

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 18 months 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 18 months 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 270th day after the date of the enactment of this Act, and on each succeeding anniversary of such 270th 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 270 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.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 849 to and including 879 and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc;

that no further motions be in order; any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Kenneth J. Moran

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Edward A. Rice, Jr.

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel David W. Allvin
Colonel Balan R. Ayyar
Colonel Thomas W. Bergeson
Colonel Jack L. Briggs, II
Colonel James S. Browne
Colonel Arnold W. Bunch, Jr.
Colonel Theresa C. Carter
Colonel Scott L. Dennis
Colonel John W. Doucette
Colonel Sandra E. Finan
Colonel Donald S. George
Colonel Jerry D. Harris, Jr.
Colonel Kevin J. Jacobsen
Colonel Scott W. Jansson
Colonel Richard A. Klumpp, Jr.
Colonel Leslie A. Kodlick
Colonel Gregory J. Lengyel
Colonel James F. Martin, Jr.
Colonel Robert D. McMurry, Jr.
Colonel Edward M. Minahan
Colonel Jon A. Norman
Colonel James N. Post, III
Colonel Steven M. Shepro
Colonel Jay B. Silveria
Colonel David D. Thompson
Colonel William J. Thornton
Colonel Kenneth E. Todorov
Colonel Linda R. Urrutia-Varhall
Colonel Burke E. Wilson

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Mark A. Barrett
Brigadier General Michael R. Boera
Brigadier General Edward L. Bolton, Jr.
Brigadier General Joseph D. Brown, IV
Brigadier General Norman J. Brozenick, Jr.
Brigadier General Sharon K.G. Dunbar
Brigadier General David S. Fadok
Brigadier General Jonathan D. George
Brigadier General Walter D. Givhan
Brigadier General Mark W. Graper
Brigadier General James W. Hyatt
Brigadier General John E. Hyten
Brigadier General Richard C. Johnston
Brigadier General James J. Jones
Brigadier General Bruce A. Litchfield
Brigadier General Charles W. Lyon
Brigadier General Wendy M. Masiello
Brigadier General Kenneth D. Merchant
Brigadier General Harry D. Polumbo, Jr.
Brigadier General John D. Posner

Brigadier General Lori J. Robinson
Brigadier General Mark O. Schissler
Brigadier General Margaret H. Woodward

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Eric E. Fiel

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Keith B. Alexander

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601, and to be a Senior Member of the Military Staff Committee of the United Nations under title 10, U.S.C., section 711:

To be lieutenant general

Lt. Gen. Charles H. Jacoby, Jr.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Daniel P. Bolger

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. David P. Fridovich

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Donald C. Leins

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624 and 3064:

To be brigadier general

Col. Nadja Y. West

The following named officer for appointment as Chief of the Dental Corps, and Assistant Surgeon General for Dental Services, United States Army and for appointment to the grade indicated under title 10, U.S.C., sections 3036 and 3039(b):

To be major general

Col. Ming T. Wong

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. James A. Winnefeld, Jr.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Carol M. Pottenger

The following named officer for appointment in the United States Navy to the grade

indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Scott R. Van Buskirk

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Mark I. Fox

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. David J. Venlet

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Elizabeth S. Niemyer

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Margaret G. Kibben

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. David M. Boone

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Robert J. A. Gilbeau

Capt. Glenn C. Robillard

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Captain John C. Aquilino

Captain Sean S. Buck

Captain David M. Duryea

Captain Peter J. Fanta

Captain David J. Gale

Captain Charles M. Gaouette

Captain Michael M. Gilday

Captain Patrick D. Hall

Captain Jeffrey A. Harley

Captain Ronald Horton

Captain Philip G. Howe

Captain Kevin J. Kovacich

Captain Dietrich H. Kuhlmann, III

Captain Mark C. Montgomery

Captain Scott P. Moore

Captain Kenneth J. Norton

Captain Tilghman D. Payne

Captain Jeffrey R. Penfield

Captain Frederick J. Roegge

Captain Phillip G. Sawyer

Captain John W. Smith, Jr.

