

SA 4684. Ms. CANTWELL proposed an amendment to the bill H.R. 3619, to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.

SA 4685. Mr. DURBIN (for Mr. CORNYN) proposed an amendment to the bill S. 3774, to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

SA 4686. Mr. DURBIN (for Ms. CANTWELL) proposed an amendment to the bill H.R. 1061, to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

SA 4687. Mr. DURBIN (for Mr. WHITEHOUSE) proposed an amendment to the bill S. 2847, to regulate the volume of audio on commercials.

SA 4688. Mr. DURBIN (for Mr. LAUTENBERG) proposed an amendment to the bill S. 685, to require new vessels for carrying oil fuel to have double hulls, and for other purposes.

SA 4689. Mr. DURBIN (for Mr. AKAKA (for himself and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 1722, to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes.

SA 4690. Mr. DURBIN (for Mr. CHAMBLISS) proposed an amendment to the concurrent resolution S. Con. Res. 52, expressing support for the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians.

TEXT OF AMENDMENTS

SA 4673. Mr. WYDEN (for himself, Mr. DURBIN, Mrs. HAGAN, Mr. KERRY, Mr. SANDERS, Mr. TESTER, Mr. MERKLEY, and Mr. GOODWIN) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 526. TEMPORARY RETENTION ON ACTIVE DUTY AFTER DEMOBILIZATION OF RESERVES FOLLOWING EXTENDED DEPLOYMENTS IN CONTINGENCY OPERATIONS OR HOMELAND DEFENSE MISSIONS.

(a) TEMPORARY RETENTION ON ACTIVE DUTY.—

(1) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions

“(a) IN GENERAL.—Subject to subsection (d), a member of a reserve component of the armed forces described in subsection (b) shall be retained on active duty in the armed forces for a period of 45 days following the conclusion of the member’s demobilization from a deployment as described in that subsection, and shall be authorized the use of any accrued leave.

“(b) COVERED MEMBERS.—A member of a reserve component of the armed forces who

was deployed for more than 269 days under the following:

“(1) A contingency operation.

“(2) A homeland defense mission (as specified by the Secretary of Defense for purposes of this section).

“(c) PAY AND ALLOWANCES.—Notwithstanding any other provision of law, while a member is retained on active duty under subsection (a), the member shall receive—

“(1) the basic pay payable to a member of the armed forces under section 204 of title 37 in the same pay grade as the member;

“(2) the basic allowance for subsistence payable under section 402 of title 37; and

“(3) the basic allowance for housing payable under section 403 of title 37 for a member in the same pay grade, geographic location, and number of dependents as the member.

“(d) EARLY RELEASE FROM ACTIVE DUTY.—

(1) Subject to paragraph (2), at the written request of a member retained on active duty under subsection (a), the member shall be released from active duty not later than the end of the 14-day period commencing on the date the request was received. If such 14-day period would end after the end of the 45-day period specified in subsection (a), the member shall be released from active duty not later than the end of such 45-day period.

“(2) The request of a member for early release from active duty under paragraph (1) may be denied only for medical or personal safety reasons. The denial of the request shall require the affirmative action of an officer in a grade above O-5 who is in the chain of command of the member. If the request is not denied before the end of the 14-day period applicable under paragraph (1), the request shall be deemed to be approved, and the member shall be released from active duty as requested.

“(e) REINTEGRATION COUNSELING AND SERVICES.—(1) The Secretary of the military department concerned shall provide each member retained on active duty under subsection (a), while the member is so retained on active duty, counseling and services to assist the member in reintegrating into civilian life.

“(2) The counseling and services provided members under this subsection shall include the following:

“(A) Physical and mental health evaluations.

“(B) Employment counseling and assistance.

“(C) Marriage and family counseling and assistance.

“(D) Financial management counseling.

“(E) Education counseling.

“(F) Counseling and assistance on benefits available to the member through the Department of Defense and the Department of Veterans Affairs.

“(3) The Secretary of the military department concerned shall provide, to the extent practicable, for the participation of appropriate family members of members retained on active duty under subsection (a) in the counseling and services provided such members under this subsection.

“(4) The counseling and services provided to members under this subsection shall, to the extent practicable, be provided at National Guard armories and similar facilities close the residences of such members.

“(5) Counseling and services provided a member under this subsection shall, to the extent practicable, be provided in coordination with the Yellow Ribbon Reintegration Program of the State concerned under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note).”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of

such title is amended by adding at the end the following new item:

“12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions.”

(b) FUNDING FOR FISCAL YEAR 2011.—Amounts required during fiscal year 2011 for the retention of members of reserve components of the Armed Forces on active duty pursuant to section 12323 of title 10, United States Code (as added by subsection (a)), shall be derived from amounts authorized to be appropriated for the Department of Defense for that fiscal year for operation and maintenance for Defense-wide activities (other than amounts authorized to be appropriated to that account for activities of the reserve components of the Armed Forces).

SA 4674. Mr. INOUE proposed an amendment to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2011, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80).

(2) Division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111-118).

(3) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85).

(4) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83) and section 601 of the Supplemental Appropriations Act, 2010 (Public Law 111-212).

(5) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111-88).

(6) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111-68).

(7) The Consolidated Appropriations Act, 2010 (Public Law 111-117).

(8) Chapter 3 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212), except for appropriations under the heading “Operation and Maintenance” relating to Haiti following the earthquake of January 12, 2010, or the Port of Guam: *Provided*, That the amount provided for the Department of Defense pursuant to this paragraph shall not exceed a rate for operations of \$29,387,401,000: *Provided further*, That the Secretary of Defense shall allocate such amount to each appropriation account, budget activity, activity group, and subactivity group, and to each program, project, and activity within each appropriation account, in the same proportions as such appropriations for fiscal year 2010.

(9) Section 102(c) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212) that addresses guaranteed loans in the rural housing insurance fund.

(10) The appropriation under the heading "Department of Commerce—United States Patent and Trademark Office" in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111-224).

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2010 or prior years; (2) the increase in production rates above those sustained with fiscal year 2010 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2010.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2010.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2011, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2011 without any provision for such project or activity; or (3) December 3, 2010.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2011 because of distributions of

funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2010, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2010, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2010 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2010, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. The following amounts are designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010:

(1) Amounts incorporated by reference in this Act that were previously designated as available for overseas deployments and other activities pursuant to such concurrent resolution.

(2) Amounts made available pursuant to paragraph (8) of section 101 of this Act.

SEC. 115. Notwithstanding any other provision of this Act, funds appropriated under the heading "Food for Peace Title II Grants" in chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212) may be used to reimburse obligations incurred for the purposes provided therein prior to the enactment of such Act.

SEC. 116. The authority provided by section 18(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)(5)) shall continue in effect through the earlier of the date of enactment of an authorization Act related to the Richard B. Russell National School Lunch Act or the date specified in section 106(3) of this Act.

SEC. 117. Notwithstanding section 101, amounts are provided for "Department of Commerce—Bureau of the Census—Periodic Censuses and Programs", for necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, at a rate for operations of \$964,315,000.

SEC. 118. The authority provided by section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2518), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. Notwithstanding subsection (b) of section 310 of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1870), a claim described in that subsection that is submitted before the date specified in section 106(3) of this Act shall be treated as a claim for which payment may be made under such section 310.

SEC. 120. (a) RESCISSION.—The unobligated balance of authority provided for investigations under the heading "Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil, Investigations", in chapter 4 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212; 124 Stat. 2312) is rescinded as of the date of enactment of this Act.

(b) APPROPRIATION.—Notwithstanding any other provision in this Act—

(1) there is appropriated to the Department of the Army, Corps of Engineers, an amount equal to the unobligated balance rescinded by subsection (a), to remain available until expended, for investigations;

(2) that such amount be available on the date of enactment of this Act; and

(3) the amount is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 121. (a) RESCISSION.—The unobligated balance of authority provided for in section 401 of chapter 4 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212; 124 Stat. 2313) for drought emergency assistance is rescinded as of the date of enactment of this Act.

(b) APPROPRIATION.—Notwithstanding any other provision in this Act—

(1) there is appropriated to the Bureau of Reclamation, an amount equal to the unobligated balance rescinded by subsection (a), to remain available until expended, for drought emergency assistance: *Provided*, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West;

(2) that such amount be available on the date of enactment of this Act; and

(3) the amount is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 122. Notwithstanding section 101, amounts are provided for "Department of Energy—Weapons Activities" at a rate for operations of \$7,008,835,000.

SEC. 123. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds for programs and activities under the heading "District of Columbia Funds" for such programs and activities under title IV of S. 3677 (111th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under "District of Columbia Funds" as included in the Fiscal Year 2011 Budget Request Act (D.C. Act 18-448), as modified as of the date of the enactment of this Act.

SEC. 124. Section 550(b) of Public Law 109-295, as amended by section 550 of Public Law

111-83, shall be applied by substituting the date specified in section 106(3) of this Act for "October 4, 2010".

SEC. 125. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2010".

SEC. 126. Any funds made available pursuant to section 101 for the Federal Air Marshals may be obligated at a rate for operations not exceeding that necessary to sustain domestic and international flight coverage at the same level as the final quarter of fiscal year 2010.

SEC. 127. Any funds made available pursuant to section 101 for U.S. Customs and Border Protection may be obligated at a rate for operations not exceeding that necessary to sustain the numbers of personnel in place in the final quarter of fiscal year 2010. The Commissioner of U.S. Customs and Border Protection shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 128. Notwithstanding section 101, amounts are provided for "Department of the Interior—Minerals Management Service—Royalty and Offshore Minerals Management" at a rate for operations of \$365,000,000: *Provided*, That amounts provided herein from the general fund shall be reduced in an amount not to exceed \$154,890,000, as receipts from increases to rates in effect on August 5, 1993, and from cost recovery fees are received: *Provided further*, That of the prior-year unobligated balances available for "Department of the Interior—Minerals Management Service—Royalty and Offshore Minerals Management", \$25,000,000 are rescinded.

SEC. 129. Section 2(e)(1)(B) of Public Law 109-129 shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2010".

SEC. 130. From funds transferred to "Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund" by Public Law 111-117 in the fourth paragraph under such heading, amounts shall be available through the date specified in section 106(3) of this Act to support advanced research and development pursuant to section 319L of the Public Health Service Act, at a rate for operations of \$305,000,000.

SEC. 131. (a) EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.—Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs established under subsection (c) of section 403 of such Act) shall continue through the date specified in section 106(3) of this Act in the manner authorized for fiscal year 2010, subject to the amendments made by subsection (b) of this section, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the applicable portion of the first quarter of fiscal year 2011 at the pro rata portion of the level provided for such activities through the first quarter of fiscal year 2010.

(b) CONFORMING AMENDMENTS.—

(1) SUPPLEMENTAL GRANTS FOR POPULATION INCREASES.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended to read as follows:

"(ii) subparagraph (G) shall be applied as if the date specified in section 106(3) of the Continuing Appropriations Act, 2011 were substituted for 'fiscal year 2001'; and".

(2) CONTINGENCY FUND.—

(A) DEPOSIT INTO FUND.—Section 403(b)(2) of such Act (42 U.S.C. 603(b)(2)) is amended—

(i) by striking "fiscal years 1997" and all that follows through "2003" and inserting "fiscal years 2011 and 2012"; and

(ii) by striking "\$2,000,000,000" and inserting "in the case of fiscal year 2011, \$506,000,000 and in the case of fiscal year 2012, \$612,000,000".

(B) CONFORMING AMENDMENT.—Section 403(b)(3)(C)(ii) of such Act (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking "fiscal years 1997 through 2010 shall not exceed the total amount appropriated pursuant to paragraph (2)" and inserting "fiscal year 2011 and 2012, respectively, shall not exceed the total amount appropriated pursuant to paragraph (2) for each such fiscal year".

(3) MAINTENANCE OF EFFORT.—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(A) in subparagraph (A), by striking "or 2011" and inserting "2011, or 2012"; and

(B) in subparagraph (B)(ii), by striking "2010" and inserting "2011".

SEC. 132. Activities authorized by section 429 of the Social Security Act shall continue through September 30, 2011, in the manner authorized for fiscal year 2010, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through fiscal year 2011 at the level provided for such activities for the corresponding quarter of fiscal year 2010.

SEC. 133. Effective October 1, 2010, subpart 2 of part B of title IV of the Social Security Act is amended—

(1) in section 436 (42 U.S.C. 629f)—

(A) in subsection (a)—

(i) by striking "2011" and inserting "2010"; and

(ii) by inserting before the period the following: "and \$365,000,000 for fiscal year 2011"; and

(B) by striking "\$10,000,000" in subsection (b)(2) and inserting "\$30,000,000"; and

(2) in section 438 (42 U.S.C. 629h)—

(A) by striking "2010" in subsection (c)(2)(A) and inserting "2011"; and

(B) by adding at the end of subsection (e) the following flush sentence: "For fiscal year 2011, out of the amount reserved pursuant to section 436(b)(2) for such fiscal year, there are available \$10,000,000 for grants referred to in subsection (b)(2)(B), and \$10,000,000 for grants referred to in subsection (b)(2)(C)."

SEC. 134. Notwithstanding any other provision of this Act, for payment in equal shares to the children and grandchildren of Robert C. Byrd, \$193,400 is appropriated.

SEC. 135. Notwithstanding section 101, amounts are provided for deposit into "Department of Defense Base Closure Account 2005" at a rate for operations of \$2,354,285,000.

SEC. 136. Notwithstanding section 101, amounts are provided for "Department of State—Administration of Foreign Affairs—Diplomatic and Consular Programs" at a rate for operations of \$8,601,000,000.

SEC. 137. Notwithstanding section 101, amounts are provided for "International Security Assistance—Funds Appropriated to the President—Foreign Military Financing Program" at a rate for operations of \$5,160,000,000, of which not less than \$2,775,000,000 shall be available for grants only for Israel, not less than \$1,300,000,000 shall be available for grants only for Egypt, and not less than \$300,000,000 shall be available for assistance for Jordan: *Provided*, That the dollar amount in the fourth proviso under such heading in title IV of division F of Public Law 111-117 shall be deemed to be \$729,825,000.

