International Covenants on Human Rights.

S. RES. 170

At the request of Mr. COCHRAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. Res. 170, a resolution honoring Admiral Thad Allen of the United States Coast Guard (Ret.) for his lifetime of selfless commitment and exemplary service to the United States.

S. RES. 185

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. SANDERS, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. LEAHY, Mr. KERRY, Mrs. GILLIBRAND, Mr. COONS, Mr. AKAKA, and Mr. LAUTENBERG):

S. 1283. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, grandchild, or grandparent who has a serious health condition; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to introduce the Family and Medical Leave Inclusion Act. This bill, which I also introduced in the 111th Congress, would extend the important protections of the Family and Medical Leave Act to same-sex couples in America.

I am pleased to introduce this bill with a coalition of Senators who are committed to ensuring justice and equality for all Americans. I would like to thank Senators AKAKA, BLUMENTHAL, COONS, GILLIBRAND, KERRY, LAUTENBERG, LEAHY, MERKLEY, SANDERS, and WHITEHOUSE for standing with me in support of the Family and Medical Leave Inclusion Act.

In 1993, Congress passed the Family and Medical Leave Act to, among other things, protect American workers facing either a personal health crisis, or that of a close family member.

People in the workforce who suffer a serious illness or significant injury should be able to take time to heal, recover, follow their doctors' orders, and return to their jobs strong, healthy, and ready to be productive again. Thanks to the FMLA, they can take that time knowing that their jobs will be there when they recover.

As we all know well, most employees are not only concerned about their own health and wellbeing. They are concerned about the health and wellbeing of those that they love. The FMLA gave workers with a child, parent, or spouse that was sick or injured, an opportunity to provide the needed care and support, knowing that their jobs would be there when they returned.

When it was passed, the FMLA was an important and historic expansion of our nation's laws. Unfortunately, as families have evolved and expanded, we've learned that the FMLA does not provide the same level of protection to all American families. Under current law, it is impossible for many employees to be with their partners during times of medical need.

As I stated when I introduced this bill last year, Congress followed the lead of many large and small businesses when it enacted the FMLA. Almost 20 years ago, many of these businesses had already recognized and addressed the need for employees to take time off to care for themselves or a loved one that was battling a serious health condition. These companies had put in place systems that gave their employees time to heal themselves or their family members, and ensured that those employees would return to work as soon as they could.

The FMLA took the model these companies provided and brought the majority of the American workforce under the same protections.

We once again have an opportunity to learn from the best practices of American businesses who have adjusted their personnel policies and benefit packages to better meet the needs of American families, as we find them today. These businesses have assessed the composition of their workforces and realized that, in order to meet the evolving needs of their employees and enhance productivity, they needed to go one step further than the protections provided by the FMLA.

The Human Rights Campaign, leading civil rights organization that strongly supports the Family and Medical Leave Inclusion Act, reports that 502 major American corporations, 10 states, and the District of Columbia now extend FMLA benefits to include leave on behalf of a same-sex partner. Moreover, as of March of this year, 58 percent of Fortune 500 companies provided health benefits to same-sex partners, a 13 fold increase since 1995.

When the FMLA was signed into law, it was narrowly tailored to cover individuals caring for a very close family member. The law sought to cover that inner circle of people, where the family member assuming the caretaker role would be one of very few, if not the only person, who could do so. That idea has not changed.

What has changed are the people who might be in that inner circle. The nuclear American family has grown, sometimes by design, and sometimes by necessity. More and more, that inner circle of close family might include a grandparent or grandchild, siblings, or same-sex domestic partners in loving and committed relationships.

As the law stands right now, too many of these people are excluded from the protections of the FMLA.

In these tough economic times, when unemployment is high and those with jobs are doing everything they can to keep them, we all know the value of job security. Hardworking Americans should not have to make the impossible choice between keeping their jobs and providing care and support for loved ones in their time of need. Almost 20 years ago, the FMLA ensured that millions of Americans did not have to make that choice. Now, the time has come to ensure that the security afforded by the FMLA is available to a broader range of American workers.

There are many who would understandably question what this kind of change in the law would cost the business community. As I have stated in the past, the FMLA is already a very good law; it is already in place and it is working. It provides unpaid leave when the need arises, and it only applies to businesses that have enough employees on hand to handle the absence of a single worker without too great a burden.

Ninety percent of the leave time that has been taken under the FMLA has been so that employees can care for themselves or for a child in their care, and those situations are already covered under the law as it stands. What the Family and Medical Leave Inclusion Act would do is provide a little more flexibility, and recognize that there are a few more people in that inner circle of family who we might call upon, or who might call upon us.

We can all agree that family is the first and best safety net in times of personal crisis. Families need to be given the realistic ability to provide that assistance. What the Family and Medical Leave Inclusion Act does is give those family members the ability to help their loved ones in ways that only they can, without fear of losing their jobs in the process.

The Family and Medical Leave Inclusion Act enhances the FMLA. The Family and Medical Leave Inclusion Act, like the FMLA when it was passed almost 20 years ago, is long overdue. Our bill contains reasonable changes that reflect what many businesses have already done and accurately capture the modem American family.

The Family Medical Leave Inclusion Act is supported by over 80 organizations from the business, civil rights, LGBT, and labor communities, including: the National Association of Working Women; AFSCME; American Pediatrics Association; ACLU; Families USA; Gay and Lesbian Advocates and Defenders, GLAD; Human Rights Campaign; People for the American Way;

SEIU; and The Leadership Conference on Civil and Human Rights.

The Family and Medical Leave Inclusion Act is the right thing to do, and I hope we can join together and pass it on a bipartisan basis.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1283

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Family and Medical Leave Inclusion Act''.

SEC. 2. LEAVE TO CARE FOR A SAME-SEX SPOUSE, DOMESTIC PARTNER, PARENT-IN-LAW, ADULT CHILD, SIBLING, GRANDCHILD, OR GRANDPARENT.

(a) DEFINITIONS.—

(1) INCLUSION OF ADULT CHILDREN AND CHILDREN OF A DOMESTIC PARTNER.—Section 101(12) of such Act (29 U.S.C. 2611(12)) is amended—

(A) by inserting ''a child of an individual's domestic partner,'' after ''a legal ward,''; and

(B) by striking ''who is—'' and all that follows and inserting ''and includes an adult child.''.

(2) INCLUSION OF GRANDCHILDREN, GRANDPARENTS, PARENTS-IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.—Section 101 of such Act (29 U.S.C. 2611) is further amended by adding at the end the following:

''(20) DOMESTIC PARTNER.—The term 'domestic partner', used with respect to an employee, means—

''(A) the person recognized as the domestic partner of the employee under any domestic partner registry or civil union law of the State or political subdivision of a State where the employee resides, or the person who is lawfully married to the employee under the law of the State where the employee resides and who is the same sex as the employee; or

''(B) in the case of an unmarried employee who lives in a State where a person cannot marry a person of the same sex under the laws of the State, a single, unmarried adult person of the same sex as the employee who is in a committed, personal (as defined in regulations issued by the Secretary) relationship with the employee, who is not a domestic partner to any other person, and who is designated to the employer by such employee as that employee's domestic partner.

''(21) GRANDCHILD.—The term 'grandchild', used with respect to an employee, means any person who is a son or daughter of a son or daughter of the employee.

''(22) GRANDPARENT.—The term 'grandparent', used with respect to an employee, means a parent of a parent of the employee.

''(23) PARENT-IN-LAW.—The term 'parent-in-law', used with respect to an employee, means a parent of the spouse or domestic partner of the employee.

''(24) SIBLING.—The term 'sibling', used with respect to an employee, means any person who is a son or daughter of the employee's parent.

''(25) SON-IN-LAW OR DAUGHTER-IN-LAW.—The term 'son-in-law or daughter-in-law', used with respect to an employee, means any person who is a spouse or domestic partner of a son or daughter of the employee.''.

(b) LEAVE REQUIREMENT.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking ''spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling, of the employee if such spouse, domestic partner, son, daughter, parent, parent-in-law, grandparent, or sibling''; and

(B) in subparagraph (E), by striking ''spouse, or a son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandchild, or sibling,'';

(2) in subsection (a)(3), by striking ''spouse, son, daughter, parent,'' and inserting ''spouse or domestic partner, son, daughter, parent, son-in-law or daughter-in-law, grandparent, sibling,'';

(3) in subsection (e)—

(A) in paragraph (2)(A), by striking ''spouse, parent,'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandchild, grandparent, sibling,''; and

(B) in paragraph (3), by striking ''spouse, or a son, daughter, or parent,'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandchild, or sibling,''; and

(4) in subsection (f)—

(A) in paragraph (1), by striking ''a husband and wife'' and inserting ''2 spouses or 2 domestic partners''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''that husband and wife'' and inserting ''those spouses or those domestic partners''; and

(ii) in subparagraph (B), by striking ''the husband and wife'' and inserting ''those spouses or those domestic partners''.

(c) CERTIFICATION.—Section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) is amended—

(1) in subsection (a), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandchild, grandparent, or sibling''; and

(2) in subsection (b)—

(A) in paragraph (4)(A), by striking ''spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''; and

(B) in paragraph (7), by striking ''parent, or spouse'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''.

(d) EMPLOYMENT AND BENEFITS PROTECTION.—Section 104(c)(3) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2614(c)(3)) is amended—

(1) in subparagraph (A)(i), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''; and

(2) in subparagraph (C)(ii), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''.

SEC. 3. FEDERAL EMPLOYEES.

(a) DEFINITIONS.—

(1) INCLUSION OF ADULT CHILDREN AND CHILDREN OF A DOMESTIC PARTNER.—Section 6381(6) of title 5, United States Code, is amended—

(A) by inserting ''a child of an individual's domestic partner,'' after ''a legal ward,''; and

(B) by striking ''who is—'' and all that follows and inserting ''and includes an adult child.''.

(2) INCLUSION OF GRANDCHILDREN, GRANDPARENTS, PARENTS-IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.—Section 6381 of such title is further amended—

(A) in paragraph (11)(B), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(13) the term 'domestic partner', used with respect to an employee, means—

''(A) the person recognized as the domestic partner of the employee under any domestic partner registry or civil union law of the State or political subdivision of a State where the employee resides, or the person who is lawfully married to the employee under the law of the State where the employee resides and who is the same sex as the employee; or

''(B) in the case of an unmarried employee who lives in a State where a person cannot marry a person of the same sex under the laws of the State, a single, unmarried adult person of the same sex as the employee who is in a committed, personal (as defined in regulations issued by the Office of Personnel Management) relationship with the employee, who is not a domestic partner to any other person, and who is designated to the employer by such employee as that employee's domestic partner;

''(14) the term 'grandchild', used with respect to an employee, means any person who is a son or daughter of a son or daughter of the employee;

''(15) the term 'grandparent', used with respect to an employee, means a parent of a parent of the employee;

''(16) the term 'parent-in-law', used with respect to an employee, means a parent of the spouse or domestic partner of the employee;

''(17) the term 'sibling', used with respect to an employee, means any person who is a son or daughter of the employee's parent; and

''(18) the term 'son-in-law or daughter-in-law', used with respect to an employee, means any person who is a spouse or domestic partner of a son or daughter of the employee.''.

(b) LEAVE REQUIREMENT.—Section 6382 of title 5, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking ''spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling, of the employee, if such spouse, domestic partner, son, daughter, parent, parent-in-law, grandparent, or sibling''; and

(B) in subparagraph (E), by striking ''spouse, or a son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandchild, or sibling,'';

(2) in subsection (a)(3), by striking ''spouse, son, daughter, parent,'' and inserting ''spouse or domestic partner, son, daughter, parent, son-in-law or daughter-in-law, grandparent, sibling,''; and

(3) in subsection (e)—

(A) in paragraph (2)(A), by striking ''spouse, parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandchild, grandparent, sibling''; and

(B) in paragraph (3), by striking ''spouse, or a son, daughter, or parent,'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandchild, or sibling,''.

(c) CERTIFICATION.—Section 6383 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandchild, grandparent, or sibling''; and

(2) in subsection (b)(4)(A), by striking ''spouse, or parent, and an estimate of the

amount of time that such employee is needed to care for such son, daughter, spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''.

By Mrs. FEINSTEIN:

S. 1284. A bill to amend the National Flood Insurance Act of 1968 to require the Administrator of the Federal Emergency Management Agency to consider reconstruction and improvement of flood protection systems when establishing flood insurance rates; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Flood Protection Fairness Act of 2011.

This legislation will make three common sense changes to the National Flood Insurance Program, NFIP, to ensure that the program incentivizes local participation in the funding of flood protection infrastructure.

The bill allows levees paid for with local tax dollars to qualify for the same discounted flood insurance rates as communities that rely on Federal tax dollars to build their levees.

The bill allows Federal Emergency Management Agency, FEMA, to calculate the value of a levee system in current dollars instead of using the uninflated cost of levee improvements completed years ago. This encourages local governments to fix problems as they arise.

The bill allows areas protected by coastal levees to qualify for the same flood insurance rate zones as areas protected by riverine levees, provided they meet equivalent flood protection standards.

The effect of these provisions is simple: local governments will be incentivized to help pay for the flood protection systems in their back yards.

In this time of shrinking budgets we simply can't afford to ask the federal taxpayer to foot the entire bill for flood protection. Federal investments must be leveraged by local and private contributions. Current policy discourages this; so it's time to change the policy.

In some areas of the country, homeowners are told that because their local government built the levee protecting their home, not the Federal Government, that they owe an additional $700 dollars on their flood insurance bill.

These homeowners are not being charged more because they are at greater risk. They are being charged more because the wrong money paid to build their levee. That is not sound policy.

Yet, this is the case in Sacramento, California.

A flood insurance rate map change in Sacramento has classified the area as an AE. This means that many residents living in the area will be forced to pay a rate of $2,187 per year for $250,000 worth of insurance.

However, if the levees protecting these homes were owned by the Federal Government instead of the local reclamation districts and the State or if the Corps of Engineers' approved report was authorized by Congress, the area would be eligible for an A99 zone designation by the middle of 2012. This would mean that the same $250,000 of flood insurance coverage would pay a rate of $1,472 per year.

That is a $715 dollar difference. That is a lot of money regardless of your economic situation.

I want to make clear that this bill is not just some gimmick to undermine the National Flood Insurance Program.

I firmly believe in the strong and rigorous regulations that limit development in flood plains. Development in an unprotected flood plain is dangerous, and I do not support legislation that encourages new construction in hazardous areas.

But the regulations that prohibit local investments from being counted, and prevent coastal communities from having full access to the NFIP are antiquated.

To understand the scope of the problem, it is important to have a little bit of context. FEMA is currently undertaking an extensive Map Modernization effort and examining levees around the country for safety. As FEMA does this, the Agency is learning that many levees do not provide an acceptable level of flood protection. This means that the people living behind these levees are in real danger of flooding, and until recently, were unaware of it.

Fortunately, the Map Modernization effort is bringing all of this information to homeowners and consumers. With this information they are able to protect themselves with flood insurance from the National Flood Insurance Program.

But as I have said, there is actually a disincentive for local governments to pitch in and help build flood control systems; if the locals build the levee, the National Flood Insurance Program won't give homeowners the same discounts they would receive if the levee were built by the Federal Government.

The program does this by limiting which communities can qualify for reduced rate flood insurance zones.

FEMA created the reduced rate AR and A99 zones to reflect a reduced flood risk as the result of an existing or partially completed levee system. But this designation only applies to communities protected by federally funded levees.

Even in Sacramento where residents have approved two property assessment increases to help pay for levee repairs, the homeowners are still hit with higher insurance rates because the improvements are not being paid for by the Federal Government.

The original idea behind this requirement was that information on non-federal levees was unreliable, and we did not know how safe they really were.

That was 30 years ago. Now we have better information, and better science, and FEMA has sufficient data to make sound judgments on levee safety. The rule is antiquated, and it needs to be modernized.

Not surprisingly, other agencies also recognized the need for a change. In California, the Sacramento and West Sacramento Flood Control Agencies, as well as the California Department of Water Resources are seeking this change.

At the Federal level, FEMA has worked with my office and the office of Representative DORIS MATSUI to develop these common sense modifications.

I commend each of the agencies that worked on this project and I hope to see these changes enacted quickly.

There are already positive signs in the House of Representatives. Just a few weeks ago, Financial Services Chairman SPENCER BACHUS included text of this legislation in a version of the National Flood Insurance Reauthorization bill. I want to commend Mr. BACHUS for agreeing to make this important change, and thank Ms. MATSUI for her effective advocacy on this issue.

On the whole, the National Flood Insurance Program and the Map Modernization effort each have taken our nation in the right direction. As a result of their successes, Americans are safer, and have the means and ability to insure their homes even in risky areas. These are not trivial accomplishments.

But a little fine tuning is in order.

Communities looking to improve flood protection in their area should not be penalized for paying for it themselves.

Residents should be charged the same insurance rates if they face the same risk—regardless of who owns the levee that protects their home.

The Flood Protection Fairness Act will make these two important principles clear. I urge my colleagues to join me in supporting this bill and look forward to working with you to ensure its speedy passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1284

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

SECTION 1. CONSIDERATION OF RECONSTRUCTION AND IMPROVEMENT OF FLOOD PROTECTION SYSTEMS IN DETERMINATION OF FLOOD INSURANCE RATES.

(a) IN GENERAL.—Section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014) is amended—

(1) in subsection (e)—

(A) in the first sentence, by striking ''construction of a flood protection system'' and inserting ''construction, reconstruction, or improvement of a flood protection system (without respect to the level of Federal investment or participation)''; and

(B) in the second sentence—

(i) by striking ''construction of a flood protection system'' and inserting ''construction, reconstruction, or improvement of a flood protection system''; and

(ii) by inserting ''based on the present value of the completed system'' after ''has been expended''; and

(2) in subsection (f)—

(A) in the first sentence in the matter preceding paragraph (1), by inserting ''(without respect to the level of Federal investment or participation)'' after ''no longer does'';

(B) in the third sentence in the matter preceding paragraph (1), by inserting '', whether coastal or riverine,'' after ''special flood hazard''; and

(C) in paragraph (1), by striking ''a Federal agency in consultation with the local project sponsor'' and inserting ''the entity or entities that own, operate, maintain, or repair such system''.

(b) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall promulgate regulations to carry out the amendments made by subsection (a).

By Mrs. MCCASKILL (for herself, Mr. DURBIN, Mr. KIRK, and Mr. BLUNT):

S.J. Res. 22. A joint resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years; to the Committee on the Judiciary.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 22

Whereas to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years;

Whereas the Congress in consenting to the compact between Missouri and Illinois creating the Bi-State Development Agency and the Bi-State Metropolitan District provided that no power shall be exercised by the Bi-State Agency until such power has been conferred upon the Bi-State Agency by the legislatures of the States to the compact and approved by an Act of Congress;

Whereas such States previously enacted legislation providing that the Bi-State Agency had the power to issue notes, bonds, or other instruments in writing provided they shall mature in not to exceed 30 years, and Congress consented to such power; and

Whereas such States have now enacted legislation amending this power: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT.

(a) IN GENERAL.—The consent of Congress is given to the amendment of the powers conferred on the Bi-State Development Agency by Senate Bill 758, Laws of Missouri 2010 and Public Act 96–1520 (Senate Bill 3342), Laws of Illinois 2010.

(b) EFFECTIVE DATE.—The amendment to the powers conferred by the Acts consented to in subsection (a) shall take effect on December 17, 2010.

SEC. 2. APPLICATION OF ACT OF AUGUST 31, 1950.

The provisions of the Act of August 31, 1950 (64 Stat. 568) shall apply to the amendment approved under this joint resolution to the same extent as if such amendment was conferred under the provisions of the compact consented to in such Act.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is expressly reserved.

SEC. 4. RESERVATION OF RIGHTS.

The right is reserved to Congress to require the disclosure and furnishings of such information or data by the Bi-State Development Agency as is deemed appropriate by Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 520. Mr. REID (for Mr. SCHUMER (for himself, Mr. ALEXANDER, Mr. LIEBERMAN, and Ms. COLLINS)) proposed an amendment to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation.

TEXT OF AMENDMENTS

SA 520. Mr. REID (for Mr. SCHUMER, (for himself, Mr. ALEXANDER, Mr. LIEBERMAN, and Ms. COLLINS)) proposed an amendment to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

On page 36, lines 7 and 8, strike ''SECRETARY OF AGRICULTURE FOR CONGRESSIONAL RELATIONS AND ASSISTANT''.

On page 36, strike lines 13 and 14 and insert the following:

(A) by striking ''subsection (a)'' and inserting ''paragraph (1) or (3) of subsection (a)'';

On page 37, strike lines 7 through 20.

On page 38, strike lines 2 through 18, and insert the following:

(1) ASSISTANT SECRETARIES OF DEFENSE.—

(A) IN GENERAL.—Section 138(a)(1) of title 10, United States Code, is amended by striking ''16'' and inserting ''14''.

(B) ADMINISTRATION OF REDUCTION.—The Assistant Secretary of Defense positions eliminated in accordance with the reduction in numbers required by the amendment made by subparagraph (A) shall be—

(i) the Assistant Secretary of Defense for Networks and Information Integration; and

(ii) the Assistant Secretary of Defense for Public Affairs.

(C) CONTINUED SERVICE OF INCUMBENTS.—Notwithstanding the requirements of this paragraph, any individual serving in a position described under subparagraph (B) on the date of the enactment of this Act may continue to serve in such position without regard to the limitation imposed by the amendment in subparagraph (A).

(D) PLAN FOR SUCCESSOR POSITIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall report to the congressional defense committees on his plan for successor positions, not subject to Senate confirmation, for the positions eliminated in accordance with the requirements of this paragraph.

On page 45, line 22, strike all through page 46, line 5, and insert the following:

(8) DIRECTOR OF SELECTIVE SERVICE.—Section 10(a)(3) of the Selective Service Act of 1948 (50 U.S.C. App. 460(a)(3)) is amended by striking '', by and with the advice and consent of the Senate''.

On page 46, lines 7 through 9, strike ''FOR LEGISLATION AND CONGRESSIONAL AFFAIRS AND ASSISTANT SECRETARY''.

On page 46, lines 14 and 15, strike ''the Assistant Secretary for Legislation and Congressional Affairs and''.

On page 46, strike lines 18 through 22.

On page 47, strike lines 3 through 9.

On page 47, strike lines 18 through 23.

On page 47, line 24, strike all through page 48, line 3.

On page 49, insert between lines 6 and 7 the following:

(5) ASSISTANT SECRETARIES.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a) is amended—

(A) by striking ''There'' and inserting ''(1) IN GENERAL.—Except as provided under paragraph (2), there'';

(B) by redesignating paragraphs (1) through (10) as subparagraphs (A) through (J), respectively; and

(C) by adding at the end the following:

''(2) ASSISTANT SECRETARIES.—If any of the Assistant Secretaries referred to under paragraph (1)(I) is designated to be the Assistant Secretary for Health Affairs, the Assistant Secretary for Legislative Affairs, or the Assistant Secretary for Public Affairs, that Assistant Secretary shall be appointed by the President without the advice and consent of the Senate.''.

On page 49, lines 7 through 9, strike ''ASSISTANT SECRETARY FOR CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS, AND''.

On page 49, strike line 14 and insert the following:

(2) by striking ''eight'' and inserting ''7''; and

On page 49, lines 16 through 19, strike ''an Assistant Secretary for Congressional and Intergovernmental Relations, and an Assistant Secretary for Public Affairs, each of whom'' and insert ''an Assistant Secretary for Public Affairs, who''.

On page 49, strike line 23 and all that follows through the end of the matter following line 18 on page 50.

On page 51, line 21, strike '', CONGRESSIONAL AFFAIRS,''.

On page 51, line 25, strike ''Management,'' and all that follows through ''Affairs, and'' on page 52, line 1, and insert ''Management and''.

On page 52, lines 9 through 11, strike ''ASSISTANT SECRETARY FOR LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS, ASSISTANT SECRETARY FOR PUBLIC AFFAIRS,'' and insert ''ASSISTANT SECRETARY FOR PUBLIC AFFAIRS''.

On page 52, lines 21 through 23, strike ''the Assistant Secretary for Legislative and Intergovernmental Affairs, the Assistant Secretary for Public Affairs,'' and insert ''the Assistant Secretary for Public Affairs''.

On page 53, line 12, strike ''and an Assistant'' and insert '', an Assistant Secretary for Governmental Affairs, and an Assistant''

On page 53, line 17, strike ''and Chief Financial Officer''.

On page 53, lines 17 through 19, strike ''and an Assistant Secretary for Governmental Affairs, who shall each'' and insert ''who shall''.

On page 53, lines 21 and 22, strike ''in the competitive service''.

On page 54, lines 24 and 25, strike ''LEGISLATIVE AFFAIRS, PUBLIC AFFAIRS,'' and insert ''PUBLIC AFFAIRS''.

On page 55, line 4, strike ''7 Assistant'' and insert ''8 Assistant''.

On page 55, line 6, strike ''3 Assistant'' and insert ''2 Assistant''.

On page 55, lines 7 through 9, strike ''the Assistant Secretary for Legislative Affairs, the Assistant Secretary for Public Affairs,'' and insert ''the Assistant Secretary for Public Affairs''.

On page 57, strike lines 3 through 6 and insert the following:

''(D) The Assistant Secretary for Operations, Security, and Preparedness.''.