

S. RES. 91

Whereas between 2006 and late 2007, more than 550,000,000 pounds of drywall and associated building materials were imported from China to the United States;

Whereas not less than 300,000,000 pounds of drywall were imported from China to the State of Florida, enough to build approximately 36,000 homes;

Whereas not less than 60,000,000 pounds of drywall were imported from China to the State of Louisiana, enough to build approximately 7,000 homes;

Whereas media reports indicate that drywall imported from China was also used in homes in no fewer than 10 other States, including Georgia, Mississippi, North Carolina, South Carolina, Texas, and Virginia;

Whereas testing by officials of the State of Florida found that drywall imported from China contains potentially hazardous levels of strontium sulfide, which, when exposed to moisture and humidity, can release hydrogen sulfide into the air;

Whereas emissions from drywall imported from China have caused substantial safety hazards in homes containing such drywall, including corrosion in electrical wiring, which can result in a fire hazard, failure of air conditioning units, and the failure of other household electrical products; and

Whereas preliminary testing shows that the drywall may also be responsible for certain health hazards: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Consumer Product Safety Commission should—

(A) initiate a formal proceeding to investigate drywall imported from China during the period from 2004 through 2007;

(B) prohibit the further importation of drywall and associated building products from China;

(C) order a recall of hazardous Chinese drywall; and

(D) use its existing authority under the Consumer Product Safety Improvement Act of 2008 (Public Law 110-314; 122 Stat. 3016) and the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) to seek civil penalties against the drywall manufacturers in China that produced or distributed hazardous drywall and their subsidiaries in the United States to cover the cost of the recall effort and other associated remediation efforts; and

(2) the Secretary of the Treasury and the Secretary of Housing and Urban Development should—

(A) use all available measures, including civil forfeiture authority, to ensure that the costs of homeowner assistance efforts are borne by the drywall manufacturers in China that produced or distributed hazardous drywall and their subsidiaries in the United States and not by the taxpayers of the United States; and

(B) develop meaningful Federal tax incentives to help offset the expense of costly drywall repairs for struggling homeowners already suffering from depressed home values and negative economic conditions.

SENATE CONCURRENT RESOLUTION 14—SUPPORTING THE LOCAL RADIO FREEDOM ACT

Mrs. LINCOLN (for herself and Mr. BARRASSO) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 14

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 these 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 and upsetting 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 Congress found that “the sale of many sound recordings and the careers of many performers benefited 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 September 11th and Hurricanes Katrina and Rita, as well as public affairs programming, sports, and hundreds of millions of dollars 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 American businesses, and ultimately the American consumers 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 public 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.

AMENDMENTS SUBMITTED AND PROPOSED

SA 730. Mr. REID (for himself, Mr. ENSIGN, Ms. CANTWELL, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table.

SA 731. Mr. THUNE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 732. Mr. KERRY (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 733. Mr. CRAPO (for himself, Mr. GRAHAM, Mr. VITTER, Mr. BROWNBACK, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 734. Mr. CRAPO submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 735. Mr. JOHANNIS proposed an amendment to the concurrent resolution S. Con. Res. 13, supra.

SA 736. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 737. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 738. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 730. Mr. REID (for himself, Mr. ENSIGN, Ms. CANTWELL, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of Title II, insert the following:
SEC. . . RESERVE FUND TO PROMOTE TAX EQUITY FOR STATES WITHOUT PERSONAL INCOME TAXES.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for the permanent extension of the deduction for state and local sales taxes, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 731. Mr. THUNE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 33, line 21, after “economy,” insert “without increasing electricity or gasoline prices.”

SA 732. Mr. KERRY (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate

budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 10, line 20, increase the amount by \$4,000,000,000.

On page 10, line 21, increase the amount by \$1,896,000,000.

On page 10, line 25, increase the amount by \$1,104,000,000.

On page 11, line 4, increase the amount by \$476,000,000.

On page 11, line 8, increase the amount by \$272,000,000.

On page 11, line 12, increase the amount by \$116,000,000.

On page 27, line 23, decrease the amount by \$4,000,000,000.

On page 27, line 24, decrease the amount by \$1,896,000,000.

On page 28, line 3, decrease the amount by \$1,104,000,000.

On page 28, line 7, decrease the amount by \$476,000,000.

On page 28, line 11, decrease the amount by \$272,000,000.

On page 28, line 15, decrease the amount by \$116,000,000.

SA 733. Mr. CRAPO (for himself, Mr. GRAHAM, Mr. VITTER, Mr. BROWNBACK, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2. DEFICIT-NEUTRAL RESERVE FUND FOR INNOVATIVE LOAN GUARANTEE PROGRAM OF THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that authorizes an additional \$50,000,000,000 for use to provide loan guarantees for eligible projects under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 734. Mr. CRAPO submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2. DEFICIT-NEUTRAL RESERVE FUND FOR NUCLEAR RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget

of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that authorizes nuclear research and development activities, including the Generation IV program, the Advanced Fuel Cycle Initiative, and the Light Water Reactor Sustainability program.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 735. Mr. JOHANNIS proposed an amendment to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

Section 202 is amended by inserting at the end the following: “(c) The Chairman of the Senate Committee on the Budget shall not revise the allocations in this resolution if the legislation provided for in subsections (a) or (b) is reported from any committee pursuant to section 310 of the Congressional Budget Act of 1974.”

SA 736. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 21, after “economy,” insert “without causing significant job loss in regions of the United States vulnerable to manufacturing or energy-intensive job loss such as the coal-dependent Midwest, Great Plains and South.”

SA 737. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 21, after “economy,” insert “without increasing fertilizer, diesel, gasoline, electricity or natural gas prices.”

SA 738. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 21, after “economy,” insert “without increasing residential retail electricity, natural gas or home heating oil prices.”

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 2, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing on the following bills: S. 313, White Mountain Apache Tribe Water Right Quantification Act, S. 443, the Hoh Indian Tribe Safe Homelands Act, S. 633, the Tribal Health Promotion and Tribal Colleges and Universities Advancement Act, and H.R. 326, the Cocopah Lands Act.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

PRIVILEGES OF THE FLOOR

Mr. CONRAD. Mr. President, I ask unanimous consent that Michael Feldman, a congressional fellow on the Budget Committee, be granted the privilege of the floor for the duration of the consideration of S. Con. Res. 13.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent that Democratic Budget Committee staff members John Righter, Steve Posner, Joel Friedman, and Republican Budget Committee staff members Jim Hearn, David Fisher, and Jim Carter be granted floor privileges and floor passes during the consideration of S. Con. Res. 13.

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

GREENSBURG, KANSAS RECOVERY EXTENSION ACT

Mr. CONRAD. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 681 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. 681) to provide for special rules relating to assistance concerning the Greensburg, Kansas tornado.

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

Mr. CONRAD. Mr. President, I ask unanimous consent that the bill be read a third time and passed, a motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

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

The bill (S. 681) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows: