legislation should say, I chose in S. 1504 to incorporate the pleading standard set forth in Conley. A companion House bill introduced after S. 1504, H.R. 4115, took a somewhat different approach. Various commentators pro- posed yet other approaches.

After a hearing on the legislation before the Judiciary Committee, I con- sulted through my general counsel, Matthew L. Wiener, with leading aca- demic proceduralists and several dis- tinguished practicing lawyers with an eye toward offering a possible sub- stitute amendment. The conclusion I soon drew was that Congress must in- deed overrule Twombly and Iqbal but without (as the Court had done) pre- scripting a pleading standard outside the rulemaking process established by the Enabling Act. The best way to do so, I concluded, was simply to draft legislation requiring adherence to the Supreme Court’s pre-Twombly deci- sions interpreting the applicable rules unless and until they are amended in accordance with the Ena- bling Act. The bill I have introduced today, the Notice Pleading Restoration Act of 2010, takes just that approach. I urge the next Congress to take up this bill well in January.

For their wise counsel in helping me work through the issues presented by the legislation, I would like to ack- nowledge and thank the following lawyers, most of them professors of civil procedure: Allen D. Black, a partner at Fine, Kaplan & Black, R.P.C.; John S. Beckerkan, Professor of Law, Rutgers University School of Law-Camden; Stephen B. Burbank, the David Berger Professor for the Administration of Justice at the University of Pennsylvania Law School; Sean Carter, a shareholder of Cozen O’Con- nor; Jonathan W. Cuneo, a partner at Cuneo Gilbert & LaDuca LLP and a former counsel to the House Judiciary Committee; Michael C. Dorf, the Robin S. Stevens Professor of Law at Cornell University School of Law; William N. Eskridge, Jr., the John A. Garver Professor of Jurisprudence at Yale Law School; Suzette M. Malveaux, Associate Professor of Law, Columbus School of Law, Catholic University of America; Arthur R. Miller, University Professor at the New York University School of Law; John Payton, President and Director-Counsel, NAACP Legal Defense and Educational Fund; William H. Realp, former counsel to the Judiciary Committee; Michael C. Dorf, the Robin S. Stevens Professor of Law at the Benjamin Cardozo School of Law; David L. Shapiro, the William Nelson Cromwell Professor of Law, Emeritus, at Harvard Law School; Stephen N. Subrin, Pro- fessor of Law, Northeastern University School of Law; and Tobias Barrington Wolff, a Professor of Law at the Uni- versity of Pennsylvania Law School.

Professor Burbank deserves special acknowledgment for first suggesting and explaining the general approach underlying my bill during his testi- mony before the Senate Judiciary Committee on December 2, 2009, and special thanks for lending my staff so much of his valuable time during the last year-and-a-half. I commend his un- impeachable testimony to my colle-agues and their staffs.

Not all of these lawyers, I must em- phasize in closing, endorse my legisla- tion, and none of them of course is re- sponsible for its particulars. Most of them submitted prepared statements for the record of the December 2 hear- ing, and their individual views can be found there.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 705—PROVID- ING FOR A TECHNICAL CORRECTION TO S. RES. 700

Mr. SCHUMER (for himself and Mr. BENNETT) submitted the following reso- lution; which was considered and agreed to:

S. Res. 705

Resolved.

SECTION 1. TECHNICAL CORRECTION

Senate Resolution 705, 111th Congress, agreed to December 10, 2010, is amended in section 3(b)—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respec- tively.

SENATE RESOLUTION 706—EXTENDING THE AUTHORITY FOR THE SENATE NATIONAL SECURI- TY WORKING GROUP

Mr. REID (for himself, Mr. MCCONNELL, Mr. KERRY, and Mr. KYL) sub- mitted the following resolution; which was considered and agreed to:

S. Res. 706

Resolved. That Senate Resolution 105 of the One Hundred First Congress, 1 session (agreed to on April 13, 1989), as amended by Senate Resolution 149 of the One Hundred Third Congress, 1st session (as agreed to on Oc- tober 5, 1993), as further amended by Senate Resolution 75 of the One Hundred Sixth Congress, 1st session (agreed to on March 25, 1999), as further amended by Senate Resolution 383 of the One Hundred Sixth Congress, 2nd session (agreed to on October 27, 2000), as further amended by Senate Resolution 353 of the One Hundred Seventh Congress, 2nd session (agreed to on November 13, 2002), as fur- ther amended by Senate Resolution 480 of the One Hundred Eighth Congress, 2nd session (agreed to on November 20, 2004), as further amended by Senate Resolution 625 of the One Hundred Ninth Congress, 1st session (as agreed to on December 6, 2006), and as further amended by Senate Resolution 715 of the One Hundred Tenth Congress, 2nd session (agreed to November 20, 2008), is further amended in section 4 by striking “2010” and inserting “2015.”

SENATE RESOLUTION 707—HONORING LULA DAVIS

Mr. REID submitted the following resolution; which was considered and agreed to:

S. Res. 707

Whereas Lula Davis, the Secretary for the Majority, will be retiring at the end of the 111th Congress, after a long and distin- guished career;

Whereas Lula Davis was first elected as As- sistant Democratic Secretary in 1997, and she was the first woman ever to hold that posi- tion;

Whereas Lula Davis was elected to be the Secretary for the Majority at the beginning of the 106th Congress, a position of great American public service;

Whereas Lula Davis has played a major role in managing the debate and passage of many significant pieces of legislation;

Whereas many legislative accomplish- ments over the years would not have hap- pened without the leadership of Lula Davis;

Whereas Lula Davis lived in rural Louisi- ana, and worked as a teacher and guidance counselor;

Whereas Lula Davis remains committed to children in our community, founding and continuing to run a nonprofit mentoring and charitable organization called “Leadership Cares,” which provides holiday meals to more than 650 families annually;

Whereas Lula Davis has encouraged many of her fellow Senate staff to volunteer along- side her family and friends to make a dif- ference for those in need;

Whereas Lula Davis started her Senate ca- reer as a legislative aide to her home-state Senator, Russell Long, and went on to serve in almost every position on the floor staff, including office assistant, floor assistant, chief floor assistant, Assistant Secretary, and Secretary;

Whereas Lula Davis is a master of the com- plex, formal and informal rules under which the Senate operates;

Whereas Lula Davis has consistently pro- vided thoughtful and reliable advice to both Democratic and Republican leadership and all members of the Senate;

Whereas Lula Davis is loyal to the Senate and to Senators, and respects the traditions that make this body great;

Whereas the Senate has tremendous re- spect for Lula Davis and her hard work, and deeply appreciates her enormous contribu- tions to the Senate and to the United States; Now, therefore, be it

Resolved. That the Senate expresses its deep gratitude; thanks to Lula Davis for many years of outstanding service to the United States Senate and to the United States of America.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4921. Mr. LEVIN (for himself and Mr. MCCAIN) proposed an amendment to the bill H.R. 6523, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military con- tinental United States and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 4922. Mr. KIRK submitted an amend- ment intended to be proposed to amendment SA 4904 proposed by Mr. CORZINE to Treaty Doc. 111—5, Treaty between the United States of America and the Russian Feder- ation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Pro- tocol.

SA 4923. Mr. REID (for herself and Mrs. GILLIBRAND (for herself and Mr. SCHUMER)) proposed an amendment to the bill H.R. 647, to amend the Public Health Service Act to extend and im- prove protections and services to individuals directly impacted by the terrorist attack in
New York City on September 11, 2001, and for other purposes.

SA 4924. Mr. BROWN of Ohio (for himself, Mr. CASEY, Mr. BAUCUS, Mr. MCCAIN, and Mr. KYL) provided an amendment to the bill H.R. 6523, to extend trade adjustment assistance and certain trade preference programs, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes.

TEXT OF AMENDMENTS

SA 4921. Mr. LEVIN (for himself and Mr. McCAIN) proposed an amendment to the bill H.R. 6523, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike title XVII and the corresponding table of contents on page 18.

SA 4922. Mr. KIRK submitted an amendment intended to be proposed to amendment SA 4904 proposed by Mr. COOK in Sec. 431, to insert a new sub-section 5, as follows:

On page 2, after line 19, add the following:

(2) MISSILE DEFENSE.—It is the understanding of the United States that the advice and consent of the Senate to the New START Treaty further establishes the understanding, which shall be transmitted to the Russian Federation at the time of the exchange of instruments of ratification, stated in the letter transmitted by President Barack Obama to the Majority Leader of the United States Senate on December 18, 2010, the text of which is as follows:


Hon. Harry M. Reid, Minority Leader, U.S. Senate, Washington, D.C.

Dear Senator Reid: As the Senate considers the New START Treaty, I want to share with you my views on the issue of missile defense, which has been the subject of much debate in the Senate’s review of the Treaty.

Pursuant to the National Missile Defense Act of 1999 (Public Law 106-36), it has been the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack, whether accidental, unauthorized, or deliberate. Thirty ground-based interceptors based at Fort Greely, Alaska, and Vandenberg Air Force Base, California, are now defending the nation. All United States missile defense programs—including all phases of the European Phased Adaptive Approach to missile defense (EPAA) and programs to defend United States deployed forces, allies, and partners against regional threats—are consistent with this policy.

The New START Treaty places no limitations on the development or deployment of our missile defense programs. As the NATO Summit just concluded last month underscored, we are proceeding apace with a missile defense system in Europe designed to provide full coverage for NATO members on the continent, as well as deployed U.S. forces, against the growing threat posed by the proliferation of ballistic missiles. The final phase of the EPAA, which is already underway, will integrate our current defenses against intercontinental ballistic missiles from Iran targeted against the United States.

All NATO allies are in Lisbon that the growing threat of missile proliferation, and our Article 5 commitment of collective defense. This Alliance defense capability. The Alliance further agreed that the EPAA, which I announced in September 2009, will be a crucial contribution to this capability. Starting in 2011, we will begin deploying the first phase of the EPAA, to protect large parts of southern Europe from short- and medium-range ballistic missile threats. In subsequent phases, we will deploy longer-range and more effective land-based Standard Missile-3 (SM-3) interceptors in Romania and Poland to protect Europe against medium- and intermediate-range ballistic missiles. In the final phase, planned for the end of the decade, further upgrades of the SM-3 interceptor will enable an ascent phase intercept capability to augment our defense of NATO European territory, as well as that of the United States, against future threats of ICBM from Iran. The Lisbon decisions represent an historic achievement, making clear that all NATO allies have agreed on an effective territorial missile defense to defend against the threats we face now and in the future. The EPAA represents the right response. At Lisbon, the Alliance also invited the Russian Federation to cooperate on missile defense, which could lead to increasing Russian capabilities to those deployed by NATO to enhance our common security arrangements and capabilities. The Lisbon Summit thus demonstrated that the Alliance’s missile defenses can be strengthened by improving NATO-Russian relations. This comes even as we have made clear that the system we intend to pursue with Russia will not be a joint system, and it will not in any way limit United States or NATO’s missile defense capabilities. Effective cooperation with Russia could enhance the overall effectiveness and efficiency of our combined territorial missile defenses, and at the same time secure Russia with greater security. Irrespective of how cooperation with Russia develops, the Alliance alone bears responsibility for defending NATO’s members and its own territorial missile defense capability. The EPAA and NATO’s territorial missile defense capability will allow us to do that.

SA 4923. Mr. REID (for Mrs. Gillibrand (for herself and Mr. Schumer)) proposed an amendment to the bill H.R. 847, to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "James Zadroga 9/11 Health and Compensation Act of 2010".

(b) Table of Contents.—The table of contents of this Act is as follows:

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM
Sec. 101. World Trade Center Health Program.

TITLE XXXIII—WORLD TRADE CENTER HEALTH PROGRAM

Subtitle A—Establishment of Program; Advisory Committee
Sec. 3301. Establishment of World Trade Center Health Program.
Sec. 3302. WTCH Health Program Scientific/Technical Advisory Committee; WTCH Health Program Steering Committees.
Sec. 3303. Education and outreach.
Sec. 3304. Uniform data collection and analysis.
Sec. 3305. Clinical Centers of Excellence and Data Centers.
Sec. 3306. Definitions.

Subtitle B—Program of Monitoring, Initial Health Evaluations, and Treatment

‘‘PART 1—WTCH RESPONDERS
Sec. 3311. Identification of WTCH responders and provision of WTCH-related monitoring services.
Sec. 3312. Treatment of enrolled WTCH responders for WTCH-related health conditions.
Sec. 3313. National framework for benefits for eligible individuals outside New York.

‘‘PART 2—WTCH SURVIVORS
Sec. 3321. Identification and initial health evaluation of screening-eligible and certified-eligible WTCH survivors.
Sec. 3322. Followup monitoring and treatment of certified-eligible WTCH survivors for WTCH-related health conditions.