endangered Species Day."

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

Mr. WHITEHOUSE. I ask unanimous consent the resolution be agreed to, 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 resolution (S. Res. 503) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 503

Whereas in the United States and around the world, more than 1,000 species are officially designated as at risk of extinction and thousands more also face a heightened risk of extinction;

Whereas the actual and potential benefits that may be derived from many species have not yet been fully discovered and would be permanently lost if not for conservation efforts;

Whereas recovery efforts for species such as the whooping crane, Kirtland's warbler, the peregrine falcon, the gray wolf, the gray whale, the grizzly bear, and others have resulted in great improvements in the viability of such species;

Whereas saving a species requires a combination of sound research, careful coordination, and intensive management of conservation efforts, along with increased public awareness and education;

Whereas ⅓ of endangered or threatened species reside on private lands;

Whereas voluntary cooperative conservation programs have proven to be critical to habitat restoration and species recovery; and

Whereas education and increasing public awareness are the first steps in effectively informing the public about endangered species and species restoration efforts: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 21, 2010, as "Endangered Species Day";

(2) encourages schools to spend at least 30 minutes on Endangered Species Day teaching and informing students about—

(A) threats to endangered species around the world; and

(B) efforts to restore endangered species, including the essential role of private landowners and private stewardship in the protection and recovery of species;

(3) encourages organizations, businesses, private landowners, and agencies with a shared interest in conserving endangered species to collaborate in developing educational information for use in schools; and

(4) encourages the people of the United States—

(A) to become educated about, and aware of, threats to species, success stories in species recovery, and opportunities to promote species conservation worldwide; and

(B) to observe the day with appropriate ceremonies and activities.

#### NATIONAL PHYSICAL EDUCATION AND SPORT WEEK

#### RECOGNIZING AMERICORPS

#### NATIONAL TRAIN DAY

#### NATIONAL NURSING HOME WEEK

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions: S. Res. 515, S. Res. 516, S. Res. 517, S. Res. 518.

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

Mr. WHITEHOUSE. I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements be printed in the RECORD.

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. 515

Whereas the week beginning May 2, 2010, is observed as National Physical Education and Sport Week;

Whereas a decline in physical activity has contributed to an unprecedented epidemic of childhood obesity in the United States, which has more than tripled since 1980;

Whereas regular physical activity is necessary to support normal and healthy growth in children and is essential to their continued health and well-being;

Whereas, according to the Centers for Disease Control and Prevention, overweight adolescents have a 70 to 80 percent chance of becoming overweight adults, increasing their risk for chronic disease, disability, and death;

Whereas physical activity reduces the risk of heart disease, high blood pressure, diabetes, and certain types of cancers;

Whereas type 2 diabetes can no longer be referred to as "late in life" or "adult onset" diabetes because it occurs in children as young as 10 years old;

Whereas the Physical Activity Guidelines for Americans, published by the Department of Health and Human Services, recommend that children engage in at least 60 minutes of physical activity on most, and preferably all, days of the week;

Whereas, according to the Centers for Disease Control and Prevention, only 17 percent of high school students meet that goal of 60 minutes of physical activity a day;

Whereas children spend many of their waking hours at school and therefore need to be active during the school day to meet the recommendations of the Physical Activity Guidelines for Americans;

Whereas, according to the Centers for Disease Control and Prevention, 1 in 4 children in the United States does not attend any school physical education classes and fewer than 1 in 4 children in the United States engage in 20 minutes of vigorous physical activity each day;

Whereas teaching children about physical activity and sports not only ensures that they are physically active during the school day, but also educates them on how to be physically active and the importance of being physically active;

Whereas, according to a 2006 survey by the Department of Health and Human Services, 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of high schools provide daily physical education classes or the equivalent for the entire school year, and 22 percent of schools do not require students to take any physical education classes at all;

Whereas, according to that survey, 13.7 percent of elementary schools, 15.2 percent of middle schools, and 3.0 percent of high schools provided physical education at least 3 days per week, or the equivalent thereof, for the entire school year for students in all grades in the school;

Whereas research shows that fit and active children are more likely to thrive academically;

Whereas increased time in physical education classes can improve children's attention and concentration and result in higher test scores;

Whereas participation in sports teams and physical activity clubs, which are often organized by schools and run outside the regular school day, can improve students' grade point averages, attachment to schools, educational aspirations, and the likelihood of graduating;

Whereas participation in sports and other physical activities also improves self-esteem and body image in children and adults;

Whereas children and youth who take part in physical activity and sports programs develop improved motor skills, healthy lifestyles, improved social skills, a sense of fair play, strong teamwork skills, and self-discipline and avoid risky behaviors;

Whereas the social and environmental factors affecting children are in the control of the adults and the communities in which children live, and therefore the Nation shares a collective responsibility in reversing the childhood obesity trend;

Whereas efforts to improve the fitness level of children who are not physically fit may also result in improvements in academic performance; and

Whereas the Senate strongly supports efforts to increase physical activity and participation of youth in sports: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning May 2, 2010, as "National Physical Education and Sport Week";

(2) recognizes the central role of physical education and sports in creating healthy lifestyles for all children and youth;

(3) encourages school districts to implement local wellness policies, as described in section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1751 note), that include ambitious goals for physical education, physical activity, and other activities addressing the childhood obesity epidemic and promoting child wellness; and

(4) encourages schools to offer physical education classes to students and to work with community partners to provide opportunities and safe spaces for physical activities before and after school and during the summer months for all children and youth.