Captain David F. Steindl

Captain Kevin M. Sweeney

Captain Joseph E. Tofalo

Captain Michael A. Walley

Captain Michael S. White

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Brett C. Heimigner

Capt. Matthew J. Kohler

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. James D. Syring

Capt. Gregory R. Thomas

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Mathias W. Winter

The following named officer for appointment as Chief of Chaplains, United States Navy, and appointment to the grade indicated under title 10, U.S.C., section 5142:

To be rear admiral

Rear Adm. (h) Mark L. Tidd

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Allen G. Myers

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Duane D. Thiessen

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Dennis J. Hejlik

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Ronald L. Bailey

Brigadier General Jon M. Davis

Brigadier General David C. Garza

Brigadier General Timothy C. Hanifen

Brigadier General James A. Kessler

Brigadier General Richard M. Lake

Brigadier General James B. Laster

Brigadier General Angela Salinas

Brigadier General Peter J. Talleri

Brigadier General Robert S. Walsh

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Brian D. Beaudreault

Colonel Vincent A. Coglianese

Colonel Craig C. Crenshaw

Colonel Francis L. Kelley, Jr.

Colonel John K. Love

Colonel James W. Lukeman

Colonel Carl E. Mundy, III

Colonel Kevin J. Nally

Colonel Daniel J. O'Donohue

Colonel Steven R. Rudder

Colonel John W. Simmons

Colonel Gary L. Thomas

NOMINATIONS PLACED ON THE SECRETARY'S

DESK

IN THE AIR FORCE

PN1274 AIR FORCE nominations (16) beginning RANDALL M. ASHMORE, and ending JAMES A. SPERL, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1534 AIR FORCE nomination of Carolyn Ann Moore Benyshek, which was received by the Senate and appeared in the Congressional Record of March 9, 2010.

PN1560 AIR FORCE nominations (11) beginning ELIZABETH R. ANDERSONDOZE, and

ending KAREN M. WHARTON, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2010.

PN1662 AIR FORCE nominations (110) beginning SANDRA S. AGUILLON, and ending SHAWNA A. ZIERKE, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2010.

PN1674 AIR FORCE nomination of Gerard G. Couvillion, which was received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1675 AIR FORCE nomination of Eric W. Adcock, which was received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1676 AIR FORCE nominations (6) beginning DREW C. JOHNSON, and ending JUSTIN P. OLSEN, which nominations were received by the Senate and appeared in the Congressional Record of April 26, 2010.

IN THE ARMY

PN1535-1 ARMY nominations (25) beginning RONALD J. DYKSTRA, and ending ANTHONY T. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of March 9, 2010.

PN1561 ARMY nomination of Stephen T. Sauter, which was received by the Senate and appeared in the Congressional Record of March 10, 2010.

PN1562 ARMY nomination of Miles T. Gengler, which was received by the Senate and appeared in the Congressional Record of March 10, 2010.

PN1585 ARMY nominations (61) beginning DINO J. BESINGA, and ending SANG J. WON, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2010.

PN1586 ARMY nominations (8) beginning JAMES J. AIELLO, and ending WALTER C. PEREZ, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2010.

PN1666 ARMY nomination of Ramsey B. Salem, which was received by the Senate and appeared in the Congressional Record of April 21, 2010.

PN1678 ARMY nomination of Douglas B. Guard, which was received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1679 ARMY nomination of Cheryl Maguire, which was received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1680 ARMY nomination of Shirley M. Ochoa-Dobies, which was received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1681 ARMY nominations (2) beginning DAVID W. TERHUNE, and ending PAUL E. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1682 ARMY nominations (3) beginning JUAN G. LOPEZ, and ending ROBERT G. SWARTS, which nominations were received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1683 ARMY nominations (6) beginning CHRISTOPHER T. BLAIS, and ending JILL D. SIMONSON, which nominations were received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1684 ARMY nominations (12) beginning DARRELL W. CARPENTER, and ending MIST L. WRAY, which nominations were received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1685 ARMY nominations (56) beginning JENIFER L. BREAU, and ending LEON M. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1705 ARMY nominations (928) beginning TYLER M. ABERCROMBIE, and ending D010186, which nominations were received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1706 ARMY nominations (501) beginning GREGORY J. ADY, and ending G010044, which nominations were received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1707 ARMY nominations (521) beginning EDWARD V. ABRAHAMSON, and ending D006165, which nominations were received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1724 ARMY nominations (3) beginning CARL E. STEINBECK, and ending JENNIFER M. MCKENNA, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2010.

PN1733 ARMY nominations (7) beginning JAMES L. CASSARELLA, and ending RONALD A. WESTFALL, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2010.

PN1734 ARMY nominations (5) beginning ANTHONY ABBOTT, and ending JEFFREY F. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2010.

IN THE MARINE CORPS

PN1318 MARINE CORPS nominations (41) beginning DAVID F. ALLEN, and ending MARVIN A. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of December 21, 2009.

PN1319 MARINE CORPS nominations (663) beginning JOSE M. ACEVEDO, and ending CHAD W. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of December 21, 2009.

PN1447 MARINE CORPS nominations (117) beginning WALTER T. ANDERSON, and ending KENNETH M. WOODARD, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2010.

PN1448 MARINE CORPS nominations (262) beginning STEPHEN J. ACOSTA, and ending LUIS R. ZAMARRIPA, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2010.

PN1503 MARINE CORPS nomination of Peter W. McDaniel, which was received by the Senate and appeared in the Congressional Record of March 3, 2010.

PN1505 MARINE CORPS nomination of Dean R. Keck, which was received by the Senate and appeared in the Congressional Record of March 3, 2010.

IN THE NAVY

PN1536 NAVY nomination of James H. Jones, which was received by the Senate and appeared in the Congressional Record of March 9, 2010.

PN1537 NAVY nomination of Enrique G. Molina, which was received by the Senate and appeared in the Congressional Record of March 9, 2010.

PN1538 NAVY nomination of Scott A. Carpenter, which was received by the Senate and appeared in the Congressional Record of March 9, 2010.

PN1539 NAVY nomination of Christopher C. Richard, which was received by the Senate and appeared in the Congressional Record of March 9, 2010.

PN1540 NAVY nomination of Jacob C. Hinz, which was received by the Senate and appeared in the Congressional Record of March 9, 2010.

PN1541 NAVY nomination of Stanley E. Hovell, which was received by the Senate and appeared in the Congressional Record of March 9, 2010.

PN1542 NAVY nomination of Rivka L. Weiss, which was received by the Senate and appeared in the Congressional Record of March 9, 2010.

PN1543 NAVY nomination of Shawn M. Stebbins, which was received by the Senate and appeared in the Congressional Record of March 9, 2010.

PN1544 NAVY nomination of Henry D. Lange, which was received by the Senate and appeared in the Congressional Record of March 9, 2010.

PN1545 NAVY nomination of Christie M. Quietmeyer, which was received by the Senate and appeared in the Congressional Record of March 9, 2010.

PN1587 NAVY nomination of Beth A. Hoffman, which was received by the Senate and appeared in the Congressional Record of March 25, 2010.

PN1588 NAVY nominations (10) beginning JOHN W. CHEATHAM, and ending NOBURO YAMAKI, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2010.

PN1589 NAVY nominations (39) beginning GREGORY M. SARACCO, and ending LUKE A. ZABROCKI, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2010.

PN1629 NAVY nominations (3) beginning JOHN T. FOJUT, and ending ANNE D. RESTREPO, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2010.

PN1686 NAVY nomination of Gregory J. Murrey, which was received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1687 NAVY nomination of Patrick V. Bailey, which was received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1702 NAVY nomination of Andrew K. Bailey, which was received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1703 NAVY nomination of Todd J. Oswald, which was received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1704 NAVY nomination of Maria D. Julia-Montanez, which was received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1725 NAVY nominations (8) beginning WILLIAM T. CARNEY, and ending ANDREA S. STILLER, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2010.

PN1735 NAVY nomination of Frederick Harris, which was received by the Senate and appeared in the Congressional Record of April 29, 2010.

PN1736 NAVY nomination of Paul N. Langevin, which was received by the Senate and appeared in the Congressional Record of April 29, 2010.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ORDERS FOR MONDAY, MAY 10, 2010

Mr. WHITEHOUSE. I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, May 10; 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,