SEC. 138. (a) Notwithstanding section 101, amounts are provided for "International Security Assistance—Funds Appropriated to the President—Pakistan Counterinsurgency Capability Fund" at a rate for operations of \$700,000,000.

(b) Amounts provided by subsection (a) shall be available to the Secretary of State under the terms and conditions provided for this Fund in Public Law 111-32 and Public Law 111-212 through the date specified in section 106(3) of this Act.

SEC. 139. Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2010".

SEC. 140. (a) Section 1115(d) of Public Law 111-32 shall be applied by substituting the date specified in section 106(3) of this Act for "October 1, 2010".

(b) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting the date specified in section 106(3) of this Act for "October 1, 2010" in paragraph (2).

(c) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting the date specified in section 106(3) of this Act for "October 1, 2010" in paragraph (2).

(d) Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting the date specified in section 106(3) of this Act for "October 1, 2010" in subparagraph (B).

SEC. 141. The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect through the date specified in section 106(3) of this Act.

SEC. 142. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), shall not exceed a rate for operations of \$20,000,000,000: *Provided*, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at \$80,000,000 multiplied by the number of days covered by this Act.

SEC. 143. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of: (1) the date specified in section 106(3) of this Act; or (2) the date of the enactment into law of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.

SEC. 144. Notwithstanding any other provision of law or of this Act, for mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, the second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) shall be considered to require that in no case may the benefits of insurance under such section 255 exceed 150 percent of the maximum dollar amount in effect under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

SEC. 145. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, if the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) for any size residence for any area is less than such dollar amount limitation that was in effect for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620), notwithstanding any other provision of law or of

this Act, the maximum dollar amount limitation on the principal obligation of a mortgage for such size residence for such area for purposes of such section 203(b)(2) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z-20(g))) to be such dollar amount limitation in effect for such size residence for such area for 2008.

(b) **DISCRETIONARY AUTHORITY FOR SUBAREAS.**—Notwithstanding any other provision of law or of this Act, if the Secretary of Housing and Urban Development determines, for any geographic area that is smaller than an area for which dollar amount limitations on the principal obligation of a mortgage are determined under section 203(b)(2) of the National Housing Act, that a higher such maximum dollar amount limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Secretary may, for mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, increase the maximum dollar amount limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section), but in no case to an amount that exceeds the amount specified in section 202(a)(2) of the Economic Stimulus Act of 2008.

SEC. 146. (a) **LOAN LIMIT FLOOR BASED ON 2008 LEVELS.**—For mortgages originated during fiscal year 2011, if the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1754(a)(2)) respectively, for any size residence for any area is less than such maximum original principal obligation limitation that was in effect for such size residence for such area for 2008 pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 619), notwithstanding any other provision of law or of this Act, the limitation on the maximum original principal obligation of a mortgage for such Association and Corporation for such size residence for such area shall be such maximum limitation in effect for such size residence for such area for 2008.

(b) **DISCRETIONARY AUTHORITY FOR SUBAREAS.**—Notwithstanding any other provision of law or of this Act, if the Director of the Federal Housing Finance Agency determines, for any geographic area that is smaller than an area for which limitations on the maximum original principal obligation of a mortgage are determined for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, that a higher such maximum original principal obligation limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Director may, for mortgages originated during fiscal year 2011, increase the maximum original principal obligation limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section) for such Association and Corporation, but in no case to an amount that exceeds the amount specified in the matter following the comma in section 201(a)(1)(B) of the Economic Stimulus Act of 2008.

This Act may be cited as the “Continuing Appropriations Act, 2011”.

SA 4675. Mr. LEMIEUX (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed

by him to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

WATER QUALITY STANDARDS FOR THE STATE OF FLORIDA'S LAKES AND FLOWING WATERS

SEC. _____. None of the funds appropriated or otherwise made available by this Act or any other provision of law may be used to finalize, promulgate, implement, administer, or enforce any final rule or requirement based on the proposed rule entitled “Water Quality Standards for the State of Florida's Lakes and Flowing Waters” (75 Fed. Reg. 4174, January 26, 2010).

SA 4676. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4674 proposed by Mr. INOUE to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; as follows:

Strike section 101 and insert the following:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) Division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111-118)

(2) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83) and section 601 of the Supplemental Appropriations Act, 2010 (Public Law 111-212).

(3) The Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010, division E of the Consolidated Appropriations Act, 2010 (Public Law 111-117).

(4) Chapter 3 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212), except for appropriations under the heading “Operation and Maintenance” relating to Haiti following the earthquake of January 12, 2010, or the Port of Guam: *Provided*, That the amount provided for the Department of Defense pursuant to this paragraph shall not exceed a rate for operations of \$29,387,401,000: *Provided further*, That the Secretary of Defense shall allocate such amount to each appropriation account, budget activity, activity group, and subactivity group, and to each program, project, and activity within each appropriation account, in the same proportions as such appropriations for fiscal year 2010.

(5) Section 102(c) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212) that addresses guaranteed loans in the rural housing insurance fund.

(6) The appropriation under the heading “Department of Commerce—United States Patent and Trademark Office” in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111-224).

(b) Such amounts as may be necessary, at a rate for operations 5 percent less than the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are

not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80).

(2) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85).

(3) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111-88).

(4) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111-68).

(5) The Consolidated Appropriations Act, 2010 (Public Law 111-117), except for division E.

SA 4677. Mr. DEMINT proposed an amendment to amendment SA 4674 proposed by Mr. INOUE to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; as follows:

Section 106(3) of the bill is amended by striking “December 3, 2010” and inserting “February 4, 2011”.

SA 4678. Mr. WYDEN (for himself, Mrs. LINCOLN, Mrs. SHAHEEN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3663, to promote clean energy jobs and oil company accountability, and for other purposes; which was ordered to lie on the table; as follows:

On page 345, line 7, strike “or”.

On page 345, line 17, strike the period and insert “; or”.

On page 345, between lines 17 and 18, insert the following:

(C) the use of software or databases, approved by the Secretary, that analyze, integrate, or optimize the installed energy performance of building materials and products, such as energy efficient wood products, used in the retrofit.

SA 4679. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3663, to promote clean energy jobs and oil company accountability, and for other purposes; which was ordered to lie on the table; as follows:

On page 308, between lines 22 and 23, add the following:

(13) **HOME AREA NETWORK.**—The term “home area network” means a wireless or wired network that connects a home energy management system to—

(A) smart meters and various smart energy devices; and

(B) devices that enable simultaneous networking of multiple sensors and embedded computing devices that monitor and adjust energy use.

(14) **HOME ENERGY MANAGEMENT SYSTEM.**—The term “home energy management system” means a system that—

(A) is installed in a home by an accredited contractor that meets the minimum applicable requirements established under section 3004;

(B) uses a combination of in-home display and computing devices, computer software, control equipment, sensors, and instrumentation to monitor or submeter and manage the energy use of a home by automating the control of programmable communicating thermostats to control—

(i) the ventilation, cooling, and heating of a home;

(ii) load control devices that control water heaters, pool pumps, and other plug loads;

(iii) lighting; or

(iv) smart appliances, such as washers, dryers, and refrigerators; and

(C) provides reporting of information to the owner or occupant of a home to enable refinement of energy usage.

On page 308, line 23, strike “(13)” and insert “(15)”.

On page 309, line 1, strike “(14)” and insert “(16)”.

On page 309, line 5, strike “(15)” and insert “(17)”.

On page 309, line 9, strike “(16)” and insert “(18)”.

On page 309, line 13, strike “(17)” and insert “(19)”.

On page 309, line 18, strike “(18)” and insert “(20)”.

On page 309, line 22, strike “(19)” and insert “(21)”.

On page 310, line 5, strike “(20)” and insert “(22)”.

On page 310, line 22, strike “(21)” and insert “(23)”.

On page 311, line 1, strike “(22)” and insert “(24)”.

On page 311, line 4, strike “(23)” and insert “(25)”.

On page 311, line 9, strike “(24)” and insert “(26)”.

On page 311, line 11, strike “(25)” and insert “(27)”.

On page 311, line 15, strike “(26)” and insert “(28)”.

On page 312, line 1, strike “(27)” and insert “(29)”.

On page 312, line 16, strike “(28)” and insert “(30)”.

On page 312, line 20, strike “(29)” and insert “(31)”.

On page 335, between lines 5 and 6, insert the following:

(17) The purchase and installation of a home energy management system or home area network monitoring system for—

(A) a home that has an analog pneumatic or electronic energy control system; or

(B) a home that does not have a energy control system.

On page 335, line 7, strike “(16)” and insert “(17)”.

On page 338, between lines 6 and 7, insert the following:

(5) HOME ENERGY MANAGEMENT SYSTEMS AND HOME AREA NETWORK MONITORING SYSTEMS.—Except as provided in paragraph (4), the total amount of a rebate provided to the owner of a home or a designee for the purchase and installation of a home energy management system or home area network monitoring system under subsection (b)(17) shall be equal to the lesser of—

(A) \$1,000 per measure; or

(B) 50 percent of the cost of installing and purchasing the home energy management system or home area network monitoring system.

SA 4680. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 443, after line 23, add the following:

SEC. 10. COORDINATION AND EXPEDITED APPROVAL OF RENEWABLE ENERGY FACILITY SITING.

(a) ESTABLISHMENT.—There shall be established, within the Executive Office of the President, the position of Director of Renewable Energy Facility Siting (referred to in this section as the “Director”), to be appointed by the President by and with the advice and consent of the Senate.

(b) DUTIES.—The Director shall—

(1) coordinate and expedite the review by Federal agencies of projects involving the siting of renewable energy projects in cases in which the review is otherwise required by law;

(2) resolve siting conflicts, including through the development of mitigation measures; and

(3) issue final executive branch approval or disapproval for the projects in accordance with subsection (e).

(c) AGENCY PROCEDURES.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director, in coordination with Director of the Office of Management and Budget, shall establish—

(A) procedures under which each Federal agency with a responsibility or interest under law in projects involving the siting of renewable energy facilities within the United States to notify the Director of those responsibilities or interests; and

(B) procedures for the coordination of any required assessment or review of proposed projects.

(2) RESPONSIBILITIES AND INTERESTS.—For purposes of paragraph (1), responsibilities and interests shall include impacts on national security, energy security, public health and safety, and the environment.

(3) PUBLICATION.—As soon as practicable after notification by affected agencies under paragraph (1), the Director shall publish in the Federal Register a list of the affected agencies and the responsibilities and interests of each affected agency.

(d) NOTIFICATION PROCEDURES.—Not later than 90 days after the date of enactment of this Act, the Director shall establish procedures that require the sponsors of renewable energy projects requiring review by a Federal agency to notify the Director of, with respect to each such proposed project—

(1) the location;

(2) the energy technology to be used;

(3) the energy output of the project; and

(4) the schedule for project development.

(e) REVIEW AND APPROVAL PROCESS.—

(1) IN GENERAL.—The Director shall ensure that each Federal agency with responsibility to assess any aspect of a proposed facility under this section—

(A) completes the review of the project in a timely manner; and

(B) provides to the Director any assessments, determinations, or analyses required under law.

(2) FINAL APPROVAL OR DISAPPROVAL.—If the agency assessments, determinations, or analyses provided under paragraph (1)(B) fail to fully resolve any siting issue, based on the administrative record or on appeal by a project sponsor or party to the proceeding, the Director may issue a final decision approving or disapproving a project.

(f) JUDICIAL REVIEW.—A final decision by the Director to approve or disapprove the siting of a proposed renewable energy facility shall be considered a final agency action and subject to review in the United States Court of Appeals for the District of Columbia Circuit.

(g) NEPA.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section waives or alters any requirements under the Na-

tional Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) EXCEPTION.—Notwithstanding paragraph (1), if the environmental impact of a proposed facility is subject to an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by an agency described in subsection (c), a final decision by the Director shall not be considered a separate agency action subject to that Act.

(h) IMPROVEMENT OF AGENCY POLICIES AND FUNCTIONS.—For the purpose of more effective siting of renewable energy facilities, the Director shall evaluate the objectives and procedures used by agencies described in subsection (c) for the purpose of making recommendations to the President to improve agency coordination and approval of the facilities.

(i) RELATIONSHIP TO OTHER REQUIREMENTS.—Nothing in this section affects the obligations of any agency to comply with any other provision of law.

SEC. 10. AIR NAVIGATION REVIEW OF WIND TURBINES.

Section 44718 of title 49, United States Code, is amended by adding at the end the following:

“(e) WIND ENERGY TURBINES AND STUDIES.—In carrying out this section related to construction of a wind energy turbine and conducting any associated aeronautical study, the Secretary shall—

“(1) require any entity proposing to construct a turbine or group of turbines to notify the Federal Aviation Administration not later than 30 days after the date the entity files for approval to construct the project with the applicable local, State, or Federal siting authority;

“(2) afford the entity an opportunity to file project plans, locations, descriptions, mitigation measures, or other information that will assist the Secretary in the review and mitigation of any impacts to the maximum extent practicable; and

“(3) notify the Secretary of Defense not later than 30 days after the receipt by the Administration of a proposal received pursuant to paragraph (1) and coordinate receipt of any comments, or recommendations for mitigation measures pertaining to the proposal, by the Secretary of Defense as soon as practicable but not later than 30 days following an approval to construct pursuant to paragraph (1).”.

SA 4681. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3813, to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 12, strike “and”.

On page 16, line 6, strike the period and insert “; and”.

On page 16, between lines 6 and 7, insert the following:

“(J) ensure that each kilowatt-hour of electric energy delivered from an energy storage system that was originally generated with a renewable resource receives 1 credit.”.

SA 4682. Mr. INOUE proposed an amendment to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; as follows:

Amend the title so as to read: “Making continuing appropriations for fiscal year 2011, and for other purposes”.

SA 4683. Mr. REID (for Mr. DEMINT) proposed an amendment to the resolution of ratification for Treaty Doc. 110-21, Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague on November 23, 2007, and signed by the United States on that same date; as follows:

In the section heading for section 1, strike **"TWO RESERVATIONS AND THREE DECLARATIONS"** and insert **"TWO RESERVATIONS, ONE UNDERSTANDING, AND THREE DECLARATIONS"**.

In section 1, strike "the reservations of section 2, the declaration of section 3, and the declarations of section 4" and insert "the reservations of section 2, the understanding of section 3, the declaration of section 4, and the declarations of section 5".

Strike **"SEC. 3. DECLARATION"** and insert the following:

SEC. 3. UNDERSTANDING.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States is not a party to the Convention on the Rights of the Child and understands that a mention of the Convention in the preamble of this Treaty does not create any obligations and does not affect or enhance the status of the Convention as a matter of United States or international law.

SEC. 4. DECLARATION.

Strike **"SEC. 4. DECLARATIONS"** and insert **"sec. 5. declarations"**.

SA 4684. Ms. CANTWELL proposed an amendment to the bill H.R. 3619, to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes; as follows:

In section 617(b), in the quoted subsection (d), strike **"INDIVIDUALS QUALIFIED AS ABLE SEAMEN—Offshore"** and insert **"Individuals qualified as able seamen—offshore"**.

Strike section 917 and insert the following:

"SEC. 917. MARITIME LAW ENFORCEMENT.

"(a) PENALTIES.—Subsection (b) of section 2237 of title 18, United States Code, is amended to read as follows:

"(b)(1) Except as otherwise provided in this subsection, whoever knowingly violates subsection (a) shall be fined under this title or imprisoned for not more than 5 years, or both.

"(2)(A) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and has an aggravating factor set forth in subparagraph (B) of this paragraph, the offender shall be fined under this title or imprisoned for any term of years or life, or both.

"(B) The aggravating factor referred to in subparagraph (A) is that the offense—

"(i) results in death; or

"(ii) involves—

"(I) an attempt to kill;

"(II) kidnapping or an attempt to kidnap;

or

"(III) an offense under section 2241.

"(3) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and results in serious bodily injury (as defined in section 1365), the offender shall be fined under this title or imprisoned for not more than 15 years, or both.

"(4) If the offense is one under paragraph (1) or (2)(A) of subsection (a), involves knowing transportation under inhumane conditions, and is committed in the course of a violation of section 274 of the Immigration and Nationality Act, or chapter 77 or section

113 (other than under subsection (a)(4) or (a)(5) of such section) or 117 of this title, the offender shall be fined under this title or imprisoned for not more than 15 years, or both."

"(b) DEFINITION.—Section 2237(e) of title 18, United States Code, is amended—

"(1) by amending paragraph (3) to read as follows:

"(3) the term "vessel subject to the jurisdiction of the United States" has the meaning given the term in section 70502 of title 46;";

"(2) in paragraph (4), by striking "section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903)," and inserting "section 70502 of title 46; and"; and

"(3) by adding at the end the following new paragraph:

"(5) the term "transportation under inhumane conditions" means—

"(A) transportation—

"(i) of one or more persons in an engine compartment, storage compartment, or other confined space;

"(ii) at an excessive speed; or

"(iii) of a number of persons in excess of the rated capacity of the vessel; or

"(B) intentional grounding of a vessel in which persons are being transported."

Strike section 1032(b) and insert the following:

"(b) VIOLATIONS; SUBPOENAS.—

"(1) IN GENERAL.—In any investigation under this section, the Secretary may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

"(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

"(B) the Attorney General—

"(i) determines that the subpoena will not interfere with a criminal investigation; or

"(ii) fails to make a determination under clause (i) before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A).

"(2) ENFORCEMENT.—In the case of refusal to obey a subpoena issued to any person under this subsection, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance."

Strike section 1033(a)(2) and insert the following:

"(2) SUBPOENAS.—

"(A) IN GENERAL.—In any investigation under this section, the Administrator may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

"(i) before the issuance of the subpoena, the Administrator requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

"(ii) the Attorney General—

"(I) determines that the subpoena will not interfere with a criminal investigation; or

"(II) fails to make a determination under subclause (i) before the date that is 30 days after the date on which the Administrator makes a request under clause (i).

"(B) ENFORCEMENT.—In the case of refusal to obey a subpoena issued to any person under this paragraph, the Administrator may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance."

SA 4685. Mr. DURBIN (for Mr. CORNYN) proposed an amendment to the bill S. 3774, to extend the deadline for Social Services Block Grants ex-

penditures of supplemental funds appropriated following disasters occurring in 2008; as follows:

On page 2, line 2, strike "September 30, 2012" and insert "September 30, 2011".

On page 2, after line 2, insert the following:

SEC. 2. BUDGETARY PROVISIONS.

(a) STATUTORY PAYGO.—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.

(b) EMERGENCY DESIGNATIONS.—This Act—

(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4686. Mr. DURBIN (for Ms. CANTWELL) proposed an amendment to the bill H.R. 1061, to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes; as follows:

On page 4, lines 8 through 10, strike "upon compliance with the National Environmental Policy Act of 1969" and insert "in accordance with the regulations of the Department of the Interior for implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that are applicable to trust land acquisitions for Indian tribes that are mandated by Federal legislation."

On page 8, strike lines 14 through 19 and insert the following:

SEC. 5. GAMING PROHIBITION.

SA 4687. Mr. DURBIN (for Mr. WHITEHOUSE) proposed an amendment to the bill S. 2847, to regulate the volume of audio on commercials; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Advertisement Loudness Mitigation Act" or the "CALM Act".

SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.

(a) RULEMAKING REQUIRED.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall prescribe pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.) a regulation that is limited to incorporating by reference and making mandatory (subject to any waivers the Commission may grant) the "Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television" (A/85), and any successor thereto, approved by the Advanced Television Systems Committee, only insofar as such recommended practice concerns the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video program distributor.

(b) IMPLEMENTATION.—

(1) EFFECTIVE DATE.—The Federal Communications Commission shall prescribe that the regulation adopted pursuant to subsection (a) shall become effective 1 year after the date of its adoption.

(2) WAIVER.—For any television broadcast station, cable operator, or other multichannel video programming distributor that demonstrates that obtaining the equipment to comply with the regulation adopted pursuant to subsection (a) would result in financial hardship, the Federal Communications Commission may grant a waiver of the effective date set forth in paragraph (1) for 1 year and may renew such waiver for 1 additional year.

(3) WAIVER AUTHORITY.—Nothing in this section affects the Commission's authority under section 1.3 of its rules (47 C.F.R. 1.3) to waive any rule required by this Act, or the application of any such rule, for good cause shown to a television broadcast station, cable operator, or other multichannel video programming distributor, or to a class of such stations, operators, or distributors.

(c) COMPLIANCE.—Any broadcast television operator, cable operator, or other multichannel video programming distributor that installs, utilizes, and maintains in a commercially reasonable manner the equipment and associated software in compliance with the regulations issued by the Federal Communications Commission in accordance with subsection (a) shall be deemed to be in compliance with such regulations.

