

and remodeling regulation, and a person carrying out an emergency renovation shall be exempt from any regulation promulgated under section 406(b) with respect to the emergency renovation.

“(C) PROHIBITION ON POSTABATEMENT CLEARANCE REQUIREMENT.—No renovation and remodeling regulation may require postabatement clearance testing.”; and

(3) by adding at the end the following:

“(4) TARGET HOUSING OWNERS.—

“(A) IN GENERAL.—Not later than 60 days after the date of enactment of this paragraph, and subject to subparagraph (B), the Administrator shall promulgate regulations to permit an owner of a residential dwelling that is target housing, who resides in such residential dwelling, to authorize a contractor to forgo compliance with the requirements of a renovation and remodeling regulation with respect to such residential dwelling.

“(B) WRITTEN CERTIFICATION.—The regulations promulgated under subparagraph (A) shall require that an owner of a residential dwelling that is target housing, who resides in such residential dwelling, may only authorize a contractor to forgo compliance with the requirements of a renovation and remodeling regulation if the owner submits to such contractor a written certification stating that—

“(i) the renovation or remodeling project is to be carried out at the residential dwelling in which the owner resides;

“(ii) no pregnant woman or child under the age of 6 resides in the residential dwelling as of the date on which the renovation or remodeling project commences, or will reside in the residential dwelling for the duration of such project; and

“(iii) the owner acknowledges that, in carrying out the project, such contractor will be exempt from the requirements of a renovation and remodeling regulation.

“(C) RESTRICTION.—A contractor may not forgo compliance with the requirements of a renovation and remodeling regulation pursuant to a written certification submitted under subparagraph (B) if such contractor has actual knowledge of a pregnant woman or child under the age of 6 residing in the residential dwelling as of the date on which the renovation or remodeling commences (and for the duration of such project).

“(D) LIMITATION OF CONTRACTOR LIABILITY.—The Administrator may not hold a contractor responsible for a misrepresentation made by the owner of a residential dwelling in a written certification submitted under subparagraph (B), unless the contractor has actual knowledge of such a misrepresentation.

“(5) TEST KITS.—

“(A) IN GENERAL.—

“(i) RECOGNITION.—The Administrator shall recognize for use under this title a qualifying test kit, and publish in the Federal Register notice of such recognition.

“(ii) SUSPENSION OF ENFORCEMENT OF CERTAIN REGULATIONS.—If, not later than 1 year after the date of enactment of this paragraph, the Administrator does not recognize a qualifying test kit under clause (i), the Administrator—

“(I) shall publish in the Federal Register notice of such failure to recognize a qualifying test kit; and

“(II) except as provided in clause (iii), may not enforce any post-1960 building renovation and remodeling regulation, with respect to a period beginning on the date that is 1 year after the date of enactment of this paragraph and ending on the date that is 6 months after the date on which the Administrator—

“(aa) recognizes for use under this title a qualifying test kit; and

“(bb) publishes in the Federal Register notice of such recognition and of the date on which enforcement of the post-1960 building renovation and remodeling regulations will resume.

“(iii) APPLICABILITY OF SUSPENSION.—The Administrator shall not suspend enforcement of any post-1960 building renovation and remodeling regulation for the period described in clause (ii)(II) with respect to a residential dwelling in which a pregnant woman or child under the age of 6 resides.

“(B) QUALIFYING TEST KIT.—In this subsection, the term ‘qualifying test kit’ means a chemical test that—

“(i) can determine the presence of lead-based paint, as defined in section 401(10)(A);

“(ii) has a false positive response rate of 10 percent or less;

“(iii) has a false negative response rate of 5 percent or less;

“(iv) does not require the use of off-site laboratory analysis to obtain results;

“(v) is inexpensively and commercially available; and

“(vi) does not require special training to use.

“(C) POST-1960 BUILDING RENOVATION AND REMODELING REGULATION.—In this subsection, the term ‘post-1960 building renovation and remodeling regulation’ means a renovation and remodeling regulation, as it applies to—

“(i) target housing constructed after January 1, 1960;

“(ii) public buildings constructed between January 1, 1960 and January 1, 1978; and

“(iii) commercial buildings constructed after January 1, 1960.

“(6) APPLICABILITY OF CERTAIN PENALTIES.—Any renovation and remodeling regulation requiring the submission of documentation to the Administrator shall provide—

“(A) an exemption from an applicable penalty for failure to comply with such requirement for a person who—

“(i) is submitting the required documentation for the first time; and

“(ii) submits documentation that contains only de minimis or typographical errors, as determined by the Administrator; and

“(B) a process by which a person described in subparagraph (A) may resubmit the required documentation.

“(7) ACCREDITATION OF RECERTIFICATION COURSES.—The hands-on training requirements required by subsection (a)(2)(D) shall not apply to any recertification course accredited by the Environmental Protection Agency that is otherwise required to be completed under this title by a person that is certified to engage in renovation and remodeling activities.”.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 68—CONGRATULATING THE PENN STATE IFC/PANHELLENIC DANCE MARATHON ON ITS CONTINUED SUCCESS IN SUPPORT OF THE FOUR DIAMONDS FUND AT PENN STATE HERSHEY CHILDREN'S HOSPITAL

Mr. CASEY (for himself and Mr. TOOMEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 68

Whereas the Penn State IFC/Panhellenic Dance Marathon (commonly referred to as “THON”) is the largest student-run philanthropy in the world, with 710 dancers, more

than 15,000 volunteers, and more than 300 supporting organizations involved in the annual event;

Whereas student volunteers at the Pennsylvania State University annually raise money and dance for 46 consecutive hours at the Bryce Jordan Center, bringing energy and excitement to the Pennsylvania State University campus for the mission of conquering pediatric cancer and promoting awareness of the disease to thousands of individuals;

Whereas all THON activities support the mission of the Four Diamonds Fund at Penn State Hershey Children's Hospital, which provides financial and emotional support to pediatric cancer patients and their families and funds research on pediatric cancer;

Whereas THON is the largest donor to the Four Diamonds Fund at Penn State Hershey Children's Hospital each year, having raised more than \$100,000,000 since 1977, when the 2 organizations first partnered;

Whereas, in 2013, THON set a new fundraising record of \$12,374,034.46, surpassing the previous record of \$10,686,924.83, set in 2012;

Whereas THON—

(1) has helped more than 2,000 families through the Four Diamonds Fund;

(2) is helping to build a new Pediatric Cancer Pavilion at Penn State Hershey Children's Hospital; and

(3) has supported pediatric cancer research that has caused some pediatric cancer survival rates to increase to nearly 90 percent; and

Whereas THON has inspired similar organizations and events across the United States, including at high schools and institutions of higher education, and continues to encourage students across the United States to volunteer and remain involved in great charitable causes in their communities: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Penn State IFC/Panhellenic Dance Marathon (commonly referred to as “THON”) on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital; and

(2) commends the Pennsylvania State University students, volunteers, and supporting organizations for their hard work in organizing another record-breaking THON.

### SENATE CONCURRENT RESOLUTION 6—SUPPORTING THE LOCAL RADIO FREEDOM ACT

Mr. BARRASSO (for himself and Ms. HEITKAMP) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 6

Whereas the United States enjoys broadcasting and sound recording industries that are the envy of the world, due to the symbiotic relationship that has existed among those industries for many decades;

Whereas, for more than 80 years, Congress has rejected repeated calls by the recording industry to impose a performance fee on local radio stations for simply playing music on the radio, as such a fee would upset the mutually beneficial relationship between local radio and the recording industry;

Whereas local radio stations provide free publicity and promotion to the recording industry and performers of music in the form of radio air play, interviews with performers, introduction of new performers, concert promotions, and publicity that promotes the sale of music, concert tickets, ring tones, music videos, and associated merchandise;

Whereas committees in the Senate and the House of Representatives have previously reported that “the sale of many sound recordings and the careers of many performers have benefitted considerably from airplay and other promotional activities provided by both noncommercial and advertiser-supported, free over-the-air broadcasting”;

Whereas local radio broadcasters provide tens of thousands of hours of essential local news and weather information during times of national emergencies and natural disasters, such as on September 11, 2001, and during Hurricanes Katrina and Rita, as well as public affairs programming, sports, and hundreds of millions of dollars worth of time for public service announcements and local fund raising efforts for worthy charitable causes, all of which are jeopardized if local radio stations are forced to divert revenues to pay for a new performance fee;

Whereas there are many thousands of local radio stations that will suffer severe economic hardship if any new performance fee is imposed, as will many other small businesses that play music including bars, restaurants, retail establishments, sports and other entertainment venues, shopping centers, and transportation facilities; and

Whereas the hardship that would result from a new performance fee would hurt businesses in the United States, and ultimately the consumers in the United States who rely on local radio for news, weather, and entertainment, and such a performance fee is not justified when the current system has produced the most prolific and innovative broadcasting, music, and sound recording industries in the world: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress should not impose any new performance fee, tax, royalty, or other charge relating to the pub-

lic performance of sound recordings on a local radio station for broadcasting sound recordings over the air, or on any business for such public performance of sound recordings.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 6, 2013, at 10 a.m. to conduct a hearing entitled “The Department of Homeland Security at 10 Years: A Progress Report on Management.”

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

##### COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 6, 2013, at 9:30 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Oversight of the U.S. Department of Justice.”

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

##### COMMITTEE ON VETERANS AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the

Senate on March 6, 2013, at 10 a.m. in room 345 of the Cannon House Office Building.

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

#### ORDERS FOR THURSDAY, MARCH 7, 2013

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Thursday, March 7, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and following any leader remarks, the Senate resume executive session and consideration of the Brennan nomination; further, that the Senate recess from 12:30 p.m. until 2 p.m. to allow for caucus meetings.

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

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 12:41 a.m., adjourned until Thursday, March 7, 2013, at 10 a.m.