

under the jurisdiction of the Committee on Health, Education, Labor, and Pensions, HELP, without negatively impinging or expanding upon the rights, services, benefits, or educational opportunities that people with this diagnosis are entitled to. It will make a greatly needed change that should have been made well before today.

Some people will ask why this bill is so important and why it is needed. They will wonder if Congress has more important work to do than to change a few words in our laws for the sake of being politically correct. In response, I would share what Rosa's brother Nick said to the Maryland General Assembly. "What you call people is how you treat them. What you call my sister is how you will treat her. If you believe she's 'retarded' it invites taunting, stigma. It invites bullying and it also invites the slammed doors of being treated with respect and dignity."

For far too long we have used hurtful words like "mental retardation" or "MR" in our Federal statutes to refer to those who are living with intellectual disabilities. While the way people feel is important, the way people are treated is equally important. When words such as "MR" are used to describe a person, it dehumanizes them, and as Nick said, it leads to a situation in which some people are not treated with the dignity and respect they deserve.

This is not the first time Congress has taken similar action. Our laws once referred to people with intellectual disabilities with terms like "feeble minded" and other language that I cannot bear to say. Back then we thought that was the appropriate language to use until we switched to using the term "MR." Forty years later, we are taking another big step and replacing "MR" with "intellectual disability."

This change is already taking place across the country with organizations like the American Association on Intellectual and Developmental Disabilities which dropped the term "MR" from its name. Likewise, The Arc of the United States has stopped using this archaic terminology and dropped the term from their agency name. The American Psychiatric Association, which publishes the Diagnostic and Statistical Manual of Mental Disorders, has already voted to use the term "Intellectual Disability" in the next publication of their manual. Internationally, the World Health Organization uses the term "intellectual disability."

This bill will start the process of change in the Federal Government and make such terminology consistent. The President's Committee on Mental Retardation was changed by executive order so it is now the Committee on Individuals with Intellectual Disabilities. The Centers for Disease Control and Prevention also uses the term "intellectual disability." After the House

passes this bill it will become law and begin a chain of events that I hope will lead to the Finance Committee's action on this matter so we can see similar changes in Medicaid and Social Security programs.

In 1963, the Reverend Dr. Martin Luther King, Jr. said, "I have a dream that my four children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character." That same concept rings true for people with intellectual disabilities—that they will also be judged by who they are and not by a label that has been forced upon them. That's the beauty and simplicity of this bill—and why it is so important.

Finally, there are a number of people I would like to thank for their assistance with passing this bill out of the Senate. First, on my staff I would like to thank Frank Macchiarola, HELP Committee staff director, Greg Dean, HELP Committee general counsel, Beth Buehlmann, education office staff director, and Aaron Bishop, professional staff member on disability policy for their determination and hard work on this bill. I always say that I have the best staff in Congress and I couldn't have done it without them. I would also like to thank Mario Cardona with Senator MIKULSKI's office and Lee Perselay and Michael Gamel-McCormick, with Senator HARKIN's office, for their leadership and effort to get this bill through the Senate, and for working with us in a true bipartisan fashion. I would also like to thank Pattie DeLoatche and Karen LaMontagne from Senator HATCH's office, Karen McCarthy from Senator MURKOWSKI's office, and David Cleary from Senator ALEXANDER's office for their assistance with putting this bill together, Liz King with Legislative Counsel for drafting the bill, and Cassandra Foley from the Congressional Research Service for her work.

Next, the bill would not have been a success without the work of so many families and groups. We all need to thank Rosa Marcellino, her brother Nick and the entire Marcellino family for their strength, determination, and willingness to lead, teach and for not being afraid to voice their opinion and say that this just hasn't been right.

While this bill may not change the whole world, it will make the world a little better, more hospitable place for us and for the entire disability community.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the matter be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2781), as amended, was ordered to be engrossed for a third read-

ing, but read the third time, and passed.

#### MANDATORY PRICE REPORTING ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 512.

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

A bill (S. 3656) to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate; that any statements relating to the measure be printed in the RECORD.

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

The bill (S. 3656) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3656

*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 "Mandatory Price Reporting Act of 2010".

#### SEC. 2. LIVESTOCK MANDATORY REPORTING.

(a) EXTENSION OF AUTHORITY.—

(1) IN GENERAL.—Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) is amended by striking "September 30, 2010" and inserting "September 30, 2015".

(2) CONFORMING AMENDMENT AND EXTENSION.—Section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106-78) is amended by striking "September 30, 2010" and inserting "September 30, 2015".

(b) WHOLESALE PORK CUTS.—

(1) REPORTING.—Chapter 3 of subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635i et seq.) is amended by adding at the end the following new section:

#### "SEC. 233. MANDATORY REPORTING OF WHOLESALE PORK CUTS.

"(a) REPORTING.—The corporate officers or officially designated representatives of each packer shall report to the Secretary information concerning the price and volume of wholesale pork cuts, as the Secretary determines is necessary and appropriate.

"(b) PUBLICATION.—The Secretary shall publish information reported under subsection (a) as the Secretary determines necessary and appropriate."

(2) NEGOTIATED RULEMAKING.—The Secretary of Agriculture shall establish a negotiated rulemaking process pursuant to subchapter III of chapter 5 of title 5, United States Code, to negotiate and develop a proposed rule to implement the amendment made by paragraph (1).

(3) NEGOTIATED RULEMAKING COMMITTEE.—

(A) REPRESENTATION.—Any negotiated rulemaking committee established by the Secretary of Agriculture pursuant to paragraph (2) shall include representatives from—

(i) organizations representing swine producers;

(ii) organizations representing packers of pork, processors of pork, retailers of pork, and buyers of wholesale pork;

(iii) the Department of Agriculture; and  
(iv) among interested parties that participate in swine or pork production.

(B) **INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—Any negotiated rulemaking process established by the Secretary of Agriculture pursuant to paragraph (2) shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(4) **TIMING OF PROPOSED AND FINAL RULES.**—In carrying out the negotiated rulemaking process under paragraph (2), the Secretary of Agriculture shall ensure that—

(A) any recommendation for a proposed rule or report is provided to the Secretary of Agriculture not later than 180 days after the date of the enactment of this Act; and

(B) a final rule is promulgated not later than one and a half years after the date of the enactment of this Act.

(c) **PORK EXPORT REPORTING.**—Section 602(a)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a)(1)) is amended by striking “cotton,” and inserting “cotton, pork,”.

### SEC. 3. DAIRY MANDATORY REPORTING.

(a) **ELECTRONIC REPORTING REQUIRED.**—Subsection (d) of section 273 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b) is amended to read as follows:

“(d) **ELECTRONIC REPORTING.**—

“(1) **ELECTRONIC REPORTING SYSTEM REQUIRED.**—The Secretary shall establish an electronic reporting system to carry out this section.

“(2) **PUBLICATION.**—Not later than 3:00 p.m. Eastern Time on the Wednesday of each week, the Secretary shall publish a report containing the information obtained under this section for the preceding week.”.

(b) **IMPLEMENTATION.**—Not later than one year after the date of enactment of this Act, the Secretary of Agriculture shall implement the electronic reporting system required by subsection (d) of section 273 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b), as amended by subsection (a). Until the electronic reporting system is implemented, the Secretary shall continue to conduct mandatory dairy product information reporting under the authority of such section, as in effect on the day before the date of enactment of this Act.

### BORDER PROTECTION APPOINTMENT ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 516.

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

The assistant legislative clerk read as follows:

A bill (H.R. 1517) to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 1517

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

#### SECTION 1. DEFINITIONS.

For purposes of this Act—

(1) the term “Commissioner” means the Commissioner of U.S. Customs and Border Protection;

(2) the term “U.S. Customs and Border Protection” means U.S. Customs and Border Protection of the Department of Homeland Security;

(3) the term “competitive service” has the meaning given such term by section 2102 of title 5, United States Code; and

(4) the term “overseas limited appointment” means an appointment under—

(A) subpart B of part 301 of title 5 of the Code of Federal Regulations, as in effect on January 1, 2008; or

(B) any similar antecedent or succeeding authority, as determined by the Commissioner.

#### SEC. 2. AUTHORITY TO CONVERT CERTAIN OVERSEAS LIMITED APPOINTMENTS TO PERMANENT APPOINTMENTS.

(a) **IN GENERAL.**—Notwithstanding chapter 33 of title 5, United States Code, or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, the Commissioner may convert an employee serving under an overseas limited appointment within U.S. Customs and Border Protection to a permanent appointment in the competitive service within U.S. Customs and Border Protection, if—

(1) as of the time of conversion, the employee has completed at least 2 years of current continuous service under 1 or more overseas limited appointments; and

(2) the employee’s performance has, throughout the period of continuous service referred to in paragraph (1), been rated at least fully successful or the equivalent.

An employee whose appointment is converted under the preceding sentence acquires competitive status upon conversion.

(b) **INDEMNIFICATION AND PRIVILEGES.**—

(1) **INDEMNIFICATION.**—The United States shall, in the case of any individual whose appointment is converted under subsection (a), indemnify and hold such individual harmless from any claim arising from any event, act, or omission—

(A) that arises from the exercise of such individual’s official duties, including by reason of such individual’s residency status, in the foreign country in which such individual resides at the time of conversion;

(B) for which the individual would not have been liable had the individual enjoyed the same privileges and immunities in the foreign country as an individual who either was a permanent employee, or was not a permanent resident, in the foreign country at the time of the event, act, or omission involved; and

(C) that occurs before, on, or after the date of the enactment of this Act,

including any claim for taxes owed to the foreign country or a subdivision thereof.

(2) **SERVICES AND PAYMENTS.**—

(A) **IN GENERAL.**—In the case of any individual whose appointment is converted under subsection (a), the United States shall provide to such individual (including any dependents) services and monetary payments—

(i) equivalent to the services and monetary payments provided to other U.S. Customs and Border Protection employees in similar positions (and their dependents) in the same country of assignment by international agreement, an exchange of notes, or other diplomatic policy; and

(ii) for which such individual (including any dependents) was not eligible by reason of such individual’s overseas limited appointment.

(B) **APPLICABILITY.**—Services and payments under this paragraph shall be provided to an individual (including any dependents) to the same extent and in the same manner as if such individual had held a permanent appointment in the competitive service throughout the period described in subsection (a)(1).

(c) **GUIDANCE ON IMPLEMENTATION.**—The Commissioner shall implement the conversion of an employee serving under an overseas limited ap-

pointment to a permanent appointment in the competitive service in a manner that—

(1) meets the operational needs of the U.S. Customs and Border Protection; and

(2) to the greatest extent practicable, is not disruptive to the employees affected under this Act.

#### SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to affect the pay of any individual for services performed by such individual before the date of the conversion of such individual.

#### SEC. 4. TERMINATION.

The authority of the Commissioner to convert an employee serving under an overseas limited appointment within U.S. Customs and Border Protection to a permanent appointment in the competitive service within U.S. Customs and Border Protection shall terminate on the date that is 2 years after the date of the enactment of this Act.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD, as if read.

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

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1517), as amended, was read the third time and passed.

#### REDESIGNATING THE NORTH MISSISSIPPI NATIONAL WILDLIFE REFUGES COMPLEX

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 519.

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

The assistant legislative clerk read as follows:

A bill (S. 3354) to redesignate the North Mississippi National Wildlife Refuges Complex as the Sam D. Hamilton North Mississippi National Wildlife Refuges Complex.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The bill (S. 3354) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 3354

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

#### SECTION 1. REDESIGNATION OF THE NORTH MISSISSIPPI NATIONAL WILDLIFE REFUGES COMPLEX.

(a) **IN GENERAL.**—The North Mississippi National Wildlife Refuges Complex, located in