S. RES. 516

Whereas, since its inception in 1994, the AmeriCorps national service program has proven to be a highly effective way to engage the people of the United States in meeting a wide range of local and national needs and promoting the ethic of service and volunteering;

Whereas, each year, AmeriCorps provides opportunities for approximately 85,000 individuals across the United States to give back in an intensive way to their communities, their States, and the Nation;

Whereas those individuals improve the lives of the Nation's most vulnerable citizens, protect the environment, contribute to public safety, respond to disasters, and strengthen the educational system;

Whereas AmeriCorps members serve thousands of nonprofit organizations, schools, and faith-based and community organizations each year;

Whereas AmeriCorps members, after their terms of service end, are more likely to remain engaged in their communities as volunteers, teachers, and nonprofit professionals than the average individual;

Whereas, on April 21, 2009, President Barack Obama signed the Serve America Act (Public Law 111-13; 123 Stat. 1460) into law, which was passed by bipartisan majorities in both the House of Representatives and the Senate and reauthorized AmeriCorps and will expand AmeriCorps programs to incorporate 250,000 members each year;

Whereas national service programs have engaged millions of people in the United States in results-driven service in the Nation's most vulnerable communities, providing hope and help to people facing economic and social needs;

Whereas, in 2010, as the economic downturn puts millions of people in the United States at risk, national service and volunteering are more important than ever; and

Whereas AmeriCorps Week, observed in 2010 from May 8 through May 15, provides the perfect opportunity for AmeriCorps members, alumni, grantees, program partners, and friends to shine a spotlight on the work done by AmeriCorps members and to motivate more people in the United States to serve their communities: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the contributions of AmeriCorps members to the lives of the people of the United States;

(2) acknowledges the significant accomplishments of AmeriCorps members, alumni, and community partners; and

(3) encourages the people of the United States to join in a national effort to salute AmeriCorps members and alumni and raise awareness about the importance of national and community service.

S. RES. 517

Whereas on May 10, 1869, the "golden spike" was driven into the final tie at Promontory Summit, Utah, to join the Central Pacific and the Union Pacific Railroads, ceremonially completing the first trans-

continental railroad and therefore connecting both coasts of the United States;

Whereas in highly populated regions Amtrak trains and infrastructure carry intercity passengers and commuters to and from work in congested metropolitan areas, providing a reliable rail option while reducing congestion on roads and in the skies;

Whereas Amtrak ridership in Fiscal Year 2009 reached 27.1 million passengers from 46 states;

Whereas, for many rural Americans, Amtrak represents the only major intercity transportation link to the rest of the country;

Whereas passenger rail provides a fuel-efficient transportation system, thereby providing clean transportation alternatives and energy security;

Whereas, when combined with all modes of transportation, passenger railroads emit only 0.2 percent of the travel industry's total greenhouse gases and one freight train can move a ton of freight 480 miles on one gallon of fuel;

Whereas developing this pipeline of national high-speed and intercity passenger rail projects will revitalize the domestic manufacturing industry and create additional American jobs building on the one million good-paying, middle-class-creating American jobs that can never be off-shored that are already supported by the rail industry;

Whereas ridership on Amtrak grew every year from 2000 through 2008, and is currently on track for 2010 to be its best ridership year ever, further demonstrating the increased demand for intercity passenger rail services; and

Whereas our railroad system is a source of civic pride, the gateway to our communities and a tool for economic growth that creates transportation-oriented development and livable communities: Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of National Train Day, as designated by Amtrak.

S. RES. 518

Whereas more than 1,500,000 elderly and disabled individuals live in the nearly 16,000 nursing facilities in the United States;

Whereas the annual celebration of National Nursing Home Week invites people in communities nationwide to recognize nursing home residents and staff for their contributions to their communities;

Whereas the theme for National Nursing Home Week in 2010 is "Enriching Every Day", honoring caregivers who are "enriching every day" for elderly and disabled individuals, adding value to their lives and helping them to overcome many of the infirmities of age and disability;

Whereas nursing homes are intimate communities where acts of caring, kindness, and respect are the norm;

Whereas, when the positive bond that naturally develops between patients and their caregivers is established, patients experience not only better physical care and healing, but also enrichment of the mind, heart, and spirit and an affirmation of their value; and

Whereas National Nursing Home Week recognizes the people who provide care to the Nation's most vulnerable population: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning May 9, 2010, as "National Nursing Home Week";

(2) recognizes that a majority of people in the United States, because of social needs, disability, trauma, or illness, will require long-term care services at some point in their lives;

(3) honors nursing home residents and the people who care for them each day, including

family members, volunteers, and dedicated long-term care professionals, for their contributions to their communities and the United States; and

(4) encourages the people of the United States to observe National Nursing Home Week with appropriate ceremonies and activities.

SATELLITE TELEVISION  
EXTENSION AND LOCALISM ACT

The PRESIDING OFFICER. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3333, introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 3333) to extend the statutory license for secondary transmissions under title 17, United States Code, and for other purposes.

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

Mr. LEAHY. Mr. President, I am pleased that the Senate will pass the Satellite Television Extension and Localism Act, STELA, of 2010. This legislation modernizes and extends important statutory copyright licenses that allow cable and satellite companies to retransmit the content transmitted by television broadcasters. STELA also includes important Communications Act authorizations that allow for the retransmission of broadcast television signals by satellite and cable providers.

Ensuring that Americans have access to broadcast television content is important, and it is particularly relevant for consumers in rural areas who might not otherwise be able to receive these signals over-the-air. The legislation that the Senate is passing today will ensure that nobody will be left in the dark for the foreseeable future. Broadcast television plays a critical role in cities and towns across the country, and remains the primary way in which consumers are able to access local content such as news, weather, and sports.

Cable and satellite providers help to expand the footprint of broadcast stations by allowing them to reach view-

ers who are unable to receive signals over-the-air. Vermont is an example of how cable and satellite companies can provide service to consumers in rural areas who might not otherwise receive these signals.

Vermonters will see improved service when this legislation is enacted. Today, DirecTV is permitted to use the licenses to provide Windham and Bennington Counties with stations from the Burlington television market, but DISH Network is not. This legislation will permit DISH to provide their subscribers in southern Vermont with the same service. As soon as DISH Network uses this authority, virtually everyone in the State will be able to access the news and information that is truly important to Vermonters.

One other important way that STELA will preserve and improve existing service for consumers is by correcting a flaw in the statutory copyright license for the cable industry. An unintended result of current law is that the cable license requires the cable industry to pay copyright holders for signals that many of their subscribers do not actually receive. This is often referred to as the phantom signal problem. The effect of this anomaly in the law is that Comcast is required to pay copyright royalties based on their subscriber base across the northeast for the Canadian television content that is only provided to subscribers in Burlington, VT.

The bill corrects this flaw by giving the cable industry the flexibility to continue to provide signals that are tailored to local interests—signals that might otherwise have been pulled from cable line-ups. This will benefit industry and consumers. For instance, subscribers in Burlington will still be able to receive programming such as “Hockey Night in Canada,” which has been a tradition, without fear that Comcast will have to remove the channel or raise prices because it is being charged royalties based on subscribers in Boston.

In addition, the legislation will expand consumer access to their States’

public television programming and low-power, community-oriented stations that will promote media diversity.

This is the third time the Senate will have passed substantially the same reauthorization language. The bill is the product of many hours of hard work and compromise among four committees in both Houses of Congress. No single member or committee chairman would have written it in this exact way, but the final language represents a fair compromise on important issues. For instance, I would have preferred the approach included in the Senate Judiciary Committee-approved bill for providing incentives to DISH Network to launch additional local markets, rather than lifting a court-ordered injunction. As a matter of policy, lifting a court-ordered injunction based on copyright infringement is something I generally do not support, but others insisted upon it and it is part of the compromise embodied in STELA.

Overall, this is a good bill that will preserve and improve the service that consumers across the country are accustomed to receiving. I hope the third time the Senate passes it will be the final time and that it will be considered promptly by the House and signed into law by the President.

Mr. CONRAD: This is the Statement of Budgetary Effects of PAYGO Legislation for S. 3333. 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. 3333 by the Senate.

Total Budgetary Effects of S. 3333 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of S. 3333 for the 10-year Statutory PAYGO Scorecard: \$0.

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 A BILL TO EXTEND THE STATUTORY LICENSE FOR SECONDARY TRANSMISSIONS UNDER TITLE 17, UNITED STATES CODE, AND FOR OTHER PURPOSES AS PROVIDED TO CBO BY THE SENATE COMMITTEE ON THE JUDICIARY ON MAY 6, 2010

	By fiscal year, in millions of dollars—											
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015
	Net Increase or Decrease (–) in the Deficit											
Statutory Pay-As-You-Go Impact <sup>a</sup>	0	0	0	0	0	0	0	0	0	0	0	0

<sup>a</sup> The bill would authorize the Copyright Office to charge fees to cable and satellite providers to offset a portion of the costs of operating the copyright licensing program. This provision would increase both revenues and direct spending by \$8 million over the 2010–2020 period.

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

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

The bill (S. 3333) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 3333

*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 Television Extension and Localism Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STATUTORY LICENSES

- Sec. 101. Reference.
- Sec. 102. Modifications to statutory license for satellite carriers.
- Sec. 103. Modifications to statutory license for satellite carriers in local markets.
- Sec. 104. Modifications to cable system secondary transmission rights under section 111.
- Sec. 105. Certain waivers granted to providers of local-into-local service for all DMAs.