

May 31, 2011, or the report required by section 411(c)(1)(A)(ii) by August 31, 2011, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to not more than 4 percent of the State family assistance grant.

“(i) RESCISSION OF PENALTY.—The Secretary shall rescind a penalty imposed on a State under clause (i) with respect to a report required by section 411(c)(1)(A) if the State submits the report not later than—

“(I) in the case of the report required under section 411(c)(1)(A)(i), June 15, 2011; and

“(II) in the case of the report required under section 411(c)(1)(A)(ii), September 15, 2011.

“(iii) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose a reduction under clause (i) with respect to a fiscal year based on the degree of noncompliance.”.

(2) APPLICATION OF REASONABLE CAUSE EXCEPTION.—Section 409(b)(2) of such Act (42 U.S.C. 609(b)(2)) is amended by inserting before the period the following: “and, with respect to the penalty under paragraph (2)(B) of subsection (a), shall only apply to the extent the Secretary determines that the reasonable cause for failure to comply with a requirement of that paragraph is as a result of a one-time, unexpected event, such as a widespread data system failure or a natural or man-made disaster”.

(3) NONAPPLICATION OF CORRECTIVE COMPLIANCE PLAN PROVISIONS.—Section 409(c)(4) of such Act (42 U.S.C. 609(c)(4)) is amended by inserting “(2)(B),” after “paragraph”.

Subtitle C—Customs User Fees; Continued Dumping and Subsidy Offset

SEC. 821. CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking “December 10, 2018” and inserting “September 30, 2019”; and

(2) in subparagraph (B)(i), by striking “November 30, 2018” and inserting “September 30, 2019”.

SEC. 822. LIMITATION ON DISTRIBUTIONS RELATING TO REPEAL OF CONTINUED DUMPING AND SUBSIDY OFFSET.

Notwithstanding section 1701(b) of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 154 (19 U.S.C. 1675c note)) or any other provision of law, no payments shall be distributed under section 754 of the Tariff Act of 1930, as in effect on the day before the date of the enactment of such section 1701, with respect to the entries of any goods that are, on the date of the enactment of this Act—

(1) unliquidated; and

(2)(A) not in litigation; or

(B) not under an order of liquidation from the Department of Commerce.

Subtitle D—Emergency Fund for Indian Safety and Health

SEC. 831. EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH.

Section 601 of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c) is amended—

(1) in subsection (b)(1), by striking “\$2,000,000,000” and inserting “\$1,602,619,000”; and

(2) in subsection (f)(2)(B), by striking “50 percent” and inserting “not more than \$602,619,000”.

Subtitle E—Rescission of Funds From WIC Program

SEC. 841. RESCISSION OF FUNDS FROM WIC PROGRAM.

Notwithstanding any other provision of law, of the amounts made available in appropriations Acts to provide grants to States under the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$562,000,000 is rescinded.

Subtitle F—Budgetary Effects

SEC. 851. 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.

Amend the title so as to read: This Act may be cited as “The Claims Resettlement Act of 2010.”.

The PRESIDING OFFICER. The various requests with respect to this bill are agreed to.

Mr. REID. The bill is passed?

The PRESIDING OFFICER. The bill is passed.

Mr. REID. Mr. President, I appreciate everyone's cooperation. This has been a long hard slog to get where we are. I appreciate Senator KYL, Senator MENENDEZ, and many others who have worked on this matter tirelessly for many years. I am grateful it is accomplished. It is one of the noteworthy items we have been able to pass this Congress. It is good for all people concerned.

SENATOR KENT CONRAD

Mr. REID. Mr. President, Senator CONRAD, because of his tenure of service, had the choice to take a number of different committees. He decided to stay as chairman of the Budget Committee. When I talked to him this morning, I said: I am elated. He is really a wizard with numbers. As a young man, he was academically extremely talented. And as a person who has experience in the Senate, no one knows numbers better than he does. We are fortunate as a country that KENT CONRAD is going to remain as chairman of the Budget Committee.

SIGNING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills or joint resolutions for the remainder of today.

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

AMENDMENT NO. 4713, AS MODIFIED

Mr. REID. I ask unanimous consent that the Baucus amendment No. 4713 be modified with the changes at the desk

and that the November 18 order be modified to make it in order to consider the Baucus amendment No. 4713, as modified.

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

The amendment, as modified, is as follows:

(Purpose: To repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes)

At the end, add the following:

TITLE V—SMALL BUSINESS PAPERWORK RELIEF

SEC. 501. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) REPEAL OF PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.—Subsection (b) of section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection, and amendments, had never been enacted.

(b) REPEAL OF APPLICATION TO CORPORATIONS; APPLICATION OF REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006(a) of the Patient Protection and Affordable Care Act and section 2101 of the Small Business Jobs Act of 2010, is amended by striking subsections (i) and (j) and inserting the following new subsection:

“(i) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be appropriate or necessary to carry out the purposes of this section, including rules to prevent duplicative reporting of transactions.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments made after December 31, 2010.

ANIMAL CRUSH VIDEO PROHIBITION ACT OF 2010

Mr. REID. Mr. President, I ask that the Chair now lay before the Senate the House message to accompany H.R. 5566.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

H.R. 5566

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 5566) entitled “An Act to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.”, with the following House amendment to Senate amendment:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Animal Crush Video Prohibition Act of 2010”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) *The United States has a long history of prohibiting the interstate sale, marketing, advertising, exchange, and distribution of obscene material and speech that is integral to criminal conduct.*

(2) *The Federal Government and the States have a compelling interest in preventing intentional acts of extreme animal cruelty.*

(3) *Each of the several States and the District of Columbia criminalize intentional acts of extreme animal cruelty, such as the intentional crushing, burning, drowning, suffocating, or impaling of animals for no socially redeeming purpose.*

(4) There are certain extreme acts of animal cruelty that appeal to a specific sexual fetish. These acts of extreme animal cruelty are videotaped, and the resulting video tapes are commonly referred to as "animal crush videos".

(5) The Supreme Court of the United States has long held that obscenity is an exception to speech protected under the First Amendment to the Constitution of the United States.

(6) In the judgment of Congress, many animal crush videos are obscene in the sense that the depictions, taken as a whole—

(A) appeal to the prurient interest in sex;
(B) are patently offensive; and
(C) lack serious literary, artistic, political, or scientific value.

(7) Serious criminal acts of extreme animal cruelty are integral to the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos.

(8) The creation, sale, distribution, advertising, marketing, and exchange of animal crush videos is intrinsically related and integral to creating an incentive for, directly causing, and perpetuating demand for the serious acts of extreme animal cruelty the videos depict. The primary reason for those criminal acts is the creation, sale, distribution, advertising, marketing, and exchange of the animal crush video image.

(9) The serious acts of extreme animal cruelty necessary to make animal crush videos are committed in a clandestine manner that—

(A) allows the perpetrators of such crimes to remain anonymous;
(B) makes it extraordinarily difficult to establish the jurisdiction within which the underlying criminal acts of extreme animal cruelty occurred; and
(C) often precludes proof that the criminal acts occurred within the statute of limitations.

(10) Each of the difficulties described in paragraph (9) seriously frustrates and impedes the ability of State authorities to enforce the criminal statutes prohibiting such behavior.

SEC. 3. ANIMAL CRUSH VIDEOS.

(a) IN GENERAL.—Section 48 of title 18, United States Code, is amended to read as follows:

"§ 48. Animal crush videos

"(a) DEFINITION.—In this section the term 'animal crush video' means any photograph, motion-picture film, video or digital recording, or electronic image that—

"(1) depicts actual conduct in which 1 or more living non-human mammals, birds, reptiles, or amphibians is intentionally crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury (as defined in section 1365 and including conduct that, if committed against a person and in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242); and
(2) is obscene.

"(b) PROHIBITIONS.—

"(1) CREATION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly create an animal crush video, if—

"(A) the person intends or has reason to know that the animal crush video will be distributed in, or using a means or facility of, interstate or foreign commerce; or

"(B) the animal crush video is distributed in, or using a means or facility of, interstate or foreign commerce.

"(2) DISTRIBUTION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly sell, market, advertise, exchange, or distribute an animal crush video in, or using a means or facility of, interstate or foreign commerce.

"(c) EXTRATERRITORIAL APPLICATION.—Subsection (b) shall apply to the knowing sale, marketing, advertising, exchange, distribution, or creation of an animal crush video outside of the United States, if—

"(1) the person engaging in such conduct intends or has reason to know that the animal crush video will be transported into the United States or its territories or possessions; or

"(2) the animal crush video is transported into the United States or its territories or possessions.

"(d) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned for not more than 7 years, or both.

"(e) EXCEPTIONS.—

"(1) IN GENERAL.—This section shall not apply with regard to any visual depiction of—

"(A) customary and normal veterinary or agricultural husbandry practices;

"(B) the slaughter of animals for food; or

"(C) hunting, trapping, or fishing.

"(2) GOOD-FAITH DISTRIBUTION.—This section shall not apply to the good-faith distribution of an animal crush video to—

"(A) a law enforcement agency; or

"(B) a third party for the sole purpose of analysis to determine if referral to a law enforcement agency is appropriate.

"(f) NO PREEMPTION.—Nothing in this section shall be construed to preempt the law of any State or local subdivision thereof to protect animals."

(b) CLERICAL AMENDMENT.—The item relating to section 48 in the table of sections for chapter 3 of title 18, United States Code, is amended to read as follows:

"48. Animal crush videos."

(c) SEVERABILITY.—If any provision of section 48 of title 18, United States Code (as amended by this section), or the application of the provision to any person or circumstance, is held to be unconstitutional, the provision and the application of the provision to other persons or circumstances shall not be affected thereby.

SEC. 4. PAYGO COMPLIANCE.

The budgetary effects of this Act, for purposes 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, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendments between the Houses.

Mr. REID. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

Mr. LEAHY. Mr. President, today, the Senate passed the Animal Crush Video Prohibition Act of 2010. I thank Senators KYL, MERKLEY and BURR for their leadership on this important legislation, which bans the creation, sale and distribution of obscene animal crush videos. We worked together on a bipartisan basis to ensure that the bill respects the first amendment and the role of our court system, while at the same time giving law enforcement a valuable and necessary tool to stop obscene animal cruelty.

Earlier this year, in *United States v. Stevens*, the Supreme Court struck down a Federal statute banning depictions of animal cruelty because it held the statute to be overbroad and in violation of the first amendment. Animal crush videos, which can depict obscene, extreme acts of animal cruelty, were a primary target of that legislation.

Several months ago, in response to the *Stevens* decision, the House overwhelmingly passed a narrower bill banning animal crush videos on obscenity

grounds. The Senate Judiciary Committee regularly looks at questions raised by Supreme Court decisions and the first amendment, and the House bill was referred to the Senate Judiciary Committee for consideration. The version of the bill passed today reflects a carefully crafted compromise between the House and Senate that strikes the right balance between the first amendment and the needs of law enforcement, while adhering to the separation of powers enshrined in our Constitution.

There are a few well-established exceptions to the first amendment. The United States has long prohibited the interstate sale of obscene materials, and the Supreme Court recognized this exception to the first amendment in 1957. Earlier this year, the Judiciary Committee held a hearing focused on the obscene nature of many animal crush videos. We heard testimony from experts who confirmed that many animal crush videos depict extreme acts of animal cruelty which are designed to appeal to a specific, prurient, sexual fetish. Indeed, these animal crush videos are patently offensive, lack any redeeming social value, and can be banned consistent with the Supreme Court's obscenity jurisprudence. Courts and juries play an important role in determining what is obscene, and I worked hard with Senator SESSIONS, and the bill sponsors, to make sure that the law passed today respects the role of both.

The United States also has a history of prohibiting speech that is integral to criminal conduct. The acts of animal cruelty depicted in many animal crush videos violate State laws, but these laws are hard to enforce. The animal cruelty is often committed in a clandestine manner that allows the perpetrators to remain anonymous. The nature of the videos makes it extraordinarily difficult to establish the jurisdiction necessary to prosecute the crimes. Given the severe difficulties that State law enforcement agencies have encountered in investigating the underlying conduct, today Congress has taken an important step towards combating the crimes of extreme animal cruelty that obscene animal crush videos depict.

I have long been a champion of first amendment rights. As the son of Vermont printers, I know firsthand that the freedom of speech is the cornerstone of our democracy. This is why I have worked hard to pass legislation like the SPEECH Act, which protects American authors, journalists and publishers from foreign libel lawsuits that undermine the first amendment.

Today's success demonstrates that Congress can work on a bipartisan basis to pass legislation that is the focus of many competing interests. I commend the coalition that worked hard, alongside the Humane Society and first amendment experts, to strike the proper balance between the needs of law enforcement and the first

amendment, and I am pleased that, once the President signs this bill into law, obscene animal crush videos will no longer threaten animal welfare.

COPYRIGHT CLEANUP, CLARIFICATION, AND CORRECTIONS ACT OF 2010

Mr. REID. Mr. President, I now ask that the Chair lay before the Senate a House message with respect to S. 3689.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

S. 3689

Resolved, That the bill from the Senate (S. 3689) entitled "An Act to clarify, improve, and correct the laws relating to copyrights," do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Cleanup, Clarification, and Corrections Act of 2010".

SEC. 2. REFERENCE.

Except as otherwise specifically provided, whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of title 17, United States Code.

SEC. 3. COPYRIGHT OFFICE PROCEDURES.

(a) **DIRECTORY OF AGENTS OF SERVICE PROVIDERS.**—Section 512(c)(2) is amended, in the matter following subparagraph (B), by striking ", in both electronic and hard copy formats".

(b) **RECORDATION OF DOCUMENTS.**—Section 205(a) is amended by adding at the end the following: "A sworn or official certification may be submitted to the Copyright Office electronically, pursuant to regulations established by the Register of Copyrights."

SEC. 4. REPEAL OF EXPIRED PROVISIONS.

(a) **REPEAL.**—Section 601, and the item relating to such section in the table of sections for chapter 6, are repealed.

(b) CONFORMING AMENDMENTS.—

(1) **CLERICAL AMENDMENT.**—(A) The heading for chapter 6 is amended to read as follows:

"CHAPTER 6—IMPORTATION AND EXPORTATION".

(B) The item relating to chapter 6 in the table of chapters is amended to read as follows:

"6. Importation and Exportation 601".

(2) **APPLICATION FOR COPYRIGHT REGISTRATION.**—Section 409 is amended—

(A) in paragraph (9), by adding "and" after the semicolon;

(B) by striking paragraph (10); and

(C) by redesignating paragraph (11) as paragraph (10).

(c) **INFRINGEMENT IMPORTATION OR EXPORTATION.**—The second sentence of section 602(b) is amended by striking "unless the provisions of section 601 are applicable".

SEC. 5. CLARIFICATIONS.

(a) **CERTAIN DISTRIBUTIONS OF PHONORECORDS.**—Section 303(b) is amended by striking "the musical work" and inserting "any musical work, dramatic work, or literary work".

(b) **PROCEEDINGS OF COPYRIGHT ROYALTY JUDGES.**—Section 803(b)(6)(A) is amended by striking the second sentence and inserting the following: "All regulations issued by the Copyright Royalty Judges are subject to the approval of the Librarian of Congress and are subject to judicial review pursuant to chapter 7 of title 5, except as set forth in subsection (d)."

(c) **LICENSES FOR CERTAIN NONEXEMPT TRANSMISSIONS.**—Section 114(f)(2)(C) is amended by

striking "preexisting subscription digital audio transmission services or preexisting satellite digital radio audio services" and inserting "eligible nonsubscription services and new subscription services".

SEC. 6. TECHNICAL CORRECTIONS.

(a) **DEFINITIONS.**—Section 101 is amended—

(1) by moving the definition of "Copyright Royalty Judges" to follow the definition of "Copyright owner";

(2) by moving the definition of "motion picture exhibition facility" to follow the definition of "Literary works"; and

(3) by moving the definition of "food service or drinking establishment" to follow the definition of "fixed";

(b) **LICENSES FOR WEBCASTING.**—Section 114(f)(2)(B) is amended in the fourth sentence, in the matter preceding clause (i), by striking "Judges shall base its decision" and inserting "Judges shall base their decision".

(c) **SATELLITE CARRIERS.**—Section 119(g)(4)(B)(vi) is amended by striking "the examinations" and inserting "an examination".

(d) **REMEDIES FOR INFRINGEMENT.**—Section 503(a)(1)(B) is amended by striking "copies of phonorecords" and inserting "copies or phonorecords".

(e) **RETENTION OF COPIES IN COPYRIGHT OFFICE.**—Section 704(e) is amended, in the second sentence, by striking "section 708(a)(10)" and inserting "section 708(a)".

(f) **CORRECTION OF INTERNAL REFERENCES.**—(1) Section 114(b) is amended by striking "118(g)" and inserting "118(f)".

(2) Section 504(c)(2) is amended by striking "subsection (g) of section 118" and inserting "section 118(f)".

(3) Sections 1203(c)(5)(B)(i) and 1204(b) are each amended by striking "118(g)" and inserting "118(f)".

(g) **PRO-IP ACT.**—Section 209(a)(3)(A) of Public Law 110-403 is amended by striking "by striking 'and 509'" and inserting "by striking 'and section 509'".

(h) **TRADEMARK TECHNICAL AMENDMENTS ACT.**—Section 4(a)(1) of Public Law 111-146 is amended by striking "by corporations attempting" and inserting "the purpose of which is".

(i) **TRAFFICKING.**—Section 2318(e)(6) of title 18, United States Code, is amended by striking "under section" and inserting "under this subsection".

Amend the title so as to read: "An Act to clarify, improve, and correct the laws relating to copyrights, and for other purposes."

Mr. REID. Mr. President, I move to concur in the House amendments, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The motion was agreed to.

Mr. LEAHY. Mr. President, I am pleased that the Senate today has taken up and passed bipartisan legislation to make a number of improvements to the way in which the Copyright Office functions, to clarify areas in copyright law that have become unclear, and make technical changes to current law. The Copyright Office provided important recommendations that are included in this legislation, and I thank them for their input and guidance on these issues.

The changes made by this legislation are commonsense improvements that will make the copyright system more efficient. Bills such as this underscore the point that when Congress works together in a bipartisan, bicameral fashion, we can pass good pieces of legisla-

tion. I appreciate the Senate acting quickly to pass this bill, and I look forward to the President signing it into law.

JESSICA ANN ELLIS GOLD STAR FATHERS ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 650, S. 3650.

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

The legislative clerk read as follows:

A bill (S. 3650) to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service.

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

Mr. REID. Mr. President, I ask unanimous consent that the Wyden amendment, which is at the desk, be considered and agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

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

The amendment (No. 4717) was agreed to, as follows:

(Purpose: To strike the short title)

Strike section 1 and redesignate sections 2 and 3 as sections 1 and 2, respectively.

The bill (S. 3650), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREFERENCE ELIGIBLE TREATMENT FOR FATHERS OF CERTAIN PERMANENTLY DISABLED OR DECEASED VETERANS.

Section 2108(3) of title 5, United States Code, is amended by striking subparagraphs (F) and (G) and inserting the following:

"(F) the parent of an individual who lost his or her life under honorable conditions while serving in the armed forces during a period named by paragraph (1)(A) of this section, if—

"(i) the spouse of that parent is totally and permanently disabled; or

"(ii) that parent, when preference is claimed, is unmarried or, if married, legally separated from his or her spouse;

"(G) the parent of a service-connected permanently and totally disabled veteran, if—

"(i) the spouse of that parent is totally and permanently disabled; or

"(ii) that parent, when preference is claimed, is unmarried or, if married, legally separated from his or her spouse; and"

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall take effect 90 days after the date of enactment of this Act.