(d) DEFINITIONS.—For purposes of this section—

(1) the term “television broadcast station” has the meaning given such term in section 325 of the Communications Act of 1934 (47 U.S.C. 325); and

(2) the terms “cable operator” and “multichannel video programming distributor” have the meanings given such terms in section 602 of Communications Act of 1934 (47 U.S.C. 522).

SA 4688. Mr. DURBIN (for Mr. LAUTENBERG) proposed an amendment to the bill S. 685, to require new vessels for carrying oil fuel to have double hulls, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Oil Spill Prevention Act of 2010”.

SEC. 2. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Oil Spill Prevention Act of 2010, or that is delivered after August 1, 2010, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled ‘Oil Fuel Tank Protection.’

“(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention.

“(3) In this subsection the term ‘oil fuel’ means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.”

SEC. 3. MARITIME EMERGENCY PREVENTION.

(a) IN GENERAL.—Section 4(b) of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1223(b)) is amended—

(1) by striking “operate or” and inserting “operate, including direction to change the vessel’s heading and speed, or”; and

(2) by inserting “emergency or” after “other” in paragraph (3).

(b) REVISION OF VTS POLICY.—The Secretary of the department in which the Coast Guard is operating shall—

(1) provide guidance to all vessel traffic personnel that clearly defines the use of authority to direct or control vessel movement when such direction or control is justified in the interest of safety; and

(2) require vessel traffic personnel communications to identify the vessel, rather than the pilot, when vessels are operating in vessel traffic service pilotage areas.

(c) ADEQUACY OF VTS LOCATIONS AND INFRASTRUCTURE.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall continue to conduct individual port and waterway safety assessments under the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.) to determine and prioritize the United States ports, waterways, and channels that are in need of new, expanded, or improved vessel traffic management risk mitigation measures, including vessel traffic service systems, by evaluating—

(A) the nature, volume, and frequency of vessel traffic;

(B) the risks of collisions, allisions, spills, and other maritime mishaps associated with that traffic;

(C) the projected impact of installation, expansion, or improvement of a vessel traffic service system or other risk mitigation measures; and

(D) any other relevant data.

(2) ANALYSES.—Based on the results of the assessments under paragraph (1), the Secretary shall identify the requirements for necessary expansion, improvement, or construction of buildings, networks, communications, or other infrastructure to improve the effectiveness of existing vessel traffic service systems, or necessary to support recommended new vessel traffic service systems, including all necessary costs for construction, reconstruction, expansion, or improvement.

(3) PERSONNEL.—The Secretary shall—

(A) review and validate the recruiting, retention, training, and expansion of the vessel traffic service personnel workforce necessary to maintain the effectiveness of existing vessel traffic service systems and to support any expansion or improvement identified by the Secretary under this section; and

(B) require basic navigation training for vessel traffic service watchstander personnel—

(i) to support and complement the existing mission of the vessel traffic service to monitor and assess vessel movements within a vessel traffic service Area;

(ii) to exchange information regarding vessel movements with vessel and shore-based personnel; and

(iii) to provide advisories to vessel masters.

(4) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report consolidating the results of the analyses under paragraph (2), together with recommendations for implementing the study results.

SEC. 4. TRAINED POLLUTION INVESTIGATORS.

To the extent practicable, the Commandant of the Coast Guard shall ensure that there is at least 1 trained and experienced pollution investigator on duty, or in an on-call status, at all times for each Coast Guard Sector Command.

SEC. 5. DURATION OF CREDENTIALS.

(a) MERCHANT MARINER'S DOCUMENTS.—Section 7302(f) of title 46, United States Code, is amended to read as follows:

“(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS' DOCUMENTS.—

“(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner's document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

“(2) ADVANCE RENEWALS.—A renewed merchant mariner's document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner's document expires.”

(b) DURATION OF LICENSES.—Section 7106 of such title is amended to read as follows:

“§ 7106. Duration of licenses

“(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

“(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires.”

(c) CERTIFICATES OF REGISTRY.—Section 7107 of such title is amended to read as follows:

“§ 7107. Duration of certificates of registry

“(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

“(b) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires.”

SEC. 6. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

“§ 7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

“(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may extend for up to one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that extension is required—

“(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

“(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

“(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

“(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may extend for one year an expiring merchant mariner's document issued for an individual under chapter 71 if the Secretary determines that extension is required—

“(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

“(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

“(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

“(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

“(d) EXPIRATION OF AUTHORITY.—The authority for providing an extension under this section shall expire on December 31, 2011.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for such chapter is amended by adding at the end the following:

“7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.”.

SEC. 7. ELIMINATION OF CERTAIN REPORTS.

Notwithstanding the direction of the House of Representatives Committee on Appropriations on page 60 of Report 109-79 (109th Congress, 1st Session) under the headings “UNITED STATES COAST GUARD OPERATING EXPENSES” and “AREA SECURITY MARITIME EXERCISE PROGRAM”, concerning the submission by the Coast Guard of reports to that Committee on the results of port security terrorism exercises, beginning with October, 2010, the Coast Guard shall submit only 1 such report each year.

SEC. 8. 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 4689. Mr. DURBIN (for Mr. AKAKA (for himself and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 1722, to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Telework Enhancement Act of 2010”.

SEC. 2. TELEWORK.

(a) IN GENERAL.—Part III of title 5, United States Code, is amended by inserting after chapter 63 the following:

“CHAPTER 65—TELEWORK

“Sec.

“6501. Definitions.

“6502. Executive agencies telework requirement.

“6503. Training and monitoring.

“6504. Policy and support.

“6505. Telework Managing Officer.

“6506. Reports.

“§ 6501. Definitions

“In this chapter:

“(1) EMPLOYEE.—The term ‘employee’ has the meaning given that term under section 2105.

“(2) EXECUTIVE AGENCY.—Except as provided in section 6506, the term ‘executive agency’ has the meaning given that term under section 105.

“(3) TELEWORK.—The term ‘telework’ or ‘teleworking’ refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

“§ 6502. Executive agencies telework requirement

“(a) TELEWORK ELIGIBILITY.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this chapter, the head of each executive agency shall—

“(A) establish a policy under which eligible employees of the agency may be authorized to telework;

“(B) determine the eligibility for all employees of the agency to participate in telework; and

“(C) notify all employees of the agency of their eligibility to telework.

“(2) LIMITATION.—An employee may not telework under a policy established under this section if—

“(A) the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year; or

“(B) the employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

“(b) PARTICIPATION.—The policy described under subsection (a) shall—

“(1) ensure that telework does not diminish employee performance or agency operations;

“(2) require a written agreement that—

“(A) is entered into between an agency manager and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

“(B) is mandatory in order for any employee to participate in telework;

“(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

“(4) except in emergency situations as determined by the head of an agency, not apply to any employee of the agency whose official duties require on a daily basis (every work day)—

“(A) direct handling of secure materials determined to be inappropriate for telework by the agency head; or

“(B) on-site activity that cannot be handled remotely or at an alternate worksite; and

“(5) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency.

“§ 6503. Training and monitoring

“(a) IN GENERAL.—The head of each executive agency shall ensure that—

“(1) an interactive telework training program is provided to—

“(A) employees eligible to participate in the telework program of the agency; and

“(B) all managers of teleworkers;

“(2) except as provided under subsection (b), an employee has successfully completed the interactive telework training program before that employee enters into a written agreement to telework described under section 6502(b)(2);

“(3) teleworkers and nonteleworkers are treated the same for purposes of—

“(A) periodic appraisals of job performance of employees;

“(B) training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;

“(C) work requirements; or

“(D) other acts involving managerial discretion; and

“(4) when determining what constitutes diminished employee performance, the agency shall consult the performance management guidelines of the Office of Personnel Management.

“(b) TRAINING REQUIREMENT EXEMPTIONS.—The head of an executive agency may provide for an exemption from the training requirements under subsection (a), if the head of that agency determines that the training would be unnecessary because the employee is already teleworking under a work arrangement in effect before the date of enactment of this chapter.

“§ 6504. Policy and support

“(a) AGENCY CONSULTATION WITH THE OFFICE OF PERSONNEL MANAGEMENT.—Each executive agency shall consult with the Office of Personnel Management in developing telework policies.

“(b) GUIDANCE AND CONSULTATION.—The Office of Personnel Management shall—

“(1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities;

“(2) assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals; and

“(3) consult with—

“(A) the Federal Emergency Management Agency on policy and policy guidance for telework in the areas of continuation of operations and long-term emergencies;

“(B) the General Services Administration on policy and policy guidance for telework in the areas of telework centers, travel, technology, equipment, and dependent care; and

“(C) the National Archives and Records Administration on policy and policy guidance for telework in the areas of efficient and effective records management and the preservation of records, including Presidential and Vice-Presidential records.

“(c) SECURITY GUIDELINES.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget, in coordination with the Department of Homeland Security and the National Institute of Standards and Technology, shall issue guidelines not later than 180 days after the date of the enactment of this chapter to ensure the adequacy of information and security protections for information and information systems used while teleworking.

“(2) CONTENTS.—Guidelines issued under this subsection shall, at a minimum, include requirements necessary to—

“(A) control access to agency information and information systems;

“(B) protect agency information (including personally identifiable information) and information systems;

“(C) limit the introduction of vulnerabilities;

“(D) protect information systems not under the control of the agency that are used for teleworking;

“(E) safeguard wireless and other telecommunications capabilities that are used for teleworking; and

“(F) prevent inappropriate use of official time or resources that violates subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch by viewing, downloading, or exchanging pornography, including child pornography.

“(d) CONTINUITY OF OPERATIONS PLANS.—

“(1) INCORPORATION INTO CONTINUITY OF OPERATIONS PLANS.—Each executive agency

shall incorporate telework into the continuity of operations plan of that agency.

“(2) CONTINUITY OF OPERATIONS PLANS SUPERSEDE TELEWORK POLICY.—During any period that an executive agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

“(e) TELEWORK WEBSITE.—The Office of Personnel Management shall—

“(1) maintain a central telework website; and

“(2) include on that website related—

“(A) telework links;

“(B) announcements;

“(C) guidance developed by the Office of Personnel Management; and

“(D) guidance submitted by the Federal Emergency Management Agency, and the General Services Administration to the Office of Personnel Management not later than 10 business days after the date of submission.

“(f) POLICY GUIDANCE ON PURCHASING COMPUTER SYSTEMS.—Not later than 120 days after the date of the enactment of this chapter, the Director of the Office of Management and Budget shall issue policy guidance requiring each executive agency when purchasing computer systems, to purchase computer systems that enable and support telework, unless the head of the agency determines that there is a mission-specific reason not to do so.

“§ 6505. Telework Managing Officer

“(a) DESIGNATION.—The head of each executive agency shall designate an employee of the agency as the Telework Managing Officer. The Telework Managing Officer shall be established within the Office of the Chief Human Capital Officer or a comparable office with similar functions.

“(b) DUTIES.—The Telework Managing Officer shall—

“(1) be devoted to policy development and implementation related to agency telework programs;

“(2) serve as—

“(A) an advisor for agency leadership, including the Chief Human Capital Officer;

“(B) a resource for managers and employees; and

“(C) a primary agency point of contact for the Office of Personnel Management on telework matters; and

“(3) perform other duties as the applicable delegating authority may assign.

“(c) STATUS WITHIN AGENCY.—The Telework Managing Officer of an agency shall be a senior official of the agency who has direct access to the head of the agency.

“(d) RULE OF CONSTRUCTION REGARDING STATUS OF TELEWORK MANAGING OFFICER.—Nothing in this section shall be construed to prohibit an individual who holds another office or position in an agency from serving as the Telework Managing Officer for the agency under this chapter.

“§ 6506. Reports

“(a) DEFINITION.—In this section, the term ‘executive agency’ shall not include the Government Accountability Office.

“(b) REPORTS BY THE OFFICE OF PERSONNEL MANAGEMENT.—

“(1) SUBMISSION OF REPORTS.—Not later than 18 months after the date of enactment of this chapter and on an annual basis thereafter, the Director of the Office of Personnel Management, in consultation with Chief Human Capital Officers Council, shall—

“(A) submit a report addressing the telework programs of each executive agency to—

“(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(ii) the Committee on Oversight and Government Reform of the House of Representatives; and

“(B) transmit a copy of the report to the Comptroller General and the Office of Management and Budget.

“(2) CONTENTS.—Each report submitted under this subsection shall include—

“(A) the degree of participation by employees of each executive agency in teleworking during the period covered by the report (and for each executive agency whose head is referred to under section 5312, the degree of participation in each bureau, division, or other major administrative unit of that agency), including—

“(i) the total number of employees in the agency;

“(ii) the number and percent of employees in the agency who are eligible to telework; and

“(iii) the number and percent of eligible employees in the agency who are teleworking—

“(I) 3 or more days per pay period;

“(II) 1 or 2 days per pay period;

“(III) once per month; and

“(IV) on an occasional, episodic, or short-term basis;

“(B) the method for gathering telework data in each agency;

“(C) if the total number of employees teleworking is 10 percent higher or lower than the previous year in any agency, the reasons for the positive or negative variation;

“(D) the agency goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees teleworking in each frequency category described under subparagraph (A)(iii);

“(E) an explanation of whether or not the agency met the goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework opportunities for the next reporting period;

“(F) an assessment of the progress each agency has made in meeting agency participation rate goals during the reporting period, and other agency goals relating to telework, such as the impact of telework on—

“(i) emergency readiness;

“(ii) energy use;

“(iii) recruitment and retention;

“(iv) performance;

“(v) productivity; and

“(vi) employee attitudes and opinions regarding telework; and

“(G) the best practices in agency telework programs.

“(c) COMPTROLLER GENERAL REPORTS.—

“(1) REPORT ON GOVERNMENT ACCOUNTABILITY OFFICE TELEWORK PROGRAM.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of this chapter and on an annual basis thereafter, the Comptroller General shall submit a report addressing the telework program of the Government Accountability Office to—

“(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(ii) the Committee on Oversight and Government Reform of the House of Representatives.

“(B) CONTENTS.—Each report submitted by the Comptroller General shall include the same information as required under subsection (b) applicable to the Government Accountability Office.

“(2) REPORT TO CONGRESS ON OFFICE OF PERSONNEL MANAGEMENT REPORT.—Not later than 6 months after the submission of the first report to Congress required under subsection (b), the Comptroller General shall review that report required under subsection (b) and submit a report to Congress on the progress each executive agency has made towards the goals established under section 6504(b)(2).

“(d) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

“(1) IN GENERAL.—Each year the Chief Human Capital Officer of each executive agency, in consultation with the Telework Managing Officer of that agency, shall submit a report to the Chair and Vice Chair of the Chief Human Capital Officers Council on agency management efforts to promote telework.

“(2) REVIEW AND INCLUSION OF RELEVANT INFORMATION.—The Chair and Vice Chair of the Chief Human Capital Officers Council shall—

“(A) review the reports submitted under paragraph (1);

“(B) include relevant information from the submitted reports in the annual report to Congress required under subsection (b); and

“(C) use that relevant information for other purposes related to the strategic management of human capital.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CHAPTERS.—The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 63 the following:

65. Telework 6501

(2) TELEWORK COORDINATORS.—

(A) APPROPRIATIONS ACT, 2003.—Section 623 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003 (Public Law 108-7; 117 Stat. 103) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a ‘Telework Managing Officer to be”.

(B) APPROPRIATIONS ACT, 2004.—Section 627 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 99) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a ‘Telework Managing Officer to be”.

(C) APPROPRIATIONS ACT, 2005.—Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2919) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a ‘Telework Managing Officer to be”.

(D) APPROPRIATIONS ACT, 2006.—Section 617 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2340) is amended by striking “maintain a ‘Telework Coordinator’ to be” and inserting “maintain a ‘Telework Managing Officer to be”.

SEC. 3. AUTHORITY FOR TELEWORK TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5710 the following:

“§ 5711. Authority for telework travel expenses test programs

“(a) Except as provided under subsection (f)(1), in this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(2) the Committee on Oversight and Government Reform of the House of Representatives.

“(b)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an employing agency may pay through the proper disbursing official any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter for employees participating in a telework program. Under an approved test program, an agency may provide an employee with the option to

waive any payment authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

“(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(3) Under any test program, if an agency employee voluntarily relocates from the pre-existing duty station of that employee, the Administrator may authorize the employing agency to establish a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by that agency.

“(4) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

“(c) The Administrator shall transmit a copy of any test program approved by the Administrator under this section, and the rationale for approval, to the appropriate committees of Congress at least 30 days before the effective date of the program.

“(d)(1) An agency authorized to conduct a test program under subsection (b) shall provide to the Administrator, the Telework Managing Officer of that agency, and the appropriate committees of Congress a report on the results of the program not later than 3 months after completion of the program.

“(2) The results in a report described under paragraph (1) may include—

“(A) the number of visits an employee makes to the pre-existing duty station of that employee;

“(B) the travel expenses paid by the agency;

“(C) the travel expenses paid by the employee; or

“(D) any other information the agency determines useful to aid the Administrator, Telework Managing Officer, and Congress in understanding the test program and the impact of the program.

“(e) No more than 10 test programs under this section may be conducted simultaneously.

“(f)(1) In this subsection, the term ‘appropriate committee of Congress’ means—

“(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(B) the Committee on Oversight and Government Reform of the House of Representatives;

“(C) the Committee on the Judiciary of the Senate; and

“(D) the Committee on the Judiciary of the House of Representatives.

“(2) The Patent and Trademark Office shall conduct a test program under this sec-

tion, including the provision of reports in accordance with subsection (d)(1).

“(3) In conducting the program under this subsection, the Patent and Trademark Office may pay any travel expenses of an employee for travel to and from a Patent and Trademark Office worksite or provide an employee with the option to waive any payment authorized or required under this subchapter, if—

“(A) the employee is employed at a Patent and Trademark Office worksite and enters into an approved telework arrangement;

“(B) the employee requests to telework from a location beyond the local commuting area of the Patent and Trademark Office worksite; and

“(C) the Patent and Trademark Office approves the requested arrangement for reasons of employee convenience instead of an agency need for the employee to relocate in order to perform duties specific to the new location.

“(4)(A) The Patent and Trademark Office shall establish an oversight committee comprising an equal number of members representing management and labor, including representatives from each collective bargaining unit.

“(B) The oversight committee shall develop the operating procedures for the program under this subsection to—

“(i) provide for the effective and appropriate functioning of the program; and

“(ii) ensure that—

“(I) reasonable technological or other alternatives to employee travel are used before requiring employee travel, including teleconferencing, videoconferencing or internet-based technologies;

“(II) the program is applied consistently and equitably throughout the Patent and Trademark Office; and

“(III) an optimal operating standard is developed and implemented for maximizing the use of the telework arrangement described under paragraph (2) while minimizing agency travel expenses and employee travel requirements.

“(5)(A) The test program under this subsection shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(B) The Director of the Patent and Trademark Office shall—

“(i) prepare an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program; and

“(ii) before the test program is implemented, submit the analysis and criteria to the Administrator of General Services and to the appropriate committees of Congress.

“(C) With respect to an employee of the Patent and Trademark Office who volun-

tarily relocates from the pre-existing duty station of that employee, the operating procedures of the program may include a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by the Office.

“(g) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Telework Enhancement Act of 2010.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5710 the following:

“5711. Authority for telework travel expenses test programs.”.

SEC. 4. TELEWORK RESEARCH.

(a) RESEARCH BY OPM ON TELEWORK.—The Director of the Office of Personnel Management shall—

(1) research the utilization of telework by public and private sector entities that identify best practices and recommendations for the Federal Government;

(2) review the outcomes associated with an increase in telework, including the effects of telework on energy consumption, job creation and availability, urban transportation patterns, and the ability to anticipate the dispersal of work during periods of emergency; and

(3) make any studies or reviews performed under this subsection available to the public.

(b) USE OF CONTRACT TO CARRY OUT RESEARCH.—The Director of the Office of Personnel Management may carry out subsection (a) under a contract entered into by the Director using competitive procedures under section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

(c) USE OF OTHER FEDERAL AGENCIES.—The heads of Federal agencies with relevant jurisdiction over the subject matters in subsection (a)(2) shall work cooperatively with the Director of the Office of Personnel Management to carry out that subsection, if the Director determines that coordination is necessary to fulfill obligations under that subsection.

SA 4690. Mr. DURBIN (for Mr. CHAMBLISS) proposed an amendment to the concurrent resolution S. Con. Res. 52, expressing support for the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians; as follows:

On page 2, line 3, after “March 20” add “, 2010.”

NOTICE

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

SOCIAL SERVICES BLOCK GRANTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 3774 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 legislative clerk read as follows:

A bill (S. 3774) to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

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

Mr. DURBIN. I ask unanimous consent that the amendment at the desk be agreed to; the bill, as amended, be read a third time and passed; the mo-

tion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4685) was agreed to, as follows: